

THE EUROPEAN VOLUNTEER CENTRE
The Voice for Volunteering in Europe



CENTRE EUROPEEN DU VOLONTARIAT
Le Porte-Parole du Volontariat en Europe

AVSO *Association of
Voluntary Service
Organisations*

COUNTRY REPORT ON THE LEGAL STATUS OF VOLUNTEERS IN FRANCE

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INDEX

- Introduction:

- 1. Concept of Voluntary Work in France

- 2. Volunteerism and the Law

- 3. Reimbursement of Expenses

- 4. Recognition, Facilitation

- 5. Welfare Protection of Volunteers

- 6. Volunteering Abroad
 - Laws
 - Reimbursement
 - Welfare Protection

- 7. Foreign Volunteers in France

- 8. Governmental Action for Promotion – From the Past to the Future

- 9. Final Remarks, Overview and Recommendations

- 10. Contacts

- 11. Further Information, Copyright, CEV and AVSO Contact

GENERAL DEFINITIONS OF VOLUNTEERISM

VOLUNTEERISM: refers to all forms of voluntary activity, whether formal or informal, full-time or part-time, at home or abroad. It is undertaken at a person's own free will, choice and motivation, and is without concern for financial gain. It benefits the individual volunteer, communities and society as a whole. It is also a vehicle for individuals and associations to address human, social or environmental needs and concerns. Formal voluntary activities add value, but do not replace professional, paid employees.

VOLUNTEERING: can occur informally (for example neighbourly "helping-out") or within the structures of a non-profit organisation. It is often (but not always) of a part-time nature. It may occur over one day or many years in a range of different fields. It is good practice to ensure that formal volunteers are covered by appropriate accident, health-care and third party liability insurance, that they receive appropriate training and management, as well as the reimbursement of all out-of-pocket expenses.

FULL-TIME VOLUNTARY SERVICE: refers to specific, full-time project-based voluntary activities that are carried out on a continuous basis for a limited period of time. Voluntary-service activities may occur at home and abroad. It is good practice to ensure voluntary service volunteers are afforded appropriate social protection, such as accident, health-care and third party liability insurance. Volunteers should also receive appropriate training and management, reimbursement of out-of-pocket expenses as well as appropriate accommodation and subsistence allowances as agreed between the volunteer and the non-profit organisation.

Background to the Project

This is one of a series of 'country-reports' produced by the Association of Voluntary Service Organisations (AVSO) and the European Volunteer Centre (CEV). They aim to provide comprehensive and practical information on volunteers and the law in a number of current and future European Union Member States.

Each country report explores, in a standardised format, some of the key questions that face volunteers and volunteer-involving organisations in relation to their legal positions.

Important: the information contained in each country report is subject to the resources and quality of information available. It is also subject to frequent change.

If you wish to comment on any of the country reports or contribute to their annual updates, CEV and AVSO would be delighted to hear from you.

ACKNOWLEDGEMENTS

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1. Concept of Voluntary Work in France

The terms “*bénévolat*” (Volunteering) and “*volontariat*” (*Full time voluntary service*) are both used in France to describe voluntary activity. Non-profit organisations and associations generally have their own traditions regarding the use of these terms. Some consider that “*bénévolat*” and “*volontariat*” refer to specific forms of voluntary engagement, while others use the two terms inter-changeably.

Officially, the two terms are defined as follows:

Volunteering (bénévolat) is supported and promoted as the free engagement of the individual citizen for non-remunerated purposes, outside the framework of family, school, professional or legal relations and obligations. “*Bénévolat*” is characterised as a non-professional activity because anyone may do it irrespective of age, competencies etc., and because no remuneration is offered to the individual.

Full-time voluntary service (volontariat) is the engagement of the citizen of a more formal nature (for example, through the structures of a non-profit organisation). It was a specific duration and some form of professional training is usually involved. “*Volontariat*” however, poses a distinct set of “difficulties” in France. These include the rights (or not) of volunteers to receive certain indemnities and advantages during the period of their engagement, certain social protection for example pension rights etc. In this context, only certain forms of *volontariat* are recognised and covered by any specific legal framework in France.

For both kinds of services volunteers must be over 18 years old.

2. Volunteerism and the Law

The Circulaire D.S.S./DIES n°308 of July 2004 concerns Civic service (cohesion sociale and solidarité)

The *French Association Law of 1901* (“*loi du 1er juillet 1901 relative au contrat d’association*”) established the legal basis for the creation of “associations”. The law does not state how an association should be organised, but does give citizens the fundamental freedom to set up associations for purposes other than the sharing of profits (financial profits). Within the law, the voluntary engagement of individual citizens is promoted for its social benefit, and associations are exempt from commercial taxes insofar as they have a “*gestion désintéressée*”. Volunteers traditionally assumed managerial functions, such as the Presidency, Treasurer, General-Secretary etc. However, these functions may now be remunerated to certain limits.

Since the first law in 2000 (in the field of youth and sports), followed by a law adopted in January 2002 (any field of activity), voluntary work may be considered as a professional experience in a training and educational perspective. One may assess this voluntary experience for passing part or the totality of a diploma or having access to vocational training.

A) Specific Measures in Relation to Volunteering (benevolat)

1. National Council of Associative Life

The *National Council of Associative Life* was established in 1983 (*Conseil National de la Vie Associative – CNVA*). As a governmental consultative council, the CNVA makes proposals in order to develop associative life, and has taken measures to facilitate, develop and protect individuals' engagement in "bénévolat", for example the training of bénévoles, granting of time-off from work for the purpose of representation within non-profit organisations, information and expertise networks, fiscal social protection measures, recognition of voluntary work and the competences acquired for the purpose of obtaining professional diplomas.

2. Volunteer Employees Under The French Law Of 7 August 1991: Special "Representation Days Off" for Volunteers (Bénévoles)

In order to facilitate the participation of volunteers (bénévoles) in official councils where associations are called to work with the public authorities, the *Law of 7 August 1991 (Loi "relative au congé de représentation en faveur des associations et des mutuelles et au contrôle des comptes des organismes faisant appel à la générosité publique")* was created. It provides the legal framework allowing employees to take up to nine days off per year for this function, which can be divided into half-days. The employer should give these free days but is not obliged to pay the employee for the time s/he is away from their normal employment duties. For the hours that the employer does not pay for, the associative representative receives a standard grant.

This measure concerns mostly employees working within large firms. Employees must ask their employers at least 15 days in advance in order to get the authorization to take days off for this issue. The employer can deny authorisation if s/he considers it is prejudicial for the company, however reasons must be given by the employer for this refusal. In addition, the employee must be notified within four days of submission of the request whether permission has been granted.

B) Specific Measures in Relation to Full time Voluntary Service (Volontariat)

As stated before, only some forms of "volontariat" are officially recognised in France. These are:

1. Voluntary civil service (volontariat civil);
2. Volunteer firemen and military;
3. Volunteers for international solidarity (See volunteering abroad). Specific legal frameworks apply to these categories of volunteer, which are looked at below in turn.

1. The Law Nr 2000-242 Of 14 March 2000 On “Voluntary Civil Service” (Volontariat Civil), concerning Civil Volunteers as established in Article L. 111-2 of the Code of National Service and the Different Measures Relating to the Reform of the National Service

The Law on Voluntary Civil Service or 'Volontariat Civil' (Loi no 2000-242 du 14 mars 2000 “relative aux volontariats civils institués par l'article L. 111-2 du Code du Service National et à diverses mesures relatives à la réforme du service national”) gives French, EU or EEA Nationals the opportunity to volunteer for periods of between 6 and 24 months. It was followed by the Regulation of 27 December 2002 in relation to civil volunteering, social cohesion and solidarity (Arrêté du 27 décembre 2002 « relatif au volontariat civil, de cohésion social et de solidarité »).

“Civil volunteers” as they are known, fall under the authority of the relevant state authority (for example the Ministry, Embassy of France, Prefecture of France). This authority then completes all the necessary paperwork with the body that is hosting the volunteer (organisation, business...). Volunteers receive an indemnity of €564 per month exempt from taxation and social security contributions, as well as insurance for health care (December 2002). They are entitled to 2,5 days holiday per month (as employees) and the length of time spent volunteering is taken into account in relation to pension entitlements. These costs are met by the host organisation, which may then apply to the French State for reimbursements in relation to the money paid for the social protection of the volunteer. The period of time spent volunteering may also contribute towards obtaining certain further education certificates or professional titles.

2.1 Volunteering Within The Fire Brigade (1996)

Around 85% of the firemen within the French Fire Service are volunteers, which amounts to a figure of some 203 000 out of a total of around 240, 000 firemen (2002). In 1996, just over 900 people conscripted for national service were extra firemen over 10 months, yet since 2001 civil volunteers have almost entirely replaced these people (131 in 2001). Civil volunteers in this field differ from volunteer fireman in that their volunteer activities are carried out full-time over a specified period of 6-24 months.

Since 1996, firemen have a recognised legal status (*loi no 96-370 du 3 mai 1996 «relative au développement du volontariat dans les corps de sapeurs-pompiers »*). Firemen receive financial “compensation” of between €6.66 and €10.01 per hour while they are “on the job” or participating in any necessary training. They also receive an annual allowance of €306,15 once they have completed 20 years of fire service.

The work of the “sapeurs pompiers volontaires” (volunteer fireman in France) is essentially one to guarantee equality before the emergency services, particularly in rural areas. The law states that volunteer fireman must volunteer on a part-time basis only, in addition to a professional employment or studies.

The *Decree of 1999 (Décret du 21 décembre 1999 “relatif aux sapeurs pompiers”)* completes the legal framework.

2.2 Volunteering Within the Military

In 1996, France abolished its obligatory military service for young men, and in 1997 established an alternative structure to support the full-time voluntary service of young women and men (aged between 18 and 28) in three separate areas:

2.2.1 Civil defence and security;

2.2.2 Social cohesion and solidarity;

2.2.3 International co-operation and humanitarian aid. (See volunteering abroad)

2.2.1 Civil Volunteering in the Field of Civil Defence and Security (Volontariat Civil Dans Le Domaine de le Prévention, de la Sécurité, et de la Défense Civil)

Volunteering in the army is open to all young people between 18 and 26 for periods of between one and five years. More than 14, 000 volunteers (a fifth of which are women) formed part of the armies, largely part of the Gendarmerie (la Gendarmerie), in 2001. Volunteers in this context receive board and lodging and a monthly indemnity of between €694 and €821 per month (January 2003).

Note:

The “adapted military service” (service militaire adapté - SMA) was established in the 1960s to facilitate the social and professional integration of young people from the French overseas departments and territories. Youngsters obtain professional training in a military environment and officially recognised as military volunteers.

In the army, the Ministry for Defence has conceived of specific missions to offer youngsters between 18 and 28 years. For overseas civil volunteers, the “VIE – Volontariat International en Entreprise” has been more promoted by the Ministry for Foreign Trade.

For further information, see the site of the Ministère de l’Outre-Mer:

<http://www.outre-mer.gouv.fr/outremer/front>

2.2.2 Volunteering for Social Cohesion and Solidarity in France (Le Volontariat de Cohésion Sociale et de la Solidarité En France Métropolitaine)

In the framework of the civil volunteer programmes created after the abolition of compulsory military service in France, the country has developed a volunteer programme for social cohesion and solidarity. It is the only civil volunteer programme that really concerns non-profit organisations in France, and the only programme in which any young person, irrespective of formal qualifications and competences can take part. The difficulty is however, that the term, “civil volunteer” in France conjures up images of “full-time and long-term”. This programme instead offers a more flexible engagement for young people. The issues of financing this programme have not been

resolved. The cost of a civil volunteer for many organisations in France is just too high without any accompanying financial measures offered by the State. These “volontariats civils” in France will begin in the autumn of 2003, the “circulaire” stating the working modalities of the programme was published in September 2003.

3. Reimbursement of Expenses

Voluntary Civil Service

Those performing voluntary civil service are, according to Law n°2000-242 of 14 March 2000 on Civil Volunteers, entitled to receive a fixed monthly allowance exempt from any form of tax or social security contribution. A Decree fixes the sum of this monthly allowance, which cannot exceed 50% of the remuneration inherent to the brut index 244 of public function. The law also foresees a complementary allowance in-kind (lodging, food, local transportation etc.) free from taxation. Civil volunteers must also be provided with an equipment allowance to meet the needs of their mission. The volunteers' travel and expatriation costs are also reimbursed.

Civil volunteers are covered in case of illness, maternity or inability under the general regime of social security. In cases of accident or illness occurring whilst volunteering, provisions from the IV book from the “Social Security Code” are applied.

Those who volunteer for recognised international development volunteer programmes are also awarded special coverage, in particular in relation to coverage by the “mutual society” “société mutuelle”. They are also awarded a payment upon return to help them “reintegrate” into French society.

4. Recognition, Facilitation

There are no academic credits directly linked to volunteering but voluntary experience may be considered as a training period in specific courses (such as initial or vocational training courses for social workers or as part of a diploma). No official ID card for volunteers exists nor an official certification from the government. This might be offered by the organisation but varies from case to case.

In the perspective of recognition and facilitation of volunteering, a European project under the Leonardo da Vinci programme initiated and directed by Iriv and covering 7 countries (France, Germany, Austria, Italy, Hungary, Poland and the United Kingdom) is meant to “Assess voluntary experience in a professional perspective”. Methods and tools are presently being experimented within the countries and should be available in 2006 (for further information, please see: www.eEuropeassociations.net)

5. Welfare Protection of Volunteers

Volunteerism, Unemployment Benefits and Pensions

Those who are unemployed and in receipt of unemployment welfare benefits are permitted to volunteer provided that two conditions are met. Firstly, the voluntary activity should not replace a paid job. Secondly, the volunteer must show that they are still dedicating most of their time their job search. This is essential: the volunteer must prove that his/her time spent volunteering does not prevent him/her from looking for and/or finding a job.

Should a person contribute as a civil volunteer for at least six months, this time is taken into account in order to calculate pension entitlements. Otherwise, volunteers do not enjoy any pension entitlements and must make the necessary contributions themselves.

Insurance of Volunteers

Under the *Law of 27 January 1999 (loi de 27 janvier 1999 “relatif a l'assurance des bénévoles dans le cadre de leurs activités associatives”)*, organisations are obliged to insure their volunteers against accidents or illness resulting from the performance of the voluntary activity. This law creates a collective liability.

6. Volunteering Abroad

1. Decree of 15 March 1986 On “Voluntary Organisations And Volunteers For Development” and Decree of 30 January 1995 on “Volunteers And Volunteer Associations For International Solidarity”

Since the 1960s, non-profit organisations in France have been sending volunteers overseas for the purpose of international development and humanitarian assistance. The *Decree of 15 March 1986 on “Voluntary Organisations and Volunteers for Development” (Décret du 15 mars 1986 “relatif aux associations de volontariat et aux volontaires pour le développement”)* however, brought the first official recognition of “volontariat” and of volunteers’ rights, particularly in terms of their social protection.

The Decree was later updated by the *1995 Decree on “Volunteers and Volunteer Associations for International Solidarity” (Décret du 30 janvier 1995, “relatif aux volontaires et aux associations de volontariat pour la solidarité internationale”)*.

Around 26 French organisations are officially recognised by the French Ministry of Foreign Affairs in the framework of the 1995 Decree. Following careful recruitment, selection and training process (around 2,000 volunteers are supported each year), volunteers are sent overseas for a period of an average of two years. They are mainly sent to countries in Africa, but also to Asia, South America, the Middle East and to Central and Eastern Europe. The decree defines the indemnities that must be guaranteed by organisations to volunteers and also guarantees financial assistance from the State. While in the field, volunteers receive a subsistence allowance, accommodation, board and coverage for illness, maternity, invalidity, death, and accident at “work”, illness, old age and repatriation. On their return, volunteers receive support to help facilitate their reintegration at home.

The 1995 Decree and its four regulations (Arrêtés) of 2 May 1996 developing its contents can be found at: <http://www.legifrance.gouv.fr/>

Alternatively, visit CLONG-Volontariat - Comité de Liaison des organisations Non Gouvernementales de Volontariat: www.coordinationsud.org

2. Overseas Civil Volunteers in the Field of International Cooperation

Important measures have been taken by the French state to encourage well-qualified young people to volunteer as civil volunteers in a foreign country (European countries included). CIVI (International Civil Volunteering) was created jointly by the French Ministry of Foreign Affairs, Ministry of Economy, Finance and Industry, Secretary of State for External Commerce and UBIFRANCE (the agency for the international development of businesses). It promotes volunteering as an international professional training experience and an expression of solidarity. Around 5,000 posts are open in total within different structures, such as Cultural and Research Institutes. Volunteers are awarded a monthly indemnity of between €1,100 and €3,100 (December 2002).

The objectives of the programme are clear: to reinforce the economic, social, scientific and cultural development of France while facilitating the mobility and access to the labour market of young people. However, the programme has generated some tensions. Some consider the programme is not in fact volunteering but instead a remunerated overseas training period for young people and an opportunity for French businesses overseas to gain skilled young people at a fraction of the cost.

For further information, see: www.civiweb.com

3. Volunteer Technical Assistance to the French Overseas Departments and Territories (le volontariat à l'aide technique dans les DOM-TOM)

Created in 2001 to replace the 'service of technical assistance', ('le service de l'aide technique'), this volunteer programme is intended to offer specialised technical assistance to the French Overseas Departments and Territories (DOM OCT). It concerns highly qualified young people in the fields of science, economics, administration, sanitation, society, education and culture.

7. Foreign Volunteers in France

Volunteers and Resident Permits

European Union and European Economic Area citizens are permitted to volunteer in France, but they need a residence permit if they are staying for more than 3 months.

Volunteers and Visas

For the volunteers coming from the European Union, no visa is required; there are also other countries in Europe (such as Switzerland or Norway...) for which no specific visa is demanded either.

Volunteers coming from countries outside the European Union or the European Economic Area may need to present a visa in order to be able to go to France to volunteer. Different rules are applied to nationals from different countries. Usually there is a need of a visa if you stay longer than 90 days.

Asylum seekers and refugees can volunteer without restriction in the same way as all other citizens.

With the UFCV, a national organisation in France working in the education and leisure field for youngsters and promoting social, educational and cultural activities, Iriv has just answered a call for proposal under the Youth programme entitled "Vyve: Visa for Youth Volunteering in Europe". The main aim should be to propose some kind of visa for any volunteer willing to spend some days or weeks on a voluntary service abroad.

8. Governmental Action for Promotion – From the Past to the Future

1983: National Council for Associative Life ("Conseil National de la Vie Associative")

In 1983, the National Council for Associative Life ("Conseil National de la Vie Associative") was created as an advisory body to the French Prime Minister on issues concerning associations. The Council is made up of representatives of various associations, appointed by the different ministries depending on the sector. As mentioned at the beginning of this paper, the National Council for Associative Life has presented the national government with a range of suggestions on the support for and the promotion of volunteering. These measures have included fiscal incentives, support for sabbatical leave during one's working life, accumulation of retirement credits through volunteer work, credit for volunteer work in secondary and higher education studies, and of course, a significant increase in the national fund for the development of the associative life (FNDVA - fonds nationaux pour le développement de la vie associative) as well as the creation of other similar funds in each region of France.

1999: “Assises Nationales de la Vie Associative”

In February 1999, the government of France organised a national conference entitled “Assises Nationales de la Vie Associative.” Around 3,000 representatives of associations, academics, government agencies and parliamentarians from all over the country attended it. All major issues relating to the voluntary sector, volunteering, and the measures needed to stimulate them were discussed. However up until (2003), except for two or three minor measures in relation to volunteering in the youth and sports domains (credits awarded towards diplomas), and some free time given to civil servants to attend board meetings of certain associations, nothing concrete has emerged from these discussions.

2000:

In 2000, the Guide for Volunteers edited by the Ministry for Youth and Sports stood for the legal and administrative framework of voluntary work.

2001: French-German Declaration on Civil Voluntary Service

In order to strengthen bilateral co-operation between France and Germany, both countries signed a joint Declaration to promote trans national civil voluntary service during a Summit in Vittel, France on 10 November 2001 (*“déclaration sur le volontariat civil”*). The objective of the Declaration is to open up new youth volunteer exchange opportunities, using French and German laws on civil voluntary service already in place: the 2000 French Law on Civil Voluntary Service and the German Law for a Social or Ecological Voluntary Service Year. The scheme is also open to young people from other European Union Member States.

From the German perspective, conscientious objectors may serve in a recognised voluntary service organisation in France, which is involved in the promotion of social cohesion and solidarity or in the field of international development and humanitarian aid. On presentation to the German authorities of a certificate as proof of voluntary service undertaken in France, volunteers are exempt from carrying out civil service in Germany (Article 14b of the Civil Service Law).

However, it is difficult to predict the practical impact of this Declaration. The legal frameworks for civil voluntary service in France and Germany are very different, and there would seem to be many practical and administrative obstacles to its implementation.

2002:

In 2002, the programme “Envie d’agir” launched by the Ministry for Youth, Education and Research was meant to promote involvement among youngsters.

2003 Youth Policies: Promoting Youth Volunteering in Holiday and Leisure Centres

The objective of the Youth 2003 programme is to facilitate, promote and support young peoples' volunteering in holiday and leisure centres. This activity is believed to enhance the integration and equality of young people and stimulate initiative and creativity. The policy aims at a more "rounded" view of education by taking into account not just formal school time but also social and leisure activities.

The national youth policy has four main objectives:

1. To protect and to offer educative and qualitative leisure;
2. To inform and to orient;
3. To encourage participation and responsibilities in young people;
4. To stimulate new youth initiatives and projects.

In 2003, the creation and development of new youth organisations and associations will be encouraged and supported by the state (via credits from the FNDVA). In addition, organisations and associations will be invited to facilitate greater participation of young people in their work and to encourage them to take on greater responsibilities.

For further information, see:

<http://www.education.gouv.fr/presse/2003/engagement/enviedagirdp.htm#3>

2005 - ...

The latter governmental actions for promoting voluntary activities concern mainly the reward for volunteers: how to thank them for their involvement and thus improve citizenship.

There is the perspective of a Conference for associations in September 2005. A working group is working currently on the recognition of volunteering that takes into account all forms of official recognition: assessing voluntary experiences (for a certificate or diploma), rewarding volunteers (medals, special day or week), training volunteers (more funds dedicated to the training of volunteers).

Moreover, a Law is being discussed at the Parliament on a specific contract of "Volontariat associatif" open not only to youngsters but also to anyone wishing to dedicate some months to a voluntary experience. It has been proposed by the Ministry for Youth, Sports and Associative Life.

9. Final Remarks, Overview and Recommendations

Many organisations and associations in France owe a great deal to the efforts of "bénévoles" and "volontaires", and believe that the needs of the third sector will be largely met through the political recognition of and support for "bénévolat" and "volontariat". The latest moves of the French government will, if applied, offer a wider perspective for volunteers and recognise their importance. But there are also some restrictions. On the one hand the legal framework is only developed for various specific services, and on the other, the age limit of 28 excludes a lot possible volunteers above

that age. But as this issue is a topic of recent discussions within the government there might be open possibilities for older volunteers as well.

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