

LEGISLATION REGULATING VOLUNTARY WORK

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| Abstract <p>Voluntary work is a major asset in the Finnish event production. Many of the biggest events could not function without the contribution of the voluntary workers. However, there are no certain laws set on voluntary work in Finland but, instead, clauses of various laws are used. Therefore the legislation is inaccurate and open to interpretation.</p> <p>The main objective of the thesis was to examine what the legislation on voluntary work consisted of, and how it was practically applied in the Finnish event production. The study mostly focused on music events, such as festivals, as well as voluntary organizations functioning in the same industry. The thesis was assigned by Niko Wilkinson who works as a producer in World Village Festival.</p> <p>The theoretical foundation of the thesis was based on virtual and printed literature, articles and theses related to this topic. The study was implemented by following the principles of qualitative research. Five professionals of the event production field were interviewed in order to gain information about how the legislation actualized in practice. Those interviews were conducted as semi-structured interviews, and the answers were analyzed by using content analysis. Based on the interviews as well as the data collected for the theoretical foundation, a manual concerning the legislation regulating voluntary work was compiled. The manual combines the most essential aspects in one document and also maps out the biggest problems and gives solutions to them.</p> <p>As a result of the research, it was discovered that the legislation did actualize properly in the festivals and in the voluntary organization, and most of all, that everybody wanted to follow the legislation as well as they could. Nevertheless, when the legislation is being interpreted and applied in practice, there are as many interpretations and implementations as there are interpreters. This is because of the inaccuracy and conciseness of the legislation.</p> | | |
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| Tiivistelmä <p>Vapaaehtoistyö on tärkeä voimavara suomalaisessa tapahtumatuotannossa. Ilman vapaaehtoistyöntekijöitä monilla tapahtumilla ei olisi tarvittavia edellytyksiä toimintaansa. Vaikka vapaaehtoistyötä käytetään paljon, Suomessa ei ole yhtenäistä ja selkeää lainsäädäntöä vapaaehtoistyöstä, vaan se on hajautettu useiden työehtolakien alle. Siksi lainsäädäntö on hyvin epätarkka ja tulkinnanvarainen.</p> <p>Tämän opinnäytetyön tärkein tavoite oli selvittää, mistä vapaaehtoistyötä säätelevä lakinsäädäntö koostuu, ja miten se käytännössä toteutuu suomalaisessa tapahtumatuotannossa. Tutkimus keskittyi pääasiassa musiikkitapahtumiin, kuten festivaaleihin, sekä musiikin saralla toimiviin vapaaehtoistyötä käyttäviin organisaatioihin. Opinnäytetyön toimeksiantajana oli Maailma Kylässä-festivaalin tuottaja Niko Wilkinson.</p> <p>Tutkimus toteutettiin noudattamalla laadullisen tutkimuksen periaatteita. Tiedon saamiseksi haastateltiin viittä tapahtumatuotannon ammattilaista. Haastattelut toteutettiin puolistrukturoituina teemahaastatteluina ja vastaukset analysoitiin sisällönanalyyysillä. Haastattelujen ja teorian avulla koottiin vapaaehtoistyön lainsäädäntöä käsittelevä manuaali. Manuaaliin on koottu tärkeimmät asiat, jotka tapahtumatuottajien tulee huomioida vapaaehtoistyön lainsäädännössä, kartoitettu lainsäädännön suurimmat ongelmat ja pyritty etsimään niihin ratkaisut.</p> <p>Tutkimustulokset osoittivat, että vapaaehtoistyötä säätelevä lainsäädäntö toteutuu hyvin festivaaleilla ja vapaaehtoistyötä käyttävässä organisaatiossa. Kaikki haastateltavat haluavat noudattaa lakia parhaansa mukaan. Lainsäädännön tulkinnanvaraisuuden ja epätarkkuuden vuoksi tilanne on kuitenkin se, että lakia tulkittaessa, tulkintoja on yhtä paljon kuin tulkitsijoita.</p> | | |
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CONTENTS

| | |
|--|----|
| 1 INTRODUCTION..... | 2 |
| 2 THEORETICAL FOUNDATIONS..... | 3 |
| 2.1 Concept of voluntary work in Finland | 3 |
| 2.1.1. History..... | 5 |
| 2.1.2. Volunteer management | 7 |
| 2.2 The legislation..... | 9 |
| 2.3 Event production in Finland..... | 12 |
| 3 CASE..... | 16 |
| 4 METHOD..... | 17 |
| 4.1 Qualitative research..... | 17 |
| 4.2 Semi-structured interview | 18 |
| 4.3 Implementation of the interviews..... | 19 |
| 4.4 Analysis of the data | 21 |
| 5 RESULTS..... | 23 |
| Information of the legislation..... | 23 |
| Interpretation of the legislation | 25 |
| Application of the legislation | 27 |
| Volunteers' tasks | 29 |
| Ethical and moral questions | 31 |
| Manual..... | 32 |
| 6 DISCUSSION | 33 |
| 6.1 Summary of the results..... | 33 |
| 6.2 Validity of the research | 34 |
| 7 CONCLUSION | 36 |
| REFERENCES..... | 38 |
| APPENDICES..... | 40 |
| Appendix A. | 40 |

1 INTRODUCTION

Working as a volunteer and as a leader of volunteers in a few different festivals and events around Finland has showed that although voluntary work plays a major role in event production, one rarely hears about the obligations and rights that the volunteers have. In Finland, there is not a particular law passed for voluntary work but, instead, clauses of various laws are used in this context. Therefore the legislation is inaccurate and open to interpretation.

The main objective of this thesis was to clarify what the legislation on voluntary work consists of, and how it is practically applied in the Finnish event production field. On the other hand, also the moral questions of voluntary work were discussed and reflected on as to their relation to the legal side. This research was mostly focused on the music events, such as festivals, as well as on voluntary organizations functioning in the same industry.

The theoretical foundation of the thesis is based on virtual and printed literature, articles and theses related to this topic. In addition to the above-mentioned sources, a few different events were used as case examples. Moreover, professionals of event production were interviewed in order to form a wider picture of how the legislation on voluntary work and the moral questions were interpreted in practice. Those interviews were executed in the form of a semi-structured interview and by following the principles of qualitative research methods. The collected data was analyzed by using content analysis. Based on the collected information, a manual concerning the legislation regulating voluntary work was compiled. The main purpose of the manual was to combine the most essential aspects in one document and to map out the biggest problems and give solutions to them. This thesis was assigned by the World Village Festival and the contact person was the producer Niko Wilkinson. Wilkinson was also one of the interviewees. It is hoped that, in addition to the World Village Festival, also many other festivals and event producers would find this thesis and especially the manual useful, and that it would help them to develop their volunteer management.

2 THEORETICAL FOUNDATIONS

In this chapter, the concepts and the definitions as well as the set of regulations and acts are introduced. Furthermore, the history of voluntary work, and volunteer management is presented.

2.1 Concept of voluntary work in Finland

Voluntary work creates a strong base for the operation of many organizations and communities. In Finland, around 80 % of the population belong to at least one voluntary organization in their lifetime. There are no minimum requirements that people need to have in order to be able to work in a voluntary organization. Therefore, anyone can volunteer with the background, experience and skills that they have. Due to this, the degree of difficulty of the tasks that volunteers do varies considerably. Most of the Finnish volunteer organizations belong to the culture and recreation sector. The health sector and business and professional associations and unions come next. (National Report – Finland 2010, 2, 11)

As the term suggests, voluntary work is unpaid work, and its main purpose is to improve the common good as well as to help others. Voluntary work is done based on free will and it helps achieving certain non-profit goals. (Sademies & Kostiainen 2013, 3) Even though volunteer workers have responsibilities and they work in many kinds of duties, voluntary work does not require vocational training and therefore, does not replace vocational work. Instead, learning new things and self-development are important factors. (Vareskeskus) In Finland, voluntary work is strongly built on its social aspect. (Harju 2003, 45) Social equity is one of the major incentives for people to work as volunteers. Social equity mostly consists of trust, social networks and the norms of reciprocity. (Sanaksenaho 2006) As a result of various examinations, it has

been noticed that people feel better, and the society functions more successfully in those countries where the amount of social equity is high. (Harju 2003, 61)

People's different levels of commitment is one of the main characteristics of voluntary work. Usually individuals start working as volunteers by joining a certain group or organization and later move forward to the management of the organization. (Harju 2003, 46-47) Individuals spend approximately four hours a week among voluntary activities. However, that time depends on the person's age, gender and employment status. It has been noted that especially young volunteers want to have a strict volunteer position based on their own hopes and endeavours. (National Report – Finland 2010, 6, 11)

Considering the relatively small size and the number of population, Finland has many voluntary organizations. In 2010, there were 127 000 registered organizations and 30 000 unregistered ones. (National Report – Finland 2010, 8) Compared to the for-profit sector, voluntary organizations are quite free to start and implement many kinds of projects in Finland. This is due to their non-profit nature and the general opinion that voluntary organizations benefit most people. Voluntary organizations have also been the first ones to react and respond to new social problems. (Harju 2003, 44-45, 48)

2.1.1. History

In Finland, the history of voluntary work dates back to the late 1800s. The first organized forms of voluntary work were started by women from higher social classes in the 1840s, when they teamed up to help more disadvantaged people and to redistribute social rights and responsibilities. By the end of the 1800s and the beginning of the twentieth century also youth societies, women's movements as well as religious organisations and home district organizations developed to the active civic organizations. From the 1860s to 1880s volunteering experienced a huge development. This was the Finnish population's way to improve society and strengthen the national identity. (National Report – Finland 2010, 2)

In the early 1990s, the voluntary organizations were transferred to support public services and fill gaps in their provision, instead of being an independent sector. This was due to the Finnish state's decision to found a state-based social security system in the 1960s, and to take the most of the responsibility for the activities. Nonetheless, many organizations, such as youth organizations, political parties and trade unions worked actively in Finland during the 1970s. (National Report – Finland 2010, 2) In the 1980s, civic activities were finally separated from the political organizations, and in the end of the 1990s and the beginning of the 2000's new international movements found their way to Finland (Harju 2003, 26-28).

From the year 1999 to 2009, the amount of voluntary work, did not experience major changes. During those years, the biggest amount of voluntary work was done in sport organizations, housing companies, religious organizations and in different hobby organizations. The biggest change in the amount of voluntary work during 1999-2009 concerned children and young adults, as well as senior citizens. Namely, children and young adults did less voluntary work than before, whereas those over 65-years-old participated more in voluntary work than before. The forms of voluntary work did not change greatly in 1999-2009. The biggest change was that participation in freetime activities, such as sport organizations has increased while participation in tradeunions and politics has decreased. (Hanifi 2011)

There has been a great deal of discussion concerning volunteer work in Finland in the last few years. Especially, the division of work between professionals and volunteers has been a common topic since it does not seem to be clear what is whose responsibility and what kind of job belongs to whom. (Nylund & Yeung 2005, 13-14) One challenge that the Finnish voluntary work and different organizations are facing is the ageing of the volunteers of voluntary organizations. Apparently, the activity and participation in voluntary work is not showing signs of abatement but especially young people want to decide their own level of involvement in organizations and hence, they are more willing to change from one organization to another. (National Report – Finland 2010, 2) In voluntary organizations, leading and management tasks are mostly trusted to older people aged 50 years and over. Due to this, the ageing of the population causes big challenges to the continuation of voluntary work and, presumably, voluntary organizations will rely more on professionals and paid staff in the future. In addition, they will start taking care of the funding and financial matters by themselves rather than relying on subsidies. Accordingly, strategic planning, efficiency and productivity will become more important elements in the voluntary organizations as well. (National Report – Finland 2010, 9)

2.1.2. Volunteer management

Management as a concept means using resources in the most effective and efficient way in order to reach the set goals (Citizens Information Board, *Managing Volunteers – A Good Practice Guide*, 5). Working as a manager in a voluntary organization, requires a great deal of skills and knowledge in terms of dealing with bureaucracy and administration (National Report – Finland 2010, 11). Some principles of leadership can be applied to the management of a voluntary organization as well. However, volunteer management is such a specific field of management that it requires a certain type of leading. Compared to the management of for-profit companies, management of voluntary organizations differs in many ways. One of the biggest differences is that a person rarely applies to be a manager of a voluntary organization, but more likely ends up being one. That situation raises the manager's personal characteristics to an even more significant role. In addition, there is no actual training for voluntary management in Finland, even though there is a variety of different kinds of trainings concerning leadership. In a voluntary organization there are usually people from different age groups having different kinds of motives for participation in voluntary work. Especially in event production, voluntary workers want to participate in the production because they like the event and want to be part of it. Likewise, some volunteers might want to help in making their locality more popular with the event. Nevertheless, there are also those people who do voluntary work for a free ticket to the event or more content for their CVs. Those different kinds of motives can make the work of the manager even more challenging. The manager has to be able to measure how much responsibility can be given to whom and who is better at working in teams. These circumstances are one of the biggest reasons for the variability of the level of volunteer management. (Juhola 2012, 14-16)

Managing event volunteers is different compared to the management of the volunteers in a voluntary organization. That is because in events volunteers are working only for a short period of time, whereas organizational volunteers have time and a possibility to develop a relationship with the organization they work at. The position and role of a Volunteer Coordinator needs to be planned well because all the events

have different ways of functioning and different needs of human resources. A Volunteer Coordinator's role may change as the event goes on since it has to be adapted according to the needs of a particular event. (Cuskelly & Auld 2000, 1, 9)

Volunteer management cannot be based on dictatorial management. That is because volunteer management is very interactive and built on the trust and sincerity between the manager and the volunteers. When the volunteers are given more responsibility, they will become even more motivated and committed. (Kilpiä, Lähteenmäki, Voipio 2012, 18) Especially in voluntary organizations, management does not mean commanding people to do something, but listening to and work together with the volunteers, and to commit them to the voluntary work. A volunteer manager does not have a possibility to demand people to do the work that is given to them because, after all, voluntary work is based on free will. (Juhola 2012, 14-16) Accordingly, as a manager it is important to remember that it is not possible to recompense the volunteers with extra benefits for a bad atmosphere or overtime work as it is in paid labour (Kilpiä et al. 2012, 19). When talking about volunteer management, recruiting is a very essential part since, especially in different events, the workers tend to change year after year (Juhola 2012, 14).

In the Citizens information board, *Managing volunteers – A good practice guide* (12), there are a few guidelines on how to manage volunteers effectively. According to the guide, it is important for the manager to understand why there are volunteers involved in the organization, and how they fit in the organizational structure. The manager has to know what motivates the people and validate the volunteers' contribution. The manager also has to be capable of guaranteeing the efficiency of the service while meeting the needs of volunteers. In addition, it is important to be able to build a team where all the members can give their contribution.

2.2 The legislation

In Finland, there is no specific laws set for voluntary work. Instead, the law that applies to voluntary work consists of clauses of different laws. Therefore, the law is very open to interpretation, and voluntary organizations have to spend a great deal of time to interpret the legislation concerning voluntary work. Moreover, the related procedures and the decisions that are made are completely dependent on the decision maker. (Sademies & Kostainen 2013, 2)

Rights of unemployed volunteers

Participation in voluntary work helps many unemployed people to maintain their professional skills and vitality. In Finland, the voluntary work of unemployed people is monitored by the Unemployment Security Act (30.12.2002/1290). Based on that, unemployed people are allowed to participate in non-profit voluntary work. (Sademies & Kostainen 2013, 4)

However, the Unemployment Security Act includes some limitations concerning the unemployment allowance and the type of the work that volunteers can do. Namely, it is stated in the law that a person who works in a job that is commonly perceived an employment relationship or as business, is not entitled to an unemployment allowance. This has caused confusion and it has been difficult to interpret what the clause means. At worst, some volunteers have lost their unemployment allowance because of the clause. In 2013, the Ministry of Employment and the Economy draw a new directive concerning the interpretation of that law (TEM/1298/00.11.03/2013). According to the new directive, a volunteer can work in the same type of work that is done in an employment relationship in some other organization, as long as the organization is not the same where the volunteer is working. Exceptionally, when working in events volunteers are allowed to do same type of jobs as paid employees. (Sademies & Kostainen 2013, 4) While working as a volunteer, an unemployed person has to be applying for a job all the time. Unemployed volunteer workers are allowed to participate in the trainings concerning voluntary work, and they can work in

non-profit companies, the church or municipalities, for example. (Sademies & Kostiainen 2013, 4)

Safety in voluntary work

In the Finnish Occupational Safety and Health Act, there is a clause concerning voluntary work (738/2002 55 §). The Occupational Safety and Health Act is applied to voluntary work only partially and in order to fall under the scope of the Occupational Safety and Health Act a volunteer has to make a contract of employment with the employer. This contract can be made in writing or orally and it has to be personal. In addition, the work that the volunteer does has to be similar compared to the work that the employed workers are doing. (Työsuojeluhallinto 2013)

In Finland, during working hours the safety of the employees is monitored by the Occupational Safety and Health Act as well as the Accident Insurance Act. In case of an accident during working hours, the situation of paid employees is much better than that of voluntary workers. That is because the Occupational Safety and Health Act applies to volunteers only if there are also paid employees working in the organization. Nevertheless, the Accident Insurance Act does not apply to voluntary workers at all. (Keski-suomalainen 2014) It is an obligation of the employer to insure the employees in case of accidents at work. Still, this law does not include voluntary workers. To insure the voluntary workers working in the organization, there is a possibility to take an accident insurance for a group. (Vilkki 2012, 7-8)

When talking about the safety of volunteer workers, it is the employer's responsibility to ascertain that the employees can work safely. Making the working environment as good as possible in order to secure and maintain the working ability of the employees, is one of the basic aspects that the employer has take into account in order to ensure the employees' safety. In fact, employers should have a strategy concerning the safety, health and the working ability of the employees. If necessary, the strategy should include guidelines and a description of first-aid, fire control, evacuation of the staff, as well as of the contacts to the external services. It should also take into account the action plans and the operational propositions of the healthcare authorities. The strategy can mean a policy that is set for the case of an

emergency, or it can be something more concrete. (Vilkki 2012, 8-9) Although the employer is responsible for arranging the right and safe working conditions, it is the volunteer's responsibility to follow the safety instructions and use proper protective devices and tools (Työsuojeluhallinto 2013).

Taxation in voluntary work

The Finnish Tax Administration has issued a separate directive concerning taxation of voluntary work, although the law does not specify the tasks that volunteers are allowed to do. Voluntary work in organizations as well as fundraising done by volunteers are tax-free as long as those funds are used to achieve common goals and maintain the function of the organization. Voluntary work also has to be temporary, and it should not require any expertise. (Sademies & Kostiainen 2013, 3)

Voluntary organizations are obligated to pay taxes from the income they make. Nevertheless, there are certain cases in which the voluntary organization can earn money without paying taxes. Examples of those situations are rummage sales, sports meetings and lotteries that the organization arranges, as well as membership magazines, postcards and other printed material that it sells. (Tuloverolaki 30.12.1992/1535, 22 §, 23 §)

Even though voluntary work is unpaid, volunteers are entitled to certain types of refunds. According to the Finnish law on income taxes, a voluntary worker is entitled to tax-free income, such as daily allowances up to twenty days per year, accommodation allowances and refunds from travelling expenses. Travelling expenses are refunded tax-free till the maximum of 2000 euros per year if the journey has not been done by public transport. (Tuloverolaki 10.12.1992/1535, 71 §, 72 §) Based on the information given in the website of the Finnish Tax Administration, a voluntary organization is obligated to report the paid refunds by using the employer's annual declaration form (Suomen verohallinto, 7801). According to the tax authorities, a voluntary worker is allowed to receive a minor compensation in money as long as it does not happen regularly and it is agreed on beforehand. (Sademies & Kostiainen 2013, 3)

2.3 Event production in Finland

Events

Events have a special influence on the surroundings and society around them. Especially in the fields of culture and arts, different events help to expand the selection of culture all over the country. Events can also help with improving and building communities. In fact, many of the biggest or most popular events and especially festivals, have been born to smaller places away from the biggest cities. In this way, events can make even a smaller city better known. (Iso-Aho 2011, 12-13) In Finland, as well as in many other countries, events are important factors for cities' regional development and brand-building (Iso-Aho & Kinnunen 2011, 7).

In Finland, most of the events are based on the ideas of committed and enthusiastic hobbyists of a certain field. Therefore, events and event production are important forms of social activities which are many times build on voluntary work. Most of the Finnish events and especially festivals strongly rely on the volunteer workers contribution. Many events would not be possible if there was not such a big number of people volunteering year after year. (Juhola 2012, 14) A great number of the Finnish festival organizers are associations and they usually have only a few paid employees (Iso-Aho 2011, 14). However, those people are not necessarily working in the organization as paid staff for the whole year. This makes the role of the volunteers even more notable (Kinnunen 2011, 24-25). Finland Festivals ry is a non-profit organization that improves the operating conditions of the Finnish festivals and works as a consultant for them as well (www.festivals.fi). Finland Festivals includes dozens of different festivals and already those have approximately 5000 volunteers working annually (Iso-Aho 2011, 14).

An exceptional organizational structure and the number of voluntary workers are not the only different characteristics that event production is known for. The procedures in the Finnish event production are many times based on allowances, and events usually have many co-operation partners. In addition, organizations that produce events have a very different kind of a working year. All the work that is done during

the year heads for one goal, which is the event itself. The event is the climax of the year. (Kinnunen 2011, 24-26)

Overview of the history of event production

Throughout the history of mankind, different kinds of events and season-related festivals have been an important part of communities' lives (Iso-Aho 2011, 11). Already hundreds of years ago people organized such big happenings as Royal ceremonies, celebrations of military achievements, gladiator games in Rome and the ancient Olympic Games (Tum J. 2006). People have always felt a need to celebrate the key moments and important happenings in their lives. For instance, passages are celebrated in forms of different parties and ceremonies. Celebration can be done in private as well as in public, or sometimes public events might become milestones in peoples' lives according to what people measure as their private lives. One example of that kind of an event is the start of the new millennium. (Bowdin, Allen, O'Toole, Harris & McDonnel 2006, 4) By the 1970s, festivals had found their way to people's lives and needs. This was because of the attempt to divert people's attention elsewhere from social deprivation and troubles by means of strengthening community spirit. The number of community festivals increased since communities had the tools to arrange them and always something to celebrate. Those celebrations were funded with the help of art associations and events under an umbrella of social welfare and community development. (Bowdin et al. 2006, 10)

Typical festivals are seen as modern events because of the festival development in the 1970s and in 1980s. The Olympic Games in Los Angeles in 1984 were a good example of an event that modified the contemporary events industry to the form that we know today. (Bowdin et al. 2006, 10-11) Once people started to have more leisure time and money to spend, they became more interested in different forms of entertainment, such as public events and celebrations. Hence, those events became even more popular. The events' popularity and impact on image building as well as on marketing strategies was noticed in the business world. Many corporations and businesses started to use events as key elements in those strategies. As a matter of fact, events were an important part of the corporate marketing mix through the 1990s. Moreover, governments used events as parts of their strategies by supporting

and promoting them. Those strategies were mostly targeted at building the nation, destination marketing and economic development. (Bowdin et al. 2006, 3, 13)

By this decade, sponsorship had become one of the most important and integral parts of organizing major events. However, companies' interests and attitudes had undergone some changes. Companies were even more interested in the profits that the events made as well as returns on investment. Besides entertainment, events can be beneficial assets in the strategies related to arts, education, regeneration and tourism, for example. This factor has been noticed among the events in the 21st century. (Bowdin et al. 2006, 13-14)

Finnish festivals

As a term, “festival” has been used for hundreds of years, and it can signify various types of events (Bowdin et al. 2006, 5). Compared to the term “event”, a festival is more defined and exact. For instance, a concert of a singular orchestra or band can be defined as an event, whereas a festival is an entirety that consists of many different parts that are connected to each other thematically and geographically. Those parts happen within a certain time frame, which is usually more than one evening. It has been noticed in various studies that festivals are significant cultural, economic and social assets. Therefore, many cities and regions all over the world started developing their festivals in the beginning of the 21st century. (Iso-Aho 2011, 12)

Festivals can create a big part of a city’s brand. It is very common that many cities are known mostly because of the festival that has taken place in the city for several years. In Finland, good examples of this are the Savonlinna Opera Festival, Pori Jazz Festival as well as the Imatra Big Band Festival. Those festivals have become the main attractions in those cities. Especially in smaller municipalities, a well-functioning festival has a more positive influence on the identity of the citizens and the municipality’s image than any other single factor. In those places, a festival can be a clear highlight of the year. In addition, festivals bring the media to the spot, which gives the municipality more publicity and makes it better-known. (Iso-Aho 2011, 11, 15) Compared to the number of the population, Finland has a remarkable number of festivals happening each year (Tisa Ho 2010. festivals.fi). Like mentioned before, already Finland Festivals ry has almost 100 festivals as members of the association in 2013 (www.festivals.fi).

3 CASE

There are no certain laws set on voluntary work but, instead, clauses of different laws are used. This makes the legislation regulating voluntary work very inaccurate and open to interpretation. This, in turn, can make the legislation very confusing and difficult to apply in practice when it comes to event producers and voluntary organizations. Besides researching of what acts and regulations the legislation concerning voluntary work consists of, the objective of this study was to examine how those acts actualized in practice in the Finnish events and voluntary organizations. This study focused mainly on music events, especially festivals and music-related voluntary organizations. This choice was made because of the great number of different kinds of events and organizations, so the field to be examined had to be confined. This topic emerged when discussing possible research topics with Niko Wilkinson who is the producer of the World Village Festival. Based on both of our experiences of voluntary work in events and Wilkinson's knowledge concerning the state of the legislation regulating voluntary work, it became clear that this kind of research was needed. Therefore, the World Village Festival became the client of this thesis, and Wilkinson worked as a contact person.

The topic was approached with qualitative research methods and the method for data-collection was conducting semi-structured interviews with six professionals from the Finnish event production field. The interviewees were mostly deputies of few biggest Finnish music festivals and voluntary organizations. Based on the interviews and the collected data, a manual was compiled containing the main statutes concerning the legislation regulating voluntary work and giving guidelines on how to interpret them in real life. The manual is mostly targeted at event producers and people working in voluntary organizations.

4 METHOD

4.1 Qualitative research

In this research, the methods used were qualitative. The qualitative research approach was chosen because this thesis focused on understanding the certain phenomenon and its present state. In addition, this particular phenomenon had been studied relatively little before and that makes qualitative research method even more suitable. Furthermore, if a theory is unknown or quite new, qualitative research is the best possible choice. Finally, unlike quantitative research, qualitative research gives room for the researcher's individual interpretation. (Kananen 2011, 41, 43) Understanding the state of affairs can best be achieved by hearing people's insights and experiences instead of measuring quantitatively. Therefore, the interviews for this research were semi-structured, and they are discussed in greater detail in the next chapter.

In order to be able to collect comprehensive and appropriate information, the following questions were studied:

1. Of what regulations and acts does the legislation concerning voluntary work consist of?
2. How do the regulations and acts concerning voluntary work actualize in practice in the Finnish events and voluntary organizations?

4.2 Semi-structured interview

The interviews for this research were conducted as semi-structured interviews. The interviews were conducted with every interviewee individually. The aim was to give the interviewees a possibility to share their experiences and opinions about the subject as widely as possible and to compare the answers with each other and, finally, to form a big picture about the main issues and problems. The semi-structured interview was chosen because of the freedom and possibilities that it gives to the interviewer as well as to the interviewees. It gives the interviewer an opportunity to elicit in-depth responses which reflect the insights of the interviewee as well as to inquire and make unexpected discoveries. In addition, many times the interviewees find this type of interview informative, and they might gain new insights themselves as the interview proceeds. (Polonsky & Waller 2011, 153, 155)

The purpose was to find 10 interviewees at most. As Kananen (2011, 53) has pointed out, in qualitative research the number of interviewees is difficult to define in advance. This is because the size and the scope of the phenomenon determines how many interviewees it is possible to interview. Sometimes the phenomenon can have such a small number of people affecting it that it is possible to interview them all, whereas sometimes it can include such a large number of people that it is impossible to interview all of them. In this research, the aim was that the festivals and organizations that the interviewees represented, would be from different parts of Finland. In this way the sample would be wider and more comprehensive. Those were the main factors based on which the author started to plan who to contact. Fortunately, it was possible to find interviewees in different parts of Finland and not only in music festivals but also in music-related organizations.

Based on the collected information concerning the legislation on voluntary work, an interview protocol was compiled so as to form a basis and a structure for the interviews. With the protocol the aim was to clarify how the interviewees experienced the regulations set for voluntary work, and how they thought those regulations were actualized in practice in the festival or organization that they worked for. In a semi-

structured interview, the questions are the same for every interviewee. However, the answers are not tied to certain options, but all interviewees are able to answer with their own words. (Hirsijärvi & Hurme 2001, 47) This was the policy with the interviews of this research as well.

4.3 Implementation of the interviews

In the early stage of planning the interviews, the idea was to conduct the interviews via e-mail, since the interviewees were around Finland and it would have been time-consuming to travel to meet everyone in person. In addition, with e-mails the answers would already have been in a written form, which would have been time-saving and the answers would have been in a form that the interviewees wanted them to be. The interview questions would have been sent to the interviewees via e-mail, and after answering, they could have sent the answers back via e-mail. However, this plan needed to be altered for the reason that an interview has to be an interactive situation. Hence, questions asked via e-mail did not fulfill the requirements of a proper interview.

The next option was to conduct the interviews with phone calls. Compared to the e-mails, all the same benefits would have been gained with phone calls, except the written answers. Consequently, the author should have been able to record the calls. By recording them, it would have been possible to focus on the interviewee and the discussion instead of writing down the answers. Voice recording also allows the interviewee to go back to the interview situation and listen to it again whenever necessary. Moreover, by recording it is possible to capture the interviewee's tones of voices and pauses which many times give more information than words. (Kananen 2011, 56) With phone calls, recording the interviews became a problem since the author's phone did not include a recorder, and in order to be able upload a recording program from the internet, she would have needed to have a smartphone which she did not have.

The final solution was to borrow a recorder from the school campus and to have the interviews of those who lived in Jyväskylä in person and record the answers. When interviewing someone face-to-face, a meeting with the interviewee was arranged, and in the interview situation the questions were asked by following the interview protocol. The interviewee was able to answer as extensively as he or she wanted. With those who did not live in Jyväskylä, the interviews were conducted and recorded via Skype to which it is also possible to download a recording software. In the end, two of the interviews were held by using Skype and the rest three were meetings where the interviewees were met in person. An unlimited amount of time was reserved for every interview. The interviews lasted from 15 to 30 minutes depending on the interviewee. The interview situations were recorded completely and a permission for the recording was asked once more in the beginning of the interview. The interviews were conducted using Finnish and translated into English for the research. The questions were sent to the interviewees via e-mail in advance, and the time for the interview itself was agreed at the same time. The interviews were held a few weeks after the questions were sent in order to give the interviewees enough time to prepare. The interviewees seemed to have more and more to say as the interview proceeded and the subject was discussed. Therefore, they were given a chance to send an e-mail if they had something to add to their answers. After every interview, the recordings were transcribed in order to make the analysis and comparison of the answers more efficient.

All the interviewees had an option to give the interview anonymously. This was because the aim with the interviews was to form an overall image of the Finnish event production, instead of pointing out the weaknesses of any single festival or organization. In addition, the interviewees were encouraged to answer as honestly as possible, and some of them might have been able to do that only if they stayed anonymous. Eventually, only one of the interviewees wanted to stay anonymous. As mentioned before, the interviewees represented festivals and organizations from many parts of Finland. Five of the interviewees represented festivals, whereas one of them was a representative of an organization.

Four of the interviewees are listed on a table below.

TABLE 1. List of the interviewees

| Name | Title | Festival/Organization | City | Number of voluntary workers | Number of paid employees |
|--------------------|-------------------|---|-----------|-----------------------------|---------------------------|
| Anniina Havukainen | Volunteer Manager | Jurassic rock Festival | Mikkeli | 350 | 200, includes part timers |
| Mari Lankinen | Producer | Jyväskylän Kesä Festival | Jyväskylä | 90 | 2 + max. 4 part timers |
| Niko Wilkinson | Producer | World Village Festival | Helsinki | 200 | 3 + max. 3 part timers |
| Ville Koivisto | Volunteer Manager | Jyväskylän Elävän Musiikin Yhdistys ry (Jelmu) / Tanssisali Lutakko | Jyväskylä | 100 active volunteers | 5 |

In addition to the interviewees listed above, one more interview was done anonymously. That interviewee was also a representative of one of the biggest music festivals in Finland.

4.4 Analysis of the data

In this research, all the recordings were transcribed after the interviews. The recordings were saved on the computer until the thesis was finished in case there was a need to listen to the interviews again. Transcriptions of the interviews were not included in the thesis. However, the transcriptions are available in case one wants to read them. Transcription means converting collected data and recordings into a written text which can be analysed (Kananen 2011, 57). There are three different transcription levels and in this research the chosen level was standard language. The standard language level is quite accurate, only dialectic or slang expressions are altered into standard language. (Kananen 2011, 57) There is no certain guideline concerning the accuracy of the transcription. However, before transcribing it would be useful to know the type of the analysis that will be fulfilled. (Hirsijärvi, Remes & Sajavaara 2007, 217)

The analysis of the collected data was done with content analysis. Content analysis is a type of analysis which is often used in qualitative research, and its goal is to gain information from the collected data. Nevertheless, in qualitative research analysis is usually performed throughout the research process. In other words, in qualitative research the material is partly collected and analyzed at the same time. (Hirsijärvi et al. 2007, 218) With content analysis it is possible to describe the text that is analyzed. The data is divided into different segments, and the ones with similar content are combined. After that the whole material is summarised to an entirety which should give answers to the research questions. (Kylmä & Juvakka 2007, 112-113)

5 RESULTS

When conducting the interviews, all of the interviewees seemed to be glad that this topic was finally being studied. Interviewees tended to be slightly amused and irritated at the same time due to the poor state of the legislation concerning voluntary work. In general, the opinions and insights they had encountered significantly, and that matter itself gives an impression of the state of things. When starting the interviews, most of the interviewees were worried if they would be able to answer well sufficiently. When analyzing the data, the main goal was to find out how the legislation was practically applied in those festivals and in the voluntary organization, as well as to find the most common and the biggest problems. Finally, it was possible to perceive a big picture concerning the state of the legislation regulating voluntary work.

Information of the legislation

The interviewees were asked a question concerning searching the information of the legislation regulating voluntary work. The aim of that question was to reveal how easy or difficult the interviewees think it is to find the information of the legislation, and from where it is searched.

All the interviewees mentioned using Finlex as a source of information to the questions they might have concerning the legislation. In terms of getting reliable and up-to-date information, few of the interviewees contact a lawyer. In addition, one of the interviewees mentioned using a book discussing volunteer management as a source of information. Three out of five interviewees also said that they contact people from other festivals and organizations if they have a problem to find or interpret regulations.

Four of the interviewees thought it is difficult to find the information because there is no solid definition of policy concerning voluntary work but it is dispersed under different laws. One of them said finding information is easy because the legislation concerning voluntary work does not exist. In other words, everyone of the interviewees thought that the information does not exist in any rational form. The opinion whether that makes the information easy or difficult to find varied depending on the interviewee's personal mindset. All the interviewees said that the situations when they need to find information of the legislation occurs quite seldom, since all of the festivals and the voluntary organization had existed for such a long time that things work routinely. However, they believed that if someone is organizing a completely new event or organization and has no previous experience, finding the information of the legislation and especially interpreting it could be very difficult.

Interpretation of the legislation

Questions concerning the interpretation of the legislation regulating voluntary work, were formed in order to find out how explicit the interviewees feel the legislation is. They were also asked how much resources it takes from them to study and interpret the legislation, and what divisions of the are the most difficult to interpret.

All the interviewees thought that the legislation regulating voluntary work is not explicit because it does not exist. As specifying observation, it was mentioned that the legislation is confusing because it is so dispersed under different laws. Interviewees were also astonished about the fact that the Finnish Tax Administration has more decent guidelines and policies about voluntary work than Finnish government has.

Three out of four festival representatives felt that interpreting and following the legislation does not take much of resources, hence it is an ongoing process and happens along with everyday work. One of the festival representatives thought that unless she would have a lawyer as a family friend and consultant, interpreting the legislation might take plenty of time. Ville Koivisto from Jelmury believed that in festival conditions, interpreting and following the legislation might be more challenging than in a voluntary organization. He said that in Jelmury those issues do not require much of resources since they have a familiar and safe venue, and systems, as well. This enables those matters to go routinely.

Divisions of the legislation which seemed to be the most difficult to interpret were contracts, taxation, safety and the amount and quality of work that the volunteers do. Concerning contracts, one of the biggest problems was knowing when the contract between the employer and the volunteer comes into effect, since it is not an actual contract of employment but it is essential concerning the volunteer's protection under the law. In addition, what can the employer do and demand if the volunteer does not come to work or decides to quit? About taxation, the biggest obscurities concerned the benefits the employer is allowed to give to the volunteer without it being taxable income. Voluntary workers' safety seemed to be thought carefully.

Concerning safety, one of the major concerns was the poor level of protection the Occupational Safety and Health Act as well as the accident insurance give to the voluntary workers. The amount and the quality of work that the volunteers do raised many questions as well. This was unclear especially in case of voluntary organizations where, unlike in festivals, volunteers might be working in weekly basis. Ville Koivisto from Jelmury wondered if there is any regulation that would determine how many hours a volunteer can work without payment. Here is an excerpt of his thoughts about the matter:

Frankly, I do not know if there is a regulation that would determine what amount of work a volunteer can do before an employer is obligated to pay salary. Volunteers might come across with these things when dealing with Kela, for example. There has been a lot of discussion about these things in media, and especially about why unemployed people can lose their unemployment benefits if they are doing voluntary work. That is a big problem already because many organizations are depending on voluntary workers and likewise, a voluntary worker might be depending on the voluntary work and his or her contribution in the organization.

All the interviewees seemed to be at one with their opinions about the interpretation of the legislation regulating voluntary work. As it can be concluded from the comment above, these things raised a lot of questions and feelings among the interviewees. Most of the interviewees tended to be frustrated and astonished since there is no clear definition of policy about any of the above-mentioned things.

Application of the legislation

By means of the questions under this topic, the purpose was to examine how easy or difficult the interviewees felt it was to apply the legislation in real life. In addition, it was clarified how well did the regulations concerning the safety and taxation of the voluntary work actualize in practice in festivals and voluntary organizations.

Interviewees seemed to think that applying the legislation to the real life, literally is applying. That was mostly because of the inaccuracy of the legislation. General opinion was that the law is quite far from the practice and also because of that it requires a great deal of interpretation and applying. One of the festival representatives said that if someone has already found the right clauses and interpreted them, then it was easy to work according to them. However, if the clauses had to be searched and interpreted by oneself, it might take plenty of time.

There was a difference between voluntary organizations and festivals with this subject as well. According to the answers, in voluntary organizations the application of the legislation is easier than in festivals since the venue and systems are familiar, the community is very tight, and there usually are not even 20 people working in the venue during a night. In festivals, there might be hundreds of volunteers working at the same time and they are spread widely to the different workplaces around the big festival area. In those conditions, it is much more challenging to make sure that the regulations actualize well with each volunteer. One interviewee said that besides the clauses, also the spirit of the law is very important and that is a factor that affects people's behavior.

All the interviewees thought that regulations concerning taxation in voluntary work actualized well in the festivals and organizations they worked for. All the interviewees were aware of the fact that no costs should come from voluntary work so the benefits the volunteers gain from their work are strongly work bounded things and tools for working. Interviewees believed that benefits given to the volunteers might

differ a lot depending on the festival and an organization for the reason that there is no clear regulations about these matters either. Mari Lankinen from Jyväskylän Kesä Festival crystalised:

Basically, no costs should occur from voluntary work. However, there is not any clear and coherent occupation concerning this matter, so the regulations are very open to interpretation. This is a complicated thing especially for students and unemployed people who get social security benefits.

Due to the long history of all of the participated festivals and an organization, issues concerning taxation of voluntary work seemed to go routinely, and according to the interviewees there was not an urgent need to read the legislation to be able to handle those things. Again in Jelmury, also taxation is easier to handle, because of the fact that their volunteers do not work much as “loaned” workforce in some other organisations or events, so they do not have to pay travelling expenses to the volunteers.

Based on the interviews, it was easy to conclude that plenty of effort has been put on the safety of the voluntary workers. The ways how that is done varies depending on what festival or organization is about. In general, taking care of voluntary workers’ safety is strongly based on minimizing the risks, since in event production and especially in festivals, unexpected things happen very often.

In festivals, methods of securing voluntary workers’ safety are for example, having a person in charge in all the workplaces where volunteers work. This means that there are no workplaces where works only volunteers but there is always a person around who is in charge of the safety of the workplace. According to the interviews, general obligations of the occupational safety and health (Occupational Safety and Health Act, 8 §) was seen as an important guideline with this matter, as well.

In Jelmury, taking care of volunteers safety is mostly focused on the work of security personnel and making sure that no property is violated. This is because there the volunteers are not working in field conditions, so the risks differ from festivals. Also in the voluntary organization, minimizing the risks is important but also reacting to

unexpected happenings is thought carefully. As an example, in Jelmu ry there is a diary which is filled together with the workers after every working night. That situation is also the time and place to share and tell about unusual incidents that might have happened during the night. If something unpleasant has happened to a volunteer at work during the night, the person in charge tries to deal the situation with the volunteer immediately. In general, more clear legislation was wanted for safety issues. That is because there is no clear definition of policy what these matters mean in terms of occupational safety and health.

Volunteers' tasks

In the interview protocol, there were few questions concerning voluntary workers' tasks in festivals and in voluntary organizations. With those questions, the aim was to determine how the legislation regulating voluntary work has been taken under consideration when deciding volunteers' tasks. In addition, it was clarified what kind of work volunteers do in festivals and in voluntary organizations, and correspondingly in what kinds of jobs hired people work at.

In general level, matters that were taken into account when deciding volunteers' tasks were quite similar in all of the participated festivals and in the voluntary organization. One of the most important issues was underage volunteers and making sure that they do not have too long workdays and they do not work in bars, for example. Secondly biggest entirety was factors concerning occupational safety and health. It is made sure that the volunteers do plenty of similar tasks than the hired people, and that proper insurances have been taken. Both of those have a significant influence on that volunteers belong under the scope of the Occupational Safety and Health Act or have at least some insurance. A matter that one of the festivals pay attention to, is to find out the backgrounds of the volunteers especially if they work as a security officer or with cashiers. The most dangerous and difficult tasks are mostly done by the hired professionals as subcontracting. In addition, in this case the general obligations concerning the occupational safety and health effects on the decisions made when deciding the tasks for volunteers.

According to Mari Lankinen, the legislation does not give proper protection to the voluntary workers. Therefore, the general obligations of the occupational safety and health have an important role. However, Ville Koivisto from Jelmu ry thinks that for their organization the state of the legislations concerning voluntary work is good because Tanssisali Lutakko works almost completely with voluntary work. He says it is important that volunteers can do the same tasks as hired people because it makes them feel equal and gives them more motivation.

When asking about voluntary workers' and hired people's tasks in festivals and in voluntary organization, interviewees' answers were considerably similar. In all of the participated festivals and in the voluntary organization, hired people work mostly in administrative jobs which require professional skills and experience. Examples of those are producers, promoters, publicists and the managers of different work places like catering, camping areas, bar areas, security personnel and engineering. Only exceptions are Jelmu ry and Jyväskylän Kesä Festival which have only few hired people working as producers, promoters, publicists and technicians, and otherwise all the work places are been taken care by the volunteers. In Jyväskylän Kesä Festival and in Jelmu ry, also security officers are usually completely volunteers.

Almost all of the work places where hired people work at, works volunteers, as well. This was the case especially in festivals. In general, voluntary workers' tasks are to work in catering, bar areas, cleaning, camping areas, ticket offices and transport. In addition, some of the security officers are also voluntary workers even though most of them are hired people. In general, volunteers do tasks which do not necessarily require any expertise, except in the case of security officers. Like Mari Lankinen from Jyväskylän Kesä Festival said, one of the voluntary work's finesses is that by working one can learn new skills and evolve. Usually tasks are something everyone can do despite the age and background, for example. Ville Koivisto from Jelmu ry mentioned that their production manager and himself are also working as persons in charge during the gigs in Tanssisali Lutakko. They feel that it is important from them to share the knowledge to the volunteers and make sure that skills of producing events would remain.

Ethical and moral questions

The interview protocol included one question concerning the ethical and moral problems in voluntary work. With that question, the purpose was to identify interviewees' opinions about what kinds of tasks they think are wrong to have done by using voluntary workers.

The biggest singular factor that emerged was the pursuit of personal profit. Four out of five interviewees thought that the worst thing a person could do was to try to gain personal financial profit by using the contribution of voluntary workers. Secondly, the interviewees were quite at one about that it is not right to put voluntary workers to the position of the high-level manager. That is because managerial jobs include such a big amount of responsibility that it might be too much for the voluntary worker to handle and because of that, it might not be motivating. Due to the amount of responsibility and the financial pressure managerial jobs include, people should have salary from those jobs. Therefore, it would be wrong to fill the managerial positions with volunteers. Ville Koivisto summarized:

Of course voluntary workers should be given some reasonable amount of responsibility to maintain the motivation. However, a volunteer can not be the person who ultimately is in charge of a project that have any financial pressure.

It was said that these moral and ethical questions concerning voluntary work were very interesting. That is because it is so difficult to determine where the line should be drawn.

Manual

As the interviewees requested, a manual concerning the legislation regulating voluntary work was written (see Appendix A). The manual was done mostly from the event production's perspective. The information in the manual is based on the data gained from the interviews and the theoretical framework done for the thesis. Based on the discussions with the assigner, it was decided to make the manual as compact and short as possible. The aim was to aggregate the most essential aspects into one document and to map out the biggest problems and give the solutions to them. Because the legislation itself is so inaccurate and confusing, the manual was wanted to keep simple and clear. This way, it is easy for the event producers to find the most essential information out of this inaccurate legislation. Manual works as a guideline for the event producers and helps them to perceive the law concerning voluntary work, and thereby develop their volunteer management. Furthermore, the manual can work as a basis for further studies, as well. Manual was written in Finnish because it discusses the legislation regulating voluntary work in Finland and therefore is targeted to Finnish event producers.

6 DISCUSSION

6.1 Summary of the results

As a result of the interviews, the answers to the research questions (see Methods 4.1.) were gained. The answers were to a great extent as expected based on the author's personal experiences of working in festivals and in Tanssisali Lutakko. In general, the biggest problems and confusions concerning the legislation seemed to be related to voluntary workers' safety at work, taxation, and contracts. Because of this, especially those matters were included in the manual. The main idea based on the interviews was that the legislation did actualize properly in the festivals and in the voluntary organization, and most of all, that everybody sincerely wanted to follow the legislation as well as they could. Nevertheless, when the legislation is being interpreted and applied in practice, there are as many interpretations and implementations as there are interpreters. This is because of the inaccuracy and conciseness of the legislation.

In the beginning of every interview, the interviewees were somewhat confused concerning the topic, and it almost looked as if they felt some pressure about how extensively they were able to answer the questions. However, when the interviews proceeded, the interviewees started to open up more and more, and quite strong opinions came out. It became clear that all of the interviewees had been thinking about these issues at least on some level during their work, and all of them were aware of the state of the legislation. With most of the interviewees, we eventually had really good conversations about the topic and while the interview proceeded, new points of views and problems emerged all the time. It was easy to notice that the interviewees really wanted to gain more coherent and exact information about the legislation regulating voluntary work and learn more in this way. Voluntary workers and their satisfaction was one of the main priorities to the interviewees and because of that they also wanted to gain better knowledge about the subject. All of the interviewees seemed to be very pleased that this subject was finally being studied

and researched, and most of them said in the end of the interview that some kind of a set of guidelines or a manual is needed in order to gain some sense to this situation.

6.2 Validity of the research

In qualitative research, measuring and ensuring the validity of the collected data is much more complicated than in quantitative research. That is because reliability and validity measures were originally developed in natural sciences so they apply mostly to the quantitative research. What comes to qualitative research, the object of research is an individual or a group of individuals and a human being does not always act in a systematic and rational way. (Kananen 2011, 66)

The interview protocol was sent to the interviewees at least a week before the interviews were conducted so that they had time to prepare. However, it seemed that all of the interviewees had not spent much time to prepare for the interview. The reason for that must have been the hastiness of the interviewees because especially for the festival organizers spring and early summer are very busy times due to the upcoming festivals. Nevertheless, when conducting the interviews, the interviewees did not seem busy, but they answered the questions properly and focused on the interview. It might have been good that the interviewees were not too prepared when considering the validity of their answers. Since the interviewees were not too prepared, the answers to the questions came with intuition and therefore they might have been more honest. All the interviewees participated in the interview voluntarily, and because of that it is believed that they all had something to say concerning the topic and they answered honestly.

The semi-structured interview was a right choice for this study because it gave sufficient freedom for the interviewees and for the interviewer, as well as a possibility for the interviewer to specify the answers. The number of the interviewees was quite decent. Originally, there should have been seven interviewees. However, due to the hastiness of two of them, five people were interviewed in the end. Interviewees' answers were significantly alike and almost the same problems and questions emerged

in every interview. Because of this, having more interviewees might not have brought anything new to the results. In the interview situations, the voice recorder was set close to the interviewee and the interviewer so that it was into sight. This might have had an effect on interviewees behavior, since many times people become slightly nervous when they are aware of being recorded. The similar issue applied to the interviews conducted via Skype. The voice recorder and Skype functioned well during all of the interviews, so they did not cause problems concerning the validity. All of the interviews were conducted in Finnish and were translated into English for the study. This might have had some effect on the study's validity.

Author's own objectivity was thought carefully as well. That was because two of the festivals and Jelmu ry were places where the author had been working and whose organizers she knew already beforehand. Therefore, it was wondered if the author was able to be objective enough and written down the negative matters as well. On the other hand, the interviewees had a chance to answer anonymously and if they did not do that, it was understood as a permit to write down everything they said. The fact that many of the interviewees were people who the author knew beforehand might have been a good factor because then they dared to give more honest answers to the questions. However, knowing three of the interviewees and their possible attitudes towards the topic, might have affected to the way the author interpreted and understood the interviewees' answers.

These interviews indicated why it was so important to conduct the interviews in a way they were interactive. Plenty of important information would not have been gained if the interviews had been conducted via e-mail. That was because the more we talked about the subject with the interviewees, the more they had things and opinions to say about it. As the interviews proceeded the conversations became more intensive. If the interviews would have been done via e-mail, also the signs, tones of voices and facial expressions of the interviewees had not been noticed. That would have been a big loss since usually the body language tells more than words.

7 CONCLUSION

Already from the beginning of the research project, it was clear that this phenomenon needed to be studied. As the information was searched for the theoretical foundations, finding the information of the legislation regulating voluntary work turned out to be complicated. Based on that, it was no wonder why the interviewees were frustrated with the inaccuracy of the legislation. Furthermore, not only was the clauses challenging to find, but interpreting and applying them in practice might be difficult, especially if the person was new in this field.

The legislation is not beneficial for the event producers nor the voluntary workers. This is because the rules are so indefinite that even if people try to act according to them, they might accidentally act against the law. Even though conflicts between the organizations using voluntary work and different authorities and bureaus occurs seldom, it does not mean that it could not happen. If the legislation regulating voluntary work would be more accurate and coherent, the possible conflicts would be easier to solve and avoid. When the rules are clear, it is also easier to act according to them.

For the future, it is hoped that this thesis could work as a basis for further studies, and plead this case forward to improve the state of the legislation regulating voluntary work. The manual was written based on the interviews conducted for the thesis as well as the theoretical foundations. Hopefully, the manual helps event producers to get the correct information and to deal with the issues concerning the legislation, and to improve their volunteer management. If a person wants to study this subject further, the thesis as well as the manual could work as foundations for that.

When conducting the interviews for this study, it was easy to see that the interviewees considered the state of the legislation very strange, and it was difficult for them to understand why the legislation is so inaccurate. Therefore, as a suggestion for future studies, it might be wise to interview, for example, a lawyer and politicians to gain current and more accurate information about the legislation regulating volun-

tary work and how certain clauses should be interpreted. In addition, by interviewing decision-makers, it could be possible to receive answers and explanations of why the state of the legislation is the way it is, and why certain clauses have been set. In order to observe all the point of views, also the voluntary workers should be interviewed, and let them tell about their experiences and opinions concerning the issue. After observing the subject from all the point of views, it is possible to form a big picture and gain wider understanding about the phenomenon.

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APPENDICES

Appendix A.

Manual



Laki vapaaehtoistyöstä

*Vapaaehtoistyön lainsäädäntö
tapahtumatuotannossa*

Laura Partanen

2014

Sisältö

| | |
|--|---|
| Johdanto..... | 1 |
| Vapaaehtoistyöntekijöiden sosiaalietuudet | 2 |
| Vapaaehtoistyöntekijöiden turvallisuus tapahtumatyöskentelyssä | 3 |
| Vapaaehtoistyön verotus | 6 |
| Lähteet..... | 8 |

Johdanto

Vapaaehtoistyöntekijät ovat merkittävä voimavara suomalaisessa tapahtumatuotannossa. Suurin osa suomalaisista tapahtumista, erityisesti festivaaleista, luottavat vahvasti vapaaehtoistyöntekijöihinsä ja monet tapahtumat jäisivätkin järjestämättä ilman vapaaehtoistyöntekijöiden työpanosta. Finland Festivals ry toimii Suomen festivaalien katto-organisaationa, ja sen ”alaisuuteen” kuuluu satoja festivaaleja, ja kyseisillä festivaaleilla työskentelee vuosittain yhteensä yli 5000 vapaaehtoistyöntekijää.

Vaikka vapaaehtoistyötä käytetään paljon tapahtumatuotannossa, harvoin kuulee puhuttavan vapaaehtoistyöntekijöiden oikeuksista ja vapaaehtoistyötä säätelevästä lainsäädännöstä. Suomessa vapaaehtoistyöstä ei ole säädetty yhtä selkeää lakia, vaan se on hajautettu eri työehtolakien alle. Tämän takia vapaaehtoistyön lainsäädäntö on kovin tulkinnanvarainen ja epätarkka, mikä aiheuttaa hämmennystä ja turhautumista tapahtumanjärjestäjien keskuudessa. Tapoja, miten kyseistä lainsäädäntöä tulkitaan ja sovelletaan, on yhtä paljon kuin sen tulkitsijoita.

Tähän manuaaliin on koottu mahdollisimman kompaktisti ja selkeästi tarvittava informaatio koskien vapaaehtoistyön lainsäädäntöä, ja asioita, jotka tapahtumanjärjestäjän tulee ottaa huomioon, mikäli hän käyttää vapaaehtoistyövoimaa tapahtumassaan. Manuaalin sisältämä informaatio perustuu tutkimuksiin, jotka on tehty liittyen samaa aihetta käsittelevään opinnäytetyöhön ja sitä varten tehtyihin haastatteluihin. Tiedon saamiseksi haastateltiin muutamaa ammattilaista Suomen tapahtumakentältä. Haastateltavat edustavat muun muassa Maailma Kylässä-, Jurassic rock-, sekä Jyväskylän Kesä-festivaaleja. Edellä mainittujen henkilöiden lisäksi haastateltiin Jyväskylän Elävän Musiikin Yhdistys ry:n vapaaehtoisvastaavaa. Manuaalin sisällön oikeellisuus ja luotettavuus on pyritty varmistamaan huolellisesti, mutta ei ole taattua, että manuaalin sisältö on ajantasalla lainsäädännön muuttuessa.

Vapaaehtoistyöntekijöiden sosiaalietuudet

Vapaaehtoistyön tekemisellä saattaa olla ikäviä vaikutuksia työttömien ja opiskelijoiden saamiin sosiaalietuuksiin. Joissakin tapauksissa henkilöt ovat menettäneet etuutensa ajalta, jolloin he ovat tehneet vapaaehtoistyötä. Tämä on herättänyt paljon keskustelua ja ihmetystä, sekä vapaaehtoistyötä teettävissä organisaatioissa, että vapaaehtoistyöntekijöissä.

Työ- ja elinkeinoministeriö on laatinut asiasta suuntaa antavan lain, ja uusi ohje lain tulkinnasta tehtiin vuonna 2013 (TEM/1298/00.11.03/2013). Uuden ohjeen mukaan vapaaehtoistyöntekijä saa tehdä samanlaista työtä, joka jossakin toisessa organisaatiossa teetetään palkatuilla työntekijöillä, kunhan kyseinen organisaatio ei ole sama, jossa vapaaehtoinen sillä hetkellä työskentelee. Laissa on kuitenkin poikkeus koskien vapaaehtoistyöntekijöiden työskentelyä tapahtumissa ja yleisötilaisuuksissa. Poikkeuksena on, että työskennellessään tapahtumassa tai yleisötilaisuudessa, vapaaehtoistyöntekijä saa tehdä samoja töitä kuin tapahtumassa työskentelevät palkatut työntekijät. Samassa ohjeessa sanotaan, että työ- ja elinkeinoministeriö ei voi rajoittaa ajallisesti määrää, jonka vapaaehtoinen vapaaehtoistyötä tekee, kunhan työtön vapaaehtoistyöntekijä on koko ajan työmarkkinoiden käytettävissä.

Vapaaehtoistyöntekijöiden turvallisuus tapahtumatyöskentelyssä

Varsinkin suurimmissa yleisötapahtumissa, kuten festivaaleilla, vapaaehtoistyöntekijät työskentelevät monissa erilaisissa tehtävissä. Vaikka paikalla on eri toimipisteiden vastaavia, jotka ovat vastuussa työpisteen turvallisuudesta, voi varsinkin kenttäolosuhteissa työskennellessä sattua yhtä, jos toista. Haastatteluja tehdessä kävi ilmi, että, sekä festivaaleilla, että vapaaehtoisorganisaatioissa turvallisuuden suunnittelu painottuu usein riskien minimoimiseen ja reagointiin, mikäli jotain sattuu.

Lain edessä tapaturman sattuessa vapaaehtoistyöntekijöiden tilanne on huomattavasti huonompi ja epävarmempi kuin palkattujen työntekijöiden. Tämä johtuu siitä, että Suomessa työturvallisuuslaki pätee vapaaehtoistyöntekijöihin vain, jos organisaatiossa on myös palkattuja työntekijöitä ja vapaaehtoistyöntekijä on tehnyt joko suullisen tai kirjallisen sopimuksen työnantajan kanssa. Siitä, milloin sopimus astuu voimaan, ei ole tarkempaa ohjetta. Vapaaehtoistyöntekijän täytyy myös tehdä samankaltaista työtä kuin palkatut työntekijät kuuluakseen työturvallisuuslain piiriin (738/2002) 55 §. Sen sijaan, työtapaturmalaki ei päde vapaaehtoistyöntekijöihin lainkaan.

Jotta vapaaehtoinen kuuluisi työturvallisuuslain piiriin, tulee työnantajan huomioida seuraavat asiat:

- ✓ Organisaatiossa, jossa vapaaehtoinen työskentelee, täytyy olla myös palkattuja työntekijöitä
- ✓ Vapaaehtoisen tekemän työn täytyy olla samankaltaista kuin palkattujen työntekijöiden tekemä työ
- ✓ Vapaaehtoistyöntekijällä täytyy olla joko kirjallinen, tai suullinen sopimus tehtynä työnantajan kanssa, ja molempien osapuolien tulee huolehtia velvoitteistaan

Työnantaja on velvoitettu huolehtimaan työympäristön turvallisuudesta, jotta työntekijöiden työkyky säilyy. Työnantajan on annettava tietoja mahdollisista vaaratekijöistä, sekä opastaa koneiden ja laitteiden käyttöä. Vapaaehtoiselle täytyy olla myös varattuna tarvittavat henkilönsuojaimet. Vapaaehtoistyöntekijä puolestaan on velvoitettu käyttämään asianmukaisia henkilönsuojaimia ja apuvälineitä, sekä noudattamaan työpaikan turvallisuusohjeita. Mikäli jompikumpi ei huolehdi omista velvoitteistaan, vapaaehtoinen ei enää kuulu työturvallisuuslain piiriin.

Koska lainsäädäntö koskien vapaaehtoistyötä ja sen turvallisuutta on niin niukka ja tulkinnanvarainen, voidaan työnantajan yleistä huolehtimisvelvollisuutta (Työturvallisuuslaki 8 §) pitää hyvänä ohjenuorana vapaaehtoistyöntekijän turvallisuudesta huolehtimiselle. Työnantajan yleinen huolehtimisvelvollisuus pitää sisällään muun muassa seuraavia seikkoja:

- ✓ Työnantajan on huomioitava työ, työolosuhteet, työympäristö, sekä työntekijän henkilökohtaiset edellytykset
- ✓ Työolosuhteiden parantamiseen edellyttävien toimenpiteiden suunnittelu, valitseminen, mitoittaminen ja toteuttaminen
- ✓ Työympäristön, työyhteisön, sekä työtapojen turvallisuuden tarkkailu
- ✓ Toteutettujen toimenpiteiden vaikutusten tarkkailu

Koska työnantajan yleinen huolehtimisvelvollisuus on niin laaja, on sitä rajattu ottamalla huomioon epätavallisen ja ennalta arvaamattomat olosuhteet, ja poikkeukselliset tapahtumat. Nämä ovat asioita, joihin työnantaja ei voi vaikuttaa ja joiden seurauksia ei olisi voitu välttää.

Työnantaja on velvollinen vakuuttamaan työntekijänsä tapaturmien varalta. Näin ei voi kuitenkaan tehdä vapaaehtoistyöntekijöiden kohdalla. Mikäli työnantaja haluaa vakuuttaa vapaaehtoistyöntekijänsä, on hänen otettava ryhmätapaturmavakuutus. Nimestä huolimatta ryhmätapaturmavakuutuksella voi vakuuttaa myös vain yhden henkilön. Ryhmätapaturmavakuutuksen korvausvelvollisuus ja soveltamisala on pienempi kuin tapaturmavakuutuslakiin perustuva korvausvelvollisuus, ja korvaustaso on selvästi alempi. Ryhmätapaturmavakuutus ei myöskään korvaa ammattitautia (HE 144/1998). Työnantaja ottaa ja maksaa kyseisen vakuutuksen lakisääteisen tapaturmavakuutuksen yhteydessä vakuutusyhtiön kautta. Ryhmätapaturmavakuutuksen sisällöstä on vakuutuksen ottajan sovittava erikseen vakuutusyhtiön kanssa.

Vapaaehtoistyön verotus

Verolainsäädäntö ei pidä sisällään erillistä vapaaehtoistyön määritelmää. Sen sijaan, asia arvioidaan aina tapauskohtaisesti. Vapaaehtoistyön verotuksessa tulee arvioida työsuorituksen luonne, sekä määritellä työn tulos ja mahdollisen palkkion saaja. Lähtökohtana on, että ainoastaan perinteinen talkootyö voi olla täysin verotonta. Lisäksi, joissakin tapauksissa rekisteröidyn yleishyödyllisen yhdistyksen hyväksi tehty työ voi olla verovapaata.

Kuten jo nimikin sen kertoo, vapaaehtoistyö on vapaaehtoista ja siitä ei siis pitäisi aiheutua minkäänlaisia kuluja työnantajalle. Käytännössä tilanne ei ole aivan näin mustavalkoinen, ja tästä syystä Suomen verohallinto on laatinut erillisen säädöksen liittyen vapaaehtoistyön verotukseen (Verohallintolaki (1557/95) 2 §). Kyseisen säädöksen mukaan vapaaehtoistyö on verotonta mikäli:

- ✓ Se on väliaikaista
- ✓ Vapaaehtoisten tekemästä varainkeruusta saadut tuotot käytetään yhteisten tavoitteiden saavuttamiseen ja organisaation toiminnan ylläpitämiseen
- ✓ Työ ei vaadi erityistä ammattitaitoa

Suomen tuloverolaissa on linjaus koskien korvauksia, joita vapaaehtoistyöntekijä on oikeutettu verottomasti saamaan (Tuloverolaki 10.12.1992/1535, 71 §, 72 §). Nuo korvaukset ovat:

- ✓ Matkakulukorvauksia maksimissaan 2000 euroa vuodessa, mikäli matkoja ei ole kuljettu julkisilla kulkuneuvoilla
- ✓ Päivärahaa maksimissaan 20 euroa/päivä
- ✓ Majoituskulut

Vapaaehtoistyötä käyttävä organisaatio on veloitettu ilmoittamaan vapaaehtoistyöntekijöiden saamat korvaukset työnantajan tai suorituksen maksajan vuosi-ilmoituksella (Suomen verohallinto, 7801). Erilaisissa tapahtumissa työskenteleville vapaaehtoisille annetaan usein ruokaa ja juomaa, mahdollinen työasu, sekä esimerkiksi ilmainen sisäänpääsy tapahtumaan, kun oma työvuoro loppuu. Nämä etuudet vaihtelevat todella paljon riippuen tapahtumasta ja se, mitkä kyseisistä etuuksista on sisällytettävä työnantajan tai suorituksen maksajan vuosi-ilmoitukseen, on tapauskohtaista.

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