



LEGAL STATUS OF VOLUNTEERS: Country Report Sweden

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 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.

ASSOCIATION OF VOLUNTARY SERVICE ORGANISATIONS (AVSO)

174 rue Joseph II, Brussels 1000, Belgium

TEL: +32 2 230 68 13, FAX: +32 2 231 14 13

E-MAIL: info@avso.org WEB SITE: <http://www.avso.org>

EUROPEAN VOLUNTEER CENTRE (CEV)

Rue de la Science 10, Brussels 1000, Belgium

TEL: +32 2 511 75 01; FAX: +32 2 514 59 89

E-MAIL: cev@cev.be; WEB SITE: <http://www.cev.be>

Copyright CEV and AVSO: any reproduction of the material contained in the country-reports or the website must acknowledge the source fully.

ACKNOWLEDGEMENTS

This country-report has been produced by Natalia del Cid hosted by AVSO within the framework of the European Voluntary Service programme of the European Commission. It was edited by AVSO Coordinator, Jana Hainsworth. We would like to thank them and also the valuable contribution and comments of Anna Fällman of the Swedish National Board for Youth Affairs and Malena Lau of the Swedish Federation of County Councils.

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 of 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 (FR.: BÉNÉVOLAT): 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 (FR.: VOLONTARIAT): 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.

I) CONCEPT OF VOLUNTEERISM

Volunteers in Sweden are called '*friviliga* or *volontärer*'. Volunteering is understood as time and effort that is freely given, not forced and not remunerated, to non-governmental and public organisations by individuals. Swedish volunteers are engaged in volunteer activities individually or in the framework of local associations, which often belong to a network. The motives may be to help others or to get involved in the goals and activities of an organisation they are connected to.

The activities linked to volunteerism are generally in the fields of education, culture or sports. Social work has not traditionally been the domain of volunteers as social protection is mainly delivered by the public authorities. Exceptionally issues of family abuse and homelessness are often dealt with by NGOs.

II) VOLUNTEERISM AND THE LAW:

'Ideell förening' is the Swedish term for cultural associations. There is no special legal definition of a non-profit organisation or of volunteerism. The question of adopting legislation for non-profit associations has been raised several times in Parliament but has gained only small support. This means in practice that the civil legal position of NGOs and volunteers is based on established practice and any legal conflicts are solved on case law.

The lack of a specific law on volunteerism implies the application of the following legal framework. Note that full time voluntary service may carry specific legal implications.

1. Reimbursement of expenses and other necessary economic support provided to volunteers: their labour, tax and social security law implications

The Swedish general legal framework makes no reference to **reimbursement of expenses** for volunteers. The absence of agreements between Government and organisations allows individual organisations to decide their own policy. For example the Swedish Red Cross in

principle covers all volunteers expenses. However each local branch must make an agreement with the volunteer, depending on its own solvency and performance.

These provisions are also applicable to full-time volunteers. In practice, reimbursement of expenses may include food and lodging but there is no obligation for the organisation to cover these costs except for volunteers who carry out the European Voluntary Service (from now on EVS) who all receive pocket money, board and lodging.

Concerning **taxation**, there are no clear rules of taxation in relation to volunteers. The Swedish State Tax Authority (Riksskatteverket) has overall national authority, but the local tax offices decide on tax liability of volunteers and their organisations.

Individuals are required to pay taxes when they receive over 16399 SEK (1700€) per year. This implies that local offices decide on a case-by-case basis if the food, stipend and accommodation of the volunteer are subject to taxation.

Some projects have managed to convince their local authorities of the specificity of voluntary service and that it should not be understood as regular work. The volunteer 'benefits' should not therefore be translated in a financial sense. Several organisations have also approached the Swedish Ministry of Justice and the national tax authority to obtain a tax exemption for volunteers. However the national tax authority can only make recommendations to local branches.

2. Welfare protection of volunteers

a) Volunteer insurance

There is no legal provision concerning volunteer insurance. The protection of volunteers against risks of accident, illness and third party liability related to their volunteer activity relies on the organisation's decision. If the organisation does not offer insurance, the volunteer should provide it for his or her personal and others security.

The EVS program provides each volunteer with an insurance plan and the Swedish Red Cross also insures their volunteers.

b) Entitlement of volunteers to Public Health and Social protection

In the absence of a law establishing their legal status, volunteers have no rights to public social benefits. Their entitlement to any social benefit will depend on whether or not their volunteer activities affect their parallel legal status as students, unemployed, or any other entitling them to such protection.

Concerning **Public Health**, there is no specific legal provisions for volunteers. The general law that regulates health care is the National Insurance Act (Lang om amllän försäkring) of 1962 and amendments.

Following the European policy, national volunteers leaving Sweden to go abroad in another EU or EEA country, must obtain form E111 from the local Social Security Office (Försäkringskassan) before leaving Sweden. The E111 covers emergency health care. As it does not give full coverage, it is necessary to complement it with an additional insurance.

Volunteers from abroad living in an EU/EEA country should have the corresponding European form according to their status in their country of origin. This document will ensure emergency health care as provided to Swedish citizens. Incoming volunteers would normally

be considered as foreign students and therefore have access to the same level of health care as Swedish students.

If volunteers do not have this coverage they will need to pay for their own medical treatment. A doctors visit costs between 100 SEK (11€) and 150 SEK (16€), and emergency treatment up to 260 SEK (28€) for. Young people under 20 years are not charged.

Sweden moreover has concluded agreements, in the framework of EVS, with a number of countries outside the EU/EEA area for E111 to be valid as a basic health insurance. Those countries are; Algeria, Australia, Estonia, Lithuania, Latvia, Poland, Hungary and Quebec (in Canada).

Regarding **social protection**, there is no precise law for volunteers. Voluntary service in Sweden is seen as means of non-formal education and during the period of their service, volunteers are considered as students. Due to this conception, volunteers going abroad for a period of up to 12 months remain covered by Swedish social security legislation. On the other hand, the educational nature of voluntary service, has direct consequences for the receipt of social benefits.

There are 2 types of unemployment benefit in Sweden - that linked to previous pay (A-Kassa), and a basic entitlement (Grundbelopp). Voluntary service is not counted as a working term, but as an educational experience. Unemployment benefits are suspended during the period service, as the volunteer is not available to the Swedish labour market.

After a period of voluntary service, an individual may still be entitled to receive (A-Kassa) if they fulfil the condition of having worked for 6 months in Sweden during the past 12 months (excluding a voluntary service). If an individual had no previous entitlement, he/she will be entitled to Grundbelopp 3 months after registration.

In any case, volunteers are strongly advised to ask advice from their corresponding Local Employment Agency (Arbetsförmedling), before leaving Sweden for a voluntary service.

With respect to **family allowances** young volunteers, or their families, will retain entitlement to family allowances as long as the volunteer activity does not imply a failure to comply the requirements under Swedish Social Security Law. The statutory base for the regulation of family benefits is the General Child Benefit Act (Lag om allmänna barnbidrag) of 1947 and amendments.

Sweden has an universal welfare system, providing family allowances for residents with one or more children under the age of 16, children up to the age of 20 if the child is still a student, and children up to age 23 if the child attends a school for the mentally disabled.

The total amount of family allowances is 950 SEK (102€) per month. Single parents are guaranteed SEK 1,173 (€126) monthly either in the form of child support payments from the other parent or from maintenance allowances from the state. If a child of 16 or under leaves Sweden for less than six months the child benefits are still paid out. The same is true for children under 20 in full-time education.

For further information see www.academictransfer.org/org/workingabroad

3. Volunteers Mobility

Individuals coming to volunteer in Sweden on a full-time basis from another country are subject to the general immigration law. We need to make a distinction between volunteers coming from Scandinavian countries, EU countries and third countries.

Being an EU citizen allows the volunteers to stay three months in Sweden without residence permit. After that period a volunteer must apply to the central Immigration Board or to one of the local branches for a stay permit.

If the volunteer is a national of the Nordic countries (Denmark, Finland, Iceland and Norway) residence permits are not necessary for any period of time.

Volunteer nationals of a third country may settle three months with no permit. If they want to remain longer, it is necessary to submit an application to the Swedish embassy or to the consulate in their own country for a residence permit.

The Swedish Government demands nationals of several countries to obtain a visa in order to enter Sweden. There is no specific visa for volunteers. These means that every case is solved according to the authorities criterion, guided by the circumstances of the volunteer and the volunteer project in which he or she is involved. In practice volunteers often receive a tourist or a student visa.

The EVS program is regarded as an educational experience and not a work practice. For this reason, nationals of third countries do not need a work permit As EVS is a type of long-term voluntary service, this concept should be applicable to any other type of long term voluntary service.

III) POLITICAL ACTION PLANS FOR THE PROMOTION OF VOLUNTARY ACTIVITIES

The Swedish government supported the Swedish participation in the John Hopkins program -a comparative study of the voluntary service in several countries. Apart from that, currently there are no government actions promoting volunteerism.

IV) FINAL REMARKS

Volunteerism in Sweden is considered as a vital contribution of citizens to democracy and as an instrument of political mobilisation. There is widespread involvement in associations and their activities.

There are many associations that operate as pressure groups, mainly at a local level but there are also national organisations that take part in the democratic decision-making process. The government has developed a system of informing and consulting NGOs and other bodies for their views and comments regarding important issues before they reach a Parliament Bill.

Despite the level of recognition and volunteer participation in society, the relationship between the State and the voluntary sector is still quite ambiguous, particularly in the social field, where NGOs lack any independence. The voluntary sector has always been considered an accompaniment to public services. They provide the services to society and help to identify new problems and their possible solution. Volunteerism is therefore common in sports, trade unions and cultural areas but limited in health care and social services.

Sweden is currently going through a period of change in its welfare system. This gives voluntary associations an opportunity to play a new role. Some associations are making

efforts to meet these new challenges. Swedish citizens are also demanding the possibility of playing an active role in voluntary activities by developing smaller units.

The legal status of volunteers and associations remained unresolved and it is an ongoing discussion in Sweden. Trade Unions put up the strongest resistance to legal recognition of volunteers, fearing they could take the place of employees.

V) USEFUL CONTACTS

The National Board for Youth Affairs

PO Box 17801 - 118 94 Stockholm

Ringvägen 100 D, Level 5

Tel: +46 8-462 53 50

Fax: +46 8 644 88 13

e-mail: info@ungdomsstyrelsen.se

www.ungdomsstyrelsen.se

(host the National Agency for the Youth Programme)