

This report was created for the Centre for European Volunteering (CEV) 2021 by Raj Khandaker as part of his course requirement for the Bachelor's degree of International Relations and French at the University of East Anglia. The purpose of this report is to provide a comparative analysis which compares the different legal frameworks for volunteer work across seven selected European nations. The motivation for this research is to assess whether legal barriers are making volunteering less accessible and desirable. This research will find that ultimately, legal frameworks have very little impact, if any, on the number of volunteers within any given country. However, nations with a legal framework on the promotion of volunteering are likely to have higher national volunteering rates than those who do not.

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Legal Volunteering Frameworks in Europe: A Comparative Analysis

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Introduction

The legal frameworks on volunteering in the European Union differ between the numerous Member States, and the percentage of volunteers in Europe varies significantly from country to country. According to the report on volunteering in Europe by GHK (2010), there were around 92-94 million adults in the continent involved with volunteering, equating to around 22-23% of the population aged 15 and over (p.57). Although figures may have changed since then, the fact that nearly a quarter of the European population were involved with volunteering in some capacity is significant to know, as it will help us to understand to what extent the legal volunteering frameworks impact upon the number of volunteers in Europe. According to a report from Eurobarometer (2007), Austria, the Netherlands and Denmark saw the highest percentage of volunteers within the population, whereas in contrast, Hungary, Poland and Portugal had the lowest percentage. There are likely to be several factors behind the high and low percentage of volunteers respectively. In the UK alone, having work commitments was the biggest barrier to volunteering among 49% of the survey participants, whilst having other things to do in ones spare time and childcare commitments rounded off the top three reasons ("Motivations and barriers to volunteering", 2020). However, little research has been conducted into the extent legal frameworks impact upon the percentage of people who volunteer. The purpose of this comparative analysis is therefore to analyse and compare the different legal frameworks in the aforementioned

countries, as well as the United Kingdom and France. The reason for choosing these countries is to assess whether there are any legal barriers that make volunteering less accessible and desirable in nations with the lowest volunteer percentage, and conversely, whether the legal frameworks in states with the highest percentage of volunteers are slightly more relaxed, allowing for more people to take on voluntary work. In doing this, there may also be scope to add suggestions to improving the frameworks, which could increase volunteer numbers in the countries where there are fewer adults doing voluntary work. Because there are many countries to analyse, this analysis will provide a general overview of the different legal frameworks, highlighting any key similarities and differences between each one, as opposed to going in depth with the details of said frameworks. The end goal of this project is to come up with key similarities and differences that should be considered when thinking about volunteering in one of these countries.

General overview of the legal frameworks

Austria

In Austria, volunteering is split into two different classifications: formal and informal. Oberbauer & Lesky (2012) define them as "...the former being performed with non-profit organisations, and the latter on a private basis (e.g. mainly neighbourhood help)" (p.20). According to statistics from Oberbauer & Lesky (2012), around 1.9 million Austrians were involved in volunteering with a non-profit organisation, with 32.4% of 40-49 year olds making up the numbers in particular (p.21). With the population at just under 8.5 million in October 2012 ("Bevölkerung zu Jahres-/Quartalsanfang", 2021), this would equate to just

over 22% of the population, which is in line with the European average as mentioned earlier. However, this does not also consider the number of ‘informal’ volunteers in Austria, which is harder to quantify since there is a much looser definition of what could be considered as ‘informal volunteering’, meaning that in all probability, the percentage of volunteers in Austria is much higher than the European average. In July 2012, a new law came into effect specifically on the topic of volunteering, which provided a new framework for voluntary work in the nation, including paragraphs on the promotion of volunteering. Although more recent data is yet to be found on volunteering numbers, if figures remain relatively similar to 2012, then it is unlikely that any new legislation would have had a significant impact on the number of volunteers in Austria.

Denmark

In Danish law, organisations must meet criteria in order to be considered as ‘voluntary’. According to Ibsen & Habermann (2005), organisations only become considered as voluntary if “membership, participation or financial support is voluntary for the individual... at least half of the boards [sic] directors are to be volunteers... [and] there is some element of voluntary action in the organization [sic] or activities in the organization [sic], or in the board” (p.14). Legislation is also in place to ensure that any non-profit organisation who wish to receive funding from the public must have a registration number (known as a ‘CVR-Nummer’) and a NemKonto account, which is a bank account used for money transfers from the public sector (Hjære, 2012, p.116). Although a seemingly stringent process for registering as a charitable organisation, Denmark still boasted a relatively high percentage of

volunteers in relation to the overall population in 2004, with a figure of 35% (Hjære, 2012, p.114). Although more recent figures could not be found, such a statistic would suggest that any impact on volunteering posed by the legal framework in Denmark is likely to be negligible.

France

In France, volunteering is divided into two categories: ‘le volontariat’ and ‘le bénévolat’. Similar to the classifications in Austria, the former is more official, with a defined legal framework, whereas the latter is more informal and does not have any laws specific to this type of volunteer work (European Volunteer Centre, 2020a, p.1). Statistics published by France Bénévolat & IFOP (2019, p.3) show that around 20 million citizens in France (around 38% of the overall population) are self-declared volunteers, be it for an official non-profit organisation (as a ‘volontariat’) or otherwise informally (as a ‘bénévolat’). However, only about a quarter of these volunteers undertake informal voluntary work (European Volunteer Centre, 2020a, p.2), with the rest being involved with a non-profit organisation of some kind. As previously stated, voluntary work in the ‘volontariat’ category is regulated under specific French legislation. According to the report by the European Volunteer Centre (2020a), “Specific laws offer volontaires some rights and obligations, as well as requirements for undertaking “volontariat”. This is because “volontariat” takes place within specific structures, such as the civil and fire services, where volontaires are party to a contract and receive remuneration for their work” (p.3). As a result, it is difficult to avoid the conclusion

that the lack of a legal framework on informal volunteering may not be a significant factor behind the relatively high volunteer percentage in the country.

Hungary

According to a report by the European Volunteer Centre (2020b), “volunteering [by Hungarian law] is defined by principles or cumulative conditions that need to be met by an activity; namely to be based on free will, carried out outside of one’s family or circle of close friends, without remuneration or financial gain and to serve the public interest, done for a community cause and not for individual interest” (p.3). Unlike most legislation in other European countries, it does not distinguish between formal and informal volunteering, which could suggest that any legal frameworks in Hungary on volunteering are relatively vague and lenient. Statistics from the Hungarian Central Statistical Office, however, found that only 5% of adults in Hungary were involved in volunteering (European Volunteer Centre, 2020b, p.3). There could be a plethora of reasons behind such a low figure, however one significant reason could be behind the Hungarian government’s historical reluctance to take volunteering seriously. Only in 2002 did the government begin drafting legislation on volunteering, after prolonged lobbying by Önkéntes Központ Alapítvány, a voluntary organisation. Even though there was clear demand by some organisations, it would appear that ÖKA simply represented a vocal minority, and that any updates to the legal framework since then would have had a negligible impact on increasing the number of volunteers.

The Netherlands

There are three levels of support provided to non-profit volunteer organisations and volunteers themselves: locally, regionally, and nationally. The first two receive support from volunteer centres and support centres respectively, whereas MOVISIE, which is the centre for social development in the Netherlands, provides support for the latter (Boss & Daru, 2012, p.289). According to the report by Boss & Daru (2012), around 45% of the Dutch population are involved in voluntary work, with the highest proportion of volunteers being in the 35-44 age category (p.290). Perhaps it therefore comes as little surprise that there is not much legal regulation surrounding voluntary work in the Netherlands, which could make volunteering more accessible. However, the lack of a legal framework on volunteering could also be equally disadvantageous, especially to volunteers, as Boss & Daru (2012) write “...there are no specific laws in the Netherlands that provide insurance or take on responsibility for accidents involving volunteers. The Netherlands does have an extensive social insurance system. In general, when something happens to you, you are insured. But as this usually works through paid employment, volunteers are not covered by this social insurance” (p.292). Therefore, it could either be argued that the lack of a legal framework is effective at making volunteering accessible, or that the lack of protection typically offered by legislation is simply not enough to deter potential volunteers.

Poland

There is little data to be found on the number of people involved in volunteering in Poland. However, legal frameworks on volunteering do exist in the country, and serve to insure and protect volunteers whilst carrying out their duties. In 2012, when most recent statistics were published, there were around 130,000 organisations, ranging from trade unions to religious organisations. Research found only a quarter of them employed paid staff, with the remaining workforce consisting of volunteers (Rustecki, Bal & Czerwińska, 2012, p.307). Despite the seemingly heavy reliance on volunteers in Poland, the actual percentage of people that undertook some form of volunteering was relatively low. In 2011, just 14.5% of Poles said that they were involved in some form of voluntary work (Rustecki, Bal & Czerwińska, 2012, p.308). Polish legislation defines volunteering as someone who provides services voluntarily without any form of payment, and further stipulations also outline the requirement for adequate qualification in order to be permitted to carry out the respective tasks (Rustecki, Bal & Czerwińska, 2012, p.309). While the legal obligation of obtaining qualifications may be a barrier to some, tertiary education attainment in Poland (equivalent to A-Levels and BTEC in the UK) had actually increased around the time of publication, from just 11% in 2000 to 25% in 2012 (OECD, 2014, p.1). Because of this, it seems unlikely that the legal framework would have had much of an impact on the number of volunteers, especially when considering that fact that other reasons have been given by non-volunteering Poles. Rustecki, Bal & Czerwińska. (2012) outline these other reasons in further depth, writing:

Based on 2010 research most of people not involved in volunteering explain it by the lack of time (49%) or by the fact that they have never thought about it. Other given explanations are: nobody asked me to do it, I have to take care of

my family first or I am not capable to be a volunteer. I don't have time is the reason provided by most of the respondents... (p.308).

Portugal

Portuguese legislation is very clear on the definition of a volunteer. Chambel & Amaro (2012) describe the definition as "...an individual performing volunteer activities in an organised setting, out of his/her will, in an unselfish and responsible manner, according to his/her qualification and during his/her leisure time" (p.325). There is a defined legal framework specifically surrounding volunteering, which includes promoting equal volunteering opportunities for all. However, it was not until 1999 when the first official volunteering body, namely the National Council for the Promotion of Volunteering (hereafter the CNPV), was created (Chambel & Amaro, 2012, p.327). Since then, the CNPV has been responsible for promoting voluntary work. However, despite the seemingly flexible legislation, the percentage of volunteers in the country are relatively low. In 2012, just 11.5% of Portuguese citizens aged 15 and above were involved in volunteering, equating to around 1,040,000 people (Haddock, 2013). This could possibly show that the legal frameworks in Portugal, which appear to be fairly relaxed, are not responsible for the low volunteer numbers. One possible explanation could be due to the heavy religious influence behind charity work, as suggested by Chambel & Amaro (2012, p.326). Since secularism has been on the increase in Portugal for many decades, especially since the Portuguese Constitution of 1976 which separated the Church from the State, religion has had less of an influence in Portuguese culture, which in turn, may explain the low percentage of volunteers, as opposed to the legal frameworks.

United Kingdom (England)

For the purpose of this analysis, this report will focus specifically on volunteering in England. According to Ockenden & Strickland (2012), 25% of the English population were involved in regular formal volunteering in 2009-10 (p.404). Although these statistics are outdated, it still provides a useful insight into seeing whether the legal framework on volunteering in England at the time had any influence over Briton's decisions to volunteer or not. Ockenden & Strickland (2012) state that although there are no laws which give volunteers special legal status, there are several key pieces of legislation which have had important ramifications for volunteering in England. These include *The Police Act 1997*, *National Minimum Wage Act 1998* and the *Safeguarding Vulnerable Groups Act 2006*. *The Police Act 1997* saw the introduction of the Criminal Records Bureau (CRB), which enabled employers to check for previous convictions when hiring someone. As a result, this became mandatory for any volunteers wishing to work with children and vulnerable adults. The *National Minimum Wage Act 1998* recognised volunteers as a new type of employee, meaning that although they would be exempt from receiving the minimum wage, they could still be entitled to some financial support for their living expenses. Finally, the *Safeguarding Vulnerable Groups Act 2006* strengthened CRB checks for those wishing to work with vulnerable people, after the murders of Jessica Chapman and Holly Wells by school caretaker Ian Huntley in 2002 (pp.405-406). Although the legal framework on volunteering in England seems stringent, it does not appear to have deterred people from volunteering, regardless of which capacity they work in.

Key similarities in legal frameworks

This section of the comparative analysis will focus on the key similarities between the countries focused upon in this report, by amalgamating the general overview of each nation's legal frameworks on volunteering.

The focus on volunteer welfare and promotion

Upon analysing each legal framework, a common theme among many nations is their emphasis on promoting volunteer welfare. The United Kingdom introduced several key pieces of legislation in the 1990s and 2000s, one of which entitled volunteers to receiving some form of financial support, more specifically with any living costs incurred whilst carrying out voluntary work (*National Minimum Wage Act 1998*). Polish legislation also seeks to offer rights, protections and insurances to volunteers in the country, as Rustecki, Bal & Czerwińska (2012) write that “The Law regulates the principles of volunteer employment, insurance, reimbursement of expenses incurred in connection with performing volunteer work, and the scope of powers” (p.307). In France, those classed as a ‘volontariat’ are subject to certain rights and protections under French legislation, although this does not extend to anyone classed as a ‘bénévolat’. Only the Netherlands lack any legal framework

which puts an emphasis on volunteer welfare. However, despite this, they still have a relatively high volunteer percentage. Perhaps it could therefore be argued that, since voluntary work is done of the volunteer's own accord (as opposed to working for money), they would be more willing to sacrifice a bit more of their security for the benefit of being able to carry out the work they do. However, since very little data exists on this topic, this theory must be regarded as simple conjecture.

As well as focusing on volunteer welfare, many legal frameworks also focus on the promotion of volunteering in their respective countries. In Austria, a new law came into effect in July 2012, which contained chapters on the promotion of volunteering, which was supported by the Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection (Oberbauer & Lesky, 2012, p.22). Chambel & Amaro (2012) write that “[in] 1998 (through Law no 71/98, 3 November) the basic legal framework for volunteering was published, with the aim to promote and ensure the equal participation of all citizens in volunteering [in Portugal]” (p.327). In Denmark, there is a law known as the Social Service Act (known locally as Lov om Social Service §18), which aims to “...improve the interaction between voluntary social work and local authorities [and] to make voluntary work more visible in local communities...” (Hjære, 2012, p.116). Through increasing awareness of voluntary work, the demand of volunteer services will increase, which in turn will require more volunteers. From this point of view, it would make sense that countries with the highest percentage of volunteers have legal frameworks surrounding the promotion of volunteering. Given that Hungary, which has one of the lowest percentages of adult

volunteers among other European countries, only began implementing a legal framework on volunteering in 2002, this would appear to be the case. However, the specific contents of the framework could not be found, so it is currently unclear whether there are any laws on the promotion of volunteering there.

Key differences in legal frameworks

This section of the comparative analysis will focus upon the key differences in legal frameworks between the countries studied in this analysis.

Overall depth and themes of the frameworks

One very noticeable difference is the overall depth and content of the legal volunteering frameworks. For instance, the Netherlands has very few laws on volunteering, and by extension, volunteer welfare. On the contrary, the United Kingdom and Denmark appear to have some of the most stringent legal frameworks among the eight countries studied in this comparative analysis. Yet, despite the variation in depth, the Netherlands and Denmark rank among the highest in terms of percentage of volunteers in their respective countries. Perhaps this could suggest that the vigorousness of a legal framework, or lack thereof, is not a significant factor behind the percentage of volunteers. However, it is important to consider whether this is also the case for low percentage nations. Both Poland and Portugal have a defined legal framework on volunteering, which although somewhat vague, still is more in depth than the Netherlands, for example. In spite of this however, volunteer numbers are

low, which could further strengthen the argument that legal frameworks do not have much of an impact on volunteer numbers. Another key difference is that the themes of the legal frameworks surrounding volunteering differ from nation to nation. For instance, Danish law focuses more on companies wanting to register as a charity, in order to be entitled to public funding, whereas Polish legislation puts more of an emphasis on volunteer welfare and protection. This would be a limiting factor in making comparisons between the eight countries, as it is harder to compare them when their themes are not the same.

Conclusion

In conclusion, it is clear to see that there are noticeable similarities and differences between the legal frameworks in each of the eight countries studied here. Upon researching the various legislations between them, it would appear that the legal frameworks have very little impact, if any, on the number of volunteers within any given country. For instance, as mentioned previously, both the Netherlands and Denmark have among the highest percentage of volunteers among their populations, yet the differences in their legislation on volunteering are vast. On the one hand, Danish law requires a stringent procedure in order organisations to be classed as non-profit, whereas in contrast, legislation on volunteering and volunteers (at the time of writing) does not even exist. To come up with suggestions for adjusting the legal frameworks in order to increase the number of people doing voluntary work would therefore likely produce negligible results, if any at all. That being said, it appears that nations with a legal framework on the promotion of volunteering tend to have a higher volunteer percentage than those who do not.

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