
A Study on the Contract of Employment about Volunteers: Based on the Legal System and Interpretation of Volunteer Remuneration in France

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In Japan, the practice of categorizing people as “paid volunteers” has been criticized for its ambiguity as to their employee status due to their lack of the gratuitous nature considered to be inherent in volunteers and for the resulting confusion brought to the labor market. This article purports to provide suggestions for improving the legal criteria to distinguish paid volunteers from employees in Japan, through an analysis of the French legal framework for distinguishing paid volunteers from employees with a focus on the nature of remuneration. Under the French law, whether the remuneration is “reimbursement of expenses” is an important test in determining whether a person is a gratuitous volunteer (*bénévole*); if it is, the remuneration is not considered as wage, leading to no finding of employee status. Nor is the remuneration considered as wage if the “nature of the remuneration” is found to be the remuneration for a national service volunteer (*volontaire*) as defined in the Decree. The “nature of remuneration” would be a very important factor if Japan is to introduce a system in which people can receive benefits as a form of financial security while continuing to engage in activities with gratuitous nature.