II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL RECOMMENDATION
of 13 June 1985
on social protection for volunteer development workers

(85/308/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the draft recommendation submitted by the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas the European Council which met on 25 and 26 June 1984 called on the Member States to take steps to encourage young people to participate in projects organized by the Community beyond its frontiers, and in particular to support the creation of national committees of European volunteers for development, bringing together young Europeans who wish to work on projects in developing countries;

Whereas measures to encourage voluteers to work on such projects will contribute to the practical implementation of cooperation policies determined jointly by the Community, the Member States and Third World countries, the aim of which is to promote the economic, social and cultural development of the developing countries;

Whereas such work can provide valuable experience and further training for persons who are motivated and qualified in areas relevant to development work, in line with the objectives set out in Article 128 of the Treaty;

Whereas steps should therefore be taken to remove obstacles to taking up employment as a volunteer development worker;

Whereas a disincentive to this form of employment is the absence of adequate cover for such persons and for members of their families under the social security systems of certain Member States during or in respect of the period spent as a volunteer development worker or the period spent in preparation for such work;

Whereas, however, the powers necessary for achieving this Community objective are not provided for elsewhere in the Treaty; whereas recourse should therefore be had to Article 235 thereof,

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(1) OJ No C 16, 17. 1. 1985, p. 11.
(2) OJ No C 122, 20. 5. 1985, p. 80.
(3) Opinion delivered on 27 March 1985 (not yet published in the Official Journal).

HEREBY RECOMMENDS THE MEMBER STATES :

A. — to recognize as one of the objectives of their social policy the introduction of social protection for volunteer development workers or the removal of shortcomings in this area,

— to regards as 'volunteer development workers' those persons who are sent, where appropriate pursuant to national law, to developing countries through the intermediary of approved non-governmental organizations, 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 ; to regard as 'members of their families' those persons so defined under national laws and practices,

— to take, to this end, the measures necessary for the achievement of social protection for volunteer development workers and for members of their families on the basis of the following 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 for persons carrying out a comparable activity in that country.

   That cover shall extend to the period of preparation spent under contract by the person concerned in the sending country.

   The cover should relate to benefits during service in a developing country and the acquisition and maintenance of social entitlements during such service with a view to guaranteeing social protection on return.

2. Cover should relate to the following :

   (a) sickness ;

   (b) maternity ;

   (c) invalidity ;

   (d) old age ;

   (e) death ;

   (f) accidents at work and occupational diseases recognized as such by the Member State concerned ;

   (g) unemployment on return ;

   (h) family benefits paid within the territory of the Community.

   In the case of exporting of benefits, national laws may limit benefits or adjust the amounts thereof.

3. Cover for volunteer development workers and members of their families should be organized as fully as possible under the national systems.

   This implies that volunteer development workers should not be excluded from social protection for their development activities, even if their remuneration in the developing countries is lower than the minimum amount used for determining eligibility for social protection.

4. The cost of such cover should be borne in an appropriate way pursuant to national laws and practices.

5. Member States should guarantee equal treatment between volunteer development workers and the members of their families referred to above who are nationals of other Member States and national volunteer development workers and the members of their families referred to above, in so far as Community rules on migrant workers apply to them.

6. Member States should, where appropriate, base their measures on the following procedures :

(1) Cover should be organized using one or more of the following methods :

(a) treatment of periods of service in a developing country as periods of insurance, occupational activity or residence under the legislation or practice of the sending State, for the purpose of determining entitlement to benefits due (and, if necessary, for calculating the amount of such benefits) in circumstances which might arise after return to the sending country ;

(b) retention of entitlement for a period prescribed by the legislation of the sending State for persons who would otherwise no longer be subject to that legislation in respect of short-term occurences which might take place during the period of preparatory training or the period of service ;

(c) use of secondment, as laid down by social security agreements concluded between the sending State and the developing countries concerned or, failing such agreements, by the legislation of the sending State ;

(d) use of voluntary insurance for expatriates provided for under the legislation of the sending State, or in the absence of such a scheme, the setting up of a special voluntary insurance scheme for volunteer development workers and members of their families ;

(e) continuation of payment of remuneration in periods of temporary incapacity due to sickness, maternity or accident for the duration of the stay of volunteer development workers and members of their families in a developing country.

(2) Member States are to ensure that the fact that volunteer development workers' remuneration during development service is lower than the minimum used for determining eligibility for social protection does not result in their being excluded from entitlement to such protection or to affiliation to voluntary insurance under that legislation.

(3) (a) The medical costs incurred by volunteer development workers or the members of their families in a developing country should be refunded pursuant to the legislation of the sending State ;

(b) However, where the refunding of health care is not provided for, voluntary workers and members of their families could, in cases of sickness, maternity and accident during the period of a stay in a developing country, be covered by private insurance ;

(c) Entitlement to health care extended to volunteer development workers on secondment or covered by voluntary insurance and to members of their families should be maintained so as to cover a prescribed period following return to the sending State, unless those concerned are covered during that period as residents or unemployed persons.

(4) During their preparatory period spent under contract in the sending country, volunteer development workers should, if necessary, be treated as employees for application of the legislation or practice of the sending country, for the purposes of determining entitlement to health care in cases of sickness and accident, unless they are in any event covered as residents. Members of their families should also be covered during and in respect of such periods.

(5) In order to be eligible for cover against unemployment on their return, volunteer development workers and members of their families who have also worked as volunteer development workers and who, if necessary, have made contributions for the period referred to in point 4 above should be able to claim the periods spent in carrying out that activity as periods of insurance or employment.

B. 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 and, if appropriate, to propose any other measures required to achieve common objectives.

Done at Luxembourg, 13 June 1985.

For the Council

The President

G. DE MICHELIS