

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(92) 591 final

Brussels, 31 March 1992

REPORT FROM THE COMMISSION

on the implementation in the
Member States of the Council Recommendation
of 13 June 1985 on social protection for
volunteer development workers
(85/308/EEC - OJ L 163)

CONTENTS

	<u>Page</u>
I. INTRODUCTION	3
II. SOCIAL PROTECTION IN THE MEMBER STATES FOR VOLUNTEER DEVELOPMENT WORKERS	5
Belgium	6
Denmark	8
Germany	10
Greece	12
Spain	12
France	12
Ireland	15
Italy	17
Luxembourg	19
Netherlands	22
Portugal	24
United Kingdom	24
III. CONCLUSION	27

1. INTRODUCTION

1. In its conclusions the European Council assembled at Fontainebleau on 25 and 26 June 1984 expressed a wish that the Member States should adopt initiatives to encourage young people to take part in projects organised by the Community beyond its borders.

2. On 13 June 1985, the Council adopted a recommendation on social protection for volunteer development workers⁽¹⁾.

At the time that the Commission submitted its draft recommendation it had ascertained that owing to a lack in the social security system of a number of Member States of provisions concerning the affiliation of some or all groups of persons working abroad, volunteer workers incurred the risk, under social legislation as it existed, of losing, or of seeing greatly reduced, their entitlement to social security during and for the duration of their period spent abroad on development work.

This situation was the underlying cause of genuine problems and was at the root of the serious misgivings voiced by the qualified volunteers who were applying for, and considering accepting, posts as voluntary workers.

3. It was against this background that the Council adopted its recommendation. The aim of the recommendation is to encourage the Member States to recognise that one of their objectives in the field of social policy should be the establishment of social protection for volunteer development workers or the removal of any loopholes that might exist in this field.

The recommendation defines volunteer development workers as "persons who are sent, where appropriate pursuant to national law, to developing countries through the intermediary of non-governmental organisations, whether State-aided or not, under conditions of remuneration similar to local conditions, for the purpose of making a positive contribution to the physical, economic and social development of such countries."

4. The recommendation contains provision for the following guiding principles:

- volunteer development workers and members of their families should benefit from a level of social protection similar to that which exists in the sending country for persons carrying out a comparable activity in that country,

(1) OJ L 163, 22 June 1985, p. 48

- the protection cover should relate to all risks - sickness, maternity, invalidity, old-age, death, accidents at work and occupational diseases, unemployment and family benefits plus entitlement to health care - and be guaranteed irrespective of the level of remuneration of the volunteer workers,
- various methods for organising cover are suggested: treatment of periods of service in a developing country as periods of insurance, retention by the volunteer development workers of entitlement for the duration of their period abroad, the use of secondment, the use of voluntary insurance and the continued payment of remuneration during periods of temporary incapacity due to sickness, maternity or an accident,
- the Member States were to ensure that the remuneration of the national volunteer workers was not lower than that of volunteer workers from other Member States wherever the Community regulations concerning migrant workers were applicable.

5. In Section B of the recommendation there was a provision stating that "within a period of two years of the adoption of this recommendation, Member States will provide the Commission with the necessary information to enable it to draw up a report for the Council on progress achieved and obstacles encountered in the provision of social protection for volunteer development workers."

To this end, the Commission forwarded to the Member States a request for information on the situation of volunteer development workers with regard to social protection.

On the basis of the various replies received from the governments this report has been drawn up to describe the situation in the Member States on 31.12.91 from the point of view of the provisions of the recommendation.

II. SOCIAL PROTECTION IN THE MEMBER STATES FOR VOLUNTEER
DEVELOPMENT WORKERS

BELGIUM

1. Definition of "volunteer development worker"

The definition of volunteer development worker for the purposes of Belgian law corresponds to that in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

Belgian law allows volunteer workers to be covered by the social security system. The degree of protection is thus the same as described in the recommendation.

This protection can be extended to include the period of preparation spent under contract provided that the volunteer worker or the non-governmental organisation in the sending country agree to pay for it.

2.2. Risks covered

The social protection enjoyed by volunteer workers in Belgium relates to the risks described in the recommendation - sickness, maternity, invalidity, old-age, death, accidents at work, unemployment, family benefits.

2.3. Organisation of social protection

The protection for volunteer development workers is provided under the national system and is available irrespective of the level of their remuneration.

2.4. Responsibility for the cost of cover

The state meets the cost of social protection for volunteer workers.

2.5. Equal treatment between nationals of other Member States and Belgian nationals.

Belgian law allows applicants who are nationals of a Member State of the Community to be afforded protection provided that they satisfy the other remaining conditions. Equal treatment is thus expressly guaranteed.

3. Methods of social protection

3.1. Methods for organising social protection

Belgian law provides for the first of the methods described in the recommendation to be applied, namely that periods of service in a developing country are considered as periods of insurance.

3.2. Entitlement to social protection irrespective of the level of remuneration

The social protection in question is guaranteed to volunteer workers irrespective of the level of their remuneration.

3.3. Medical expenses

Medical expenses incurred in a developing country are borne by the State.

3.4. The period of preparation spent under contract

There is no particular provision relating to health care for volunteer workers during the period of preparation.

3.5. Protection against unemployment upon return

Volunteer development workers are eligible for unemployment benefit upon their return and periods of service in a developing country are taken into account.

DENMARK

1. Definition of "volunteer development worker"

The definition of volunteer development worker for the purposes of Danish law corresponds to that in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

Danish legislation considers periods of service in a developing country as periods of insurance. The degree of social protection enjoyed by volunteer workers is thus similar to that provided in Denmark for persons carrying out a comparable activity.

This protection is extended to include the period of special training spent under contract.

2.2. Risks covered

Since periods of service are considered as periods of insurance, the volunteer workers are covered for the risks described in the recommendation.

2.3. Organisation of social protection

The protection for volunteer development workers is organised within the national scheme and this protection is available irrespective of the level of remuneration.

2.4. Responsibility for the cost of cover

The State meets the cost of social protection for volunteer workers.

2.5. Equal treatment between nationals of other Member States and Danish nationals.

Danish legislation has no provision preventing the nationals of the other Member States being recognised as volunteer workers.

3. Methods of social protection

3.1. Methods for organising social protection

Danish legislation considers periods of service in a developing country as periods of insurance. In the case of certain benefits there is also provision in Danish law for entitlement to be retained by volunteer workers for the period of their service abroad.

3.2. Entitlement to social protection irrespective of the level of remuneration

The social protection described here is guaranteed for volunteer workers irrespective of the level of their remuneration.

3.3. Medical expenses

A private insurance provides medical cover during the period of service and upon return the volunteer workers are eligible for health care services under the public scheme.

3.4. The period of preparation spent under contract

The volunteer workers are covered for health care during the period of preparation.

3.5. Protection against unemployment upon return

Since the volunteer workers are covered by the general social security system, periods spent on service are considered as periods of insurance and this includes unemployment cover.

GERMANY

1. Definition of "volunteer development worker"

German law considers the persons described in the recommendation as volunteer workers.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

Germany has a comprehensive social protection system for volunteer workers providing them with a level of protection comparable to that enjoyed by persons carrying out a comparable activity on German territory.

This protection is extended to include the period of preparation.

2.2. Risks covered

Protection for volunteer workers covers all the benefits described in the recommendation.

2.3. Organisation of social protection

Protection for volunteer workers is organised as part of the national system and benefits are available to volunteer development workers irrespective of the level of their remuneration.

2.4. Responsibility for the cost of cover

The State meets the cost of social protection for volunteer workers.

2.5. Equal treatment between nationals of other Member States and German nationals.

Equal treatment between German nationals and the nationals of other Member States of the Community is expressly guaranteed under German law.

3. Methods of social protection

3.1. Methods for organising social protection

German law provides for the first of the methods described in the recommendation to be applied, namely that periods of employment in a developing country are considered as periods of insurance.

3.2. Entitlement to social protection irrespective of the level of remuneration

The protection described here is guaranteed to volunteer workers irrespective of the level of remuneration.

3.3. Medical expenses

Volunteers are covered for health care costs incurred in a developing country.

3.4. The period of preparation spent under contract

During a period of preparation volunteer workers are entitled to health care in connection with sickness or accident.

3.5. Protection against unemployment upon return

Both the period of preparation and the period of service are taken into account for the payment of daily allowances corresponding to unemployment insurance.

GREECE

Greece has no statutory provisions relating to volunteer development workers.

SPAIN

Spain has no specific statutory provisions relating to volunteer development workers.

The Spanish government has indicated that legislation in this field will be prepared.

FRANCE

The situation of volunteer development workers is governed in France by Decree No 86-469 of 15 March 1986 concerning voluntary associations and volunteer development workers.

1. Definition of "volunteer development worker"

The definition of volunteers under French law corresponds to that appearing in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

Under French law, volunteer workers enjoy social security cover under the terms of provisions relating to voluntary insurance for French expatriates, as well as the guarantees offered by a mutual benefit association. The degree of protection is similar to that available in France. The period of preparation is not covered, however.

2.2. Risks covered

The protection covers all the risks described in the recommendation.

It should be pointed out that as regards sickness - maternity insurance, the voluntary insurance in question does not include the provision of benefits in kind. However, it is possible under French law to pay supplementary contributions so that cash benefits are available in the event of illness or maternity leave preventing a person from working.

2.3. Organisation of social protection

Social protection for volunteer workers is covered by the provisions relating to the Caisse des Français de l'Etranger. The volunteer workers enjoy this protection irrespective of the level of their remuneration.

2.4. Responsibility for the cost of cover

The contributions to the social security system are paid by the associations to which the voluntary development workers are attached.

2.5. Equal treatment between nationals of other Member States and French nationals

The equal treatment of French nationals and the nationals of other Member States of the Community is expressly guaranteed by French law.

3. Methods of social protection

3.1. Methods for organising social protection

Social protection for volunteer workers is organised in France on the basis of the voluntary insurance of expatriates for which there is provision under French law.

3.2. Entitlement to social protection irrespective of the level of remuneration

Volunteer workers may be members of the Caisse des Français de l'Étranger irrespective of the level of their remuneration.

3.3. Medical expenses

Medical expenses incurred in a developing country are reimbursable.

For the period after their return, the volunteer workers are covered for unemployment benefit.

3.4. The period of preparation spent under contract

There is no particular provision relating to health care for volunteer workers during the period of preparation.

3.5. Protection against unemployment upon return

Upon their return, the volunteer workers are registered as persons seeking employment and they receive from the association to which they were attached under contract a flat-rate occupational reintegration payment to serve as unemployment benefit.

IRELAND

The situation of volunteer development workers is covered in Ireland by a special law [Social Welfare (special provisions for volunteer workers) Regulations, 1985].

1. Definition of "volunteer development worker"

The definition of volunteer development worker for the purposes of Irish law corresponds to that in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

Irish legislation uses a system of notional contributions to consider the periods of service in a developing country as periods of insurance. Accordingly, the degree of social protection enjoyed by volunteer workers is the same as that provided in Ireland for persons carrying out a comparable activity.

The protection is extended to include the period of special preparation spent under contract.

2.2. Risks covered

The system of notional contributions allows volunteers to be covered for the risks described in the recommendation. It should be pointed out, however, that a number of tropical diseases are recognised as occupational diseases.

2.3. Organisation of social protection

The volunteer workers are covered by the general social security scheme and the system of notional contributions allows them to remain eligible for social protection even if their remuneration falls below the minimum legal wage.

2.4. Responsibility for the cost of cover

The cost of social protection, including in particular that of the notional contributions, is borne by a semi-public body.

2.5. Equal treatment between nationals of other Member States and Irish nationals.

There is no statutory provision reserving the social protection described in this paragraph to Irish nationals. However, equal treatment between the nationals of other Member States and Irish nationals is not expressly guaranteed.

3. Methods of social protection

3.1. Methods for organising social protection

The provisions of Irish law relate to the first of the methods described in the recommendation, in other words, periods of service in a developing country are treated as periods of insurance under Irish law.

3.2. Entitlement to social protection irrespective of the level of remuneration

The system of notional contributions guarantees that volunteer workers are covered by the general social security system, irrespective of the level of their remuneration.

3.3. Medical expenses

Private insurance provides medical cover during the period of service and upon return the volunteer workers are eligible for health care under the national system.

3.4. The period of preparation spent under contract

During the period of preparation, health care in the event of illness or accident is provided for the volunteer workers.

3.5. Protection against unemployment upon return

Where volunteer workers are covered by the general social security scheme periods spent in service are treated as periods of insurance and this includes protection against unemployment.

ITALY

The situation as regards volunteer development workers is governed in Italy by the provisions of the law of 26 February 1987.

1. Definition of "volunteer development worker"

The definition of volunteer development worker in Italian law corresponds to that shown in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

The volunteer worker is covered by the Italian social security system. Accordingly, the level of social protection the worker enjoys is similar to that available in Italy.

This protection is extended to include the period of preparation, which may not, however, exceed three months.

2.2. Risks covered

Under Italian law the protection covers the risks described in the recommendation with the exception of unemployment.

2.3. Organisation of social protection

The protection for volunteer development workers is organised as part of the national system and they enjoy the protection irrespective of the level of remuneration.

2.4. Responsibility for the cost of cover

Through the agency of the Directorate-General for development cooperation (Direzione generale per la cooperazione allo sviluppo), the State meets the cost of social protection of volunteer workers.

2.5. Equal treatment between nationals of other Member States and Italian nationals.

The only legally recognised volunteer development workers are those who hold Italian nationality.

3. Methods of social protection

3.1. Methods for organising social protection

Italian law contains provision for periods of service in a developing country to be treated as periods of insurance.

3.2. Entitlement to social protection irrespective of the level of remuneration

The social protection described in this section is not dependent on the level of remuneration paid to volunteer workers.

3.3. Medical expenses

Medical expenses incurred in the developing country are covered, to a degree, by the social protection to which the volunteer workers are entitled.

3.4. The period of preparation spent under contract

During the period of preparation, the volunteer workers are covered for health care.

3.5. Protection against unemployment upon return

Italian law has no provision for protection of volunteer workers against unemployment.

LUXEMBOURG

The situation of volunteer development workers is governed in Luxembourg by the law of 25 April 1989.

1. Definition of "volunteer development worker"

Luxembourg law considers a volunteer worker to be any person who wishes to provide impartial aid to the people of developing countries in the context of a project arranged by an approved non-governmental organisation and who obtains the appropriate authorisation from the Minister for Development Cooperation. This authorisation is valid for the duration of the employment contract with the NGO. It cannot be granted for a period in excess of three years but it is renewable.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

The relevant Luxembourg law provides for volunteer development workers to be affiliated for the duration of their service either to the social security scheme for clerical staff or to that for manual workers depending on whether their work will be essentially intellectual or manual. Accordingly, the level of social protection available to them will be same as that available in Luxembourg for persons carrying out a comparable activity.

This protection is extended to include the period of preparation spent under contract.

2.2. Risks covered

Since they are affiliated to the social security scheme for clerical staff or manual workers (depending on the nature of their work) the development workers are covered for the risks described in the recommendation. However, the following points should be noted:

- in the case of illness, the volunteer worker will continue to receive his full remuneration for the duration of the illness,
- for the duration of statutory maternity leave, the employer will advance the maternity benefits and will in turn be reimbursed by the insurance scheme.

2.3. Organisation of social protection

The development workers are covered either by the social security scheme for clerical staff or that for manual workers and they are not disqualified from obtaining social protection when their remuneration falls below the statutory minimum wage.

2.4. Responsibility for the cost of cover

The cost of the social protection is borne by the State, which pays the non-governmental organisation its various expenses, including those relating to membership of the social security scheme, those relating to travel for the volunteer worker and the members of his family and the reinstatement allowance payable upon completion of the employment contract.

2.5. Equal treatment between nationals of other Member States and Luxembourg nationals.

Luxembourg law has provision for candidates, who are nationals of another Member State of the Community, to obtain the appropriate authorisation provided that they satisfy the remaining conditions that apply. Equal treatment is thus expressly guaranteed.

3. Methods of social protection

3.1. Methods for organising social protection

Luxembourg law has provision for the first of the methods described in the recommendation, in other words, periods of service in a developing country are treated as periods of insurance under the terms of national law. Moreover, the State assumes responsibility for the cost of cover under the social security scheme [see Section 3.4.].

3.2. Entitlement to social protection irrespective of the level of remuneration

Luxembourg law lays down that irrespective of the remuneration actually paid account should be taken, when determining the level of contributions and benefits, of a reference remuneration, the level of which is set in a way which reflects the rates of pay available for a similar activity carried out on behalf of the State.

3.3. Medical expenses

Medical expenses incurred in a developing country by the volunteer development worker or the members of his family are reimbursed by the Luxembourg health insurance schemes. Moreover, the State pays the difference between the level of expense for health care actually incurred by the volunteer workers during their period abroad and the rate of reimbursement applied by the health insurance schemes. An upper limit is set on this supplementary reimbursement.

3.4. The period of preparation spent under contract

Volunteer development workers are entitled during the period of preparation to health care in the event of illness or accident.

3.5. Protection against unemployment upon return

Since the volunteer workers are covered by the social security scheme, the periods spent in service are considered as periods of insurance. Moreover, Luxembourg law has express provision to the effect that periods spent abroad are taken into account for the purposes of the law establishing an unemployment fund and the regulations governing the payment of full-rate unemployment benefit.

NETHERLANDS

1. Definition of "volunteer development worker"

The definition of volunteer development worker under Netherlands law is the same as that in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

Volunteer development workers are eligible to conclude voluntary insurance contracts for the various risks within the context of the Netherlands social security system. Accordingly, the protection available to them is similar to that available in the Netherlands.

There is no provision for protection during the period of preparation.

2.2. Risks covered

The protection relates to the risks described in the recommendation.

2.3. Organisation of social protection

The social protection of volunteer workers is organised within the context of the national social security system on the basis of voluntary affiliation. The volunteers are entitled to this protection irrespective of the level of their remuneration.

2.4. Responsibility for the cost of cover

The voluntary contributions to the social security schemes are the responsibility of the volunteer workers.

2.5. Equal treatment between nationals of other Member States and nationals of the Netherlands

Community nationals qualify for social protection on the same basis as nationals of the Netherlands. However, the latter are entitled to pay a lower rate of contribution.

3. Methods of social protection

3.1. Methods for organising social protection

In the Netherlands, social protection for volunteer development workers is organised on the basis of the voluntary insurance provided for by national legislation.

3.2. Entitlement to social protection irrespective of the level of remuneration.

Volunteer development workers enjoy this protection irrespective of the level of their remuneration.

3.3. Medical expenses

Medical expenses incurred in a developing country by volunteer development workers are covered.

3.4. The period of preparation spent under contract

There is no specific provision relating to cover for health care for volunteer workers during the period of preparation.

3.5. Protection against unemployment on return

After their return, volunteer development workers can claim their entitlement to unemployment benefit by virtue of their voluntary affiliation.

PORTUGAL

Portugal has no statutory provisions relating specifically to volunteer development workers.

Development work by volunteers has never been a matter of great importance in Portugal and in most cases was carried out by religious organisations. There are related provisions in Portugal affecting the affiliation of members of religious organisations to the general social security system in cases where special conditions are satisfied.

UNITED KINGDOM

1. Definition of "volunteer development worker"

The definition of volunteer development worker in UK legislation is the same as that in the recommendation.

2. The guiding principles for social protection of volunteer development workers.

2.1. Degree and scope of social protection

UK legislation has provision for volunteer development workers to be affiliated to the general social security system by means of the voluntary payment of contributions. Accordingly, the degree of protection they enjoy is similar to that available in the United Kingdom to persons carrying out a comparable activity.

The protection is extended to include the period of preparation.

2.2. Risks covered

The voluntary payment of contributions enables volunteer development workers to be covered for the risks described in the recommendation.

2.3. Organisation of social protection

The volunteer development workers are covered by the general social security system and they can pay contributions to the scheme on a voluntary basis, irrespective of the level of their remuneration.

2.4. Responsibility for the cost of cover

The voluntary worker is responsible for paying the voluntary contributions even if under normal circumstances they are paid by the non-governmental organisations.

2.5. Equal treatment between nationals of other Member States and UK nationals

There is no statutory provision reserving the social protection described in this paragraph to UK nationals. However, equal treatment between the nationals of other Member States and UK nationals is not expressly guaranteed.

3. Methods of social protection

3.1. Methods for organising social protection

UK legislation has provision for the fourth of the methods described in the recommendation, namely, the use of voluntary insurance.

3.2. Entitlement to social protection irrespective of the level of remuneration

Volunteer development workers may pay their contributions to the general social security system irrespective of the level of their remuneration.

3.3. Medical expenses

Medical expenses incurred while the voluntary development worker is abroad are covered by a private insurance whereas upon return to the UK they are met by the national health service.

3.4. The period of preparation spent under contract

During the period of preparation the volunteer workers are entitled to health care in the event of illness or accident.

3.5. Protection against unemployment upon return

In the case of volunteer workers who are covered by the general social security system, periods spent abroad are considered as periods of insurance, including insurance for the purposes of protection against unemployment.

III Conclusions

1. Since adoption of the recommendation on 13 June 1985 progress has been achieved in the Community as regards social protection for volunteer development workers.

2. However, three Member States - Greece, Spain and Portugal - have no legislation relating specifically to the protection of volunteer development workers. In contrast, the other Member States do provide social protection for volunteer workers.

Clearly, the brief synopsis which follows can cover only those countries which have specific provisions for the social protection of volunteer development workers.

3. The comparison of each of the fields covered by the recommendation clearly shows that the degree of protection available to volunteer workers is similar to that available in the sending country to persons carrying out a comparable activity. Differences do exist, however, as regards the cover available for the period of preparation. In a number of countries - France and the Netherlands - this period is not included for the purposes of social protection.

The range of risks covered in the Member States, including health care, corresponds to the range described in the recommendation, with the exception of:

- Italy, where the volunteer workers are not covered for unemployment insurance, and

As regards equal treatment between nationals of the country in question and nationals of other Member States, one country - Italy - has no provision for equal treatment since the law in that country only recognises nationals of that country as development workers. In another country - the Netherlands - the nationals of that country are entitled to pay a lower rate of contribution. In four other Member States - Belgium, Germany, France and Luxembourg - equal treatment is established by law. In the three remaining countries and although equal treatment is not expressly guaranteed, no statutory provision restricts social protection to nationals of those countries.

Most Member States have opted for the first of the methods described in the recommendation as their method of organising protection - namely, that periods of service in a developing country are treated as periods of insurance. Only France, the Netherlands and the United Kingdom use voluntary insurance for expatriates, for which there is statutory provision in those countries.

4. It can thus be seen that in the period since the recommendation was adopted the situation of volunteer development workers has improved in the Member States of the Community.

In three Member States, which have still no legislation in this field, the system of volunteer work is relatively unfamiliar for historical reasons. Moreover, it should be pointed out that the Spanish government has announced its intention of drafting legislation on volunteer workers.

In the period since the recommendation was adopted seven countries have either introduced legislation for the first time in this field or have amended existing legislation to render it compatible with the provisions of the recommendation.

5. In the process of drawing up this report the Commission has established that the major concern of persons associated with volunteer work relates to Article 5 of the recommendation - equal treatment between volunteers of the country in question and volunteers who are nationals of other Member States.

The Commission considers that efforts should be centred on this problem so that all the objectives set in the recommendation can be achieved.