

Legal status of (on-call) volunteer firefighters in Europe



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Brandweeracademie (2019). *Legal status of (on-call) volunteer firefighters in Europe*.
Arnhem: Instituut Fysieke Veiligheid.

Commissioned by:	Raad van Brandweercommandanten (RBC, Board of Fire Chiefs)
Contact person:	ing. F. Heerink
Title:	Legal status of (on-call) volunteer firefighters in Europe
Date:	30 September 2019
Status:	Final
Version:	1.0
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Review:	dr. ir. R. Weewer
Final responsibility:	dr. ir. R. Weewer

Abstract

In this study the legal status in fourteen European countries of (on-call) voluntary firefighters is examined.¹ With the exception of Norway, all countries are EU member states, bound by EU-legislation like the Framework Agreement on Part-time Working (Directive 97/81/EC) and the Working Time Directive (2003/88/EC).

In addition to an investigation into their legal status (research question 1), this study answers the question whether or not there is a discussion about the legal status of voluntary firefighters in the different countries and, if so, what the main topics are in that discussion (research question 2). In the opinion of some Dutch lawyers, task differentiation between career firefighters and voluntary firefighters may be key in the discussion about the legal status. Therefore it is also investigated if a task differentiation exists in the fourteen European countries and if so, if it plays a role in the legal status of the firefighters (research question 3).

It turns out that the way the fire service is organized varies per country, as does the legal status of voluntary firefighters. In some countries they are considered to be 'normal' (part time) workers earning wages, having a right to a pension holidays, sick leave and so on. In other countries they are considered to be voluntary 'members' of a fire service association (a non-governmental organization). Therefore they have no legal relationship with the government and are not paid by the government. Finally, in a third group of countries voluntary firefighters are considered to be 'something in between': although they are not considered as part time laborers, they get payed and possess specific rights and have certain obligations.

In what sense the legal status of on-call firefighters is discussed, also varies per country. In some countries where voluntary firefighters are not employed by the government, there is little discussion. In countries where voluntary firefighters are employed by the government and get some reimbursement there is quite a bit concern, not only in the light of the Framework Agreement on Part-time Working, but also in the light of the Working Time Directive and the Matzak-case (jurisprudence concerning whether or not "waiting time" for voluntary firefighters has to be considered as working time and payed accordingly). Nonetheless, only Norway completely meets the requirements of the Agreement on part time workers, because they consider all voluntary firefighters as part timers.

There are no indications that task differentiation plays a major role in the discussion. None of the countries involved in our research applies task differentiation with the objective to create difference with career and voluntary firefighters.

¹ For definitions of categories of (on-call) firefighters, please see the report *Recruitment and retention of volunteers in European Fire Services. Phase 1: document study and exploratory focus group* (Brandweeracademie, 2019).

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Introduction

Impetus

The recruiting and retention of volunteer firefighters was identified as an important issue by the Dutch Institute for Safety (RBC, Veiligheidsberaad) and the Board of Fire Chiefs (Raad van Brandweercommandanten) in the previous year. To this end, the Voluntariness Programme was launched in June 2018. The Trade Association for Fire Service Volunteers (VBV, Vakvereniging voor Brandweervrijwilligers), the Instituut Fysieke Veiligheid (IFV, Institute of Physical Safety) and the Ministry of Justice and Safety all participate in this. This programme comprises various “tracks” in which topics related to this theme are explored in depth. The Brandweeracademie (Fire Service Academy), part of the Instituut Fysieke Veiligheid (IFV, Institute for Safety), is responsible for implementing tracks 3, 4 and 5 as well as sub-track 5. This publication discusses the results of sub-track 5.

Track 5's objective is to identify the issues (bottlenecks and challenges) associated with volunteering at various fire service organisations in Europe. What do these issues entail? Potential solutions or solutions that have already been applied (“good practices”) to these issues are collected at the same time, which (taking into account organisational, legislative and cultural differences) could possibly be applied in the Netherlands in order to consolidate volunteering as a foundation of the Dutch fire brigade now and in the future.

At first, the legal aspects relating to volunteering in the fire service were only considered in passing, but more recently the suspicion has arisen that these aspects may start to play a major role in the way volunteers in the fire service are treated. Research conducted by Pels Rijcken & Droogleever Fortuijn identifies a “real risk” with regard to the fact that the current legal status of Dutch volunteer firefighters is not entirely in line with existing European legislation and regulations (Part-Time Work Directive, 97/81/EC) and European case law (Pels Rijcken & Droogleever Fortuijn, 2018, p. 53).

This gives rise to a new question, which is: how should the legal status (the totality of the rights and obligations) of volunteers in the fire service be safeguarded in order to create a fire service organisation that is future-proof and robust while retaining the aforementioned voluntary work. It can reasonably be assumed that fire service organisations in other European countries are also confronted with similar issues and are seeking solutions to them. Conversely, it is also plausible that the legal status of volunteer fire fighters in other European countries is legally embedded in such a way that the European Part-Time Work Directive and case law do not give rise to much discussion with regard to this legal status. The Netherlands Fire Service (Brandweer Nederland) can learn a lot from both foreign fire service organisations that are still grappling with questions or bottlenecks with regard to the legal status of volunteer firefighters and from fire service organisations that have already found solutions to these issues. It is for this reason that the RBC requested on 14 June 2018 that a number of research questions be added to track 5 regarding the legal status of volunteers in different European countries and that these questions be answered with some urgency.

Objective

The aim of this sub-track is to gain an insight into the legal status of volunteers at the fire service in other European countries. Another objective of this sub-track is to identify to what extent other European countries expect to be affected by European legislation (in particular the Part-Time Work Directive) and case law regarding the legal status of volunteers. In doing so, the status quo and possible issues (bottlenecks and challenges) surrounding the legal status of volunteers in various European fire service organisations will be mapped out. The possibility of differentiation of tasks as a potential solution to the expected legal problems will be specifically addressed.

Research questions

The following research questions are answered in this report:

1. What is the legal status of (on-call) volunteer firefighters in other European countries?
2. Are there any discussions taking place in other European countries with regard to the European Part-Time Work Directive in respect of the legal status of volunteer firefighters? If so, what are the main points of discussion?
3. To what extent is there a differentiation of tasks between professionals and volunteers in the way other European fire service organisations currently operate? Is this differentiation linked to their legal status? If so, in what way?

Demarcation

In this sub-track, information is gathered from a select number of European countries that are bound by the European Part-Time Work Directive.² The interviews were conducted by drawing on the contacts that had already been established with the fourteen foreign experts within the framework of the “exchange of experts” held in the spring of 2019. In some cases, interviews were conducted with a colleague of the expert in question instead of with him or her, due to practical reasons.

² At the time of the survey, these countries - with the exception of Norway - were members of the European Union and therefore bound by European legislation. Even though Norway is not a member of the European Union, it de facto follows the European Part-Time Work Directive.

1 Research methodology

1.1 Interviews

As pointed out in the introduction, this study is limited to an inventory of the information provided by the fourteen participants of the “exchange of experts” that was organised by the Brandweeracademie in the spring of 2019. These participants were from Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Norway, Portugal and the United Kingdom.

It was decided to conduct telephone interviews in order to answer the research questions. This was done for reasons of both content and practicality. A *problem analysis* is what it is all about. The aspects that play a role in the legal status of volunteers in different countries are explored. Conducting (open) interviews is an effective way to investigate the breadth and depth of such an issue. The choice of the fourteen experts was mainly a pragmatic one: contacts had already been established with these experts and a good relationship had been built, which would benefit the quality and speed of the response.

The duration of the interviews averaged 45 minutes, with the shortest interview lasting half an hour and the longest more than an hour. The interviews were conducted by two researchers, with one researcher acting mainly as interviewer and the other monitoring the framework conditions and structure, reporting and asking additional questions when necessary. For the purpose of elaboration, audio recordings were made of the interviews if the interviewee gave permission. The (semi-structured) interviews were conducted with the help of a topic list.

E-mail correspondence took place with the interviewee prior to and/or after the telephone interview. Supplementary information and occasionally also documentation were provided in many cases. Some prospective respondents did not wish to or were unable to respond to the request for a telephone interview, but they did answer questions by e-mail and provided additional information, which in any case answered one or more of the research questions posed. In the case of Denmark, information on the discussion of the legal status was missing, and for Latvia, there was a lack of information on the link between task differentiation and the legal status. Although the contact persons were repeatedly reminded of this, they remained unable to provide this information within the duration of the study. Information concerning French volunteer firefighters is based only on a document from the French firefighters' association, the FNSP. As no information was received from the Czech Republic and Hungary within the specified time frame, even after several reminders, these countries were excluded from the analysis.

The language of the interviews and the written correspondence was English. Only with the contact person from Belgium did the interview and correspondence take place in Dutch.

1.2 Questionnaire

Following the telephone interview, each respondent was sent a questionnaire in Excel format with 30 specific (yes/no) questions concerning the legal status of volunteer firefighters³. Through these questionnaires, a clear overview of the actual situation per country could be obtained. As mentioned above, a number of respondents preferred to provide information exclusively via these questionnaires (and a written explanation thereto) rather than via a telephone interview. For an overview, refer to Appendix 1.

1.3 Document study

As preparation for the telephone interviews, a variety of documents relating to the legal status of (firefighter) volunteers within the context of European legislation were studied. These documents relate to the Working Time Directive, the Part-Time Work Directive, the Matzak judgement and the Jaeger judgment. A number of Dutch-language documents were also studied in preparation (viz: Bosland, Spek, Dam, Krieken, & Krijen, 2011; Pels Rijcken & Droogleevers Fortuijn, 2018; Verburg, 2019). Of course, the documentation that was submitted by the respondents was also studied.

1.4 Quality of the research

It should be noted that the chosen research methodology has its limitations. In the interest of efficiency and speed, the decision was made (in consultation with the sponsor) to limit the telephone interviews to the fourteen contact persons who participated in the exchange of experts in the spring of 2019. It was accepted that not every respondent may be equally well versed in the legal status of firefighter volunteers. This investigation is, after all, not intended to produce a detailed and complete legal overview but rather to allow an initial picture to be sketched of the legal status issues surrounding voluntary work within the fire services. For the purposes of the investigation, it is presumed that the respondents are able to provide sufficient information so as to answer the research questions, such as *how* the legal status is arranged, *whether* discussions are taking place, *what* the main discussion points are, *whether* there is any differentiation of tasks and, if so, *in which way*. This information is of a relatively factual nature and, in principle, anyone with any involvement in the organisation of fire services should be able to obtain it.

³ In line with the definition of the Phase 1 report (Brandweeracademie, 2019, p. 22), the term “voluntary” here implies that being a firefighter is not the person’s primary job.

2 Results of the document study

2.1 Volunteer, part-timer?

According to the report *Recruitment and retention of volunteers in European Fire Services. Phase 1: document study and exploratory focus group* (Brandweeracademie, 2019), the provision of fire services can be organised in a variety of ways and the people providing this fire service can have different rights and obligations. Apart from full-time professional firefighters, there may be people who perform firefighting tasks without this being their (main) occupation. The aforementioned report distinguishes four types. The distinguishing criteria are, on the one hand, whether or not firefighters receive compensation for their work and, on the other hand, the degree of obligation incumbent on firefighters to respond to alarms within a certain time frame. Nevertheless, when the general term 'volunteer firefighter' is used without any further specification, this implies any firefighter for whom the fire service is not their primary occupation (Brandweeracademie, 2019, p. 22)

Many countries refer to the people who carry out work for the fire service but who are not employed by the fire service on a full-time basis as “volunteers”, regardless of whether they are paid or not and irrespective of whether they have any obligations. The terms used in other countries to refer to these firefighters are different, as is also discussed in the aforementioned report. The conclusion that can be drawn based on the literature studied (Pels Rijcken & Droogleever Fortuijn, 2018; Verburg, 2019), but also based on case law (see below), is that from a legal point of view, it is not relevant what fire service people are called, “volunteer” or otherwise. The documentation studied indicates that in order to determine the legal standing and the associated legal status, the following should be examined in particular:

- > the nature of the work
- > the training requirements
- > the working conditions (see for instance Pels Rijcken & Droogleever Fortuijn, 2018).

2.2 Relevant EU Directives and case law

From the documentation studied (viz: Bosland, Spek, Dam, Krieken, & Krijen, 2011; Pels Rijcken & Droogleever Fortuijn, 2018; Verburg, 2019), it emerged that the following EU Directives and case law are important in the discussion surrounding the legal status of volunteer firefighters:

- a. the Part-Time Work Directive
- b. the Working Time Directive
- c. the Matzak ruling
- d. the Jaeger ruling.

These directives and rulings will be discussed in the following subsections.

2.2.1 Part-Time Work Directive

“Council Directive 97/81/EC [...] concerning the Framework Agreement on part-time work” (also called the “Part-Time Work Directive”) has been giving concrete expression to the principle of equality in employment law at European level since 1997. The principle of equality is an important principle of rule of law and states that every citizen has equal rights and shall be treated equally in similar cases, unless the unequal treatment can be objectively justified (Pels Rijcken & Droogleever Fortuijn, 2018). The Part-Time Work Directive seeks to protect part-time workers and states that no unjustified difference should be made between people who have a part-time position and those who have a full-time position.

2.2.2 Working Time Directive

“Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time”, as the European Working Time Directive is officially called, regulates a number of matters relating to employees’ working hours. Amongst other things, the following is stipulated:

- > An employee must have at least 11 consecutive rest hours per 24-hour period (Article 3). Exceptions may be made (subject to conditions) in the case of activities performed for the fire brigade, civil protection and ambulance services, among others (Article 17).
- > For each 7-day period, an employee must have at least 35 (24+11) consecutive hours of rest (Article 5). Exceptions may be made (subject to conditions) in the case of activities performed for the fire brigade, civil protection and ambulance services, among others (Article 17).
- > In principle, the average weekly working time should not exceed 48 hours (Article 6), but Member States have the discretion to derogate from this under certain conditions (Article 22).
- > Employees are entitled to a minimum of 4 weeks paid leave per year (Article 7).

In the Netherlands, this Directive is elaborated in the Working Hours Act (Arbeidstijdenwet) in which these provisions are included in more detail.

2.2.3 Employee or not?

Both the Part-Time Work Directive and the Working Time Directive apply to employees. It is therefore essential to determine whether or not a volunteer firefighter should be regarded as an employee for the purposes of determining whether the Part-Time Work Directive and the Working Time Directive apply to volunteer firefighters. Up until recently, several European countries assumed that volunteer firefighters did not have to be regarded as employees. As a result, the assumption was made that volunteer firefighters could not claim “regular” employment conditions such as continued payment in the event of illness, holiday allowance and pension accrual. This also meant that it was assumed that the European Part-Time Work Directive and the Working Time Directive would not apply to volunteer firefighters. Following a case involving the Belgian volunteer firefighter Rudy Matzak, this assumption must be reconsidered, because the European Court of Justice concluded that Matzak should indeed be considered an employee. Given that this ruling has caused a stir in various European countries with voluntary fire brigades and that it therefore requires further elaboration, the Matzak ruling (and the equally relevant Jaeger ruling) will be discussed in more detail in the next section.

2.2.4 Matzak ruling and the Jaeger ruling

Rudy Matzak has been a volunteer firefighter in Nivelles, Belgium, since 1981. On 16 December 2009, Matzak instituted legal proceedings in which he claimed that he should be compensated “for his services as a volunteer firefighter, in particular for the on-call duties undertaken by him at his home”.⁴ He demands a (symbolic) compensation of one euro for the past years. The Tribunal du Travail de Nivelles (Nivelles Labour Court) found in his favour on 22 March 2012. The town of Nivelles appeals against this ruling before the Labour Court in Brussels. Nevertheless, the Court in Brussels decides to stay the proceedings and therefore submits a number of questions regarding the interpretation of Directive 2003/88/EC (on working time) to the European Court of Justice (the Court).

The Court finds that Matzak must indeed be regarded as an employee within the meaning of the Working Time Directive (2003/88/EC). The fact that, according to Belgian law, Matzak is qualified as a “volunteer” does not invalidate this. The Court states the following:

In accordance with settled case-law on the matter, any person who pursues real, genuine activities — with the exception of activities on such a small scale as to be regarded as purely marginal and ancillary — must be regarded as an “employee”. The defining feature of an employment relationship resides in the fact that for a certain period of time a person performs for and under the direction of another person services in return for which he receives remuneration (judgement of 26 March 2015, Fenoll, C-316/13, EU: C:2015: 200, paragraph 27 and the case law cited).⁵

The Court further states that “the Member States may not derogate, with regard to certain categories of firefighters recruited by the public fire services, from all the obligations arising from the provisions of that Directive, including Article 2 thereof, which defines, in particular, the concepts of “working time” and “rest periods”.⁶

Subsequently, the Court extensively discusses the question whether Matzak’s “on-call time” (consignment) should be regarded as working time or rest time, referring to various case law. The Jaeger judgement is expressly mentioned in this respect. This judgement from 2003 concerns the German trainee doctor Norbert Jaeger, who had to be on call for a certain period of time at the hospital in Kiel. He argued that this time should be considered as working time. The Court ruled that this was indeed the case.⁷

In line with this, the Court ruled in the Matzak case:

Article 2 of Directive 2003/88 must be interpreted as meaning that stand-by time which a worker spends at home with the duty to respond to calls from his employer within 8 minutes, very significantly restricting the opportunities for other activities, must be regarded as “working time”.

⁴ Judgement of 21 February 2018, Case C-518/15 (Matzak judgment), p. 5.

⁵ Judgement of 21 February 2018, Case C-518/15 (Matzak judgment), p. 6.

⁶ Idem, p. 8.

⁷ Judgement of 9 September 2003, Case C-151/02.

3 Results of the interviews

The results presented in this chapter are derived from the telephone interviews and the associated e-mail exchanges. By means of a questionnaire that was also sent to all respondents, an overview was obtained with regard to the number of countries where the same problems arise as in the Netherlands in connection with the legal status of volunteer firefighters. This questionnaire along with the answers from the individual countries can be found in Appendix 1.

3.1 Legal status of (on-call) volunteer firefighters

As mentioned on page 6, the first research question reads as follows: “What is the legal status of (on-call) volunteer firefighters in other European countries?” This question was divided into a number of detailed questions as presented in Appendix 1 and was put to the respondents.

Section 2.1 already indicated that there are a number of different ways in which firefighting services can be provided. Apart from the choice of full-time professional firefighters, there is the option of calling up people to perform firefighting tasks in addition to their regular (main) job, if necessary, and giving them compensation for this or not. In all of the countries that have been surveyed, there are firefighters in service who are employed on a basis other than that of full-time professional. A description of the legal status of such persons is given below per country (insofar as this information was provided by the respondents). It is worth noting that in some countries the term “part-time firefighter” or “(on call) retained firefighter” is used instead of “volunteer”.⁸

Norway only has professional firefighters and the term firefighter volunteer is not used. The firefighting professionals can be employed on a full-time or part-time basis. The full-time firefighters are stationed and work 24-hour shifts, while the part-timers are on standby duty, for which they are also paid. All professional firefighters must meet the same minimum requirements in terms of training, exercise and physical fitness. Both full- and part-time firefighters are proportionally remunerated in the same way and have the same fringe benefits, such as pension accrual, leave and arrangements for sick leave and maternity leave.

As is the case in Norway, the term volunteer firefighters is not used in **Ireland** either. Instead, the term “on-call retained firefighters” is used. There is no clear equivalent for this term in Dutch. “Retained” can mean “employed” or “kept on retainer”.

⁸ The expert group involved in this study, however, suggests that the term “retained” should no longer be used: “Another term was ‘retained’ since this term has a negative connotation in the UK, we decided to not use this term anymore, but refer to this group as ‘on call’.” (Brandweeracademie, 2019, p. 21).

In his dissertation from 2005, Haverkamp uses both “ingeroosterde brandweerlieden” (rostered firefighters) and “parttime beroepskrachten” (part-time professionals) as Dutch translations of “retained firefighters” (Haverkamp, 2005, pp. 156-157). In Ireland, the on-call retained firefighters have a standby duty, the basic principle of which is that they must turn up at the fire station within a certain time in at least 85% of the alerts. As such, it is not a strict on-call duty in the true sense of the word. When Irish firefighters go out to an incident, they are remunerated at an hourly rate. Irish firefighters are also entitled to leave and pensions.

The term “volunteers” is used in **Belgium**, even though these volunteer firefighters are in many ways similar to their colleagues who are employed and paid on a full-time basis (in 24-hour shifts). The volunteers are subject to the same training requirements and have the same repressive duties. There is also no distinction made between volunteers and professionals with regard to the medical and physical requirements. The only difference between volunteer firefighters and professionals is that professionals are required to have a driving licence for large vehicles, while this is not compulsory for volunteers. A slightly more limited training than that of their full-time colleagues is sufficient for volunteer sergeants (commanders); volunteer sergeants only need to have successfully completed one of the three training modules, whereas professionals are required to have successfully completed all three modules.

Volunteers in Belgium are not stationed, but go to a fire station after an alarm is sounded and they then deploy from there. Volunteer firefighters are not obligated to respond to every alarm; by means of an automated system, they can indicate at any time whether they are available or not. However, once they have indicated that they are available, they are expected to arrive at the fire station as quickly as possible (within a predetermined number of minutes).

Volunteers in Belgium do not have an employment contract like the professional firefighters have, but they do have a “sui generis” agreement. In Belgium, a sui generis is a statute defining a non-standard contract, originally intended for doctors in training, but now also applied to volunteer firefighters. Sui generis means “in a class by itself” or “of its own kind”, reflecting the fact that it is not a regular employment contract. The sui generis is non-negotiable and is valid for a period of six years (with the possibility of extension). Volunteers are not paid a fixed amount, but only a “performance fee” for the actual hours worked, both for interventions and for training and educational activities. Additionally, they obtain a small tax benefit.

Similar to Belgium, **France** also has volunteer firefighters who are paid without there being a formal employment relationship.⁹ Volunteer firefighters in France receive an amount for every hour that they work for the fire brigade. In addition, if someone has been a volunteer firefighter for more than 20 years, he or she can claim pension benefits.

In a number of European countries, (suppressive) fire services are provided by volunteers who receive practically no remuneration. An example of this is **Austria**, where the vast majority of fire services are provided by volunteer fire brigades.

⁹ According to the definition from Phase 1 (Brandweeracademie, 2019, p. 22), this concerns “on-call volunteers” (category 3 and/or 4).

Here, members of the volunteer fire brigade are not paid in any way for the work that they carry out for the fire service nor do they receive any other benefits (social, financial or material) for being a member of the fire brigade. All work for the fire brigade (including training and exercises) is carried out entirely in “own time”, which means that fire brigade volunteers sometimes have to put in leave to attend training courses (whereby, incidentally, training costs and travel and accommodation expenses are reimbursed). It is only the most senior ranks of the volunteer fire brigade (such as the local commander) who sometimes receive a small financial remuneration.

Germany is to some extent comparable to Austria. As is the case in Austria, the vast majority of firefighting in Germany is carried out by volunteers who are, in principle, unpaid, although most municipalities in Germany pay the firefighting volunteers a small fee. In many German municipalities, employers who have to temporarily do without their employees because of the latter’s voluntary work for the fire brigade are also financially compensated.

Estonia also makes use of volunteers. These volunteers belong to a non-governmental organisation (NGO). Although this NGO receives remuneration from the government for its firefighting work and for the purchase and maintenance of equipment, the volunteers basically work without receiving compensation. Occasionally, however, it happens that volunteer firefighters receive a financial reward for their work. Oftentimes, this reward is distributed by companies, which sometimes also offer discounts to firefighter volunteers on certain products.

Finland has two types of volunteers. The first kind of volunteer can be compared to the Estonian volunteers in the sense that the volunteers in Finland are members of an association that is funded by the government. There are no government contracts with these individual volunteers. The other kind of volunteers are, strictly speaking, not volunteers but rather part-time firefighting professionals.¹⁰ They do, however, have an employment contract. All volunteers are subject to the same requirements as full-time professionals. All volunteers are subject to the same requirements as full-time professionals, including the obligatory periodic medical examinations. Each volunteer is paid for every hour of service (exercise or call-out) with “part-time professionals” receiving a fixed salary.

In **Latvia**, the volunteers are also employed by an association and the government does not have a direct employment contract with the individual volunteers. Volunteer firefighters, unlike professional firefighters, often do not wear respiratory protection (as they incidentally do in Estonia). The volunteers in Latvia also differ from full-time professional firefighters in their (appointment) requirements. They must, however, undergo the same initial training (of 960 hours) as the professionals.

In **Portugal**, there are both firefighters that are employed by associations as well as those who are employed by municipalities. Generally, the firefighters employed by municipalities are full-time professionals (approximately 3,500 in Portugal), but in smaller municipalities the professionals may be supplemented by volunteers.¹¹

¹⁰ “We use the definition of ‘part-time firefighters’ for career firefighters that do not work full time” (Brandweeracademie, 2019, p. 34).

¹¹ Hybrid concepts are also a possibility in Portugal: volunteers who work a number of 24-hour shifts (for example, during the wildfire season) and professionals who also work as volunteers.

These volunteers do not receive a salary, but they do enjoy a wide range of benefits. For instance, these Portuguese volunteer firefighters are entitled (under certain conditions) to reimbursement of their secondary or higher education costs. Volunteer firefighters who occupy higher ranks and managerial positions are entitled to a pension bonus. All of the fire brigade volunteers can benefit from very extensive insurances. Legal aid and medical expenses, among other things, are insured. Moreover, in Portugal the law provides (Art. 26, Decreto-Lei No. 241/2007) that firefighting volunteers are allowed to be absent from work for the purposes of incident response and drills, without this affecting their rights and salary, but only if the number of absences does not exceed an average of three days per month. The same holds true for attending training courses at the national fire academy (up to 15 days a year), for which the main employers must compensate the volunteer firefighter for any loss of earnings due to absence. Under Portuguese law, the children and partners of volunteer firefighters who have died or have fallen ill as a result of their work are entitled to: a) preferential access to childcare or pre-school facilities, b) reimbursement of registration fees for childcare or pre-school facilities, and c) reimbursement of the costs of attending public secondary or higher education. Reimbursement of school fees is also applicable to the descendants of firefighters who have been active in the fire service for at least 15 years. There are also tax benefits for volunteer firefighters in Portugal.

In the **United Kingdom**, there are full-time and part-time firefighters/volunteers (often called “retained firefighters”). Both receive the same hourly remuneration for carrying out training or call-outs. The *Grey Book* (the policy document of the British Fire Brigades Union in which principles are set out for the working conditions of firefighters) states the following with regard to the hourly wage for volunteers: “A volunteer carrying out operational firefighting duties shall be paid at the appropriate basic hourly rate set out in circulars issued by the NJC” (Fire Brigades Union (FBU), 2009, p. 19). Volunteers are paid double the hourly rate for activities carried out on public holidays. Expenses are also reimbursed for both full-time firefighters and volunteers (FBU, 2009, p. 34). In cases of illness attributable to the performance of firefighting work, both full-time and volunteer firefighters continue to be paid their (average) firefighter’s wage.

No information has been received from the contact persons in Denmark, the Czech Republic and Hungary regarding the legal status of volunteer firefighters.

3.2 Discussion surrounding the European Part-Time Work Directive

The second question which this investigation attempts to answer is as follows: “Are there any discussions taking place in other European countries with regard to the European Part-Time Work Directive in respect of the legal status of volunteer firefighters? If so, what are the main points of discussion?” This question was also put to the respondents.

The legal status of volunteer firefighters is under discussion in some of the countries investigated. In all these cases, the question is whether and to what extent a volunteer firefighter should be regarded as a part-time employee from a legal point of view and should hence also be treated as such. In the course of the document study and the interviews, it became apparent that it is not only the Part-Time Work Directive that is of importance in this matter, but also the Working Time Directive and its application in the Matzak case (and to a lesser extent in the Jaeger case).

The Matzak case has been followed with great interest in Belgium, not least because it involved a Belgian volunteer firefighter (from the town of Nivelles). Following the Matzak case, discussions have been taking place regarding the legal status of volunteer firefighters and some changes have been made. For instance, in Belgium volunteer firefighters no longer have shifts where they can be alerted at any time and where they are required to be at the fire station within a few minutes (called consignment or on-call duty). The volunteers can instead indicate at any time (by means of “smart pagers”) whether they want to be on call or not. This, however, does not mean that they are without obligation; if volunteers have indicated that they are on call, they are expected to report to the fire station within a predetermined number of minutes. The rationale behind this is that it provides volunteers with sufficient flexibility and freedom, so that there would no longer be any consignment and therefore no consignment allowance would have to be paid. Whether this reasoning holds water remains to be seen in future case law.

In **Finland**, a similar case to that of the Matzak case in Belgium took place before the Supreme Court in 2015, although this Finnish case never reached the European Court of Justice. For 12 years, a (voluntary/part-time) firefighter (“Mr. A”) had had several consecutive permanent contracts with the Finnish Fire Service in Turku. During those years he was obligated to report for duty within five minutes. Consequently, Mr. A was forced to stay at or around the station. Mr. A claimed entitlement to retroactive payment for waiting time while on standby, but the city council refused as it held the view that waiting time was not working time. However, the Finnish courts, the Court of Appeal and the Finnish Supreme Court all ruled successively that, in light of the European Working Time Directive 2003/88/EC and European case law with regard to the classification of working time, time spent on call must be regarded as working time if it restricts personal freedom to such an extent. The City of Turku was obliged to retroactively reimburse Mr. A for his hours on call, a sum which amounted to almost 25 thousand euros.

In **France**, the National Federation of the Fire Brigade of France (FNSPF) has issued a position paper ahead of the May 2019 European elections in which it draws attention to the issue of the legal employment status of volunteer firefighters in relation to the Part-Time Work Directive and the Matzak ruling (FNSPF, 2019). This position paper calls on the candidates for the European Parliament to take efforts - when elected to Parliament - to make a derogation possible for volunteer firefighters so that they do not have to be treated as “part-time workers”.

According to the FNSPF, in 2011 the National Assembly unanimously adopted a law that recognises the exceptional nature of the volunteer fire service. Working for the volunteer fire service is defined as “a free commitment

by an individual to serve the community, on a volunteer basis, carried out not as a profession but in conditions unique to this activity, to which neither the labour code nor civil servant status apply, unless otherwise decreed by law.” Nonetheless, there are also lawsuits pending in France to treat volunteer firefighters as (part-time) workers, in accordance with the Matzak ruling (FNSPF, 2019, p. 4).

Should employment as a volunteer firefighter be regarded as a part-time job, this means that most fire brigade volunteers formally hold two jobs and that the Part-Time Work Directive is in force. The reconciliation of these two jobs can become problematic as statutory working hours and rest times (in accordance with the Working Time Directive) also have to be taken into account. Departmental firefighting organisations will now have to employ professional part-time firefighters to replace the volunteers. It is estimated that the total budgetary impact on the French society amounts to two billion euros.

The FNSPF insists that volunteer firefighters are choosing voluntarily to serve others and the community and that they have a commitment to their own region and are not doing so because they are obliged to in return for a salary. The federation maintains that if volunteers are to be treated as employees, then “social commitment” will be destroyed and other forms of voluntary work (e.g. in the fields of charity, youth work or health) will suffer as well.

As far as **Norway** is concerned, there are no discussions whatsoever concerning the Part-Time Work Directive. Not so much because Norway is not a member of the EU, but simply because the Norwegian policy regarding part-time firefighters is fully in line with the European Part-Time Work Directive. Norway has overhauled the system of its voluntary firefighting services about thirty years ago and since then has only employed “professionals”. These professionals may hold a full-time or a part-time appointment. Part-time members of the fire brigade are treated as fully-fledged professionals in Norway and on-call duty is compensated.

In **Austria**, there has been some discussion regarding the legal status of volunteers. Commissioned by the (federal) fire brigade organisation, lawyers have looked into whether European case law and laws and regulations could have consequences for the legal status of Austrian volunteer firefighters. These lawyers have come to the conclusion that there are no problems to be expected in this regard in Austria. The determining factor for this conclusion is that in Austria there is not any kind of remuneration for the voluntary firefighters and commanders and therefore there is no employer-employee relationship that exists. Ever since, the subject has hardly been discussed in Austria. While Austria does not expect any problems to arise for itself, it has endorsed France’s call for a separate regulation for volunteer firefighters as an exception to the Part-Time Work Directive and the Working Time Directive.

There has been relatively little discussion in **Germany** about the legal status of volunteers. It cannot be completely ruled out, however, that the Matzak ruling (and the Part-Time Work Directive and Working Time Directive) could have consequences for this legal status. This is related to the fact that compensation is increasingly provided to volunteer firefighters on a municipal level, although this is not a national policy. It is expected that with this

compensation, the assertion that there is no employment relationship will be more difficult to maintain in a possible court case. Along with Austria, Germany has also backed the call for an exception to be made for volunteer firefighters when it comes to their legal status.

No problems are expected in **Estonia** with regard to the legal status of volunteer firefighters in the light of European regulations and case law. As was mentioned in the previous section, volunteer firefighters in Estonia are not considered to be formally employed, nor do they fall under the responsibility of the government. These volunteers are not contracted, but are expected to respond to alerts. Concerns are sometimes raised in Estonia about the working hours of volunteers, but more from a practical than a legal point of view. The fact is that volunteers who are deployed at night are usually expected to be back at work the next morning without having had a sufficient night's sleep, which is likely to have an impact on their fitness.

No discussion on the legal status of volunteer firefighters is taking place in **Portugal**, although the Portuguese respondent commented that he is of the opinion that this should be the case.

No information has been received from Denmark, Ireland, Latvia, the Czech Republic and Hungary about any discussion concerning the legal status of volunteer firefighters.

3.3 Differentiation of tasks between professionals and volunteers

The third research question discussed in this report reads: "To what extent is there a differentiation of tasks between professionals and volunteers in the way other European fire service organisations currently operate? Is this differentiation linked to their legal status? If so, in what way?"

In the majority of European countries, the fire brigade does more than just fighting fires. For instance, they may also be deployed for technical assistance (e.g. in traffic accidents) and for combating accidents involving hazardous substances, or they may be called upon to respond to water accidents. Fire prevention and "fire-safe living" are also areas in which the fire brigade can play a role. The type of tasks performed by the fire brigade may differ from one country to another.

Another factor that may vary from country to country is the extent to which volunteers/part-timers and full-time professionals perform the same tasks, or whether there is a differentiation of tasks. A volunteer can be assigned to all the same tasks as a full-time professional, but it is also possible for a volunteer to carry out only part of the tasks (e.g. only firefighting). It may even be possible for differentiation to take place within one specific task. In some countries, for example, volunteer firefighters are called out when there are fires in buildings, but the work inside the building is left to full-time professionals. Consequently, volunteers in those countries are also not trained in the use or carrying of breathing apparatus.

There is a differentiation of tasks between volunteers/part-timers and full-time professionals in some countries. Respondents from Austria, Finland and Latvia explicitly indicated that there is differentiation of tasks, but after some further questioning, it became apparent that there is also a degree of task differentiation in other countries. For instance part-time

firefighters are not used for water accidents in Norway, and in Estonia volunteers mainly support professional firefighters.

It is only the respondent from Latvia who stated that the differentiation of tasks plays a role in the legal status of volunteer firefighters. That is not to say that task differentiation is immaterial to the legal position in other countries, but the fact is that task differentiation is not an issue in terms of legal status within the respondents' purview in the countries in question.

In **Denmark**, municipalities have a great deal of responsibility for the way in which they shape the provision of fire services. This also entails that the municipality determines which tasks the volunteer firefighters are to perform and whether there is any differentiation in terms of tasks. Volunteer firefighters working at the regional and national emergency centres perform generic (repressive) firefighting tasks as defined by the Danish Ministry of Defence (under which the regional and national fire services fall). There is therefore no differentiation of tasks for these volunteer firefighters.

As far as **Estonia** is concerned, volunteer firefighters only perform tasks in support of the full-time professional firefighters. In this case, there is a high degree of task differentiation. For each incident, a professional fire brigade is always alerted and, in addition, a volunteer fire brigade. Given that there are far more volunteer positions than professional ones, volunteers usually have shorter response times. In the event of a fire, the volunteers usually do not go in themselves,¹² but rather carry out the preparatory work for the professionals (who usually arrive at the scene later), such as preparing the water collection and laying out hoses. Volunteers can start an exterior fire attack, but even then professionals are called in to supplement or replace the engaged volunteers. Volunteers are never deployed at incidents involving hazardous substances; this is exclusively a task for the professionals. However, 25 (of the 120) volunteer firefighting positions may be engaged in technical assistance such as for traffic accidents. Occasionally, a volunteer may carry out a task in the field of fire prevention, but this is an exception.

A differentiation of tasks also applies in **Latvia**, in the sense that not all volunteers wear breathing apparatus and, as a general rule, volunteers are not deployed for technical assistance, combating incidents involving hazardous substances or water accidents.

In **Germany**, volunteer firefighters are involved in combating fire and (to a limited extent) in technical assistance. While volunteer fire officers sometimes also give fire prevention advice, volunteer crew members and commanders do not carry out any fire prevention tasks. Apart from that, volunteers do not differ from professionals in terms of repressive tasks and (according to the respondent) there is no differentiation of tasks.

In **Norway** and the **United Kingdom**, no distinction is made between the tasks of full-time firefighters and those of volunteers/part-timers. However, for practical reasons, parts-timers in Norway do not execute tasks in the field of water accident relief (diving). Only full-time firefighters perform this task because it requires so much training that it is too time-consuming for part-timers. Also in **Belgium**, volunteer firefighters essentially carry out the same tasks as full-time professional firefighters.

¹² Of the 120 positions, there are two positions where the volunteers can carry out an "interior" attack in the event of a fire.

A minor difference between volunteers and full-time professionals is that full-time professionals are required to have a driving licence for large vehicles (driving licence C), which not all volunteers are required to have. Volunteers in **Finland**, **Portugal** and **France** also basically perform the same repressive tasks as professionals. It should be noted, however, that in Finland a differentiation of tasks may be found among volunteers with regard to the more specialised tasks. As an example, some volunteers can do CPR, while others are not trained to do so.

The situation in **Austria** is somewhat different. Individuals who become members of the volunteer fire brigade there can decide, in consultation with the local commanding officer, which tasks they will perform. Additionally, not every volunteer needs to wear breathing apparatus.

No information is available from Ireland, the Czech Republic and Hungary regarding possible task differentiation and how it relates to the legal status.

4 Conclusion and discussion

This survey has revealed that within Europe - or at least between the European countries investigated - there is considerable variety in the way in which fire service is organised and how the legal status is determined (research question 1). There is also a difference in the extent to which the legal status of volunteer firefighters is under discussion (whether or not as a result of European regulations and case law) from one country to another (research question 2). As to the question of whether there is any differentiation of tasks, the respondents gave divergent answers (research question 3). The respondents' answers were addressed in chapter 3. This chapter will summarise those answers for each research question.

4.1 What is the legal status of (on-call) volunteer firefighters in other European countries?

The legal status (understood as the entirety of the rights and obligations) of volunteer firefighters is not identical in any of the countries. Some countries have little formal record of the rights and obligations of volunteer firefighters. In such cases, the volunteer firefighters do not have an employment relationship, but are “members” of a fire service association that provides fire service. There is no government that acts as an employer for the volunteer firefighters and the volunteer firefighters do not get paid for the voluntary work they do for the association. This is the case in Austria, for example. At the opposite end of the spectrum are countries where volunteer firefighters are seen as fully-fledged part-time firefighting professionals employed by the government. Just like full-time volunteer firefighters, they receive a salary and have similar rights and obligations. This is especially clear in Norway, which follows the Part-Time Work Directive to the letter. Consequently, volunteer firefighters in Norway are not called volunteers but “part-timers”.

In most of the other countries, the legal status of volunteer firefighters falls somewhere between Norway and Austria, in the sense that volunteer firefighters are not paid a full salary, but they do receive compensation. Such compensation may consist of a specified amount of money per hour that they receive for the work they carry out for the fire brigade, but the compensation may also consist of all kinds of other benefits, such as a tax break or free insurance. The Austrian model, in which volunteer firefighters are members of a firefighters' association and (therefore) do not have a government appointment, is also being applied in more countries.

When it comes to the tasks of volunteer firefighters, the situation varies from country to country. In each of the countries investigated, there are different rights and obligations for volunteer firefighters. Some of the countries investigated place a formal obligation on volunteer firefighters to respond to an alert, but other countries do not. This obligation may be limited to a specific and predetermined time frame. In some instances, the volunteer firefighters receive remuneration for this “consignment duty” or “on-call duty” and in some

cases they do not. Last but not least, there is also a hybrid form (no compulsory on-call duty but not completely without obligation either) whereby volunteers can indicate electronically (via a “smart pager”) at any time of the day whether they are available for call-outs or not so that an overview of the available capacity is always at hand. Once a volunteer fire fighter has indicated that they are available, however, it follows that they are also expected to respond to an alarm (as is the case in Belgium).

4.2 Are there any discussions taking place in other European countries with regard to the European Part-Time Work Directive in respect of the legal status of volunteer firefighters? If so, what are the main points of discussion?

It has been established that to the extent that the legal status of volunteers is being discussed, this discussion is not limited to the Part-Time Work Directive. The Working Time Directive, the Matzak ruling and the Jaeger ruling are also taken into account in the discussion. The degree to which discussions are taking place differs from country to country. No discussions are taking place in Norway, as part-time firefighters are already fully aligned with full-time firefighters in terms of their legal status.

The Matzak judgement has led to some discussion in Belgium as it took place in the Walloon city of Nivelles. However, this case and the discussion that followed focused on one aspect of the legal status of volunteer firefighters, namely the compensation for consignment or on-call duty. There is nevertheless general consensus that the solution adopted (i.e. a system whereby firefighters can declare their availability at any time, as described above) provides sufficient flexibility for firefighters, effectively eliminating the need for on-call duty to be remunerated.

It seems that this discussion is particularly heated in France. Here, the National Federation of the Fire Brigade of France (FNSPF) has compiled a position paper with the objective of raising this issue within the European Parliament. This position paper was co-signed by the presidents of the German Firefighters Association (DFV), the Austrian Fire Brigade Association (ÖBFV) and the Netherlands Fire Service (Brandweer Nederland). The points of discussion here are of a fundamental nature.

In other countries, little or no discussion is taking place. This is either because people are convinced that there are no problems and they also have arguments to support this (as is the case in Estonia) or because this is not an issue on the agenda (as is the case in Portugal). In the former case, the argument arises in particular that a volunteer firefighter does not have an employment relationship and is therefore not covered by the Part-Time Work Directive and the Working Time Directive. In a number of countries, a volunteer firefighter is not employed by the government, but is a member of a firefighters’ association. Whether this reasoning holds up in court remains to be seen in future case law.

4.3 To what extent is there a differentiation of tasks between professionals and volunteers in the way other European fire service organisations currently operate? Is this differentiation linked to their legal status? If so, in what way?

It has become clear that the term “differentiation of tasks” can be interpreted in different ways. Differentiation may exist between the “group” of professionals and the “group” of volunteers in the sense that volunteer firefighters, by definition, perform different tasks to those of professionals. There are countries, for instance, where volunteers do not carry out interior attacks or are not deployed at an incident involving hazardous substances.

Respondents also mentioned another form of task differentiation among the volunteer firefighters themselves. In that case, volunteer firefighters do not carry out the entire range of “firefighting tasks” (such as firefighting, technical assistance, incidents involving hazardous substances, etc.) but are only assigned to certain tasks (for example, only firefighting). This significantly reduces the range of tasks as well as the education and training required. Consequently, this means that the work of an individual volunteer differs from that of a professional (who, in principle, performs all regular fire service tasks) but the “group” of volunteers can still cover the same range as the “group” of professionals.

And, finally, there may also be a differentiation of tasks for each fire service station, with one station being used for firefighting, for example, and another station being used for technical assistance.

Apart from the respondent from Latvia (from whom no further information was received), all respondents indicated that - insofar as there is a differentiation of tasks - this differentiation of tasks is not linked to the legal status.

On the basis of the information provided by the respondents, the following overview (Table 4.1) can be drawn up (with some reservations).

Table 4.1 Overview per country

	Directly employed by the government?	Task differentiation?	Discussion?
Belgium	yes	no	partly; awaiting case law
Denmark	yes	no	unknown
Germany	no, although paid	no	yes, because of payment
Estonia	no, not paid either	yes	no
Finland	yes	yes	unknown
France	yes	no information	yes
Hungary	unknown	unknown	unknown
Ireland	yes	unknown	unknown
Latvia	no	yes	unknown
Norway	yes	no	no
Austria	no, not paid either	no	discussion appears to have abated
Portugal	no	no	no
Czech Republic	unknown	unknown	unknown
United Kingdom	yes	no	unknown

4.4 Discussion

The survey into the legal status of volunteer firefighters in a number of European countries has produced an indicative picture of the diversity of the legal situations of volunteer firefighters (in the broadest sense of the word, i.e. firefighters for whom firefighting is not their primary profession). The research also yielded a picture of the nature of the discussion that is taking place or has taken place in a number of countries regarding this legal status and the extent to which task differentiation plays a role in this regard.

However, as pointed out in the introduction, there are some methodological limitations to this research, meaning that it cannot be assumed that the picture presented here is complete. The current report is based on the information provided by participants in the expert session in the spring of 2019, following requests made via e-mail and telephone. These participants are not necessarily well versed in the law, nor are they necessarily familiar with all the details of the legal status of volunteer firefighters, the discussions that are held on this subject and the way in which task differentiation plays a role.

In any event, what emerges from the research is that there is still much uncertainty about the legitimacy of upholding the inequality in the legal status of volunteers and full-time professionals. In particular in those countries where volunteers are employed by the government and where they are remunerated and to a large extent carry out the same tasks as professionals (but have a different legal status), there seems to be concern about the legal tenability of the legal status. In the countries surveyed, it seems that the implementation of task differentiation (in whatever form) is used for reasons other than establishing a difference in order to comply with the Directive.

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Appendix 1

Questionnaire

Each of the 14 respondents was sent an Excel sheet with 30 questions to prepare for or supplement the telephone interview, in which certain aspects could be discussed in more detail if desired. The following list shows the answers (without explanatory notes) from the various countries. For the sake of readability, the country names have been abbreviated to two letters in accordance with ISO 3166-1.

Topic	#	Question	Yes (x)	No (x)	Not applicable / Undecided	
	1	Are there any firefighters active in your country other than career firefighters? (from here on called 'volunteers')	PT; EE; AT; BE; DE; FI; LV; NO; UK			
Requirements - entry	2	Are there any job requirements that all volunteer firefighters have to meet? (For example: medical tests)	PT; EE; AT; BE; DE; FI; NO; UK	LV		
	2a	If so, do these requirements apply at national level?	PT; EE; FI; LV; NO; UK	AT; DE		
	2b	If not, are there any requirements at regional/province level?	AT	FI; LV	PT; EE; DE; NO	
	2c	If so, are these requirements the same as for professionals?	FI; NO; UK	PT; EE; AT; DE; LV		
	3	Is there a formal employment contract for all volunteer firefighters?	NO; UK	PT; EE; AT; DE; LV	FI	
	3a	If not, are there any volunteer firefighters who <u>do</u> have an employment contract?	PT; FI	EE; AT; DE; LV	NO	
Requirements - periodically	4	Are there any tests or requirements that all volunteer firefighters need to meet every few months or years? (For example medical/physical)	PT; EE; AT; DE; FI; NO; UK	LV		
	5	Are there any of these periodic requirements with regard to education, training and exercises? (For example: minimum number of exercise hours per year)	PT; AT; FI; NO; U	DE; LV		
	6	Are these periodic requirements the same for volunteers and professionals?	FI; NO	PT; AT; DE; LV; UK		
Payment and reimbursement	7	Do volunteer firefighters get paid a salary?	FI; NO; UK	AT; EE; DE; LV	PT	
	7a	Is this salary a fixed amount?	PT; FI	EE; LV; NO; UK	AT; DE	
	7b	Is this salary based on amount of calls?	FI	PT; EE; LV; NO	AT; DE	
	7c	Is this salary based on <u>hours</u> deployed at actual calls?	FI; NO; UK	PT; EE; LV	AT; DE	
	8	Do volunteer firefighters receive a fee for time spent on practice?	BE; FI; NO; UK	PT; EE; AT; LV	DE	
	9	Do volunteer firefighters receive a fee for time spent on education?	BE; FI; NO; UK	PT; EE; AT; LV	DE	
	10	Do volunteer firefighters receive full compensation for the costs of their education?	BE; FI; NO; UK	PT; AT; LV	DE	
	11	Are volunteer firefighters paid for the time that they are available (on call)?	PT; BE; NO; UK	AT; FI; LV	DE	
	12	Do volunteers receive any other payments or benefits? (For example: gratification, free child care, housing, tax or insurance discounts or study, etc.)	PT; BE	EE; AT; FI; LV; NO; UK	DE	
	Insurance	13	Does the fire service insure volunteers for accidents at work?	PT; EE; AT; BE; DE; FI; LV; NO; UK		
		13a	If so, does this insurance cover loss of income?	PT; DE; FI; UK	EE; AT; LV	
		14	Do volunteer firefighters continue to be paid (part of) their salary when they become ill?	PT; DE; NO; UK	BE; LV	AT; FI
15		Do volunteers firefighters continue to be paid (part of) their salary when they are pregnant?	PT; NO; UK	LV	AT; DE; FI	
16		Do volunteer firefighters have a pension scheme with the fire service?	PT; NO; UK	EE; BE; DE; FI; LV	AT	
17		Do volunteer firefighters receive reimbursements for travel and other expenses they incur on behalf of their work at the fire service?	AT; BE; UK	PT; DE; FI; LV		
Leaves		18	Are volunteer firefighters entitled to leave?	PT; EE; BE; LV; UK		AT; DE; FI
	19	Are volunteers entitled to special leave? (e.g. in case of marriage, pregnancy, caretaking, etc.)	PT; LV; UK		AT; DE; FI	
	20	Do volunteer firefighters receive salary during leaves?	UK	PT; EE; LV	AT; DE; FI	
Response times and obligations	21	Is response/ turning out to calls compulsory for all volunteer firefighters?	PT; EE; BE; DE; FI	LV; NO	AT;	
	22	Is response/ turning out to calls up to the choice of individual volunteer firefighters?	PT; AT; FI; LV	EE; DE; NO; UK		
	23	Are there any requirements with regard to volunteer firefighters' turnouts? (Minimum time in which they need to be at the fire station after alarm?)	EE; DE; FI; NO; U	AT; PT; LV		
Education and exercises	24	Is the education of volunteer firefighters identical to that of career firefighters?	AT; BE; DE; NO;	PT; EE; FI; LV		
	25	Are volunteer firefighters obliged to keep their skills at an appropriate level by conducting exercises?	PT; AT; FI; NO; U	LV	DE	
Task (differentiation)	26	Do volunteer firefighters perform fire prevention tasks? (For example: community safety)	EE; AT; BE; FI; LV; NO; UK	PT; DE		
	27	Do volunteer firefighters perform fire repressive tasks? (For example: breathing apparatus)	PT; EE; AT; BE; DE; FI; LV; NO; UK			
	28	Is there a differentiation of tasks? (For example, volunteer firefighters who are only deployed for water rescue, technical assistance or firefighting.)	AT; FI; LV	PT; EE; BE; DE; NO; UK		

Question unclear; no yes/no, but options	28a	If so, are tasks differentiated per fire station or per individual volunteer firefighter?	FI	EE; NO	PT; AT; DE; UK
	29	Is task differentiation connected to the legal status of volunteer and professional firefighters?	LV	PT; EE; AT; FI	DE; NO; UK
	30	Do volunteer firefighters perform specialist repressive tasks? (For example: hazardous substances (hazmat), diving, working at height (mountaineering))	PT; EE; AT; BE; FI; NO	LV; UK	DE