

NATIONAL REPORT – BELGIUM

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1 GENERAL INFORMATION ABOUT VOLUNTEERING IN BELGIUM

1.1 History and contextual background

The voluntary sector in Belgium is quite varied and complex¹. Its origins go back to Article 20 of the new Constitution (1830), which stated that “Belgians have the right to associate with one another, and this right cannot be submitted to any preventive measure”.

However, apart from the aforesaid article, no legislation on the matter was developed and no legal framework that guaranteed freedom of association was elaborated. Therefore, Belgians had to wait until the beginning of the 20th century before the law on the status of certain types of associations (non profit-making activities) was passed by the Parliament. In that period, mutual-help associations (1894), professional associations (such as those of lawyers, architects, etc.) (1898), non-public universities (1911), international associations (1919) and trade unions (1921) were recognised.

The status of non profit organisations was defined by a law approved in June 1921, which provided organisations with a legal status. Following the law, there was a significant increase in the number of non profit organisations. This trend was especially marked throughout the 1970s due to a renewal of democratic spirit linked to the contestation period of the late 1960s.

As a consequence of the growing difficulties of public authorities to respond to the needs of society, and a general crisis of the welfare state, a new wave of associations appeared on the scene. These organisations operated principally at a micro-level, attempting to resolve tangible problems with limited financial resources and ambitions.

The *Association pour le Volontariat*² was created in 1972 as an initiative of the Red Cross. The development of the association was based on the need to better coordinate voluntary actions. On the basis of the Anglo-Saxon model, a national structure, has been developed, which was “regionalised” two years later. In order to get closer to local associations and volunteers, six regional centres were established in Wallonia. Also, the non profit organisation *Trans-Mission* has been created with the mission of organising volunteering abroad.

Similarly, in Flanders, the structure coordinating volunteering has been created in 1977 under the auspices of the non profit organisation *Het Platform voor Volontariaat*.

The 1990s was also a positive decade for associative life. Slowly, the general public became aware of the importance of the associative sector, although the real impact is still difficult to measure as few studies have been conducted to evaluate the impact of this sector in society.

However, the main development in the volunteering sector has been the establishment of the law setting the rights of volunteering (2005), which finally created a clear legal framework both for volunteers and voluntary organisations.

1.2 Definition of volunteering in Belgium

The expressions *bénévolat* and *volontariat* have been for a long time used as synonyms in Belgium. However, the 2005 law on volunteering, has established a distinction between the

¹ Volunteering Across Europe, organisations, promotion, participation, Belgium, edited by Spes - Centro di Servizio per il Volontariato del Lazio

² Fiches Infos > Affaires sociales > Volontariat, <http://www.guidesocial.be/infos/volontariat.html>

two notions. The law officialises the term “volunteering” as being an activity defined by the law. All other non-remunerated activities would have to be qualified as *bénévole*³.

In the Dutch speaking part of Belgium, only the word *vrijwilliger* is used. It corresponds to the Anglo-Saxon terminology designating non-remunerated work. However, the meaning of the term can slightly change according to the context. Sometimes it is interpreted in the sense of the law while sometime is interpreted more broadly or in a more restricted way.

Therefore, the notion of volunteering does not always have the same meaning in the current language as well as in literature. The volunteering situations analysed in the main research papers focussing on volunteering are sometimes very different.

The law on the rights of volunteers has been created with the intent to set up a common definition which would be shared by all the stakeholders involved in volunteering. The definition intends to reduce to a maximum the risks due to ambiguities and delimit the precise meaning of volunteering.

The 2005 Law on Volunteering describes volunteering as follows:

- Volunteering is unpaid. Volunteers perform volunteering activities without receiving any payment. Although volunteering is unpaid, volunteers can be given a limited amount of money, to reimburse their expenses or as a forfeit, for costs to be made;
- Volunteering does not involve coercion. A volunteer commits him/herself without any obligation; he or she cannot be forced to perform an activity. Although persons cannot be forced to volunteer, the moment they engage in some type of voluntary activity, a kind of (juridical) relationship (with mutual rights and duties) is established;
- Volunteering is undertaken for others or for the society. Volunteering means being of use to others who are not family or acquaintances, in an organisation or for society in general; and
- There should always be a distinction between volunteering and professional activities. A volunteer cannot perform the same activity both as an employee and as a volunteer for the same employer. A person can volunteer within his own organisation provided that a clear distinction is made between the activity he performs as paid staff, and the activity he performs as a volunteer.

³ La mesure du volontariat en Belgique: analyse critique des sources statistiques sur l'importance du volontariat dans le secteur associatif belge, Centre d'Economie Sociale de l'Université de Liège et par le Hoger Instituut voor de Arbeid de la Katholieke Universiteit Leuven, November 2007

1.3 Number and profile of volunteers

Total number of volunteers

It is very hard to quantify the number of volunteers as no official statistics are collected in Belgium. However, some studies attempted to provide an estimate of the numbers of volunteers active within the country.

According to a report of the University of Liege, the number of individuals involved in volunteering activities in Belgium⁴ would fluctuate, according to the scientific literature on this topic, between 1 million and 1.4 million. That corresponds to **10 up to 14%** of the Belgian population.

The satellite account published in 2004 by the Institute of National Accounts⁵ shows that the number of non profit organisation covered by the satellite account mobilise more than **1,166,000 volunteers**. In other words, the percentage of volunteers on the total number of habitants equals to **10%**, which is close to the European average estimated at 14.4%. These results are however underestimating the phenomenon as they do not take into account the non profit organisation outside the satellite account.

Another source⁶ indicates that the number of volunteers active in 1999 could be shared as follows between the two Communities:

- 630,000 in the French-speaking Community; and
- 870,000 in the Flemish-speaking Community.

A survey of the Flemish Community (VRIND 2000) however, reported that some 1.2 million Flemish citizens regularly engaged in some form of formal or informal voluntary activity. Discrepancies in the different sets of data are probably due to differences in the definition of volunteering.

Trends in the number of volunteers

According to a study⁷ carried out by the Universities of Liege and Leuven, an increase in the number of volunteers in the last decade can be noticed.

The report "Volunteering Across Europe"⁸ confirms the **increasing trend** of volunteers in the country. It also provides some reasons underpinning this trend. In fact, volunteering remains popular, even for youngsters who have more (and often paid) opportunities to spend their time in a positive manner. Moreover, statistics show that the activity rate of elderly people in volunteering is growing. The possibility of guaranteeing more time to do voluntary work by active or working citizens who are no longer young, early-retirement plans, the desire of citizens of having a greater choice in deciding how to spend their free time - all this leads to greater, longer and more active commitment to volunteering.

⁴ La mesure du volontariat en Belgique : analyse critique des sources statistiques sur l'importance du volontariat dans le secteur associatif belge, Centre d'Economie Sociale de l'Université de Liège et par le Hoger Instituut voor de Arbeid, November 2007.

⁵ Le compte satellite des institutions sans but lucratif 2000 – 2001, Institut des comptes nationaux – Banque nationale de Belgique

⁶ Survey on volunteering policies and partnerships in the EU, volunteering and participation on the Agenda, 2004

⁷ La mesure du volontariat en Belgique: analyse critique des sources statistiques sur l'importance du volontariat dans le secteur associatif belge, Centre d'Economie Sociale de l'Université de Liège et par le Hoger Instituut voor de Arbeid, November 2007.

⁸ Volunteering Across Europe, organisations, promotion, participation, Belgium, edited by Spes - Centro di Servizio per il Volontariato del Lazio

Research shows that people in the 55-70 age brackets are very active in volunteering, and that percentage is steadily increasing.

Finally, the report suggests that a potential growth for the voluntary sector can be expected in the future.

Gender

As far as the spread of volunteers by gender is concerned, all the studies analysed indicate that men engage in volunteering more than women⁹. This trend can be noticed both in Flanders and in Wallonia¹⁰. According to scientific literature on the topic, women dedicate their time more to activities targeted to their family, friends or neighbourhood (which could be considered as an informal volunteering) or engage in the associative sector in domains such as social action and healthcare. Men are more often engaged in managerial tasks and in associations active within the sport sector.

Age

As far as the age group which undertakes more often volunteering activities in Belgium¹¹, literature shows that adults aged between 34 and 54 years old are the predominant group. However, volunteering is also popular within the “older people” group.

Figures released by the *Association pour le Volontariat* concerning the French Community show the following age distribution amongst volunteers:

- Less than 18 years old: 1%
- From 19 to 24 years old: 10%
- From 25 to 34 years old: 24%
- From 35 to 44 years old: 20%
- From 45 to 54 years old: 20%
- From 55 to 64 years old: 16%
- From 65 to 70 years old: 6%
- More than 70 years old: 2%

Education levels

Literature on the topic also shows the existence of some differences in volunteering engagement according to the educational level of the volunteers. According to the majority of the studies in this area¹², the “typical” volunteer is a person having a rather high educational level (secondary or tertiary education) and having an income slightly higher than the average.

⁹ La mesure du volontariat en Belgique : analyse critique des sources statistiques sur l'importance du volontariat dans le secteur associatif belge, Centre d'Economie Sociale de l'Université de Liège et par le Hoger Instituut voor de Arbeid, November 2007.

¹⁰ BOULANGER P.-M. et P. DEFEYT (2004), 'Capital social et bénévolat', Indicateurs pour un développement durable

¹¹ European volunteer centre and Association of Voluntary Service Organisations AVSO, Voluntary Activity in Belgium. Facts and Figures, 2004 http://www.cev.be/data/File/BELGIUM_April_2004.pdf

¹² "La mesure du volontariat en Belgique : analyse critique des sources statistiques sur l'importance du volontariat dans le secteur associatif belge Annexe, Centre d'Economie Sociale de l'Université de Liège et par le Hoger Instituut voor de Arbeid de la Katholieke Universiteit Leuven, September 2007

As showed by the CEV report¹³, the educational levels of volunteers in Flanders are as follows:

- Primary education: men: 13.7% / women: 12.9%
- Secondary school: men: 22.6% / women: 15.1%
- High school: men: 25% / women: 22%
- University education: men: 32.7% / women: 31%

Within the French Community, the educational levels of volunteers are as follows:

- Secondary School education: 16%
- High School education: 29%
- University education: 32%
- Technical and Professional education: 11%
- Other education: 12%"

Moreover, a survey carried out in 2005¹⁴ points out that professors and managers (whose level of education is relatively high) are more engaged than individuals involved in other professions (such as workers and unemployed). Also, Catholics are more engaged in volunteering activities more than the average (57% compared to 37% of the rest of the survey sample).

Volunteer involvement by sectors

Research showed that in Belgium, volunteers are involved in numerous activities in a range of sectors such as health, leisure, culture, the environment etc. According to the CEV report¹⁵, some activities are more popular than others. These fall under the banner of "social action" (helping those in difficult situations, for example refugees and those socially excluded) as well as sports. Other popular activities include helping the family, childcare and helping out in schools. The Scout movement is also worth mentioning because it is exceptionally strong in Belgium, and is a form of voluntary activity.

According to the CEV report, the distribution of the 1.5 million volunteers in Belgium in the different sectors is as follows:

- Sport: 17.2%
- Social Action: 17.1%
- Professional associations: 10.7%
- Teaching and education: 10%
- Art and literature: 9.1%
- Protection of rights: 8.20%
- Other: 27.7%

According to the satellite account of the Institute of National Accounts, the distribution of volunteering in terms of numbers of volunteers is largely dominated by **culture, sports and leisure (51.8%)**. Social action accounts for 15.1% of this distribution, immediately preceded

¹³ European volunteer centre and Association of Voluntary Service Organisations AVSO, Voluntary Activity in Belgium. Facts and Figures, 2004

¹⁴ DELHEZ, C. (2005), "Enquête bénévolat – spiritualité", Dimanche express, n°47, 18 décembre 2005

¹⁵ European volunteer centre and Association of Voluntary Service Organisations AVSO, Voluntary Activity in Belgium. Facts and Figures, 2004

by other activities (29.8%). Volunteering in health sector and in the defence of human rights is quite limited (0.9 and 1.3% respectively). Last come education and research with 0.9%.

Based on the satellite account, table 1.1 below shows the distribution of volunteers in different sectors according to the satellite account.

Table 1.1 - Distribution of volunteering by sector of activity in 2001

Sectors	Number of volunteers (%)	FTEs (%)
Culture, sport and leisure	51.8	69.7
Education and research	0.9	0.5
Health	1.0	1.5
Social action	15.1	11.6
Human rights	1.3	0.6
Other activities and associations	29.8	16.1
Total	100	100
Total (real numbers)	1,166,147	76,259 FTE

Profile of volunteers by employment status

Background research showed the existence of some differences in volunteering engagement according to the employment status of the volunteers.

The 2004 study on social capital in Wallonia¹⁶ distinguishes two categories of employees, engaging in volunteering activities, part-time employees and full-time employees. The report shows that the latter undertake on average 26 hours of voluntary activities on average per year. In comparison, part-time employees dedicate on average 14 hours a year to volunteering activities.

Table 1.2 – hours dedicated on average to voluntary activities by full time and part time employees per year

	Total	Women	Man
Full time	26	34	10
Part time	14	16	14

Another study¹⁷ carried out in 2004 and covering the whole Belgium indicates that unemployed persons engage more often in volunteering activities than part-time employees and full-time employees.

¹⁶ JACQUEMAIN M., J. HOUARD, P. ITALIANO et D. DEFLANDRE (2004), 'Identités et capital social en Wallonie'

¹⁷ BOULANGER P.-M. et P. DEFEYT (2004), 'Capital social et bénévolat', Indicateurs pour un développement durable

The CEV report¹⁸ shows the following figures concerning the profile of volunteers by employment status:

Table 1.3 - volunteers by employment status¹⁹

Employment status	% of total number of volunteers
Young People/students	A little less than 25% of volunteers are young people aged between 18 and 24 years old
Professionals	Around 16% of employed professionals volunteer in Belgium. However, it is also true that far more part-time workers than full-time workers volunteer (in addition to working). The figures stand at almost 40% compared to 25%
Unemployed	A little more than 20% of volunteers are unemployed
Retired/about to retire	About 17% of volunteers are people aged over 65 years

Time dedicated to volunteering

According to the CEV report²⁰, on average, Belgians devote 5 hours per week to non-paid voluntary activities. More specifically:

- Under 25: 4 hours a week
- Between 25 and 34: 2 hours a week
- Between 35 and 34: 2.5 hours a week
- Between 45 and 54: 4.5 hours a week
- Between 55 and 64: 6.5 hours a week
- Over 65: 10 hours a week

Finally, scientific literature on the topic provides some estimate on the number of hours invested in volunteering. According to a study²¹ carried out in 2007 by the Universities of Liege and Leuven, which analysed the main scientific literature on the subject, volunteering in Belgium is estimated to be in a bracket ranging from 76,000 to almost 249,000 Full time equivalents (FTE). Bearing in mind the estimated total number of volunteers, this data could correspond to an average time volume ranging from less than half a day per week to 7 hours per week.

¹⁸ European volunteer centre and Association of Voluntary Service Organisations AVSO, Voluntary Activity in Belgium. Facts and Figures, 2004

¹⁹ According to the CEV report, the data included in the table comes both from "l'Association pour le Volontariat", June 2003 and from Archambault & Boumendil J., 1999,

²⁰ European volunteer centre and Association of Voluntary Service Organisations AVSO, Voluntary Activity in Belgium. Facts and Figures, 2004

²¹ La mesure du volontariat en Belgique analyse critique des sources statistiques sur l'importance du volontariat dans le secteur associatif belge, Centre d'Economie Sociale de l'Université de Liège et par le Hoger Instituut voor de Arbeid, November 2007.

According to a study undertaken in 2004²², the average time dedicated to volunteering activities is 7% of a FTE or less than three hours a week. Other surveys indicate that the average volume of services is of 4-5 hours a week.

A study focusing on volunteering and social capital²³ points out that the average engagement in volunteering activities per habitant is quite low, namely 40 hours on average per year. As mentioned above, men dedicate on average more hours than women to volunteering activities. The average number of hours dedicated to volunteering, as showed in the table below, is also higher in Wallonia than in Flanders²⁴.

Table 1.4 – Average number of hours dedicated to volunteering²⁵

Population	Total (average)	Men (average)	Women (average)
Total population	40	49	31
Flemish	37	42	31
Walloons	50	69	33

1.4 Number and type of organisations engaging volunteers

Definition of voluntary organisations in Belgium

The Law on Volunteering defines a voluntary organisation as “all de facto associations or legal persons without a profit nature, engaging volunteers. De facto associations are associations not having a legal status and being composed by two or more persons organising activities to attain an objective of non-profit nature”.

Number of voluntary organisations and distribution per sector

The report *Volunteering Across Europe* indicates that despite interest generated by the voluntary sector, official statistics on the phenomenon do not exist in Belgium. In national documentation as well as in other sources of official information, data on non-profit organisations have been encompassed into various larger forms. This makes it extremely difficult to have a global picture of this sector.

However, a first important step to address this shortcoming was the publication, in 2001, by the *Institut des comptes nationaux*, of the satellite account, which enables the monitoring of the Belgian non profit institutions (ISBL).

The number of ISBL included in the satellite account²⁶ amounts to 16,091. The contribution of volunteering from these organisations has been evaluated to be equivalent to 76,259 FTE.

²² MERTENS S. Et M. LEFEBVRE (2004), ‘La difficile mesure du travail bénévole dans les institutions sans but lucratif’, Le compte satellite des institutions sans but lucratif 2000 et 2001

²³ BOULANGER P.-M. Et P. DEFEYT (2004), ‘Capital social et bénévolat’, Indicateurs pour un développement durable

²⁴ Capital social et bénévolat Indicateurs pour un Développement Durable n° 2004 – 4, septembre octobre 2004, Institut pour un Développement Durable

²⁵ Based on Capital social et bénévolat Indicateurs pour un Développement Durable n° 2004 – 4, septembre octobre 2004, Institut pour un Développement Durable

²⁶ Le compte satellite des institutions sans but lucratif 2000 – 2001, Institut des comptes nationaux – Banque nationale de Belgique

Within the satellite account, almost eight non-profit institutions out of ten are non profit associations²⁷. Other types of organisation are less frequent. De facto associations included in the satellite account are political parties and trade unions which are not non-profit associations (ASBL) employing paid employees.

Table 1.5 – Legal status of the ASBL included in the satellite account (in real numbers)

Legal status	2000	2001
Non profit associations	12,527	13,545
Fondations	83	96
Professional unions	78	73
International associations	382	389
Subsidised religious or secular communities	1,771	1,753
De facto associations	234	235
Total ASBL	15,075	16,091

According to the satellite account, in 2003, the non profit organisations were active in the following sectors:

- Culture, sport and leisure: 23%
- Education and research: 7%
- Health: 6.1%
- Social Action: 26.2%
- Other activities 37.7%

Types of organisations engaging volunteers

The report “Volunteering Across Europe” identifies different types of voluntary organisations as follows:

- NON PROFIT ORGANISATIONS (*Vereniging zonder winstoogmerk VZW* and *Association sans but lucratif ASBL*) - This kind of organisations is created to produce goods and or services, but its statute forbids to produce income for themselves or provide profit or any other financial gain to the institution that creates, controls and finances them. Not for profit organisations have the following five characteristics:
 - They are organisations thus having an institutional status;
 - They cannot divide income (profit) from activities among their members nor board members;

²⁷ Legal status of Non Profit Institutions in Belgium:

A. Without legal personality

- de facto association (association de fait (AF))

B. With legal personality (corporate bodies under private law)

- association without a profit purpose (association sans but lucratif (ASBL))

- public utility institution (établissement d'utilité publique (EUP))

- professional association (union professionnelle (UP))

- international association (association internationale (AI))

- They are private and structurally separated from the State;
- They are independent, which means they have their own rules and decision making structures;
- Membership to these organisations is on a free basis and the organisations are able to mobilise voluntary resources under the form of gifts (donations) or volunteer work;

These organisations are the dominant form in the associative sector of Belgium. The *Vlaams Steunpunt Vrijwilligerswerk* and *l'Association pour le Volontariat* come under this kind of organisation.

- **INTERNATIONAL NON PROFIT ORGANISATIONS** (*Internationale vereniging zonder winstoogmerk IVZW* or *Associations internationales sans but lucratif AISBL*) - This type of organisation is open to Belgians as well as to foreigners provided that the social head-office of the organisation is situated in Belgium and that it has non profit objectives with an international utility. As is the case of an *ASBL/VZW*, an *AISBL/IVZW* cannot perform industrial or commercial operations and does not pursue activities to make a profit for its members. An *AISBL/IVZW* organisation has a particular place in the associative sector of Belgium. Considering Brussels' role in the European and international context, the importance of this kind of organisation is increasing. The *European Volunteer Centre - CEV* is an international association which belongs to this category of non-profit organisations;
- **PUBLIC UTILITY FOUNDATION** - The creation of foundations is regulated by the Law of June 1927, modified by the Law of May 2002. A foundation can be recognised as a public utility as it intends to accomplish objectives that can be of a philanthropic, philosophical, religious, scientific, artistic, pedagogical or cultural nature;
- **DE FACTO ORGANISATIONS** - De facto organisations are organisations that have no legal status (as they do not comply with the law on associations). Although they are more or less 'free', de facto organisations have an institutional role. Many volunteers are active in these types of organisations, and generally speaking, they do not hire paid personnel. Large organisations such as the political parties and trade unions are exceptions to this general rule in that they make use of remunerated personnel;
- **NON GOVERNMENTAL ORGANISATIONS (NGO)** - NGOs are created to pursue specific aims (such as environmental protection) or to provide services to certain target groups. In Belgium, the description 'NGO' is often used to identify and to describe organisations that are active in development cooperation.
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1.5 Main voluntary activities

Background research showed that volunteers undertake a broad range of activities. According to the study "Capital social et bénévolat" carried out in 2004, indicates that popular activities undertaken by volunteers in Belgium are support to persons (38,000 persons involved on average on a weekday), manifestations organised by social organisations (37,000 persons), administration or accountancy (33,000 persons) and preparation of and support to volunteering activities (32,000 persons). Activities such as jobs in bars or kitchens, activities for associations, manifestations organised by youth organisations and services for young people are less common types of activities on a weekday, as showed in table 1.5²⁸.

²⁸ Institut pour un Développement Durable, Capital social et bénévolat, Indicateurs pour un Développement Durable, 2004

Table 1.6 also shows that the number of volunteers involved in voluntary activities such as “Meetings and manifestation in a youth organisation”, “Working within a bar or a restaurant” and “support to young people” drastically increases on Saturdays. On the other hand, the number of volunteering involved in voluntary activities such as “Meetings and manifestations of a social organisation”, “Support to associations” and “Administration and accountancy” decreases on Saturdays.

Table 1.6 – Number of volunteers engaged in different activities²⁹

Type of volunteering activity	Number of persons engaged in the volunteering activity on average on a weekday	Number of persons engaged in the volunteering activity on average on Saturdays	Number of persons engaged in the volunteering activity on average on Sundays
Non specified volunteering activity	61,000	58,000	40,000
Preparation and support to volunteering activities	32,000	55,000	37,000
Meetings and manifestation in a youth organisation	13,000	62,000	25,000
Support to persons	38,000	40,000	16,000
Meetings and manifestations of a social organisation	37,000	14,000	25,000
Working within a bar or a restaurant	16,000	35,000	37,000
Meetings and manifestations of a cultural organisation	32,000	41,000	19,000
Support to associations	15,000	6,000	13,000
Administration and accountancy	33,000	22,000	33,000
Support to young people	5,000	12,000	27,000

²⁹ The data in the table are based on the report « Capital social et bénévolat, Indicateurs pour un Développement Durable », 2004

2 INSTITUTIONAL FRAMEWORK

2.1 Main public bodies and other organisations involved in volunteering

Ministries, governmental actors and other non-governmental actors

The **Federal Public Service for Social Security** is responsible for all regulations on the legal status of volunteers. The Federal Public Service supports the High Council of Volunteers, which is also a federal level body.

The **High Council of Volunteers** is the main public institution dealing with volunteering. It has been established at the end of 2002 by the Ministry of Social Affairs. This permanent advisory body was formed to advise and inform the Federal Government on issues related to volunteering and to ensure attention to specific problems concerning volunteers and volunteering in different areas such as: social security, tax law, the relation between volunteering and the labour market, etc.

The Council is composed by 25 members³⁰ nominated by the king and whose mandate can be renovated after four years:

- 10 French speaking members;
- 10 Dutch speaking members;
- 1 German speaking member;
- 2 Francophone members appointed on the basis of their scientific expertise on volunteering and volunteers;
- 2 Dutch members appointed on the basis of their scientific expertise on volunteering and volunteers

The composition of the Council mirrors the diversity within the volunteering sector. In fact, its members come from 10 main sectors such as:

- Training and education;
- Youth;
- Health care;
- Social and judicial assistance;
- Sport;
- Culture (arts, cultural heritage, science);
- Humanitarian action and international solidarity;
- Religion, philosophy and politics;
- Environment, nature, protection of animals, ecology; and
- Tourism, leisure and other.

The High Council for Volunteers collects, systemises and analyses information on volunteers and voluntary work, undertakes research into specific problems which volunteers and voluntary work may face as well as gives advice with regard to volunteers and voluntary work.

The High Council for Volunteers is charged with handling questions and proposals related to the development of volunteering in Belgium. The first question tackled by the High

³⁰ Activity report of the General Council of volunteers (Rapport d'activité du Conseil supérieur des Volontaires)

Council was the creation of a legal status for volunteers detailing the rights and responsibilities of individual volunteers as well as of the organisations engaging volunteers.

Nowadays, the Council has also an advising role on legal proposals related to adaptations, modifications or specifications concerning the Law on Volunteering.

Decentralised bodies

The Flemish government is the volunteering main funding source in Flanders. The Ministries of Flemish Community, Department for Welfare, Health and Family as well as Culture, Youth, Sport and Media are also involved in the support of volunteering in Flanders. For the Flemish speaking community in Brussels, the Flemish Community Council supports voluntary initiatives in Brussels.

On the other hand, in Wallonia two main institutions are involved in volunteering: the Ministry of the French Community (as the main educational institution) and the Ministry of Social Affairs and Health of the Walloon Region (as the organisation coordinating volunteering in the Walloon and Brussels Community).

At local level, the High Council of Volunteers pointed out that several cities have set up a permanent advice group on volunteering. However, these initiatives are still rather rare.

Non-governmental actors promoting volunteering

Representation, support and co-ordination of volunteering overlap at different levels and sectors in Belgium.

The main organisations, created in Flanders and Wallonia to promote volunteering, support voluntary organisations and facilitate cooperation and exchange of information, are:

- The *Vlaams Steunpunt Vrijwilligerswerk*, the and *Het Punt Brussels* and the five regional centres;
- The *Association pour le Volontariat*;
- The *Plateforme Francophone pour le Volontariat*

In addition, other important non-governmental actors supporting volunteering (through the production of studies on the topic or web-based tools) are:

- The *King Baudouin Foundation*; and
- *CERA*

All these organisations are described in turn below.

Vlaams Steunpunt Vrijwilligerswerk and Het Punt Brussels Volunteer Centre

The *Vlaams Steunpunt Vrijwilligerswerk* is the community's central, national volunteer centre. It is flanked by a number of regional volunteer centres. *Vlaams Steunpunt Vrijwilligerswerk* was established in 1977 (as Platform voor Volontariaat). It aims to obtain favourable legislation and regulations for volunteers from the Belgian Government as well as from the Flemish Community, and to make voluntary work accessible to all. The centre provides volunteer-involving organisations with information related to voluntary work and it works to raise awareness about voluntary work. The *Vlaams Steunpunt Vrijwilligerswerk* receives an annual financial backing from the Flemish Ministry of Welfare and from the Flemish Ministry of Culture, Youth and Sports. The *Vlaams Steunpunt Vrijwilligerswerk* provides support to voluntary activities and consists of advice, information and training. Volunteer work is also promoted by the annual "Volunteer's Week". The *Vlaams Steunpunt* monitors the interests of volunteer work, e.g. by monitoring policy developments. Cross-sector networking is also a key cornerstone.

Five regional support centres and one Brussels based support centre coordinate voluntary activities in the Flemish provinces and Brussels. They manage, together with the *Vlaams*

Steunpunt Vrijwilligerswerk, a decentralised database, act as a mediator between organisations and candidate volunteers, get more people involved in volunteering and help organisations enhance the quality of their activities by providing information and training and by setting up certain initiatives.

Het Punt Brussels is a non profit organisation which was founded in 2001. It is supported by the Commission of the Flemish Community of Brussels and by the Ministry of the Flemish Community. *Het Punt* supports the Dutch speaking organisations in the Brussels area in their quest for volunteers. Potential volunteers can contact *Het Punt* and ask for information about volunteer opportunities. *Het Punt* also organises information sessions about issues related to volunteer work such as insurance, volunteer management etc.

Association pour le Volontariat

The *Association pour le Volontariat*, which has been established in 1972, promotes volunteering in the French-speaking Belgium. The aim of the association is to promote wider recognition of volunteers, their legal status, and to respond to requests of associations for volunteers, volunteer training and more general information. The *Association pour le Volontariat's* recruitment and placement service operates in the Brussels region and in six other Belgian cities (Liège, Mons, Namur, Charleroi, Ottignies and Braine l'Alleud). Finally, the association aims to encourage better coordination between francophone volunteer-involving organisations throughout the Wallonia Region. The association has approximately 1,000 member organisations from Brussels and Wallonia.

Plateforme Francophone pour le Volontariat

Plateforme francophone du Volontariat is an ASBL created in 2002. The main objective of the *Plateforme francophone du Volontariat* is the recognition and promotion of volunteering. The organisation is composed by 25 associations representing the main volunteering sectors.

The association aims to facilitate, promote and encourage volunteering as well as support newly engaged volunteers. The *Plateforme francophone du Volontariat* manages the www.yaqua.org site which contains a database with over 900 associations engaging volunteers. The site also includes thematic folders and various tools (such as a newsletter), which reflect on the value of volunteering within the society.

In addition, the platform represents its members to institutions and authorities which work within the volunteering sector.

The platform has also carried out preparatory work prior to the establishment of the High Council of Volunteers.

Finally, the platform has organised, in December 2003, a conference on the "Pacte Associatif" aiming to clarify the links between the policy makers and associative sector. Following this conference, this initiative has been implemented by the governments of the Walloon Region, the Region of Brussels Capital and the French-speaking Community. The platform participates in the consultation process put in place within the "Pacte Associatif".

The King Baudouin Foundation

The *King Baudouin Foundation*, founded in 1976, is an independent public benefit foundation. The Foundation is active at the regional, federal and international level. For the

King Baudouin Foundation, volunteers as well as the associations and institutions that provide opportunities for volunteering are important target groups. For many years, the Foundation has developed various projects and programmes for stimulating, rewarding and recognising voluntary work.

The *King Baudouin Foundation* also financially contributed to the establishment of the following website <http://www.vrijwilligerswerk.be/>, which consists of a partnership of het Vlaams Steunpunt Vrijwilligerswerk, Het Punt Brussels and the five provincial support centres for volunteering. This site contains an online database on vacant posts for volunteers and voluntary associations.

CERA

CERA is a cooperative financial group with approximately 450,000 members established in 1998. Its mission is to invest together in wealth and prosperity.

Cera supports projects with social objectives and, more specifically, has created tools to support voluntary action in Belgium.

The website volontiersvolontaires.be, created by CERA, includes all the information included in a study carried out by the cooperative as well as a search engine including all the trainings targeted to volunteers and voluntary organisations in different regions of the country.

CERA has also organised trainings and workshops for volunteers engaging in the health sector. These intend to create debate and reflection on the theme of volunteering. The participants have the possibility to share their experiences with other volunteers and learn about other practices in the health sector.

Main characteristics of the support bodies

The majority of volunteering support bodies are non-profit associations. This status gives them more autonomy in carrying out their activities.

The range of activities of supporting bodies is more or less the same. The main aim is to support volunteering, volunteers and volunteer organisations. Most of the support bodies are committed to assist organisations that are active in the same or similar field (sectoral – such as youth, environment, socio-cultural, development cooperation, elderly, welfare, etc), or to any organisation that engages volunteers (intersectoral). Although priorities may be different, the following services are provided by support organisations:

- Information on issues related volunteering (law, regulations, sometimes linked to the specific sectoral situation, etc.);
- Provision of training;
- Organisation of conferences;
- Publication of research papers and reports on laws and regulations and collection of good practices;
- Promotion of volunteering (campaigns through the mass media, events, meetings and conferences are mostly mentioned).

Several support bodies focus their attention not only towards the volunteering organisations, but also to volunteers themselves (e.g. *Het Punt Brussels* provides a help desk where volunteers can ask for assistance in finding a suitable volunteer organisation). The main support bodies have also established a database with vacancies within the volunteering sector.

The majority of support bodies at sectoral level are recognised by the government. A government decree ratifies their establishment and role, in which the general objective and specific scopes are specified.

On the other hand, there is no law or decree that defines intersectoral support bodies. However, the absence of formal regulations does not mean that organisations cannot be supported financially.

All support bodies have sufficient resources to hire paid staff, as most of them receive financial support from the government or by private organisations and foundations.

Affiliation with European umbrella organisations/networks

There are a few Belgian voluntary organisations directly affiliated with European umbrella organisations. The *Association pour le Volontariat*, *Het Punt Brussels vzw*, *Plate-forme Francophone du Volontariat* and *Vlaams Steunpunt Vrijwilligerswerk* are members of CEV (European Volunteer Centre).

The Belgian member of AVSO (Association of voluntary Service Organisations) is the *Plateforme Pour le Service Citoyen* while *L'association des Compagnons Bâisseurs*, an association recruiting young volunteers, is full member of the Alliance of European Voluntary Service Organisations.

2.2 Policies

National strategy/framework for volunteering

Literature review shows that the government's attitude has been recently changing. According to the "Volunteering across Europe" report, local governments, public authorities and administrative bodies have recently become more aware of the importance of volunteering. This was also due to the strong impact of the United Nations International Year of Volunteers 2001.

The years 2000 to 2005 were characterised by major changes, which can be summarised as follows:

- Two new laws were adapted by the Federal Parliament:
 - The 1921 Law on non-profit organisations was modified;
 - The Law on Volunteering Rights was passed.
- The creation of differentiated book-keeping for the associative sector, which has led to more precise figures on the voluntary sector;
- Creation of an advisory body at the Federal level - the High Council of Volunteers (see section 2.1);
- Reinforced support from policy makers towards volunteering and associative life in Belgium. Government and policymakers have now acknowledged the added value of civil society.

The development of the Law on Volunteering (at federal level) has stimulated political awareness. Many studies on trends indicate a greater awareness of the social benefits of volunteering for all parties involved, and local governments have also started to discover the benefits of involving volunteers in projects. The report cites the following recent trends:

- The Flemish government has set up regional support centres for volunteering, thus guaranteeing that support to voluntary organisations is ongoing;
- The Wallonia government provides increasing support to volunteering infrastructures; and
- At federal level, with the establishment of the High Council of Volunteers and the federal Law on Volunteering, more attention has been given to volunteering.

Policies at community level

At Community level, volunteering has been mentioned in different policy plans set up by the **Flemish government**. For example, volunteering has been mentioned as a priority in the 2006-2010 Flemish Youth Policy Plan. The document states that *Steunpunt Jeugd* (Youth Support Centre) and other relevant actors should increasingly pay attention to youth work with the aim of familiarising young people with voluntary work, providing them with information about concrete opportunities for performing voluntary work, giving them advice and promoting a positive image of voluntary work.

The 2006-2010 Flemish Youth Policy Plan also states that the Flemish government supports training opportunities for young volunteers in order to improve the quality of voluntary activities.

Volunteering has been also mentioned in the policy plan of Culture, Sports and Welfare. The Declaration of the New Flemish Government also makes reference to volunteering.

Volunteering features in four of the main sections of the policy plan of the Ministry of Culture, Sports, Youth and Media: (1) the international dimension of Culture, Sports, Youth and Media policy; (2) the impact of activities at federal level (3) social inclusion and (4) the Sports and Youth specific sectors.

- Firstly, 2010 – the year where Belgium will be in charge of the Presidency of the European Union and where Sports will become a new official competency of the European Union – is portrayed as presenting the Flemish community with an opportunity to participate directly and proactively in the development of European policies. The Flemish Community, which will represent the three Belgian communities in relation to the policy domains of Youth and Sports, is determined to place volunteering high on the political agenda.
- Secondly, the policy plan refers to the (federal) Law on Volunteering and its potential impact on the policy domain at Community level. For the sizeable group of volunteers who operate in Flanders, questions remain as to the implementation of the law, insurance for volunteers and accountability. Next to a lack of clear information, the federal government is said to fail to involve the Flemish government in decision-making regarding implementation of the law.
- Thirdly, a commitment is made to heighten the level of participation of marginalised groups (e.g. ethnic minorities) in employment in the sector (i.e. staff, management and volunteering).

Finally, while the promotion of volunteering among the youth is presented as a challenge in the Youth policy section, the Sports policy section refers to the need for more volunteers.

The Declaration of the new Flemish Government refers to volunteering as one of the pillars of the Flemish societal system, alongside households and free enterprise. The Flemish Government therefore commits to promoting volunteering and to developing relevant expertise through research.

Firstly, priority is given to the immediate implementation of the new decree on volunteering in welfare and health. The decree foresees steps to implement the recognition, subsidisation and control of voluntary organisations already established in the sector, and to boost their budgets. A decree on the psychosocial support of prisoners by professionals and volunteers is in the pipeline.

Secondly, a new version of the Action Plan “Simplifying Together” (Same vereenvoudingen) is to be produced, providing an overview of the burdens placed on associations in relation to planning and rules. This will constitute the basis for the exercise of updating the charter between the Flemish Government and the United Associations (*Verenigde Verenigingen* – see section 2.3).

Volunteering has recently gained more attention from policy makers of the **French-speaking Community**. The governmental programme of the French Community for 2009-2014 mentions volunteering as follows: “the government will give more attention to the role of volunteering within the non-profit sector. The government engages to support volunteering though

- A simplification of administrative requirements for volunteers and voluntary organisations; and
- The provision of subsidies to organisations engaging volunteers for insurance policies covering civil liability of volunteers.”

Moreover, the Youth department of the French-speaking Community has established an EU exchange programme. The latter includes the possibility for young people to undertake voluntary activities abroad.

Policies at regional and local level

Every region in Flanders has a regional volunteer support centre. These centres support voluntary organisations through different initiatives. However a uniform regional policy is absent.

Every city or local community in the country has the freedom to develop volunteering policies or support systems. Although not every local government is convinced of the necessity to support volunteers or voluntary organisations, awareness of the importance of volunteering at local level is increasing.

Some Municipalities have developed concrete volunteering policies by involving the organisations engaging volunteers, appointing politicians who are responsible for monitoring volunteering-related issues, stipulating insurance policies and introducing the possibility to borrow or use material and lodgings free of charge (or at a reduced rate), subsidising organisations, etc.

2.3 Programmes

Key national programmes that stimulate volunteering at national level

There are no national programmes stimulating volunteering in Belgium. The High Council of Volunteers is the main public body at federal level in charge of volunteering, however, it only has an advice role. The Council is not responsible for the implementation of programmes such as training and awareness raising campaigns.

However, the federal government is providing, since 2006, financial support to voluntary organisations through the National Lottery. The funding is allocated annually and aims to finance a collective insurance for small de facto associations engaging volunteers. The management of these funds is entrusted to the Provinces.

Programmes promoting/supporting volunteering at community level

In 2007, an **information campaign** was launched by the Flemish government (Ministry of Welfare, Health and Family) to inform volunteers about the consequences/impacts of the Law on Volunteering. The campaign was conducted by the *Vlaams Steunpunt vrijwilligerswerk vzw* during one year and nine months. In total, 100,000 Euro have been allocated to finance this campaign, which covered the whole Flanders. This initiative is unique as no other systematic information campaigns on volunteering have been organised in the country.

The Flemish Minister of Welfare, Health and Family also launched, in cooperation with the *Vlaams Steunpunt vrijwilligerswerk vzw*, *het Punt Brussels* and the five regional centres a major promotion campaign during the **Week of Volunteers 2009**. The Week of Volunteers is an annual, recurring highlight for the promotion of voluntary work in Flanders. During this week, extra attention is paid to voluntary work and a seminar is organised on the topic.

The **civil society initiative** *de Verenigde Verenigingen* was established in 2004 to gain greater attention from policy makers at Flemish as well as at a federal level for civil society and associations. The organisation has a lot of member associations and federations and operates as a voice for active citizenship, commitment to volunteering and for the benefit of non profit organisations (indirectly including volunteers). Beside the role of advocacy, *Verenigde Verenigingen* launches initiatives to stimulate active citizenship and acts as a forum for the exchange of know-how and information.

In order to promote co-operation between associations covering different spheres of social life (including the volunteering sector) and the authorities, a **Charter** was signed between the Flemish government and the *Verenigde Verenigingen* initiative. The Charter serves as a solid basis for developing cooperation between associations of different spheres of social life and the authorities on the grounds of shared values and mutual respect.

In October 2006 the Flemish Minister for Administrative Simplification and Flemish Minister for Culture, Youth, Sports and Media, together with the cooperative partnership *Verenigde Verenigingen* launched the project *Samen Vereenvoudigen voor vrijwilligers and verenigingen* (**simplification for volunteers and associations**). All the volunteers who were confronted, via their associations, with time consuming, unnecessary administrative procedures were invited to highlight the problems and, from within their role as experienced expert, also come up with practical solutions. The campaign ran until the end of February 2007.

In the French-speaking Community, an interesting recent development is the establishment of the **“Charte associative”** in February 2009. This chart has been adopted by the Brussels region, the Walloon region and the French-speaking community.

The aim of this Charter³¹ is to highlight the importance of volunteering and foster the "recognition and respect of volunteering and of the roles of the main actors" (public bodies and associations). Moreover, the Charter aims to consolidate the relations between public bodies and associations. In this respect the Charter:

- Defines the basic principles governing the relations between public bodies and associations. The Charter recognises the role that the latter have in carrying out missions of general interest;
- Identifies the engagement of the public bodies towards these basic principles; and
- Deepens the permanent dialogue with the associative sector.³²

More specifically, the public bodies made a commitment to further support volunteering and the development of volunteering associations through the provision of more information on the responsibilities of volunteers, the simplification of administrative requirements, the administrative support to volunteers and to associations engaging volunteers, the training and education of volunteers.

The *Plate-forme francophone du Volontariat* created, in 2003, the *YAQUA* project. This project provides different services for citizens as well as for non profit organisations, such as:

- A database of organisations and initiatives arranged by topic or geographical territory.
- A volunteering guide where people can find practical guidelines on different types of engagement (neighbourhood action, responsible consumerism, etc).

³¹ Charte associative, Projet de Protocole d'Accord entre la CF, la RW et la Cocof relatif aux engagements à l'égard des acteurs associatifs <http://www.levolontariat.be/IMG/pdf/Charte.pdf>

³² In particular it creates a « Conférence interministérielle du Pacte associatif » to implement the Charter's principles.

- An on-line newsletter.

The Ministry of the French speaking Community also organises information and awareness raising campaigns and activities concerning volunteering such as the “Lis nous une histoire”³³.

Other programmes have been organised within the French and Flemish speaking Community to promote volunteering. For example, the international Bureau for Youth managed a programme supported by the Prince Philippe Fund, which enabled young people aged 15-25 to participate to volunteering activities within another Belgian Community. This programme intended to stimulate and support mobility the mobility of volunteers amongst Communities.

³³ http://www.volontariat.be/index.php?option=com_content&task=view&id=53&Itemid=1

3 REGULATORY FRAMEWORK

3.1 General legal framework

Specific legal framework which exists with respect to volunteering

The legal framework on volunteering is composed by four main laws and regulations defining the associative sector and its components:

- Law of June 1921 modified by the law of May 2002 regarding non profit organisations and foundations;
- Articles 220 to 226 of the income tax code (1992) for organisations under the structure of non profit organisations;
- Article 104, 3°, b, d, e, g, i, j, k, l, 4° or 4°bis of the income tax code connected to tax-deductible donations made to non profit organisations (1992); and
- Law of July 2005 concerning the rights of volunteers, known as the Law on Volunteering.

The **Law on Volunteering** entered into force in August 2006. A small but important part of the Volunteer Law entered into force as of 1st of January 2007 (regulations on liability and volunteer insurance).

The legal framework for volunteering was set out by the Federal Parliament and implemented by the Federal Government, administrative bodies, etc. The Law on Volunteering is wide-ranging and applies to volunteering throughout Belgium.

The Law on Volunteering sets up a clear definition of “volunteering” (see section 1) and regulates the following fields:

- Volunteering carried out by persons with a public allowance (pensions, subsidies, etc);
- Reimbursement of expenses made by volunteers;
- Liability of volunteers;
- Insurance obligations; and
- Obligation on behalf of the organisation to provide information.

Although this law can be criticised in certain points, voluntary organisations have generally welcomed it because it provides at least a precise legal framework. According to the *Plateforme Francophone du volontariat*, the main merit of the law is to ensure **formal recognition of the status of volunteers**. The law protects individuals from certain abuses, promotes volunteering and gives newly defined responsibilities to volunteering organisations.

The **Communities** have the right and possibility to set their own rules on volunteering by establishing decrees and other instruments. All have to work within the framework set out by the Federal legislation, but they are allowed to adopt specific rules regulating specific aspects of volunteering such as funding, insurance, etc.

A specific decree was issued by the Flemish government concerning the protection of volunteers in the welfare sector (old decree of 1994 adapted in 2008), which is applicable to recognised voluntary organisations. The decree states that these organisations have to insure volunteers against accidents and ensure third-party liability. Therefore, the specific decree goes further than the federal law. A new decree (which will replace the previous

one) was accepted on 1 April 2009 by the Flemish Parliament. The latter applies also to non recognised voluntary organisations.

According to the Council of Volunteers, some organisations have also set up some “codes of conduct” called “volunteers’ charters” where the rights of both the organisation and the volunteers are specified³⁴.

3.2 Legal framework for individual volunteers

The 2005 Law on Volunteering describes volunteering as follows:

- Volunteering is unpaid. Volunteers perform volunteering activities without receiving any payment. Although volunteering is unpaid, volunteers can be given a limited amount of money, to reimburse their expenses or as a forfeit, for costs to be made;
- Volunteering does not involve coercion. A volunteer commits him/herself without any obligation; he or she cannot be forced to perform an activity. Although persons cannot be forced to volunteer, the moment they engage in some type of voluntary activity, a kind of (juridical) relationship (with mutual rights and duties) is established;
- Volunteering is undertaken for others or for the society. Volunteering means being of use to others who are not family or acquaintances, in an organisation or for society in general; and
- There should always be a distinction between volunteering and professional activities. A volunteer cannot perform the same activity both as an employee and as a volunteer for the same employer. A person can volunteer within his own organisation provided that a clear distinction is made between the activity he performs as paid staff, and the activity he performs as a volunteer.

The Law also The Law on volunteering states the requirements for different kind of persons for undertaking volunteering activities. These are described in turn below.

Employees

Employees can undertake volunteering activities where and when they want, without asking the authorisation of their employer. There are no formalities required. However, an employee working in an organisation such as defined by the law (see section 3.3 below) cannot exercise the same profession as a volunteer in the same organisation. This is possible only if the tasks undertaken as a volunteer are essentially different from those undertaken as an employee or if the volunteer activity is performed in another structure or association.

Civil servants constitute a separate category as their function is regulated by administrative law. Civil servants have to ask for an authorisation for undertaking any activity outside their function, including volunteering activities.

Persons receiving public allowances

The 2005 law slightly facilitates the formalities for people receiving public allowances. Although some control mechanisms remain, the procedures have become less complex and more volunteer-friendly. The following procedures apply:

- People with a National Health Service allowance - an authorised doctor has to evaluate whether volunteering is compatible with the volunteer's general health condition;
- People living on a public allowance - need to seek authorisation from the appropriate authorities; and

³⁴ An example is the “Charte du Volontaire” of the Dexia Foundation
http://www.dexiafoundation.be/benevolat_charte.asp

- Disabled people who receive benefits from the Social Security Federal Service can undertake voluntary work without having to perform any further formalities.

People living on social security benefits are allowed to do volunteer work and keep their allowance.

Unemployed

Unemployed people entitled to unemployment benefits, people taking a leave of absence who are receiving benefits and school-leavers receiving temporary benefits are allowed to do volunteering work, provided that they report this in writing to the unemployment agency of the National Employment Office (Onem or RVA – Rijksdienst voor Arbeidsvoorziening).

The request can only be rejected if the National Employment Office is able to prove that the applicant wants to do volunteer work which is not officially defined, that the activity cannot be considered as voluntary due to its nature, volume or frequency or that the unemployed person becomes less available to the labour market due to volunteer work. One of the amendments introduced by the new law is that the onus of proof lies with the National Employment Office. Formerly, the onus of proof fell on the candidate volunteer him/herself.

According to the High Council of Volunteering, the system makes a distinction between “older unemployed people” (mostly over the age of 55) and “average unemployed people”. The latter are not allowed to work more than 28 hours a week as volunteers (so they can have time to search and apply for paid jobs).

Other groups

As far as third country nationals are concerned, at this stage there is no legal base, which allows this group to undertake volunteering activities.

Table 3.1 below³⁵ summarises the requirements for undertaking volunteering activities for different categories.

Table 3.1– requirements for undertaking volunteering activities

<i>Types of volunteers</i>	<i>Formalities required</i>
Employees	No
Civil servants	Authorisation of employer/director
Job seekers	Requirement to inform the unemployment service
Employees taking a leave of absence	Requirement to inform the unemployment service
People benefiting from work incapacity benefits	Authorisation of the doctor
Victims of work accidents	No
Foreigners	To be specified
Retired	No
Young people	No
Self-employed	No

³⁵ La loi sur le Volontariat, Questions pratiques, Fondation Roi Baudouin, October 2008 [http://www.kbs-frb.be/uploadedFiles/KBS-FRB/05\) Pictures, documents and external sites/09\) Publications/PUB_1564_LaLoi.pdf](http://www.kbs-frb.be/uploadedFiles/KBS-FRB/05) Pictures, documents and external sites/09) Publications/PUB_1564_LaLoi.pdf)

Reimbursement of expenses

Any volunteer can receive a reimbursement for costs made during his/her voluntary activities, provided that the organisation is willing to pay (however, the Law does not provide a legal right to volunteers to receive this reimbursement of costs). The Law describes the existing principles on reimbursement:

- The volunteer may either receive a fixed reimbursement (regardless of real costs): in this case, the volunteer can receive a maximum of 30.22 Euro a day, for a maximum of 1,208.72 Euro a year; and
- The organisation can opt for a system of “reimbursement of real costs”. In this case, the organisation only pays the expenses that are actually made by the volunteers (use of car, telephone, meals, etc) as proof has to be provided in for each expense.

A volunteer can benefit either from a fixed sum for daily expenses or from a reimbursement of actual expenses incurred, but she/he is not allowed to combine these two forms. The organisation can choose the preferred system. However, the organisation is not entitled to change the reimbursement system for a volunteer during the year.

Volunteers can be reimbursed of all expenses encountered during the volunteering activity. Also travel expenses can be reimbursed such as public transportation (train, bus and tramway), car (0,30 Euro/Km) and bike (0,15 euro/Km). Training costs can also be reimbursed provided that these costs show a clear link to the volunteering activity.

The reimbursement of expenses is exempted from taxation. However, if the ceiling price is exceeded, the reimbursement will be considered as remuneration and therefore taxed if the organisation or the volunteers cannot prove that the expenses encountered were necessary for the voluntary activity.

Moreover, the Law states that if the ceiling price mentioned above is exceeded, the activity cannot be considered as voluntary and the person undertaking these activities cannot be considered as a volunteer.

Specific provisions regarding liability

The Law also contains provisions referring to the legal status and social protection of volunteers. In principle, liability for damage caused to third parties by a volunteer lies with the organisation. If deceit, gross negligence or recurrent minor faults are involved, the volunteer him/herself can be held accountable. In the context of international volunteering, the provisions of international private law are applicable.

However, for organisations in which volunteers do not have immunity (for example, small spontaneous initiatives), the rules of common law apply. Consequently, a volunteer may be held personally liable in civil proceedings for errors he/she commits during volunteering activities for these associations.

The Law is silent on the subject of criminal liability. A volunteer, who commits a violation of the Penal Code, may be held individually liable for this.

3.3 Legal Framework for organisations engaging volunteers

The Law on Volunteering provides a definition of “voluntary organisations” as follows: every de facto association or legal person which/who engages volunteers. De facto associations are defined as associations not having a legal status, composed by two or more persons organising activities to attain an objective of non-profit nature.

This definition is quite broad. The common mark of organisations defined by the law is the non-profit feature. The Law applies to organisations having a legal status but also to those not having a legal status. The law also applies to voluntary activities undertaken within de facto organisations.

The law sets some obligations for organisations engaging volunteers.

For example, the majority organisations engaging volunteers (see section 3.5 below) are from now on responsible for the volunteers engaged as far as their civil liability is concerned. In this sense, the Law has established parity between volunteers and normal employees. Therefore, the organisations are obliged to take out insurance for civil liability for the volunteers engaged.

Information obligation

The law also sets an obligation for the organisations engaging volunteers to provide information to the latter. Every organisation engaging volunteers has to inform the volunteers of some aspects related to the organisation: its aims, its legal status, the fact that volunteers are insured for civil liability, whether they will receive reimbursement for expenses, and finally that the volunteers have a duty to respect the organisation they work for (the obligation of secrecy). The organisation can choose how it wishes to implement the obligation, either verbally or in a written form (a volunteer contract), or on an individual or collective base.

The organisation can choose how it wishes to implement the obligation, either verbally or in a written form (a volunteer contract), or on an individual or collective base.

Each voluntary organisation wishing to engage volunteers:

- Has to inform the volunteers of the provisions included in the Law on Volunteering; and
- Can draft a “volunteering Convention” with the volunteers creating rights and responsibilities for both parties and including all the legal provision

The provision of information does not have any legal consequences (does not create rights and obligations). The association can formalise the information obligations within a contract (“volunteering Convention”) which has a legal value. This Convention has to include the mandatory points listed in the Law on Volunteering. The establishment of a Convention is particularly interesting for the parties when the tasks of the volunteer are important (such as the supervision of children or the maintenance of safety equipment). The benefits of the Convention are the following:

The volunteer: is assured that what has been agreed will not be modified. If the content is modified, he/she could ask for an indemnity in case of prejudice.

The organisations engaging volunteers: is assured that the volunteer will respect his/her obligations, which have been agreed. If the volunteer does not carry out the obligations agreed, the association can demand the forced execution of the Convention or receive a compensation for the damages.

Taxation rules for non-profit organisations

Recognized non-profit associations are not taxable on their non-profit activities. They are exempt from the general corporate tax in their commercial activities but subject to the IPM (tax for corporate bodies), which is levied only on income from real estate and capital gains. Tax is not applied on sales of real estate that are used for social or charitable purposes³⁶.

3.4 Legal Framework for profit-making organisations

The Law on Volunteering states that employees can undertake voluntary activities where and when they want, without asking the authorisation of their employers. There are no formalities required.

³⁶ Taxation of Current Income (Corporate Taxation) of Non-profit Associations (NPAs), http://www.cesifo-group.de/portal/page/portal/DICE_Content/PUBLIC_SECTOR/PUBLIC_FINANCE/Taxes/Tax-cur-inc-non-prof-ass.pdf

According to a study carried out by the CERA, Belgian managers have increasingly acknowledged the importance of volunteering activities for their employees. Volunteering is becoming an essential part of **CSR strategies**³⁷.

As pointed out in the CEV report, employee volunteering is only just getting off the ground in Belgium with larger multi-national companies being the ones to get involved in the first instance. Activities have tended to focus however on publicity-grabbing one-day events as opposed to longer term structural partnerships with volunteer centres or the voluntary sector.

Moreover, private companies are more and more encouraging employees to undertake voluntary activities during working hours. Sometimes volunteering activities are integrated in team-building activities. For example, the Fortis Foundation, created by Fortis Group, regularly informs the personnel in their companies of the call for volunteers received by various organisations. They also have a special service, called "help to help", which encourages a network of retired employees to give assistance to various associations in need.

3.5 Insurance and protection of volunteers

Civil liability

The Law on Volunteering has set up a **protection system for volunteers**. A personal claim can no longer be made against a volunteer who causes damage to third parties (third parties not belonging to the organisation, beneficiaries, other volunteers within the same organisation, etc.). The third party has to make a claim against the organisation for which the volunteers operate.

The volunteer can only be held personally liable in three cases: repeated minor mistakes, serious mistake, or in case of fraud or deception.

However, the law is not ideal as it makes a distinction between an organisation with a legal status and a de facto organisation as far as the civil liability is concerned. Volunteers operating in some de facto organisation cannot - in most cases - count on immunity and therefore can still be held personally responsible for their actions.

Table 3.2 below lists the organisations engaging volunteers where legal protection can be applied (according to the Law on Volunteering) and those where the common rules still apply.³⁸

³⁷Volontariat d'entreprise: qui sont les acteurs? <http://www.cera.be/fr/NF-Publicaties/CeraExpertisecentrumOndernemen/employeeinvolvement.aspx>

³⁸ La loi sur le Volontariat, Questions pratiques, Fondation Roi Baudouin, October 2008 [http://www.kbs-frb.be/uploadedFiles/KBS-FRB/05\) Pictures, documents and external sites/09\) Publications/PUB_1564_LaLoi.pdf](http://www.kbs-frb.be/uploadedFiles/KBS-FRB/05) Pictures, documents and external sites/09) Publications/PUB_1564_LaLoi.pdf)

Table 3.2 – Organisations where legal protection can be applied according to the Law on Volunteering

The specific regime applies to:	The common law rules applies to:
Organisations having a private legal status Organisations having a public legal status De facto associations employing at least 1 staff member De facto associations linked to organisations having a private legal status (which can be considered as a branch of the latter) De facto associations linked to another de facto association employing at least 1 staff member	De facto associations which are not employing staff members De facto associations which are not linked to organisations having a private legal status De facto associations which are linked to another de facto association employing at least 1 staff member
The volunteers can only be held personally liable in three cases: in the case of repeated minor mistakes, in case of a serious mistake, or in case of fraud or deception.	The volunteers can be held personally responsible for their actions

Insurance obligations

The Law on Volunteering indicates that mandatory insurance is necessary for those organisations where volunteers are granted with civil liability immunity. These organisations are obliged to subscribe for an insurance for civil liability. Other possible insurance policies, legal aid, accident insurance are not yet obligatory.

Those organisations which do not come under the "immunity" ruling, are not obliged to subscribe for an insurance and the general liability rules apply. Therefore, volunteers who operate in de facto organisations need to provide their own insurance (mostly private and civil liability insurance).

Background research and stakeholders' interviews show that this is generally considered as a significant weak point in the new legal framework.

The Federal government, through the National Lottery has financed an insurance for volunteers working within organisations not covered by the "immunity" ruling. Since 2006, a grant from the National Lottery has enabled the Provinces to offer an insurance policy covering civil liability within voluntary organisations. To this end, the federal government has allocated, for the year 2006, an amount of 850,000 Euro to be distributed to the Provinces.

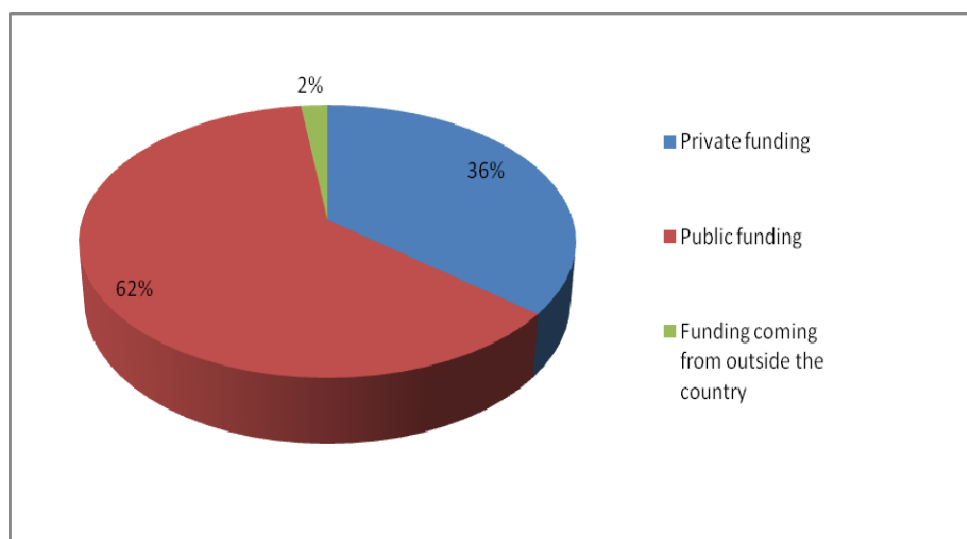
4 ECONOMIC DIMENSION OF VOLUNTEERING

4.1 Funding arrangements for volunteering

Non profit organisations have various means to finance their activities. Sometimes non profit organisations combine a commercial activity (funded by the sale of goods or services produced) and a non-commercial activity (funded by public aid, through donations or contributions).

Graph 4.1 shows the distribution of the key financial resources of non profit organisations according to their origin³⁹. The graph shows that these resources are drawn primarily from public sources⁴⁰ (61.8%) and secondly from private sources (36%). Funding coming from outside the country accounts for a maximum of 2% of the financial resources.

Graph 4.1 - Main resources of non profit organisations, Belgium, 2001



The satellite account⁴¹ also specifies the origin of resources of non profit organisations by sectors (and sub-sector) of activity. According to the report, the sectors of health, education and research (excluding schools in the network of private education) and social activities are mainly dependent on public funding. Within sectors providing less institutionalised services, funding mainly comes from private sources. Culture, sport and leisure organisations can ask their members for contributions (in the form of cost sharing or fees), while organisations which defend human rights, interests and beliefs (workers' unions, religious organisations, organisations for the defence of human rights, consumer organisations, environmental protection organisations, etc.) are often organisations based on membership. They are based on fees and donations from their supporters. Finally, the sector "other activities of organisations" brings together organisations involved in activities that are not typically associative (agriculture, construction, retailing, catering, financial activities, business services, etc.). These activities are mainly funded by the sale of goods or services produced. This explains the importance of private financing in this sector.

³⁹ Volunteering Across Europe, organisations, promotion, participation, Belgium, edited by Spes - Centro di Servizio per il Volontariato del Lazio

⁴⁰ These can include direct funding and indirect funding (in the form of employment support, reduction of social contributions, etc).

⁴¹ Le compte satellite des institutions sans but lucratif 2000 – 2001, Institut des comptes nationaux – Banque nationale de Belgique

Financing of main support bodies

The High Council of Volunteers receives, from the Federal government, 14,000 Euro annually. This funding serves mainly to finance the translation of Council's plenary sessions as well as the main monitoring and research activities.

Decentralised voluntary support bodies receive financial support which varies from 30% to nearly 100% of their financial resources. The subventions are paid mostly by the Flemish and Walloon Communities. Generally, the sectoral support bodies have a higher subvention rate than the intersectoral ones.

For example, the *Association pour le Volontariat* funding (about 55,000 Euro) mainly comes from public funds (60%), donations as well as from its own income, derived from training courses.

At the Flemish community level, the *Vlaams Steunpunt vrijwilligerswerk vzw* receives, since 1994, an annual grant from the Ministry of Health, Welfare and Family of 103,000 Euro. In addition to this, the organisation also receives an annual grant of 50,000 Euro from the Ministry of Culture, Youth, Sport and Media.

As far as the five regional centres are concerned, the Ministry of Health, Welfare and Family annually provides 24,800 Euro annually (for each centre) for the implementation of training programs and other working costs. However, the staff salaries are covered by the regions themselves.

The *Het Punt Brussels* is financed by the Brussels capital region as well as by the Flemish Ministry of Health, Welfare and Family. Similarly to the regional centres, the latter provides *Het Punt Brussels* with 24,800 Euro annually.

Moreover, a subvention system for recognised volunteer organisations has been put in place by the Ministry of Health, Welfare and Family. Approximately 150 organisations receive a subvention of maximum 7,500 Euro annually.

In 2008, the Flemish Minister of Welfare Public Health and Family has overall allocated 1 million Euro to voluntary work.

Since 2006, the Federal government, through the National Lottery, provides the Provinces with financial support to finance a public insurance policy covering civil liability within voluntary organisations not covered by the "immunity" ruling (see Table 3.2). In 2009, 500,000 Euro have been provided in total to the Belgian Provinces. The repartition of financial support is made according to the Provinces' population.

4.2 Economic value of volunteering

The associative sector plays an important role in the economic development of the nation, partly due to its contribution to GDP and partly because of the number of employees working in the sector.

According to the satellite account of the Institute of National Accounts, approximately 10% (or 14.5% including non-public schools) of the paid workforce worked in the associative sector in 2001. In absolute values, this equals to 333,878 employees. In addition to this workforce, the associations also mobilise volunteers (according to the satellite account, the total number of volunteers in Belgium amounts to 1,166,000). The satellite account evaluated the FTE generated by these volunteers to a total of **76,259 FTE**.

Table 4.2 – volunteering within not-for-profit institutions in Belgium, 2001

Not-for-profit institutions branches	Number of volunteers	Volunteers FTE
Culture, sport and leisure	604,357	53,128
Education and research	10,719	394
Health	11,406	1,159
Social Action	176,231	8,863
Human rights	15,467	463
Other activities	347,968	12,252
Total	1,166,147	76,259

The non-profit organisations covered by the satellite account had a **production** activity which, in 2001, has generated an added value of almost **12 billion Euro**. The contribution of these organisations to the GDP amounted to 5% as showed by table 4.3.

Table 4.3 - Added value of the not-for-profit institutions covered by the satellite account

	2000	2001
Number of ISBL ⁴² covered by the satellite account	15,075	16,091
Added value In million Euro	11,194	11,760
In % of the GDP	4.9	5.0

However, this data does not include the **added value made by the volunteers**. Table 4.4 shows a breakdown of the monetary value produced by volunteering by sector (the total hours worked by all volunteers within non-profit organisations multiplied by the average wage). As showed by the table, the **total economic value of volunteering amounts to 2.3 billion Euro**. The biggest contribution comes for the sector “**culture, sports and leisure**” with **1.6 billion Euro**, followed by “social action” with almost 0.3 billion Euro. The smallest contribution, in terms of economic values, is provided by the sector “education and research” with 15.5 million Euro.

Table 4.4 - Added value produced by the different volunteering sectors

Not-for-profit institutions branches	Economic value of volunteering (in million Euro)
Culture, sport and leisure	1,666,787
Education and research	15,462
Health	48,814

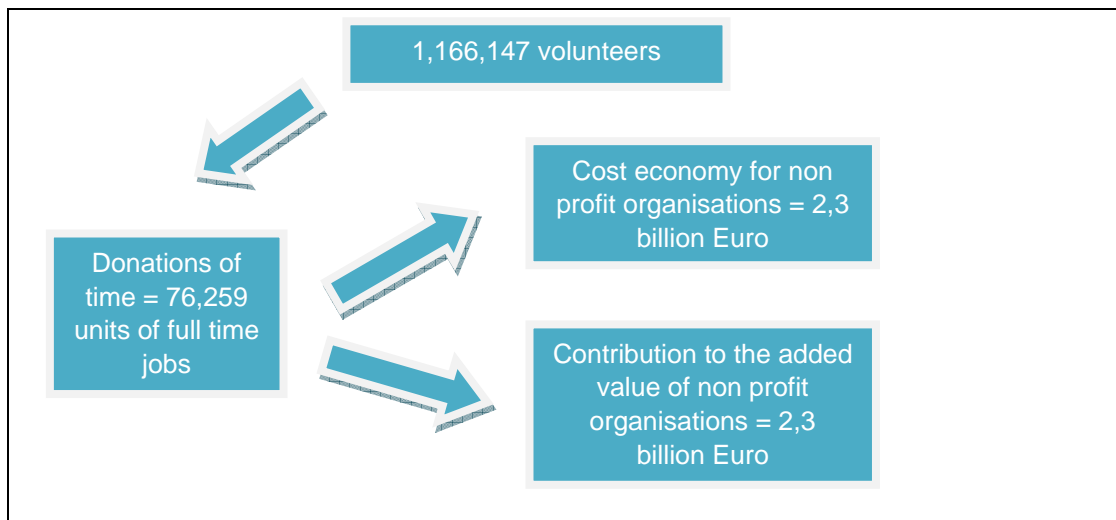
⁴² Not-For-Profit Institutions

Social Action	289,159
Human rights	17,389
Other activities	358,699
Total	2,396,310

If this added value is added to the 12 billion Euro already attributable to the activities of the associative sector, the total added value increases to more than 14 billion, or 5.9% of GDP. That means that the economic value of volunteering alone is 0.9% of GDP.

Graph 4.5 below illustrates the contribution of volunteering to the economy.

Graph 4.5 - Contribution of volunteers to the economy⁴³



Issues of Job substitution, service substitution, provision of public services

The issue service substitution has recently become a concern for policy makers. Some policy instruments developed recently have therefore mentioned this issue.

For example, in the **Charte associative** of February 2009⁴⁴ mentions the importance of complementarities between public services and services provided by associations. In fact, through the Charter, the public authorities committed to ensure complementarities between voluntary actions and public services. In case of development of a new service or actions of general interest, the Charter points out that the public authorities should discuss, with associations and already existing structures working in the field, on the possible ways to meet the objectives without duplicating existing activities.

The Charter encourages the support organisations representing voluntary associations to include, in their annual reports, some recommendations on the strengthening of complementarities between the voluntary actions and the public services. These recommendations will be used by public bodies to take measures aiming at improving these complementarities.

⁴³ Volunteering Across Europe, organisations, promotion, participation, Belgium, edited by Spes - Centro di Servizio per il Volontariato del Lazio

⁴⁴ <http://www.levolontariat.be/IMG/pdf/Charte.pdf>

5 SOCIAL AND CULTURAL DIMENSION OF VOLUNTEERING

5.1 Key benefits for volunteers, the community and direct beneficiaries

Various studies indicate that volunteering is a major force in Belgian society.

According to both *Vlaams Steunpunt Vrijwilligerswerk* and *Association pour le Volontariat*, voluntary work contributes to the well being of Belgian society, for example by providing company to lonely people, making sport more accessible to young people among many other activities.

From the perspective of the government and policymakers, volunteering contributes to active citizenship, fortifies social cohesion in society and enables solidarity between people. Volunteers can make possible what other sectors cannot, it can open channels where other sectors sometimes fail.

The “**Charte associative**” of February 2009⁴⁵ mentions the benefits of volunteering for the citizens, the public bodies as well as the whole society.

- By reinforcing the critical thinking, enabling the emergency of social claims and acting as a link between citizens and public bodies, the voluntary associations contribute to the reinforcement of democracy;
- By revealing the needs at all levels and by offering fundamental services to citizens, voluntary associations contribute to reinforcement of social cohesion and solidarity;
- By creating economic added value, voluntary associations are valuable actors contributing to the economy of the country.

Moreover, the following roles of volunteering have been identified in the Belgian report of “Volunteering Across Europe”:

- *An identifying role* - Volunteering has the mission of identifying weak points in society, that is, it discovers new needs. The volunteering sector becomes involved in issues which have not been addressed (or sometimes ignored) by policymakers and governments. One example regards the entire sector of basic education and alphabetisation courses. Owing to a lack of government attention on the issue, volunteers started to organise courses. In Belgium, these courses are now organised by the State, and include paid staff workers;
- *An 'additional' role* - This role stresses the added value of volunteering, in the sense of introducing more humanitarian values and elements into an organisation. Volunteering is not solely based on business-linked or functional relationships. The volunteer sector makes sure that there will always be a 'human approach' to problems and solutions;
- *A personal development role* - Volunteering offers learning processes for people involved; it gives them the possibility to discover, develop, experiment, verify or ameliorate their skills, know-how and attitudes. Competences can be built up through volunteering. The volunteering sector can contribute to educational (both informal and formal) processes;
- *A social role* - Due to its nature, volunteering can be carried out by anyone, regardless of background, level of education, etc. Volunteering offers a broad spectrum of activities, from washing dishes in the canteen of a football club to being member of a board or advisory committee at a community level. Volunteering can be a pool for special target groups to develop experiences, to reintegrate themselves

⁴⁵ <http://www.levolontariat.be/IMG/pdf/Charte.pdf>

into society, to be a forum in which isolated people can establish social contacts. The Volunteer sector contributes to the welfare of society and adds value to the GDP of a country; and

- *A democratic role* - Volunteering gives people access to society, helps them to be active citizen, and offers a channel to ventilate problems, complaints and suggestions. In general, volunteering is seen as a major source of social capital for society: volunteers ensure social cohesion, networks and cooperation between people; organisations contribute as they are seen as facilitators of democracy.

The report also identified the main values of volunteering for different stakeholders involved as follows:

- *Value of volunteering for organisations* - volunteers are seen as added value: they perform activities with a 'human face', aimed at more personal relations and contact. Volunteers enable organisations to extend their services;
- *Value of volunteering for volunteers* - volunteering gives a feeling of being wanted, being someone, being useful to others, the organisation, society; Volunteering gives people the chance to discover themselves as people, it gives them an opportunity to experiment. Volunteering ensures informal learning, developing skills and competences; Volunteering enables people to establish new friendships. Volunteering is a way to contact other persons, to breach isolation, depression;
- *Value of volunteering for the beneficiaries* - contacts which are based on commitment, participation and common values and not merely on 'instrumental' relations; Enables low budget participation; Opens the way to contact with other persons in an informal manner;
- *Value of volunteering for society* - volunteering is a binding factor in society, it brings people together and gives them greater trust in the governmental and political institutions; Volunteering guarantees that needs and/or responsibilities which are not met by the government will be taken into consideration by citizens; and
- *Value of volunteering for the profit sector* - volunteering gives people the possibility to discover, extend and develop skills, attitudes and competences which are needed in the workplace; Possibility for companies and enterprises, by way of Corporate Social Responsibility, to demonstrate that the profit sector is "concerned" about society; Through the development of employee volunteering, there will be more direct return of the 'goods' of volunteering for the profit sector (more team-building, greater motivation, etc.).

5.2 Factors that motivate individuals to volunteer

The *Association pour le Volontariat* provided the following results concerning the factors that motivate individuals to volunteer:

- To give help 27%
- To be useful 18%
- To use their skills 15%
- To get professional experience 14%
- To meet people 10%
- To give free time 7%
- To defend a cause 4%
- To give meaning to their life 4%

Recent trends suggest that people aged between 15-30 volunteer more and more within specific short-term projects. They volunteer to have a good time, do something worthwhile and not necessarily to do it regularly. While altruistic reasons still figure highly, more and more young people wish to get something useful out of their volunteer experience. This may include volunteering giving added meaning to their lives, help them develop new skills and competences or enable them to remain part of the social structure of the community in which they live in light of increasing individualisation at home and at work

In Flanders, the VRIND Survey carried out in 2000 showed that for people aged between 25-44, making friends and doing an interesting activity were the top two motivations for volunteering.

6 VOLUNTEERING IN THE CONTEXT OF EDUCATION AND TRAINING

6.1 Recognition of volunteers' skills and competences within the national educational and training system

The organisations working with volunteers usually provide training, education or support for volunteers which may lead to the award of a certificate⁴⁶. As explained by the *Plateforme Francophone pour le volontariat*, this certificate is often used for specialised voluntary staff (such as sports instructors or coordinators in summer camps). Some organisations engaging these volunteers need to have a certain percentage of highly qualified staff in order to be recognised. The certificate is therefore used only in a very specific sector and not as an official document to recognise, "externally", the skills acquired through a voluntary activity.

Some initiatives have been put in place in Flanders and Wallonia to increasingly link voluntary activities with the national educational and training system.

The *Vlaams Steunpunt Vrijwilligerswerk* initiated a project called "Accreditation of experiential learning for management of volunteers" in co-operation with *SoCius*, the *Steunpunt voor Sociaal-cultureel werk* (Support Centre for Socio-cultural work).

The Flemish government is also making efforts to better recognise voluntary activities and, therefore, value the social involvement of young volunteers and the skills they have acquired. The 2006-2010 Flemish Youth Policy Plan set out the Flemish government's aims to ensure that voluntary involvement is accredited by different actors at all levels.

6.2 Education and training opportunities for volunteers

Certain forms of voluntary engagement will need specially trained volunteers. These could include for example telephone support lines and palliative care work.

Volunteer training courses are often in response to a demand from volunteers themselves, who increasingly want their voluntary experience to be beneficial to their personal development and to their professional careers. This is particularly the case among young people. One recent trend in Belgium is the **increasing professionalisation** of the voluntary sector and volunteering. On one hand, the volunteers are increasingly skilled and this helps to improve working techniques of voluntary sector associations. On the other hand, volunteering itself is becoming increasingly professionalised as more resources are allocated to research about volunteering, volunteer management, training and infrastructure etc.

Background research shows that the majority of the volunteering support bodies at regional and local level provide training.

Training (for both volunteers and organisations engaging volunteers) is a key part of the objectives of the *Association pour le Volontariat*. According to the *Association*, training improves the quality of volunteers' contribution, enabling them to better integrate into the activities and projects of the volunteering organisations.

The *Vlaams Steunpunt Vrijwilligerswerk* does not offer training directly. Training courses both for volunteers and organisations engaging volunteers are provided by regional volunteering centres.

⁴⁶ http://youth-partnership.coe.int/youth-partnership/documents/Questionnaires/Voluntary_activities/2008/Belgium_FI.pdf

7 EU POLICIES AND VOLUNTEERING

EU Internal Market policy

The liberalisation of services as part of the process of building the European Single Market has had an impact on social services through the introduction of new forms of competition from the private sector. Third sector social services providers are now facing competition from the private sector in tendering procedures as the level of contract being won by the private sector leaves little for the third sector to deliver. The third sector also faces a reduction in subsidies due to a generalisation of the tendering process.

Despite the opportunities presented in legislation, the third sector in Belgium finds itself in the situation where few social enterprises (active in labour market integration) take part in public procurement procedures. Public authorities are still hesitant to insert ethical or social considerations in public procurement. The possibilities to include social, environmental, and ethical considerations are therefore not commonly used.

The two European Directives of 2004 - Directive 2004/18/EC for public works contracts public supply contracts and public service contracts / Directive 2004/17/EC on the sectors of water, energy, transport and postal services - had to be transposed in Belgian law by 2006. These new arrangements mean that⁴⁷:

- Under the threshold of 67,000 Euro, a simplified procedure allows procurement flexibility on ethical, social, and environmental dimensions;
- Public procurement, tendering, negotiated procedures with advertising are obligatory for higher amounts;
- Definition of the contract object, technical specifications using ethical or other considerations (the link has to be made between specific criteria and the object of the contract such as e.g. with a reference to production process);
- The government is allowed to pay above market rates to specialist enterprise working in the area of labour market integration and where training of the lowest qualified people is offered;
- In former Belgian legislation, social and ethical considerations could be attribution criteria but this does not exist in new law.
- Reservation of contracts in favour of “adapted work” enterprises and enterprises which work on labour market integration still remain in the law after transposition of EU directives but under certain conditions.

Regarding social clauses, they can be included:

- To oblige enterprises to hire new employees who have difficulties in joining the labour market during the time of the contract;
- To oblige enterprises to train interns during the time of the contract.

In Belgium, these developments are quite recent and mainly touch the sector of labour market integration, but representatives of the voluntary sector believe that if Belgian authorities continue to interpret the EU legislation too rigorously all third sector providers will feel the consequences.

⁴⁷ Lessons from Europe: A comparative seminar on Commissioning from the Third Sector in the EU held on 13 March 2008

8 CHALLENGES AND OPPORTUNITIES FOR VOLUNTEERING

8.1 Challenges for volunteering

A report of the European Knowledge Centre for Youth Policy⁴⁸ points out the main obstacles of the volunteering sectors as follows:

- Due to increased legislation in various fields, it is becoming increasingly difficult for organisations working with volunteers to comply with a wide range of rules. The legislator treats youth centres and youth associations on an equal basis as all kinds of commercial initiatives and in some cases they must meet the same conditions regarding environmental legislation, copyright, legislation on health and safety, as well as other detailed regulations.
- The heavy demands placed on young people by education can be seen as an obstacle to their leisure time. Moreover, the available provision of volunteer work has to compete with various commercial leisure activities;
- The knowledge of young people about volunteer work is often limited. The information on the social value of volunteering are very limited; and
- The Law on Volunteering privileges large and strongly organised bodies. Certain forms of local voluntary engagement in society such as voluntary involvement in the neighbourhood are not recognised by Law on Volunteering.

The *Vlaams Steunpunt Vrijwilligerswerk vzw* also pointed out the existence of challenges for volunteering:

- The lack of official statistics on volunteering and the consequent lack of a clear picture on volunteering in the country (who volunteers? What are the profiles? What is the spread per sector? etc.);
- The definition of volunteering is too broad;
- The lack of sufficient funding for support organisations;
- The lack of visibility of the High Council of Volunteers and its actions;
- The increasing demand for non-profit associations to comply with quality standards; and
- Some difficulties in the cooperation between the French-speaking and Flemish-speaking Communities due to the existence of different structures supporting volunteering.

8.2 Opportunities for volunteering

According to the interviewees, some important steps have been achieved through the introduction of the Law on Volunteering. The Law has introduced a legal framework providing some obligations for organisations to provide information to volunteers on their rights as well as subscribe for an insurance covering civil liability. The Law also facilitates volunteering for unemployed as well as pre-retired persons.

However, in the current situation, there are still some important improvements to be made.

For example, the Law should be clearer on whether and when the common labour law is applicable. In principle, as soon as there is a subordination link, with or without remuneration, common labour law can apply.

⁴⁸ The European Knowledge Centre for Youth Policy Key priorities for youth policies answers on Voluntary Activities http://youth-partnership.coe.int/youth-partnership/documents/Questionnaires/Voluntary_activities/Belgium_2005.pdf

Another improvement to be made would be to provide an easier access to foreign people to undertake voluntary activities. The legal text foresees that a royal decree will be passed to facilitate the formalities foreseen for foreign people undertaking voluntary activities. For the moment, the law of 30 April 1999 concerning the employment of foreign workers requires foreign people to get a working permit in order to engage in voluntary activities. A royal Decree, abolishing this clause, has still to be passed.

According to the *Vlaams Steunpunt Vrijwilligerswerk vzw*, it would be important to collect official statistics on volunteering. For the moment, no official statistics exist and it is therefore impossible to have a good global picture of the sector. According to the interviewees, it would be important to systematically collect and publicise statistical data covering the whole country.

Another recommendation put forward by the interviewees (*Plate-forme francophone du Volontariat*) was the establishment of a “Volunteering observatory”. The latter could assess the trends of the voluntary sector and collect both quantitative and qualitative data on volunteering. Quantitative information should be gathered at national level while qualitative data could be collected at Community level by the support organisations (as the Communities are the main responsible bodies for implementation of volunteering programmes). According to the interviewees, this observatory should not be managed by the public administration but be handed over to an already existing support body.

Moreover, the public bodies should continue to finance awareness raising campaigns on the rights and responsibilities of volunteers. Some information campaigns have been launched in the past by the governments at Community level to raise the awareness of volunteers about the provisions included in the new Law. However, such initiatives should be more frequent. According to the stakeholders’ interviewed, it is very important to provide volunteers with updated information.

According to the *Vlaams Steunpunt Vrijwilligerswerk vzw*, more funding should be provided to support bodies in order to implement research projects and increasingly support non profit associations engaging volunteers. The latter are confronted with increasing requirements concerning quality standards, which are difficult to meet with limited financial and human resources.

Finally, concerning the French-speaking community, the stakeholders’ interviewed pointed out that more structures supporting volunteers should be established at local level. Branches of the *Plate-forme francophone du Volontariat* should be established in all regions and be supported by the government. In creating new structures, however, it is firstly important to have a good picture of what is already in place, in order to maximise the impact of the structures and thus avoid duplicating already existing services.

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