



COMMISSION OF THE EUROPEAN COMMUNITIES

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**Report on the application of Council Recommendation 85/308/EEC
of 13 June 1985 on social protection for volunteer development workers
(situation on 30 June 1998)**

(presented by the Commission)

INTRODUCTION

On 13 June 1985, the Council adopted a Recommendation (85/308/EEC) on social protection for volunteer development workers.

The Recommendation defines volunteer development workers as "persons who are sent, where appropriate pursuant to national law, to developing countries through the intermediary of approved 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."

The Recommendation lays down the following guiding principles:

1. 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.
2. The protective 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.

3. Various methods of 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 during their period abroad, use of secondment, use of voluntary insurance and the continued payment of remuneration during periods of temporary incapacity due to sickness, maternity or accident.

4. The Member States should ensure that the remuneration of the national volunteer worker is not lower than that of volunteer workers from other Member States whenever the Community regulations concerning migrant workers are applicable.

According to section B of the recommendation "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, on the basis of the information provided by the Member States, presented on 31 March 1992 an initial report on the implementation of the principles of the Recommendation. The report reveals that there are some gaps in the existing national legislation on social protection for volunteer development workers.

The European Parliament, in its resolution of December 1993 (Bello Report), calls for further action on the part of the Commission to remove obstacles in the field of social protection for volunteer development workers.

Moreover, the joint declaration of the European Parliament and of the Commission of 9 February 1994 called upon the Commission to take new initiatives in the field of social protection for volunteer development workers in the Member States.

For this reason, a questionnaire was sent by the Commission to the Member States asking for further information.

The replies received reveal that there are still shortcomings in Member States' legislation relating to the social protection of volunteer development workers. This is the case in the countries of Southern Europe, such as Greece, Spain and Portugal, where much remains to be done. Progress has been made in other countries, but the legislation is still inadequate to deal with the real problems encountered by volunteer development workers.

The Commission will certainly continue its efforts to implement this Council Recommendation. At the present time, in a general context and as a follow-up to the Council Recommendations adopted in 1992 on the convergence of social protection objectives and policies (442/92) and on common criteria concerning sufficient resources and social assistance in social protection schemes (441/92), the Commission has opened up a broad debate on the future of social protection with its communication on modernising and improving social protection in the EU. The specific problems of volunteers might therefore be dealt with in this context.

It is important to note that the Commission does not itself directly implement programmes involving the use of volunteers. However, volunteers are sometimes part of NGO projects supported by the EU. These projects are normally co-financed and the management of the volunteers remains the full responsibility of the partner NGO and not of the Commission. It is the Commission's policy to ensure that the placement of expatriate volunteers is only carried out in the context of real need and where there is a shortage of local skills so that it does not undermine the development of local capacity.

The Commission also supported the extension of the young European volunteer programme overseas in the framework of specific cultural and exposure programmes rather than for development activities as such.

The Commission maintains a policy dialogue with the European volunteer sending organisations within the framework of the Liaison Committee of European Development NGOs.

This report deals with the following fundamental issues on the basis of information provided by the Member States:

1. Statement and analysis of national legal requirements in each EU Member State regarding:
 - entitlement of volunteer development workers under Member States' national legislation
 - the provisions of State benefits under national social security schemes.

2. Implementation of the Recommendation of 13 June 1985 and prospects:

- Measures taken by the Member States after 13 June 1985 to bring their national legislation into line with the main principles of Recommendation 85/308/EEC.
- Identification of existing problems (shortcomings - obstacles)
- Conclusion (Prospects - Measures to be taken by the EU).

AUSTRIA

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

A volunteer development worker in Austria is a qualified person employed by an approved NGO (Non-Governmental Organisation) in order to offer his/her assistance to developing countries.

Status of volunteer development workers in terms of labour law and social protection

The legal status of volunteer development workers is defined in a specific law BGBl No 574/1983 on volunteer development workers (Entwicklungshelfergesetz).

In addition, the Austrian authorities apply Law 292/1921/(Angestelltengesetz) and its amendments, which applies to all employees and other salaried workers, the law on working time (Arbeitszeitgesetz) BGBl No 461/1969 and its amendments, the law on leave (Urlaubsgesetz) BGBl No 390/1976 and its amendments, and the law on the protection of maternity (Mutterschutzgesetz) BGBl N°221/1979 and its amendments.

In addition to these laws, provisions of Austrian labour law applicable to salaried workers also apply in principle to volunteer development workers. The general law on social security (Allgemeiner Sozialversicherungsgesetz - ASVG) BGBl No 189/1995 and its amendments and the law on unemployment insurance (Arbeitslosenversicherungsgesetz - AIVG) BGBl No 609/1977 with its amendments, are applied to the social protection of volunteer development workers.

As far as family benefits are concerned, Law BGBl No 376/1967 and its amendments (Familienlastenausgleichsgesetz) is applicable.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

According to Article 4 (1), point (9) of the general law on social security (Allgemeines Sozialversicherungsgesetz), volunteer development workers of Austrian nationality are fully covered by health, accident and old age insurance (statutory scheme).

The specific law on volunteer development workers (Entwicklungshelfergesetz) obliges volunteer development workers and members of their family to take out private supplementary insurance.

According to Article 1 (1) point (e) of the law on unemployment insurance (Arbeitslosenversicherungsgesetz), volunteer development workers of Austrian nationality must be insured against the risk of unemployment. In conclusion, the social protection for volunteer development workers in Austria is similar to that existing for salaried workers. In addition, compulsory insurance applies to all persons covered by Regulation 1408/71, i.e. nationals from other EU Member

States, who are treated in the same manner as Austrians, in accordance with Article 3/Equal treatment.

2.1 Specific provisions

In addition to the specific law on volunteer development workers (Entwicklungshelfergesetz) mentioned in point 1, specific provisions on family benefits are applied. These take into account the principles of Recommendation 85/308/EEC concerning entitlement to family benefits. According to Article 13 (1) of the law on volunteer development workers are treated in the same manner as persons living in Austria during the period of preparation for their assignment (preparatory period under contract) with regard to payment of family benefits and maternity allowances. This also applies to their spouse and children living with them. It is important to note that equality of treatment provided by Article 3 of Regulation 1408/71 is applicable.

2.2 Recent measures and measures planned

Nothing at this stage.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

The following risks are covered:

- sickness/health care
- sickness/(cash benefits)
- maternity
- invalidity
- old-age
- death (for survivors)
- accident at work and occupational diseases
- family benefits
- unemployment

In addition, the law on volunteer development workers obliges the latter and, where appropriate, members of their family living in the developing country, to take out a private supplementary insurance policy for the payment of minimum benefits covering medical expenses, death, invalidity and liabilities deriving from private and professional activities.

3.2 Level of social protection

In Austria volunteer development workers and members of their families are covered by a social protection system equivalent in all cases to that provided for persons exercising a similar activity.

3.3 Extent of social protection

Since the period of preparation and training, as well as the period of service in a developing country, are considered as a period of activity exercised in Austria, volunteer development workers are entitled to the same conditions of acquisition and maintenance of entitlement to social security benefits as workers exercising their activity on national territory.

Moreover, the law on volunteer development workers provides that after having spent at least one year in the developing country, volunteer workers will keep their jobs for at least one month after completion of their assignment and will receive a salary in order to produce a report on the assignment, which should enable them to be integrated into the labour market and to undergo medical checks. This provision guarantees the continuity of social insurance during the transitional period.

3.4 Preparatory period under contract

Social protection covers this period as well.

3.5 Entitlement to social protection irrespective of the level of remuneration

Social protection for volunteer development workers and members of their family is not guaranteed if the remuneration received is below the minimum amount for entitlement to social protection under the provisions of the laws applicable to workers in Austria. In order to be covered for risks such as sickness, old age pension and unemployment, volunteer development workers, like any worker in Austria (Article 5 (2) of the General Law on social insurance/Allgemeines Sozialversicherungsgesetz), must receive a salary of at least ATS 3 600 per month (1996).

3.6 Responsibility for the cost of social protection

The cost of social protection for volunteer development workers is financed (as in the case of all workers in Austria) by contributions from employers and workers and by tax revenue.

3.7 Equal treatment of Community nationals and nationals of the country in question

This principle is fully applicable (see point 2).

3.8 Medical expenses

3.8.1 Preparatory period and

3.8.2 Period spent in a developing country

During the preparatory period under contract and during the period spent in the developing country, volunteer development workers and members of their families are treated in the same manner as persons working in Austria (see point 3.1).

It is in particular important to note that there is an obligation to take out supplementary health insurance (medical expenses). With this private insurance, the obligation to bear the cost of medical expenses of volunteer development workers and their families in a foreign country is assumed on behalf of the employer.

3.8.3 A fixed period following the worker's return

For a fixed period following their return volunteer development workers, like any other person employed in Austria, are covered by their health insurance scheme, according to the general law on social security (Allgemeines Sozialversicherungsgesetz). Health care is guaranteed during this period for a single illness.

In addition, volunteer development workers can receive benefits for 26 weeks if they were insured for a certain period before their return, and if the sickness occurred within 3 weeks of expiry of their insurance or if they are unemployed.

Pregnant women are entitled to benefits during the period of application of their insurance and even after it, if they were insured for a certain period before their pregnancy, and if they have not terminated their contract of employment or been dismissed by their employer.

3.9 Protection against unemployment following the worker's return

Since volunteer development workers are considered to exercise their activity in Austria after their return, they receive unemployment benefits, provided that they have been insured for a minimum required period.

BELGIUM

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

According to Belgian legislation (Royal Decree of 28 March 1995, Article 3) anyone who is a member of a NGO (Non-Governmental Organisation) accredited by the AGCD (General Administration of Development Cooperation) - (Ministry of Cooperation) is considered to be a volunteer development worker if he/she meets the following requirements:

- is a Belgian national or national of another EU Member State or is a refugee recognised officially by the Belgian authorities
- is at least 21 years old
- is of good character and in good physical condition
- is employed in a project or programme approved by the AGCD. The employment contract must be of at least a year
- have concluded with the organisation sending him or her to the developing country a specific assignment contract, fixing the details of the contract during and after the assignment
- have been trained according to the conditions defined in Article 9 of the Royal Decree of 21 March 1995.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

Volunteer development workers are always affiliated to the Social Security Office for Overseas Territories (Office de Sécurité Sociale d'Outre-Mer).

The principles for determining the law applicable to working conditions are the following:

The volunteer development workers has contractual relations with:

- the Local Partner (in this case, the law of the country in question, is applicable)
- the Belgian NGO cofinancing the project (Belgian law is applicable)
- the Belgian NGO sending the volunteer (Belgian law is applicable).

2.1 Specific provisions

- Law of 21/11/1991 on unemployment (see also point 3.9).
- Law of 1963 relating to OSSOM + specific Conventions concerning the social security scheme administrated by the Belgian Social Security Office for Overseas Territories. This optional scheme is offered to all persons working outside EEA countries.

2.2 Recent measures and measures planned.

None.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

3.1.1 Under the OSSOM scheme:

- illness (allowances and medical expenses)
- accident at work
- private accidents
- old-age pension

3.1.2 Under the ONEM scheme:

In some cases unemployment benefits (see point 3.9)

3.2 Level of social protection

The social security scheme applicable to volunteer development workers equivalent to the scheme applicable to persons working in cooperation with the AGCD.

3.3 Extent of social protection

Volunteer development workers are covered by social security schemes, even during the transitional period, if they are employed by an approved NGO. (Official Belgian holidays, 1/6 of the period spent in Overseas territories).

3.4 Preparatory period under contract

Two possibilities are offered:

- either coverage by the volunteer development workers previous social security scheme or
- the AGCD intervenes by reimbursing social security payments incurred during this period.

3.5 Entitlement to social protection irrespective of the level of remuneration

Affiliation to social protection is totally independent of the remuneration received by the volunteer development workers while working in the developing country.

The criteria applied are independent of those of the developing country of employment.

3.6 Responsibility for the cost of social protection

The cost of social protection is borne by the Belgian Treasury.

3.7 Equal treatment of Community nationals and nationals of the country in question

There is no differential treatment in respect of the benefits provided by the AGCD.

3.8 Medical expenses

3.8.1 Preparatory period

As this period relates to the period prior to conclusion of the contract and thus its approval by the AGCD, cover for sickness or accident is provided either by the AGCD in the form of reimbursements, or by the volunteer development worker's previous social security scheme (see point 3.4).

3.8.2 Period spent in a developing country

Medical expenses are reimbursed by the OSSOM.

3.8.3 A fixed period following the worker's return

The right of affiliation is maintained during the transitional period (see point 3.4).

Persons affiliated to the OSSOM are exempted from the qualifying period for affiliation to the compulsory general scheme in respect of sickness and invalidity. At the end of their working life, the entitlement to reimbursement of medical expenses by the OSSOM is acquired from an age varying from 50 to 57 years, depending on the length of participation in the scheme, provided that this is at least 16 years (as volunteer development workers or in another capacity) and that such persons have not acquired the right to reimbursement of these expenses under another scheme.

3.9 Protection against unemployment following the worker's return

As volunteer development workers are assimilated to Belgian workers exercising their activity on Belgian territory, they are treated in the same manner as regards unemployment benefit.

These benefits are calculated on the basis of the minimum remuneration given to workers carrying out non-industrial activities.

DENMARK

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

Under Danish legislation, volunteer development workers correspond to the description given in the recommendation. The concept of volunteer development worker is not defined in social security legislation.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

Persons who enter into a contract for voluntary development work with Danida or Mellemfølkeligt Samvirke are covered during their stay abroad by the Act on insurance against the consequences of occupational accidents on the same footing as persons resident in Denmark. Cover applies only to persons sent abroad to work, and not to members of their families.

Persons sent abroad by organisations other than those mentioned above are covered by insurance against occupational accidents for the first 12 months of their stay abroad, but this cover is not extended to members of their families.

As far as entitlement to sickness or maternity benefit is concerned, volunteer development workers must in principle pay tax in Denmark and are therefore entitled to benefits if they comply with the employment requirements of the Benefit Act.

2.1 Specific provisions

Volunteer development workers are entitled to retain membership of the Danish unemployment fund and can count periods of voluntary development work as insurance periods for the purpose of obtaining entitlement to benefit. Owing to the special forms of remuneration which occur, there is also a rule that a notional work income may be assumed as a basis for the calculation of benefit.

2.2 Recent measures and measures planned

No special initiatives relating to volunteer development workers are planned in this field.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

With regard to insurance against occupational accidents, volunteer development workers enjoy the same cover as persons living in Denmark.

Unemployment benefit is payable in the event of unemployment following the end of voluntary development work, provided that the person lives in Denmark and is available for work. Benefit is not paid while the person concerned is abroad.

As far as basic pension is concerned, pension rights are accumulated during periods spent abroad to represent Danish interests. This includes voluntary development work. The same right is granted to the spouse of a person representing Danish interests, provided that he/she is not accumulating basic pension rights himself/herself.

Volunteer development workers are entitled to sickness or maternity benefit if they are in principle liable to pay tax in Denmark or fulfil the statutory requirements.

3.2 Level of social protection

As regards unemployment benefit (see the reply to 2.1).

As regards insurance against occupational accidents, cover is the same as for persons resident in Denmark.

As regards basic pension, the rules on accumulation of rights are the same as for persons resident in Denmark.

3.3 Extent of social protection

As regards insurance against occupational accidents, the rules are the same as for persons resident in Denmark.

As regards unemployment insurance, see the answer to 2.1 (there is no minimum requirement for entitlement to benefit).

Accumulation of basic pension rights continues when the person concerned returns to Denmark.

As regards health insurance benefits (medical and hospital treatment), a volunteer development worker who returns to live in Denmark is immediately covered by health insurance, without a waiting period.

3.4 Preparatory period under contract

Anyone resident in Denmark is entitled to health insurance benefits. Volunteer development workers are therefore normally covered by health insurance during the preparatory period spent in Denmark. When they leave Denmark (for a period of more than six months), they are no longer covered by Danish health insurance. Subscription to a private insurance scheme is therefore recommended.

Volunteer development workers are covered by insurance against occupational accidents during the preparatory period.

Basic pension rights are also accumulated during the preparatory period.

Entitlement to unemployment benefit and sickness or maternity benefit is subject to the employment requirements giving entitlement to such benefits.

3.5 Entitlement to social protection irrespective of the level of remuneration

As regards insurance against occupational accidents, cover is guaranteed even if remuneration is very low.

As regards unemployment insurance, there is no minimum level for entitlement to benefit (see answer to 2.1).

3.6 Responsibility for the cost of social protection

As regards insurance against occupational accidents, the State covers the costs for persons sent abroad by Danida or Mellempfolkeligt Samvirke. Insurance premiums for persons sent abroad by other organisations are paid by the organisations concerned.

As far as unemployment insurance is concerned, volunteer workers must themselves continue to pay their contributions to the Danish unemployment fund during the period spent abroad.

As regards sickness and maternity benefit, contributions are paid by the State and the commune in which the person concerned was last resident.

3.7 Equal treatment of Community nationals and nationals of the country in question

Equal treatment is provided in respect of insurance against occupational accidents and sickness and maternity benefit.

As regards basic pension, the provisions on the accumulation of pension rights apply only to Danish citizens.

3.8 Medical expenses

3.8.1 Preparatory period

Volunteer development workers are covered by health insurance and are entitled to medical and hospital treatment during the preparatory period, as long as it is spent in Denmark. They are also covered by insurance against occupational accidents (see answer to 3.4).

3.8.2 Period spent in a developing country

When volunteer development workers leave Denmark, they are no longer covered by Danish health insurance and are therefore not entitled to reimbursement of any medical expenses incurred in the developing country (see answer to 3.4). Benefits linked to insurance against occupational accidents are covered during the period spent in the developing country (see answer to 3.3).

3.8.3 A fixed period following the worker's return

When volunteer development workers return to live in Denmark, they and members of their families are immediately covered by health insurance, without a waiting period. As regards insurance against occupational accidents and the associated costs, volunteer development workers are covered - immediately on their return - on the same basis as persons resident in Denmark.

3.9 Protection against unemployment following the worker's return

Volunteer development workers who are affiliated to the Danish unemployment fund and who retain their membership during periods of voluntary development work abroad can count such periods as insurance periods for the purposes of meeting the general conditions for benefit (see also answer to 2.1).

Periods of activity can normally be taken into account only if the person concerned is in a normal employment relationship consistent with normal income levels or is subject to general wage and employment conditions, and provided that no public wage supplement is paid.

Regardless of these general criteria, the period spent abroad by a volunteer development workers may be taken into account for the purposes of meeting employment requirements if it is performed by volunteer development workers in conjunction with voluntary programmes to which aid is granted under the Danish International Development Aid Act.

If development aid is not granted under this Act, the volunteer development workers must satisfy the general criteria.

It should be noted that entitlement to unemployment benefit is subject to 26 weeks' employment during the past three years. From 1997, this will be increased to 52 weeks during the past three years.

There is no derived entitlement for family members who have also carried out voluntary work abroad if they themselves are not covered by unemployment insurance.

GERMANY

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

The concept "volunteer development worker" is defined in paragraph 1 of the Development Worker Act (Entwicklungshelfergesetz) as any person who performs a service in developing countries without gainful intent in order to contribute to the development of such countries in a spirit of partnership (development work), and enters into a contract with a recognised development agency to perform development work for an uninterrupted period of at least two years, and receives for such development work only the benefits provided for by the Act in question, and has reached the age of 18 and is a German citizen within the meaning of Article 116 of the Basic Law or a citizen of another Member State of the European Community.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

Social protection for volunteer development workers and members of their families is regulated by a special act, the aforementioned Development Worker Act of 18 June 1969, most recently amended by the Act of 18 December 1989, BGBl.I 1989 p.2261. This Act introduced certain special provisions into the individual social security acts.

One new feature is that as of 1 January 1995, long-term nursing care insurance cover for development workers is included.

There are no plans for new measures to amend volunteer development workers' entitlement to social protection.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

The risks covered are those associated with an accident during activity as a development worker, sickness, the need for long-term nursing care, work incapacity and unemployment after voluntary development work. Statutory pension insurance rights can also continue to be accumulated.

3.2 Level of social protection

The level of social protection for volunteer development workers and the members of their families is largely the same, in all areas, as for persons performing comparable work in Germany.

Every development agency must conclude and maintain a group insurance contract covering recognised development workers and dependent spouses and children outside the Federal Republic of Germany during the period of development work for illness, childbirth and accidents, to the extent that benefits are not granted on the basis of social security provisions. The

contract must offer full reimbursement of medical and childbirth costs up to DM 5 000 per case, together with reimbursement of transport costs back to Germany. Any essential costs in excess of that amount are reimbursed by the State, as long as they are within the normal limits for the place concerned.

Volunteer development workers also have the possibility of voluntarily maintaining their statutory health insurance for the period of development work abroad. They can do this by paying a reduced contribution, though without being able to make claims. However, if development workers have family members in Germany, the family insurance system covers them on the basis of these voluntary contributions.

Development workers are insured against accidents and occupational diseases. The statutory accident insurance scheme provides cover in the event of accidents at work and occupational diseases, including tropical diseases.

If a development worker suffers health damage or death as a result of conditions which are typical of the developing country and represent a particular hazard for the development worker (including outside his or her actual work), the development worker receives the same benefits as for a work accident or occupational disease.

Periods of development work give the same entitlement to unemployment benefit as paid employment in Germany. Contributions are not payable.

Provisions contained in the Development Worker Act oblige development agencies to conclude a group insurance contract to cover all their development workers against the need for long-term nursing care. If the conditions of the Long-term Nursing Care Insurance Act (Pflegeversicherungsgesetz) apply to the group insurance contract, development workers returning to Germany are entitled to benefits from this insurance without a waiting period. When returning development workers join the social nursing-care insurance scheme (e.g. when taking up employment making them liable to insurance contributions), their previous insurance periods under the private scheme are credited.

Agencies are obliged to submit an application for compulsory insurance under the statutory pension insurance scheme for all development workers at the start of their period of service, the only exception being where a development worker is entitled to a lifelong pension or survivor's pension on the basis of the provisions or principles of civil service regulations or corresponding church law. The contributions for development workers insured on the basis of such an application are geared to their level of remuneration prior to their development work activity.

As far as pension insurance is concerned, the same social protection is provided as for employees, particularly in the event of the loss of work capacity or death (in the latter case through survivor's benefits). Development workers are in principle covered by compulsory pension insurance. A relatively high level of social protection is provided. This is because, for the period of development work, contributions of at least 120% of the current average for all full-time employees are payable.

3.3 Extent of social protection

The retention of entitlement under social protection schemes during periods of development work abroad is ensured as a general principle. Cover under the statutory health insurance and long-term nursing care insurance schemes can be maintained through voluntary insurance. Periods of activity abroad are also taken into account for pension insurance purposes. Compulsory pension insurance is required, with the costs paid by the development agency.

3.4 Preparatory period under contract

Volunteer development workers within the meaning of the Development Worker Act include persons being prepared for development work by a recognised development agency. The arrangements for social protection for development workers therefore also apply to persons undergoing preparation.

3.5 Entitlement to social protection irrespective of the level of remuneration

As remuneration for development work is generally lower than for comparable work in Germany, hypothetical assessment bases are used for the purposes of statutory pension insurance and unemployment insurance so as to guarantee benefits which are more favourable than those which would otherwise be paid for comparable levels of remuneration.

Pensions paid as a result of accidents are calculated on the basis of the income which the development worker would have been receiving if he or she had not performed development work. As far as statutory health insurance and long-term nursing care insurance are concerned, there is no link between the level of contributions (based on remuneration) and benefits. The level of benefits, both in cash and in kind, depends entirely on the level of care required.

3.6 Responsibility for the cost of social protection

The cost of social protection is borne either by the development agency or, as in the case of statutory accident insurance and unemployment insurance, by the State. Voluntary contributions to maintain statutory health insurance and long-term nursing care insurance cover are paid by the volunteer development worker.

3.7 Equal treatment of Community nationals and nationals of the country in question

Equal treatment is given to volunteer development workers and family members who are nationals of other Member States of the EU.

3.8 Medical expenses

As mentioned under 3.2, volunteer development workers have the possibility of maintaining their statutory health insurance on a voluntary basis. This applies also during the preparatory period. Volunteer development workers and members of their families are thus placed on an equal footing with other employees covered by statutory health insurance.

For the period of development work, health insurance protection is provided in accordance with the provisions of the private group insurance contract which the development agency is obliged to conclude, with specified minimum cover (cf. paragraph 7.1 of the Development Worker Act). In accordance with the group insurance contract, medical expenses are refunded to volunteer development workers and members of their families abroad. If development workers or members of their families incur necessary medical expenses which are not reimbursed under the group insurance contract, the Federal Republic of Germany covers these expenses, as long as the total cost is within the normal limits for the place concerned (for further details see paragraph 7.3 of the Development Worker Act).

As mentioned under 3.2, development workers have the possibility of maintaining their statutory health insurance on a voluntary basis to cover themselves and the members of their family, and, in accordance with the general provisions on entitlement under this type of insurance, they and members of their family are thus entitled to immediate and unlimited cover.

Where development workers do not maintain voluntary insurance, employees whose membership ended as a result of working abroad have the possibility of subscribing to voluntary further insurance if they take up employment within two months of returning to Germany.

3.9 Protection against unemployment following the worker's return

In as far as a claim for unemployment insurance benefit depends on the applicant having been in an occupation involving compulsory contributions, periods of development work, including the preparatory period, are credited.

GREECE

1. DEFINITION OF “VOLUNTEER DEVELOPMENT WORKERS”

Status of volunteer development workers in terms of labour law and social protection

In Greece, there is no specific social security scheme for volunteer development workers. They are also not entitled to cover under the general social security scheme (IKA), which covers the majority of salaried workers

Article 2 of Law 1846/51 requires that in order for a worker to be affiliated to the compulsory insurance scheme (IKA), he/she must have an employment contract with an employer granting entitlement to a salary.

This is an essential requirement in order for a worker to be affiliated to the general social security scheme. It is not always possible for volunteer development workers to be covered by IKA because it is very often difficult to determine who their employer is and whether they will receive any remuneration for their work.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

There is no organisation of social protection for volunteer development workers.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

See point 1.

3.1 Extent of social protection

However, volunteer development workers, if not covered by any other social security scheme, have the possibility of optional insurance under a special IKA scheme. (IDIKOS LOGARIASMOS AFTASFALISIS). In order to be covered by this specific scheme these persons need to satisfy the following conditions :

- be of Greek nationality or of Greek origin
- be resident in Greece
- not be covered by another compulsory or optional social security scheme
- be at least 16 years of age and not more than 63 years of age for men and 58 years for women, respectively.

The risks covered by this special scheme are: old-age, invalidity and death. Persons of more than 55 years of age are not eligible to be covered for the risks of invalidity. If the volunteer development workers are self-employed

persons, they may continue to be covered by their own professional scheme during their stay in a developing country. However, they are not covered for sickness during this period.

3.2 Responsibility for the cost of social protection

Under the IKA's special scheme, the insured persons pay contributions in accordance with the rules of the IKA fixing specific rates.

3.3 Equal treatment of Community nationals and nationals of the country in question

It is essential to note that nationals from other EU countries are treated in the same manner as Greek nationals, and that it is not necessary to be resident in Greece in order to be covered by IKA's specific optional scheme.

SPAIN

In Spain it is important to note that there is no specific legislation regulating the activity and social protection of volunteer development workers.

However the government is preparing draft legislation on volunteers and the second paragraph of its first provision covers this specific category of workers.

This draft legislation which tries to create an appropriate legal framework and to establish all the rights and obligations of volunteers, and of those who are members of NGOs (Non-governmental organisations), does not contain any specific provisions concerning social security, because this draft establishes a non-professional configuration of activities exercised by volunteer development workers.

It should be added that in Spain the promotion of such activities is not only the responsibility of the State. According to article 148.1.20 of the Spanish Constitution, the autonomous communities may have in their status of autonomy exclusive competence in the field of welfare and social services. Voluntary activity in the autonomous communities has been regulated either by general legislation on social services or by specific provisions.

The majority of autonomous communities have enacted legislation on social services containing provisions implicitly or explicitly applicable to volunteers. These provisions which concern both volunteers and NGOs establish the principles and define volunteers and their activities as well as the conditions for the approval of NGOs. For example, Law No 4 of 14 April 1993 on the social services of GALICIA contains in Chapter II of Title IV contains a section on volunteers, defining the main principles concerning their rights and obligations. One of these rights is the right to reimbursement of medical expenses or expenses relating to other risks covered by the relevant social security schemes. In addition to this legislation on the social services, some autonomous communities have already adopted specific legislation at different levels:

- Autonomous Community of Catalonia (Law 25/13-12-92)
- Autonomous Community of Aragon (Law 5/13-12-92)
- Autonomous Community of Madrid (Law 3/13-5-94)
- Autonomous Community of Andalusia (Decree 45/20-4-93)

All these specific regulations have common features relating to the nature of the work carried out by volunteers.

In fact the relationship between the volunteer and the NGO is in general a non-professional one. In the field of social protection, the various regulations provide for the reimbursement of expenses incurred by volunteers for damages suffered by themselves or inflicted on third parties, through appropriate insurance.

A similar regulation also exists at local level (municipalities).

1. DEFINITION OF “VOLUNTEER DEVELOPMENT WORKERS”

In Spain, the concept of volunteer covers activities of general interest exercised by physical persons, provided that these activities are not characterised by a professional relationship, that they are without gainful intent, not even by association, and that there is no contractual or personal obligation or even any remuneration.

Activities exercised in a family or friendly context are explicitly excluded.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

In general, the activity of volunteer is exercised through specialised organisations (NGOs).

There are specific provisions as pointed out above and draft legislation is under preparation.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

There is no specific legislation regarding the social protection of volunteer development workers (statutory scheme).

However, under the legislation of the autonomous communities or the draft legislation (being prepared) the rights of volunteer development workers are protected and there is insurance against the social risks to which the volunteers might be exposed during their assignment, including third-party liability.

In general, the organisations employing the volunteer development workers are responsible for expenses incurred by volunteers during their assignment.

FRANCE

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

Same as in the Recommendation (Decree of 30 January 1995).

Status of volunteer development workers in terms of labour law and social protection

The status of volunteer development workers is conferred only on persons who have entered into a contract with an association recognised by the ministerial authorities. They enjoy the following status with regard to social protection:

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

2.1 Specific provisions

The above mentioned Decree of 30 January 1995 lays down specific provisions which guarantee volunteer workers:

- training prior to their appointment
- a subsistence allowance and benefits in kind to ensure that their settlement and living conditions are adequate, taking into account the local situation
- payment of travel and repatriation expenses
- third-party insurance
- welfare cover for themselves and their dependants accompanying them on their assignment in accordance with the provisions relating to voluntary insurance for expatriate French nationals
- technical assistance towards reintegration at the end of their assignment.

2.2 Recent measures and proposed measures

None.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

The social protection referred to in Article 3 takes effect from the date of commencement of the contract and comprises:

- in the case of volunteer development workers: cover for sickness, maternity, death, occupational accidents, occupational diseases, old age, and a supplementary insurance scheme and insurance for repatriation in the event of sickness
- in the case of their dependants: cover for benefits in kind in the event of sickness, maternity and a supplementary insurance scheme and insurance for repatriation in the event of sickness.

3.2 Level of social protection

Sickness insurance cover does not include the payment of cash benefits which are unnecessary in so far as the payment received by those concerned continues to be paid to them in the event of sickness. The other benefits are the same as those paid to other insured persons.

3.3 Extent of social protection

The conditions for acquiring and maintaining entitlement under this social protection scheme during the period of service in the developing country are the same as those applicable to other people insured under the expatriate insurance scheme.

Maintenance of entitlement to sickness insurance in the case of maternity during the three months following return.

3.4 Preparatory period under contract

Protection is guaranteed from the date of effect of the contract signed between the volunteer and the association employing him/her.

3.5 Entitlement to social protection irrespective of the level of remuneration

The social protection of volunteers and members of their families is independent of the level of remuneration of the former.

3.6 Responsibility for the costs of social protection

The State contributes a flat-rate amount for each volunteer towards this cost.

3.7 Equal treatment of Community nationals and nationals of the country in question

These provisions ensure equal treatment of volunteer workers and members of their family who are nationals of other Member States and national volunteer workers and members of their family.

3.8 Medical expenses

3.8.1 Preparatory period

During the preparatory period under contract, volunteer workers and members of their family are assimilated to employees in respect of cover by sickness or accident insurance (subject to the Note at point 3.2).

3.8.2 Period spent in a developing country

During the period spent in a developing country, medical expenses incurred by volunteer workers or members of their families are reimbursed in accordance with French legislation.

3.8.3 A fixed period following the worker's return

Volunteer workers and members of their families are entitled to maintenance of their entitlement to sickness insurance in the event of maternity for 3 months after their return to France.

3.9 Protection against unemployment following the worker's return

Volunteer development workers cannot include periods spent in that capacity as periods of insurance or employment for the purposes of obtaining unemployment benefit upon their return. However, they are entitled to a flat-rate occupational reintegration payment.

IRELAND

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

The definition of volunteer development worker for the purposes of Irish law corresponds to that in the Recommendation (85/308/EEC-OJ L 163).

Status of volunteer development workers in terms of labour law and social protection

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

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

Volunteer workers are covered by the general Social Security scheme and the system of national contributions entitles them to social protection, even if their remuneration is less than the minimum legal wage.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

The system of national contributions allows volunteers to be covered for the risks described in the Recommendation (sickness, maternity, invalidity, old age, death, accident at work, occupational diseases, unemployment). Tropical diseases are considered as occupational diseases.

3.2 Level of social protection

Irish legislation uses a system of national contributions to treat the periods of service in a developing country as periods of insurance. Accordingly, the level of social protection enjoyed by volunteer development 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.

3.3 Preparatory period under contract

During the preparatory period, volunteer development workers are entitled to health care in the event of sickness or accident.

3.4 Entitlement to social protection irrespective of the level of remuneration

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

3.5 Responsibility for the cost of social protection

The cost of social protection, including national contributions, is borne by a semi-public body.

3.6 Equal treatment of Community national and nationals of the country in question

There is no statutory provision reserving the social protection described above to Irish nationals. However, equal treatment between those two groups is not expressly guaranteed.

3.7 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.

3.8 Protection against unemployment following the worker's return

Periods spent in service are treated as periods of insurance and this includes protection against unemployment.

ITALY

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

The definition of volunteer development worker in Italian Law corresponds to that described in the Recommendation (85/308/EEC-OJ L 163).

Status of volunteer development workers in terms of labour law and social protection

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

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

Protection for volunteer development workers is organised under the national system, irrespective of the level of remuneration. Italian law contains provision for periods of service in a developing country to be treated as periods of insurance.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

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

3.2 Level of social protection

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

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

3.3 Preparatory period under contract

During this period, the volunteer development workers are covered for health care.

3.4 Entitlement to social protection irrespective of the level of remuneration

The social protection described is not dependent on the level of remuneration received by volunteer workers.

3.5 Responsibility for the cost of social protection

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.

3.6 Equal treatment of Community nationals and nationals of the country in question

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

3.7 Medical expenses

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

3.8 Protection against unemployment following the worker's return

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

LUXEMBOURG

The social protection of volunteer development workers is governed in Luxembourg by a specific Law of 25 April 1989, replacing the Law of 13 July 1982 on development cooperation.

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

Article 1 of the Law of 25 April 1989 gives the following definition:

Any person who wishes to provide aid without gainful intent to the people of developing countries, who obtains technical assistance from the United Nations or from its specialised Institutions or from those of the EU, or from the government of Luxembourg or from a project of an approved NGO according to Article 2 of the Law of 17 December 1985 relating to subsidies agreed by the State to projects or programmes promoting the cooperation of NGOs in Luxembourg, may be considered as a cooperation agent or development worker.

The Law distinguishes between cooperation agents and development workers.

Cooperation agents must have recognised professional qualifications and be accredited in order to help carry out economic and social development projects in favour of the populations of developing countries.

Responsibility for carrying out such projects lies with either the Government of Luxembourg or the Government of the developing country which has concluded a bilateral or multilateral agreement with Luxembourg or with an international institution of which Luxembourg is a member.

A development worker is a person who wishes to provide aid without gainful intent to the people of developing countries in the context of an NGO project and who obtains authorisation from the Minister of Development Cooperation, provided that he/she satisfies the following conditions:

- has attained the age of majority
- is a national of an EU country
- has been invited to offer his or her services to the developing country in the context of a particular project relating to economic and social development in favour of the population of that country
- has sufficient academic standards to accomplish his or her assignment
- has concluded a contract of at least two years' duration, including the preparatory period covered by the State with an approved NGO which cannot exceed three months [in certain exceptional circumstances the Minister of Development Cooperation may reduce the length of the contract to a minimum of six months (excluding the training period)]

- has acquired a satisfactory standard of living from the remuneration he or she receives.

Status of volunteer development workers in terms of labour law and social protection

Officials and white and blue-collar workers in the public sector accredited as cooperation agents are entitled to special leave during the period of their assignment as a volunteer development worker, and maintain all the rights and privileges attributable to their status.

Moreover, they continue to enjoy the same level of remuneration and are covered by the social security scheme in accordance with their status.

In the case of development workers, their accreditation does not involve any contractual link with the State. They have an employment contract with an NGO and, during their assignment in the developing country, are covered by Luxembourg's statutory scheme. The State reimburses to the NGOs the cost of insurance incurred during the assignment.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

Cooperation agents or development workers and members of their families are covered by Luxembourg's general social protection scheme.

2.1 Specific provisions

There are no specific provisions except reimbursement of medical expenses which are more favourable to volunteer development workers and take into account their special situation.

2.2 Recent measures and measures planned

A modification of the existing Law has been proposed. However, the draft legislation does not contain any significant amendments relating to social security, except that development workers may in future continue to receive their remuneration in the event of illness during the month of their illness, plus the three following months.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

Cooperation agents and development workers and members of their families are covered in all areas of social security :

- illness
- maternity

- accident
- invalidity
- death
- family benefits
- unemployment

3.2 Level of social protection

Volunteer development workers enjoy the same level of social protection as persons living in Luxembourg who carry out a comparable activity, and they are covered by the general social security scheme.

3.3 Extent of social protection

See point 3.2.

3.4 Preparatory period under contract

There is no specific provision dealing with the preparatory period under contract.

3.5 Entitlement to social protection irrespective of the level of remuneration

In principle, the level of remuneration is the basis for determining the amount of contributions and, consequently, for calculating benefits.

However, a specific provision enables the Ministry of Cooperation to base the remuneration taken into account for social security on other elements, such as the agent's previous level of remuneration or the level of remuneration received by a civil servant carrying out a comparable activity.

3.6 Responsibility for the cost of social protection

The cost of social protection is borne by the State, which reimburses the contributions paid by the NGOs.

3.7 Equal treatment of Community nationals and nationals of the country in question

Cooperation agents must be civil servants or be employed in the public sector. Development workers must be nationals of EU countries.

3.8 Medical expenses

3.8.1 Preparatory period

There is no specific provision.

3.8.2 Period spent in the developing country

Affiliation is preserved during the assignment in a developing country. Medical expenses incurred in a developing country by the volunteer development worker or by the members of his/her family are reimbursed by the Luxembourg health insurance scheme. Moreover, the State pays the difference between the level of expenses for health care actually incurred by volunteer development workers during their period abroad and the rate of reimbursement applied by the health insurance schemes.

However, the insured person must pay a certain amount of the cost, in accordance with laws, regulations or relevant status.

The supplementary reimbursement cannot exceed twice the tariff applied by the health insurance schemes. The proportion paid by the State is reimbursed to the health insurance scheme and may be paid in advance.

3.8.3 A fixed period following the worker's return

Where the person is not affiliated to any other scheme, entitlement to health care is preserved during the month that the illness occurred and the following three months, provided that the insured person has been affiliated to the scheme for at least six months prior to leaving the scheme.

This right is also preserved :

- for illnesses which were being treated when the volunteer development worker left the scheme, and for three months after the start of the illness
- for a period of six months where the beneficiary has an accident allowance which is not subject to a minimum period of affiliation.

3.9 Protection against unemployment following the worker's return

Periods spent in another country as a development worker are taken into account for the calculation of entitlement to unemployment benefit. Carrying out an assignment in a developing country does not guarantee cooperation agents employment in the civil service.

NETHERLANDS

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

The definition of volunteer development worker under Netherlands law is the same as that in the Recommendation (85/308/EEC - OJ L 163).

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

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.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

The protection relates to the risks described in the Recommendation:

- sickness
- maternity
- invalidity
- old-age
- death
- accidents at work and occupational diseases
- unemployment.

3.2 Level 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 country. There is no provision for protection during the preparatory period.

3.3 Preparatory period under contract

There is no specific provision covering the health care of volunteer development workers during the preparatory period.

3.4 Entitlement to social protection irrespective of the level of remuneration

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

3.5 Responsibility for the cost of social protection

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

3.6 Equal treatment of Community nationals and nationals of the country in question

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.

3.7 Medical expenses

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

3.8 Protection against unemployment following the worker's return

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

PORTUGAL

1. DEFINITION OF “VOLUNTEER DEVELOPMENT WORKERS”

There is no specific legislation in Portugal relating directly to volunteer development workers. However, the general legislation on social protection applies to this category of workers. Therefore there is no specific definition of volunteer development workers.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

See point 1.

2.1 Specific provisions

Volunteer development workers are entitled to social protection under the following social security schemes:

- statutory social security scheme for members of religious organisations (in Portugal some volunteer development workers offer their work for no remuneration)
- optional social security scheme for all other types of volunteers.

2.2 Recent measures and measures planned

No specific provisions are planned, so no measures are proposed at the present time.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

All the risks covered by the statutory schemes.

The social protection offered by the optional social security schemes covers risks against:

- invalidity
- old-age
- death

3.2 Level of social protection

Members of religious organisations covered by the Statutory Social Security Scheme are entitled to the same protection and benefits as salaried workers.

Other persons who carry out the same activities may be given entitlement to social protection offered on a voluntary basis.

3.3 Extent of social protection

Contributory periods of insurance spent in the developing country are considered as periods of affiliation to the statutory scheme of the country of origin.

Contributory periods of insurance on a voluntary basis spent in the developing country are also considered as periods of affiliation to the statutory scheme of the country of origin, in order to increase benefits.

3.4 Equal treatment of Community nationals and nationals of the country in question

The Social Security Act respects the principle of equal treatment.

3.5 Medical expenses

3.5.1 Preparatory period

If the persons concerned are already affiliated to the scheme, there is no specific treatment during the preparatory period.

Social security insurance on a voluntary basis provides benefits such as: invalidity, old age, survivors.

3.5.2 Period spent in a developing country

The National Health System applies only to national residents, unless there is a bilateral Convention providing for protection against illness.

3.5.3 A fixed period following the worker's return

Access to health insurance is guaranteed by the Constitution, as defined by the National Health Insurance System, which is universal and autonomous. (Even if the person is not affiliated to the National Statutory Scheme).

3.6 Protection against unemployment following the worker's return

In theory, there is protection against unemployment. However, in practice, it is very difficult for volunteer development workers to receive unemployment benefit when it is impossible to prove that their contract has expired.

SWEDEN

1. DEFINITION OF “VOLUNTEER DEVELOPMENT WORKERS”

The National Board of Social Insurance does not officially approve any special organisations. In the applicable Swedish legislation “voluntary development worker” is defined as a person working for the Swedish national church, a Swedish religious community, an institution connected with such a community or a Swedish non-profit-making aid organisation.

Status of volunteer development workers in terms of labour law and social protection

According to labour law and social protection there is no difference between a volunteer development worker and Swedish citizens working abroad, except for specific provisions listed under paragraph 2.1.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

2.1 Specific provisions

There are specific provisions laid down by the Swedish legislation, such as :

- sickness allowance
- child allowance
- basic pension

2.1.1 Sickness allowance

In order to be entitled to sickness allowance, the person must register at the social insurance office and must also be in receipt of a certain income. The social insurance office decides whether or not someone is entitled to sickness allowance. A person who has worked as a volunteer development worker for a fairly long period (three years maximum) is, upon return to Sweden, entitled to a sickness allowance based on, as a minimum, the amount which represents the income qualifying for sickness benefit before the journey out of the country.

2.1.2 Child allowance

A person who leaves Sweden for more than one year is no longer registered at the social insurance office and is no longer entitled to parental benefits or to sickness cash benefits. Under the specific provisions for volunteer development workers, if they return to Sweden after not more than three years, they are entitled only to sickness cash benefit or parental benefit based on, as a minimum, the amount which represents the income qualifying for sickness benefit before the journey out of the country.

The specific provisions concerning child allowance mean that volunteer development workers who have lived in Sweden before the stay abroad are entitled to child allowance if the period spent abroad is three years at the most.

2.1.3 Basic pension

Persons registered at the social insurance office are entitled to receive a basic pension. The basic pension is calculated on the total time spent in Sweden. Volunteer development workers fit from a special provision authorising them to include time spent abroad of up to a maximum of three consecutive years.

2.2 Recent measures and measures planned

2.2.1 Recent measures

See rules mentioned above on sickness allowance, child allowance and basic pension (see point 2.1). Specific provisions were introduced in 1992-1993.

2.2.2 Measures planned

The Ministry of Foreign Affairs is working on a report on how to improve the situation for volunteer development workers. The report is based on a recent report which studied the matter of national registration for volunteer development workers.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

See point 2.1.

3.2 Level of social protection

Social protection is mainly provided for persons resident in Sweden.

3.3 Extent of social protection

There are several specific provisions (see point 2.1) for acquiring and retaining entitlement to social protection during the period spent in a developing country.

3.4 Preparatory period under contract

Social protection is the same during the preparatory period.

3.5 Entitlement to social protection irrespective of the level of remuneration

Swedish legislation does not guarantee volunteer development workers social protection during their stay in the developing country if the remuneration is below the minimum amount for entitlement to social protection for persons living in Sweden.

3.6 Responsibility for the cost of social protection

The responsibility for meeting the cost of social protection for volunteer development workers falls to the employer.

3.7 Equal treatment of Community nationals and nationals of the country in question

According to the text of some provisions in Sweden, Swedish regulations are only applicable to Swedish nationals. In some situations, therefore, this could result in discrimination against EU/EEA nationals if the Community regulations on migrant workers are not applicable.

3.8 Medical expenses

3.8.1 Preparatory period

The employer pays for an insurance covering sickness and accident costs during the preparatory period under contract for volunteer development workers and members of their families.

3.8.2 Period spent in a developing country

During the period spent in the developing country, the volunteer is covered by a private insurance scheme paid for by his/her employer. If family members are not employed by the organisation they must take out a private insurance policy to cover their own medical expenses.

3.8.3 A fixed period following the worker's return

After returning to Sweden, the volunteer development worker and members of his/her family must register at the social insurance office in order to be entitled to medical cover etc.

3.9 Protection against unemployment following the worker's return

A volunteer development worker who is employed and paid by a Swedish organisation is entitled to claim protection against unemployment following his/her return to Sweden, provided that he or she has been paying ordinary insurance contributions during the stay abroad.

FINLAND

1. DEFINITION OF "VOLUNTEER DEVELOPMENT WORKERS"

Status of volunteer development workers in terms of labour law and social protection

Legislation in Finland bases social protection partly on residence and partly on employment. In the first case, it restricts social protection to persons resident in Finland. However, a person living abroad temporarily for a period of no more than one year, is also entitled to benefit from Finnish social protection provisions. A special provision based on residence applies to the specific case of volunteer development workers. The Social Insurance Institution can decide, in each individual case, to extend social protection to persons resident in Finland who have spent a number of years abroad to carry out development or missionary activities. The application must be made within two years of the applicant moving abroad.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

The Social Insurance Institute, which is an independent body under public law, is responsible for residence-based social protection. The municipal authorities are responsible for health care services. Minimum social benefits are funded by the employer and by the insured persons through their compulsory social security contributions and partly by the State and the municipal authorities.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

3.1 Risks covered

Entitlement to sickness and maternity benefits, as well as a minimum pension cover, occupational pension, family benefits and health care are social security benefits based on residence. On the other hand, occupational pensions and benefits in respect of accidents at work are employment-based social protection benefits.

A member of the family living in the same household as a person working abroad can also be covered by Finnish social protection legislation provided that he/she is not him/herself involved in gainful employment under the law of another State or that his/her circumstances, taking all other factors into account, cannot be deemed to constitute a more permanent connection with that third State than with Finland. Members of the family are spouses and children under 18, or children under 25 who are full-time students or attend a vocational training establishment. Where the development worker is in the service of the government or is working for a Finnish employer and is sent to work abroad, the mandatory provisions of Finnish pension and accident insurance legislation also apply to him/her in his/her capacity as a "development worker sent abroad".

Under occupational pension legislation, employers are responsible for ensuring that all workers whose employment has continued for an uninterrupted period of at least one month and whose earnings exceed a specified minimum amount are entitled to a pension, and they must pay the relevant contributions.

Under accident insurance law, the employer is responsible for taking out cover against accidents at work and occupational diseases. Because of their employed status, development workers are entitled to compensation for losses due to an accident at work or occupational disease and to an accident pension.

3.2 Extent of social protection

Rules for acquiring and retaining entitlement under social protection schemes for the duration of service in a developing country.

Under Finnish occupational pension law, a development worker continues to accrue pension entitlement during the period he/she is working abroad.

3.3 Responsibility for the cost of social protection

First of all the insured persons and the employers themselves are obliged to finance the minimum social benefits through their mandatory social security contributions and by the portion paid by the State and the municipal authorities. The individual insurance companies are responsible for arranging occupational pensions and accident insurance.

The Finnish State Treasury takes care of services provided by the State in the form of occupational pensions and accident insurance. These are funded from employers' contributions which are linked to the level of salary. Since the beginning of 1993, employees have also had an insurance contribution deducted from their salaries to fund occupational pension schemes.

3.4 Equal treatment of Community nationals and nationals of the country in question

Finnish nationals and nationals of other EU Member States are treated equally in terms of social protection while engaged in development activities. Nationals of other Member States are entitled to social protection on the basis of their employment relationship with any Finnish resident or Finnish employer.

3.5 Medical expenses

Development workers and members of their family falling within the scope of Finnish residence-based social security legislation are entitled to claim for the cost of health care abroad in accordance with Finnish law in respect of doctors' fees, costs resulting from examinations and medical care, medicines, dental treatment and travel expenses.

3.6 Protection against unemployment following the worker's return

Development workers are entitled to claim daily unemployment benefit on their return to Finland if their employment situation justifies this. Work carried out abroad is taken into account if they were insured in Finland during this period.

UNITED KINGDOM

1. DEFINITION OF “VOLUNTEER DEVELOPMENT WORKERS”

A volunteer development worker is defined as a person who is sent to developing countries through the intermediary of approved non-governmental organisations, whether State-aided or not, usually 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.

Status of volunteer development workers in terms of labour law and social protection

In social security terms, a volunteer development worker is classified as an “employed earner” if he/she is remunerated sufficiently well to pay Class 1 National Insurance contributions. This applies to the first 52 weeks spent outside the UK.

If the volunteer development workers is not paying Class 1 National Insurance, and in any case after the first 52 weeks outside the UK, he or she has the opportunity to be treated as a special category of “self-employed earners” by paying volunteer development worker Class 2 National Insurance (NI) contributions. The volunteer development workers Class 2 NI contribution enables volunteers to protect their rights to contributory benefits on their return to the UK.

In order to be eligible to pay Class 2 contributions, a volunteer development worker must meet the requirements laid down in social security regulations, i.e. they must have been authorised by the Secretary of State to pay volunteer development worker contributions. The person must be ordinarily resident in the UK and must be employed outside the UK.

In practice, this means that the Volunteer development worker contributions can be paid by anyone recruited by an organisation approved by the Secretary of State and sent to work in a developing country approved by the Secretary of State.

2. ORGANISATION OF SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS

The payment of volunteer development worker contributions is dealt with centrally by the Overseas Contributions Section of the Department of Social Security, based in Newcastle.

Claims to benefits are dealt with through a network of local offices by the Benefits Agency and the Employment Service Office in exactly the same way as for other benefit claimants.

2.1 Specific provisions

In 1986, the regulations concerning Contributions and Persons Abroad were changed. The effect of this is that a volunteer development worker can opt to pay a special Class 2 National Insurance contribution which will count towards entitlement to Unemployment Benefit upon the return to the UK. This contribution can be paid regardless of the level of remuneration received whilst abroad.

2.2 Recent measures and measures planned

In October 1996, the Jobseeker's Allowance replaced Unemployment Benefit and Income Support for unemployed people.

3. PRINCIPLES UNDERLYING SOCIAL PROTECTION FOR VOLUNTEER DEVELOPMENT WORKERS.

3.1 Risks covered

Payment of the special Class 2 National Insurance contributions grants entitlement to all benefits, including the basic Retirement Pension, Incapacity Benefit and the contribution-based Jobseeker's Allowance.

Payment of the special Class 2 contributions as a volunteer development worker confers entitlement not only to unemployment benefit but also to an adult dependency increase if the adult dependant in question has no earnings, or has earnings which are less than the amount of the adult dependency increase itself.

3.2 Level of social protection

The level of protection is similar to that provided for others who work and pay National Insurance. Although a volunteer development worker contribution is classified as a special Class 2 self-employed contribution it gives entitlement to the Jobseeker's Allowance, which is not normally available to self-employed workers in the UK.

3.3 Extent of social protection

Volunteers will retain entitlement to contributory benefits on return to the UK by paying the special volunteer development worker contribution each week (however, volunteers remain liable to pay Class 1 National Insurance contributions for any period during the first 52 weeks abroad if their earnings reach a specified level).

3.4 Preparatory period under contract

People who have been recruited as volunteers by an approved organisation have the right to pay the special Volunteer development worker contribution whilst preparing/training for their work abroad.

3.5 Entitlement to social protection irrespective of the level of remuneration

If, during the first 52 weeks abroad, earnings fall below the level at which Class 1 contributions are paid, a volunteer is entitled to pay a volunteer development worker contribution.

3.6 Responsibility for the cost of social protection

Legally, it is the volunteers themselves who must pay the special contributions for volunteer development workers. In practice, many organisations pay volunteer development worker contributions on behalf of their volunteers.

3.7 Equal treatment of Community nationals and nationals of the country in question

UK legislation specifies that a volunteer development worker must be ordinarily resident in the UK. Statutory provisions are not limited to UK nationals.

3.8 Medical expenses

3.8.1 Preparatory period

Volunteer development workers participating in projects organised by the EU beyond its frontiers in developing countries are eligible for exemption from charges for NHS treatment, subject to the charges laid down in the legislation in force (e.g. prescription charges). This exemption also covers spouses and dependent children.

3.8.2 Period spent in a developing country

The cost of any treatment required abroad must be covered by private insurance or the volunteer's own resources.

3.8.3 A fixed period following the worker's return

The same conditions apply as in the answer to question 3.8.1. For NHS purposes, volunteer development workers are considered to be "ordinarily resident" in the UK, and are therefore fully entitled to exemption from charges for NHS treatment. This entitlement is maintained on their return to the UK.

3.9 Protection against unemployment following the worker's return

Payment of National Insurance contributions counts towards entitlement to the contribution-based Jobseeker's Allowance on return to the UK, and so acts as insurance in the event of unemployment following the volunteer development worker's return.

Income Support and the income-based Jobseeker's Allowance are non-contributory benefits provided by the State for unemployed people. Anyone coming from abroad to the UK and wishing to claim these benefits will be required to satisfy the habitual residence test - volunteers are not exempt from this test.

CONCLUSIONS

By presenting this second report on the application of Recommendation 85/308/EEC, the Commission notes that 14 years after its adoption there are still Member States which have not adopted any special legal measures to ensure the social protection of volunteer development workers assigned to work in developing countries. In a field where the Community's powers are limited, the Council of Ministers, acting on a proposal from the Commission, managed to reach agreement on the adoption of this Recommendation, which is admittedly not a binding legal instrument, but which does have a political impact on Member States' legislation.

It was because the Council realised the major problems encountered by volunteer workers - who are frequently deprived of any form of social protection - that it wished to put an end to the kind of discrimination suffered by such people, particularly when they go to offer their services in developing countries. The problems are aggravated still further when they return to their countries of origin because they do not always satisfy the conditions for access to social protection under the various national schemes.

This Recommendation seeks to do something about this deplorable state of affairs. The Commission has paid great attention to the implementation of the Recommendation in the Member States' national legislation. There is no doubt that progress has been made in certain countries but much remains to be done in other countries, especially in the south, like Greece, Spain and Portugal. The Commission has made a great effort to obtain accurate replies from all the Member States on the measures they have taken vis-à-vis the social protection of volunteer workers.

Despite the delays and the shortcomings in certain countries' legislation with regard to the problems faced by volunteer development workers, the Commission will pursue its efforts to ensure that the principles set out in the Recommendation are taken on board and incorporated into national legislation.

This initiative forms part of a wider strategy to promote the convergence of Community policies, which was the subject of two Council Recommendations adopted in 1992, i.e.: Recommendation 441/92 on common criteria concerning sufficient resources and social assistance in the social protection systems and Recommendation 442/92 on the convergence of social protection objectives and policies.

As a follow-up to the convergence policy, the Commission launched a process of reflection on the future of social protection in the EU by presenting a Communication (COM(95) 466 final of 31 October 1995) containing some guidelines for discussion with all the parties concerned, in particular the social partners. This document triggered a very lively discussion within the Union and the Commission. In its Communication COM(97) 102 final of 12 March 1997 on modernising and improving social protection in the EU, the Commission attempted to take stock of these reactions by indicating possible routes towards modernisation and presenting a number of specific proposals for European-level support.

The problem of inadequate social protection for some categories of workers such as volunteer development workers should therefore be examined in the context of a more general discussion of the future of social protection.

The debate, involving as it does so many bodies (Governments, social partners, representatives of social protection schemes, NGOs), will make it possible to promote specific actions for a specific problem or a specific category of persons such as volunteers and to go deeper into the subject in order to try to satisfy the various needs. At a recent Forum on European social policy held in June 1998 it emerged that the reform of social protection was one of the main priorities of civil dialogue at European level. It is up to the Community bodies to pursue this dialogue, including with volunteer NGOs, in the context of the powers conferred on them by the Treaties. The Recommendation of 13 June 1985 on social protection for volunteer development workers might be a point of reference for future activities to help such categories of persons.