White-Collar Unions and Equality of Working Conditions.  
A Comparison between the Belgian and French Home Care Sectors

Cognard Etienne*


Abstract:
Within Belgian and French domiciliary care associations, the presence of an intermediary staff and its professionalization is deemed a positive factor on job quality for home cleaners and home care givers. In an industrial relations comparative perspective, this paper calls into question the citizenship at work of home blue-collar workers. The type of union standing for white-collar workers and its strategies had decisive influence on the equalisation of working conditions in the French associative sector and their heterogeneization in Belgium.

Résumé:
Dans les associations belges et françaises d’aide à domicile, la présence d’un personnel intermédiaire et sa professionnalisation sont généralement considérées comme favorable à la qualité des emplois d’intervenante au domicile des bénéficiaires. Dans une perspective comparative des relations professionnelles, ce papier interroge ce facteur de la citoyenneté au travail des aide-ménagères et aides familiales. Le type de syndicat d’employés et sa stratégie ont eu une influence décisive sur l’harmonisation des conditions d’emplois dans le secteur associatif français et son hétérogénéisation en Belgique.

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* CIRTES, Catholic University of Louvain : etienne.cognard@uclouvain.be
Introduction

With the population aging and the search for a better conciliation between family and working life, home services\textsuperscript{2} experienced great transformations for the last fifteen years in Europe. In Belgium and France, the policies instituted by public authorities and the upsurge of for-profit enterprises have shaken up the associative sector of home care.

In this context, the literature on home services developed quickly over the last decade. Given the poor job quality and the promoted competition between providers, numerous works addressed the issue of working conditions in these sectors. Concerning the associative sector, some authors have pointed out the positive impact of intermediary staff on home jobs’ quality (Croff 2007; Puissant 2011).

The present paper also questions the role of intermediary staff on the working conditions of home cleaners and home care givers within the Belgian and French associative home care sectors. However, our qualitative study addresses several often overlooked aspects. First, it takes into consideration one consequence of intermediary staff, that is, the presence of white-collar unions in the Sectoral Social Dialogue (SSD). Second, we intend to complement nationally-oriented studies (Lefebvre and Farvaque 2011; Lamotte and Puissant 2010) with a cross-national perspective. Lastly, our research stresses one singular dimension of citizenship at work, i.e. the equality of social entitlements for a same job.

The paper is divided into five parts. In the first one, we clarify the literature on job quality in the home services and the contribution from a Comparative Industrial Relation Analysis (CIRA). The second part explores the form taken by SSD in the French and Belgian home care sectors. The third and fourth parts analyse the role of white-collar unions in the harmonization of social rights in the French sector and in their heterogeneization in Belgium. In conclusion, we sum up the contribution of our study to the literature on home services.

Job quality and social dialogue in home service sectors

The professionalization of domiciliary care associations has been the object of in-depth studies, particularly in France. The development of a salaried intermediary staff is deemed a positive factor on working conditions for home cleaners and home care givers. Little is yet said regarding the equality of working conditions, which experienced contrasted

\textsuperscript{2} In order to make the reading easier and not to choice between the French concept of ‘personal services’ and the Belgian concept of ‘proximity services’, we use the notion of home services.
trends in France and Belgium. This part aims at clarifying this issue by highlighting the importance of SSD and the interest of CIRA.

**The role of intermediary staff on home workers’ working conditions**

In the French Branch of Home Help (BHH), the collective labor agreement (CLA) of 29.03.2002 regarding the occupational classification and remunerations recognizes several home cleaning and caring occupations. The *auxiliaires de vie sociale* belong to the category C and constitute about 20 per cent of the 220 000 wage earners in the branch. Their function is to help aged and/or dependent persons to carrying out their everyday tasks. Within the category B, the *employés à domicile* have another diploma than that – the DEAVS – required to be hired as an *auxiliaire de vie sociale*. Their nevertheless carry out tasks very close to those performed by the *auxiliaires de vie sociale*. In support of and coordination with these two types of home helpers\(^3\), the *agents à domicile* are primarily charged with cleaning the housing. No diploma or certification is required to practice this occupation from the category A.

In the Belgian home care sector, the sectoral committee SC 318.01, these cleaning occupations correspond to the ‘social\(^4\) home cleaners’ (social cleaners) (*Aide-Ménagères à tarification Sociale*), introduced in the sector in 1997 and the *titres-services* cleaners (2004). According to the 1999 CLA, they are responsible for cleaning the house of dependent and elderly beneficiaries. With 65 per cent of the 10 000 wage earners in the SC 318.01, the *aide-familiales* are the core workers and do more or less the same tasks as the French home helpers. Since 2000, the *Gardes à Domicile* (home minders) ensure the continuity of home care services provided by home helpers during weekends and evenings/nights.

During the 2000 decade, both sectors have been impacted by public policies fostering the development of home services in for-profit enterprises. France and Belgium have indeed in common to have implemented a subsidized voucher system in a view to promote employment and to cure moonlighting. Beyond their specificities, the *Chèque Emploi Service Universel* (CESU) introduced in France by the Borloo plan for home service development (2005), and the Belgian *Titres-Services* scheme (TS – 2004) structure part of home services around a quasi-market (Bode *et al.* 2011). This quasi-market is characterized by the subsidization and the accreditation of structures with various status as well as the competition

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\(^3\) To simplify, we will use *home helper* to name these workers as well as their Belgian counterparts.

\(^4\) The subsidies granted to beneficiaries that buy clean services depend on a means test.
among them: associations, for-profit enterprises, work integration companies (Belgium), and household employers (France).

In this workfirst context, the issue of job quality has quickly been raised. A significant part of the studies compares working conditions between the types of employers.

Job quality in home services is very poor and deteriorated further since 2000, under the pressure of budgetary cutbacks from subsidizing authorities and the competition of for-profit organizations (Jany-Catrice 2012). French associations provide however better working conditions than direct employment or companies (Bailly et al. 2013). Wages are higher, seniority better taken into account, trainings are longer and more regular, part-time jobs less widespread… In Belgium, the comparative studies between work integration companies, for-profit companies, and associations also revealed better working conditions for home cleaners with a *Titres-Services* employment contract (TS cleaners) in the two first kinds of organization (Brolis and Nyssens 2012; BU3).

In France, for the hegemony\(^5\) of direct employment and the increasing competition in the home service quasi-market, researches address the professionalization of home care associations. This concept may refer to the improvement of home workers’ skills by vocational training or to the improvement – and even industrialization (Debonneuil 2008) – of processes within associations. Certain authors agree to point out the risks related to this latter category of professionalization, denouncing the splitting up of home interventions (Jany-Catrice 2012) combined with working time extension (Devetter et al. 2012).

By contrast, the existence of an employing structure – in opposition to direct employment – and the professionalization of the associations’ managers and intermediary staff, traditionally volunteers, is rather considered beneficial to home workers. Firstly, associations need to equip themselves with engineering skills by hiring commercial and intermediary staff able to manage demands from beneficiaries and to make new one emerge (Croff 2007). Secondly, intermediary staff, such as the *responsables de secteur*, acts as a buffer zone between home workers and sometimes too demanding beneficiaries (Puissant 2011). It also improves the relationship between association managers and home workers, which are hardly ever present at the association head office. Intermediary staff fosters the emergence of collective spaces required to the proper representation of home workers. It is all the more true that office employees contribute to rule formalization and clarification, which enhance the visibility of home workers’ rights and duties.

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\(^5\) About one half of employment in the French home service sectors.
In Belgium, a better management can be observed within associations (1 office worker assistant for 40 TS cleaners) in comparison to for-profit enterprises (1 for 120). It is viewed as a very positive factor for working conditions (BU1, BU2).

**Equality and citizenship at work**

The above quoted studies view job quality under the lens of relevant criteria. However, in this paper we address this notion in a dynamic and egalitarian perspective. We indeed tackle the problem of the harmonization of sectoral social entitlements for a same category of workers, home cleaners and home helpers.

Working condition equality is a major stake for citizenship at work (Coutu and Murray 2005). As well as civil citizenship involves an egalitarian access to electoral ballots, the notion of citizenship at work implies this issue of treatment equality whatever the origin and the occupational identity of workers. It also includes the idea of intra-occupational working condition equality, popularized by the slogan “Same job, same pay”. In most of the sectors, it is one of the main demands of unions. Beyond the egalitarian aspiration, this claim takes part in the collective action strategy of worker representative organizations (Offe and Wiesenthal 1980). Facing a high diversity of life conditions of theirs members, unions must build a political discourse so as to balance through collective action the weak individual bargaining power of workers. To that purpose, resorting to the egalitarian and solidaristic aspiration still remains an effective strategy. It is all the more necessary in home service sector where wage earners have a very small bargaining power.

Finally, working conditions equalization between workers within a same structure is a human resource issue. Promoting social rights equality contributes to tone down interpersonal and intergroup tensions, and consequently to render team work life more efficient and sustainable (BU2).

But over the 2000 decade, the French and Belgian home care sectors experienced opposing pathways in terms of working condition homogenization. In France, the BHH gradually equipped itself with a single CLA that unifies sectoral rights amid associations already covered by a CLA and integrates the 40 000 workers non-covered by 2012. Over the same period, the social partners of the SC 318.01 have conversely differentiated sectoral social rights and status within each occupational groups, home cleaners and home helpers. To account for these contrasted trends, we mobilize a comparative industrial relation analysis.
Job quality and comparative industrial relation analysis in home services

Part of the French scholarship on job quality in home services conducts an industrial relation analysis. Marion Lebebvre and Nicolas Farvaque (2011) have studied the bargaining rationale and the conflicts between collective actors in each of the three French home service sectors – the BHH, for-profit sector, and the direct employment sector. Such a perspective is particularly interesting because, despite the limits of SSD in the associative home care sector (Puissant et al. 2013) – and more generally in the overall home service sectors – sectoral bargaining remains indispensable for promoting equality at work. In a context of weak collective representation and small-sized associations (Béroud 2009; Lamotte and Massit 2010), enhancing social dialogue at local level is indeed particularly difficult.

The comparative industrial relation analysis (CIRA) is interested in how the forms taken by social dialogue at local, sectoral or national level affect the studied societal or economic phenomenon. CIRA consists in a systematic comparison of the bargaining rules, the worker and employer interest representation systems, the type of state interference, and their influence on collective actors’ power and strategies. Emmanuelle Puissant, Nadine Richez-Battesti, and Francesca Petrella (2013) have analysed the territorial social dialogue and its stuttering development in a comparative perspective. However, it was not a cross-national comparison but rather a comparison between French regions, namely PACA and Rhône-Alpes. Moreover, our paper tackles more directly the problem of social partner structuration and its impact on the strategies adopted in SSD.

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Like most of researches in this tradition, our comparative study is qualitative. It is premised on 17 interviews held between November 2013 and February 2014. The interviews were semi-structured and each topic was the object of data crossing.

The aim is to identify the clearest differences between industrial relation systems that are likely to account for the variation of the studied phenomena. Among these features, some authors focus on the forms of categorical interest representation and their impact on social dialogue. For instance, the political power of SMEs and their representative associations differs in Europe and has shaped national vocational training systems (Cognard 2013; Trampusch and Eichenberger 2011). Regarding SSD in home care, one dimension singularly differing between France and Belgium is the union representation of intermediary staff.

**Social dialogue in home care sectors in France and Belgium**

With 220 000 workers against about 10 000, the BHH is much bigger than the SC 318.01. It results of course from the size of both countries, but also from the fact the SC 318.01 concerns only the Wallonia Region (WR) and the Brussels-Capital Region (BR), excluding the Flanders. Though the size discrepancy, these home care sectors are appropriate for CIRA. The first reason is that nothing indicates that it influenced the harmonization process we are analysing here. The second reason is that both sectors display numerous similarities, including regarding interest intermediation. Lastly, the comparison shows one noteworthy difference concerning the white-collar unions that enables to test their role on job quality of home cleaners and home helpers.

**Home care associations organized in employer networks**

The BHH and the SC 318.01 are composed of subsidized associations. The associations are organized in networks and federations, federations which are employer organizations too. As such, they are charged with negotiating and signing sectoral CLAs. In both sectors, four associative networks are remaining nowadays. In France (FE1, FE2, BU4), the most important network is the UNA (Union Nationale de l’Aide, des Soins et des Services aux Domiciles), followed by the UNADMR (Union Nationale des Associations ‘Aide à Domicile en Milieu Rural’), AdessaDomicile, and the FNAAFP-CSF (Fédération Nationale des Associations de l’Aide Familiale Populaire – Confédération Syndicale des Familles). In Belgium, the BHH is composed of many associations. In contrast, this is not the case for the SC 318.01. However, it is composed of three major federations: UNADMR, AdessaDomicile, and the FNAAFP-CSF as well.

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6 On the contrary, one could expect that the small size of Belgium would prevent the heterogeneization of sectoral entitlements.
Belgium, the FESAD (Fédération des Employeurs de Services d’Aide à Domicile – now Fédom) is the biggest federation in WR, outdistancing the FSCD (Fédération des Centrales de Services à Domicile) and the FASD (Fédération des services d’Aide et Soins à Domicile). The small-sized FSB (Fédération des Services Bruxellois d’Aide à Domicile) is only present in BR.

The Belgian federations are less oriented towards medical and paramedical home care. More accurately, among the four federations, only the FCSD and the FASD organize nursing activities and nursing auxiliaries\(^7\). One consequence is the pillarization of these both association networks. The Belgian social world is organized around three main pillars: the socialist pillar, the Christian pillar, and the liberal pillar. In the SC 318.01, the pillarization takes the form of closed ties – if not official, at least organic – between the FSCD and the socialist mutual insurance system, on the one hand, and the FASD and the Christian equivalent, on the other hand. Such ties are prevailing in the home care sector owing to the mutual insurance systems are responsible for reimbursing nursing home activities financed by the Federal State. The pillarization is also characterized by the quasi-exclusive presence of the Christian trade union, the CSC, in the FASD network, and of the socialist one, the FGTB, within FCSD associations. For it does not provide nursing services, the FESAD and the FSB are far less characterized by both union and insurance system pillarization.

**The structuration of sectoral social dialogue**

In Belgium and France, SSD gradually structured from the 1970s onwards. In France, the Christian trade union, the CFTC, fought and succeeded in being granted the right to stand for workers, alongside the ‘company’ unions specific to each association network (FU3). Soon afterwards, the sectoral federations of the four other so-called ‘representative’ cross-sectoral union confederations decided to enter the home care sector. In the late 1990s, the five ‘representative’ union confederations were thus active in the BHH through one of their federation: the CFTC Santé Sociaux, the CFDT Santé Sociaux, the CGT Sociaux, FGTA-FO, and the CFE-CGC Santé Action Sociale. Another union, the UNSA (Union Nationale des Syndicats Autonomes) was also authorized by the French Ministry of Work to sit until 2012.

The SC 318.00, called “Commission paritaire pour les services des aides familiales et des aides seniors” and applicable to the three Belgian regions (the Flanders, Wallonia, and Brussels-Capital), was instituted by the Royal Decree of 04.10.1971. The first CLA was

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\(^7\) The activities fall however within the sectoral committee 330, that is, the committee for health establishments and services.
signed on 13.12.1977 about the status of union delegates. At that time, the main unions were the Christian federation CSC, the socialist one FGTB, and the liberal union, the CGSLB. The two mandates of the FGTB in SC 318.01 were attributed to Horval – the blue-collar FGTB federation from the Catering and Services sectors – and the Setca – white-collar FGTB federation. Likewise, the CSC gave one of its two mandates to its federation from the Catering and Services sectors and the other one to the CNE (Centrale Nationale des Employés) standing for white-collar workers. At the end of the 1990s, the union side were composed of these four federations, plus a more marginal and generalist confederation, the CGSLB – with only one mandate.

Following the 4th reform of the Federal State in 1993, the SC 318.01 was split into two regional sectoral committees. For WR and BR, the Royal Decree of 21.06.1999 established the SC 318.01 (Commission paritaire pour les services des aides familiales et des aides seniors de la Communauté française, de la Région wallonne et de la Communauté germanophone). It is composed of the 48 home care associations funded by at least one of the quoted regions and lingual communities. Similarly, the SC 318.02 concerns the associations that receive subsidies from the Flemish region.

**Different types of white-collar unions**

Several important distinctions must be noted regarding social dialogue in Belgium and France. The more striking difference is the union membership rate. It hardly reaches 2 per cent in the BHH (BU2), whereas about 80 per cent of workers are unionized in the SC 318.01 (BU4). As a consequence, it is not surprising that Belgian home cleaners and home helpers enjoy better job quality than their French counterparts. However, it does not account for what is at stake in this paper, e.g. the contrasting evolutions of working condition equality. That is why another difference between social partners in the BHH and the SC 318.01 attracts our attention. In both sectors, intermediary staff is represented by white-collar unions, but not in a similar way.

In France, the CFE-CGC stands for technicians, supervisors, engineers, and executives. In the home care sector, these occupational groups correspond to the categories from E to F of the classification set up by the 2002 CLA (FU5). It represents a very small minority of workers, since the CFE-CGC received only 0.63 per cent of votes at the last occupational election. Such is not the case of the Belgian white-collar unions.

One central property of Belgian social landscape is the strong competition between white-collar and blue-collar unions, even between those belonging to the same confederation.
The Belgian labor law distinguishes the wage earners under ‘worker’ status and those under ‘employee’ status\textsuperscript{8}. This distinction relies upon the nature of activities, manual for the former and more intellectual for the latter. The two main union confederations are organized according to the worker-employee status with a white-collar federation: the Setca in the FGTB and the CNE in the CSC\textsuperscript{9}. However, neither the structuration of sector\textsuperscript{10} nor the white/blue collar structuration of two main confederations is the reason for the strong representation of white-collar unions in the SC 318.01.

The explanation resides uppermost in the internal organization of the CSC. Like every 300-like SC, the SC 318.00 was a mixed committee joining ‘workers’ and ‘employees’. It was in this respect that the CSC had been granted two mandates by the Federal Employment Service, one given to the CNE and the other one to the CSC Catering and Services. The split of the SC 318.00 and the creation of the SC 318.01 gave place to an internal negotiation between CSC federations about the attribution of the two mandates. Though initially a white-collar union, the CNE requested and received the right in 2000 to represent both categories of workers in the SC 318.01, as it was already the case in the other non-profit sectors in WR.

The demand of the CNE had particular weight since the number of ‘employees’ had increased in the branch not long before, thus bringing the SC 318.01 closer to the situation in the other non-profit sectors where the quasi-totality of wage earners works under a ‘employee’ status. That resulted from two decisions taken by regional public authorities. First, the WR decided in 2000 the creation of the home minder occupation with a ‘employee’ status. Secondly, the BR signed in 2000 an agreement with the social partners of the non-profit Brussels sectors. According to this agreement, home helpers and the home cleaners with 2 year seniority are considered ‘employees’\textsuperscript{11}. Consequently, the great majority of wage earners in BR are likely to join one of white-collar unions, the CNE or the Setca.

Hence, the composition of the SC 318.01 is singular. Vis-à-vis the other non-profit sectors in WR and BR, due to the coexistence of a white-collar union, the FGTB Horval, and white-collar unions, the FGTB-Setca and the CSC-CNE (Bingen and Martinez 2012). It is singular in comparison to the French BHH as well, in the sense that the white-collar unions

\textsuperscript{8} In the remaining development of this paper, the term \textit{workers} will designate wage earners independently of their status.

\textsuperscript{9} Given the third confederation is of generalist nature, it is structured in sectoral (Vs occupational) federations.

\textsuperscript{10} Nursing activities are excluded from the home care sector. Hence, a large part of the staff is concentrated on less intellectual occupations than nurses and nursing auxiliaries, and is employed under the ‘worker’ status.

\textsuperscript{11} They nonetheless remain ‘workers’ at the eyes of the Federal Employment Service (BM).
are particularly powerful. The CNE is indeed the most powerful union in the branch, followed by Horval, the Setca, and the CGSLB (BU3).

**Toward an single collective labor agreement in the BHH**

Instituted in 1993, the BHH has progressively and with difficulty structured around a single CLA. In 2010, the white-collar union, the CFE-CGC, had a relatively soft strategic position that allowed the validation of the 2010 sectoral agreement approving the unification of the branch.

**The stakes of the single collective labor agreement**

On 21\textsuperscript{th} May 2010, the Single Collective Labor Agreement (2010 SCLA) was signed by the social partners of the BHH. This 2010 SCLA\textsuperscript{12} is a crucial step in the sector’s history. It unifies working conditions by merging different prevailing conventional texts and, through its extension by the Ministry of Work, it allowed the coverage of 40 000 workers until then not fully covered. Before the 1\textsuperscript{st} January 2012, date of application of the SCLA, four conventional texts applied in a non-homogeneous manner to the six federations of that time\textsuperscript{13}. Since the 2\textsuperscript{nd} March 1970, the ADMR network had a specific CLA covering the entirety of its workforce, home and office workers. The associations employing travailleuses familiales\textsuperscript{14} and linked to Adessa, Domicile, UNA, and FNAAFP-CSF disposed of their own CLA signed the same day. These confederations have later concluded a CLA with unions, the CLA of 11.05.1983, relative to the working conditions of the other occupational groups of their associations. Lastly, on the model of the ADMR CLA, the UNACCS (Union Nationale des Associations coordinatrices des Centres Soins et Santé) signed in May 1993 a collective agreement for all its staff.

Until the application of the 2010 SCLA and in virtue of the four conventional texts prevailed various minimum sectorial social standards\textsuperscript{15} for home cleaners and home helpers. The harmonization process still remains unfinished. Home workers employed under direct employment have a specific CLA. Boosted by the 2005 Borloo plan, for-profit home service

\textsuperscript{12} Published in the Official Journal n°3381.
\textsuperscript{13} The UNACSS, Adessa and Domicile have since then merged into AdessaDomicile.
\textsuperscript{14} These domestic workers today correspond the technicien(ne)s de l'intervention sociale et familiale (category D of the 2010 SCLA).
\textsuperscript{15} They were minimum standards for each association network. Each association of these networks could conclude more generous local agreements.
enterprises have likewise their own CLA. Besides, the upsurge of home service companies and the question of their coverage by the future CLA disturbed its bargaining.

A long-run process towards the harmonization of the sector

Unifying employment conditions in the French home care sector was a longstanding demand from unions. The first step was the creation of the BHH in 1993. From this date on, social partners start negotiating together sectoral agreements that will be applied to all associations via extension. The CLAs are however limited to specific issues such as work organisation (CLA of 31.10.1997) or working time reduction and arrangement (06.07.2000). They replace the four conventional texts, which still apply concerning all the other non-sectorally negotiated themes (Lefebvre and Favarque 2011). Beyond the harmonization of employment and competition conditions, another aim of the 2010 SCLA was to facilitate the dialogue between public authorities and sectoral actors. In June 2001, the state secretary to elderly, Paulette Guinchard-Kunstler, already calls social partners to go further by equipping themselves with a common employer associations and a single CLA (FE1).

The same year, the law on loss of independence creating the Personal Autonomy Allowance comes to strengthen a home care service quasi-market between enterprises, household employers, and associations. In keeping with this law, social partners conclude the CLA of 29.03.2002 on employment and wages. This agreement constitutes the second crucial step towards the SCLA because it standardizes benchmark jobs and wages.

From 2002-3 onwards, the announcement of the Borloo plan and its concrete expression in the law of 16.07.2005 disturb the bargaining of the SCLA. This law, whose objective is to foster home service provision by companies, puts forwards the debate already launched by the UNADMR during the negotiation of the 2002 agreement, that is, the integration of home service enterprises into the BHH. The debate opposes the UNADMR, UNA, and Adessa to the collective actors reluctant to such an integration: the unions and the other employer federations (Domicile, UNACSS, and FNAAPF-CSF) (FE2). The for-profit enterprises’ business association, the FESP, was in favour of a common branch with associations (FE3). But the rejection by most of actors of the BHH and the renew interest of public authorities for for-profit companies led the new enterprise federation, the FESP, to create a separated branch by the collective agreement of 12.10.2007. It remains that the debate

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16 Another major CLA is that on vocational training (16.12.2004).
on the integration of for-profit organizations rendered the process towards SCLA longer and more difficult.

**Union discordance**

The delay in bargaining the SCLA resulted indirectly in the strengthening of the negotiation. The resumption of negotiations corresponds to the enforcement of the law of 20.08.2008 on the renovation of social democracy. The law conditions the representativeness of sectoral union organizations to obtaining of at least 8 per cent of votes expressed during the occupational elections. To this end, a ballot is organized within BHH associations during the 2008-12 period. With 41 per cent of votes, the CFDT leads the way, followed by the CGT (32.1%), FO (14.1%), the CFDT (7.4%) and the UNSA (2.1%). Representing only a part of worker categories (from E to F), the CFE-CGC receives a poor 0.6 per cent of votes. Furthermore, the new legislation has impacted the unions’ strategies.

It is quite hard to identify to what extent the 2010 SCLA constitutes a moving back or an improvement in terms of working conditions. The explanatory report given by the employer organizations on 18.02.2011 to the General Direction of Social Cohesion (DGCS – Ministry of Social Affairs and Health) displays a thorough vision of the changes occurred vis-à-vis the four previous conventional texts. On one hand, the SCLA cuts back some social entitlements specific to each of them. On the other hand, it contains some new generous arrangements such as the financing of the sectoral paritarism or the implementation of an additional healthcare cover.

All interviewed trade unions agree to denounce the insufficiency of the SCLA. The strategic positions were nonetheless diverging. Three union attitudes can be distinguished.

The CFDT and the UNSA ratified the text proposed by employer federations. Since their cumulated votes exceeded 30 per cent at the last occupational elections, their signing was sufficient. According to both unions, the SCLA is a step in the process of job quality improvement of all workers. They demanded this SCLA since the early 1990 and view it as an opportunity to integrate the 40 000 non-covered workers and to make sectoral entitlements more homogenous among the association networks. The CFDT and the UNSA consider also the SCLA as a necessity to gain more weight in the concertation process with the subsidizing public authorities, the State and departments (FU1). The last argument explaining their position is that a too generous and hence too expensive CLA would not have received the required accreditation from the DGCS for its implementation. The condition expressed by the DGCS was that the SCLA be signed at unchanging costs.
Three unions, the CGT, FO, and the CFTC, decided to refuse signing and used their opposition right so as to prevent the extension and validation of the text by the Ministry of Work. The decision of the CGT and FO seems consistent with their vision that the SCLA should merge the best arrangements of the four conventional texts (FU2, FU4). The decision of the CFTC finds explanation in the refusal to support a cutting back of entitlements for certain workers (FU3), but also in more political and tactical considerations (FU1, FE3). Usually proner to accept the CFDT accommodating point of view, at the national intersectoral level and within the BHH, the CFTC finally took the decision not to ratify the text and even to oppose it. Its rapprochement with the more radical unions’ strategies can be partly explained by the necessity to reach the 8 per cent threshold that is required to be deemed a representative worker organization over the 2013-17 period.

A last key factor in the extension and application of the SCLA is the decision of the white-collar union, the CFE-CGC, not to join the opposition of the other non-signing unions. In virtue of the 2008 law on social modernisation, a transition period until June 2013 had been organized regarding the opposition procedure. The prevailing rule at the moment of the SCLA bargaining stipulated that, for an opposition to be validated, at least one half of sectoral unions must call for it – Vs the unions representing more than 50 per cent of votes as it is the case nowadays. With only three opposing unions – CFTC, CGT, and FGTA-FO – over the six unions the request could not be accepted by the Ministry of Work. Although it have not signed the SCLA, the white-collar union justifies its refusal to oppose it with three arguments that are particularly close to those put forwards by the CFDT and the UNSA: enabling the coverage of the non-fully covered workers; validating the introduction of new rights (i.e. the additional healthcare system); empowering the BHH that faces the increasing political weight of for-profit home service companies and household employers (FU5).

Another reason for the CFE-CGC decision is its weak representativeness within the French home care sector. Standing for less than 1 per cent of workforce, it was politically tricky for the white-collar union to oppose radically the SCLA. A smarter strategy was certainly not to oppose the employer federations’ and CFDT willingness in exchange of future arrangement for white-collar workers. Opposing the agreement would definitely have been a counterproductive strategic decision on the long run because the main bones of contention – less generous transport reimbursement, night and Sunday working, the obligation to be available some days of the month – actually little affect office employees. The ability of the CFDT to convince the CFE-CGC is also due to the rather appeased relationship between
them. The CFDT, CGT, and FO federations presenting executives are absent from the BHH, and thus the competition for standing for white-collar workers is not sharp.

On 1st January 2012, after more than a decade of waiting, a single CLA was finally implemented. It harmonizes working conditions in the BHH on almost all issues – with the noteworthy exception of certain transport reimbursements specific to the UNADMR network.

**Inter-Union Rivalry and Citizenship at Work in the Belgian Home Care Sector**

The administrative complexity of Belgium, split into regions and lingual communities, impacts especially on SSD and working conditions in non-profit sectors because they are highly subsidized by local public authorities. Through the Non-Profit Agreements in WR and BR, the workers of the SC 318.01 enjoy different social entitlements depending on the localisation of their employing structures. The entitlements are written in CLAs specific to each of both regions. However, this aspect is not peculiar to social dialogue in the Belgian non-profit sectors. In France, departmental General Councils grant subsidies, which may free up leeway for local collective bargaining. The French regions also begin implementing a territorial social dialogue with the local worker and employer associations of the BHH (Puissant et al. 2013). The most singular feature of the SC 318.01 is the way inter-union rivalries have oriented the SSD, leading to a heterogeneization of employment conditions.

In 2000, the granting of the CSC mandates to its white-collar federation, the CNE, and the shift of home cleaners and home helpers towards ‘employee’ status in BR modified the balance of power. The evolution was at the expense of the FGTB-Horval, the only blue-collar union remaining, and intensified the power conflicts between this latter and the two white-collar unions, the CSC-CNE and the FGTB-Setca.

**The worker-employee status issue**

The Belgian labor legislation institutes different social rights depending on the status. The ‘employees’ enjoy a minimum three month layoff notice, against 28 days for ‘workers’. A second advantage of the ‘employee’ status is the absence of non-payment day during a

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17 In this case, speaking of SSD, even partial, would be inappropriate.
medical leave inferior to 14 days. The non-payment day has nevertheless been removed for the ‘workers’ of the SC 318.01 in 2000\textsuperscript{18}.

In the SC 318.01, the debate is not really about the social entitlements the ‘employee’ status could provide, but about the social acknowledgement\textsuperscript{19}. To the Setca and the CNE (BU2, BU3), the main stake in granting the ‘employee’ status is to acknowledge the intellectual nature of one part of home care job. In their opinion, the argument is acceptable since the home intervention work implies a high autonomy degree. Moreover, refusing the ‘employee’ status to home helpers seems unfair because it returns to deny the relational and psychological dimensions of the job, not to speak of the competences activated during administrative help phases. On the contrary, from the Horval point of view, although the ‘employee’ status may improve the recognition and self-confidence of home workers, it is not really valuable if it does not find concrete expression in tangible social rights.

The ‘worker-employee” status is also a question of power for occupational unions. The status indeed highly determines what union a wage earner will join. The FGTB-Horval always tried to freeze the shift to ‘employee’ status for home workers…and the Setca and CNE to promote it. In BR, where Horval was historically not very powerful, the two white-collar unions succeeded in convincing the FSB and the region to give home cleaners and home helpers the ‘employee’ status (BU3, BE4). This decision was of course detrimental to Horval which is not present in BR any more. By contrast, the balance of power is more favorable to Horval in WR, which has a strong worker and industrial tradition and where Horval has closed ties with left-wing parties. The blue-collar union has been thus able to prevent the BR scenario in the WR (BU3).

The opposition between Horval and the CNE/Setca on ‘worker-employee’ status also affects home minders, introduced in the sector in 1999 (BU3). The FCSD (via a partial collective agreement) and certain FESAD associations found in Horval an ally for applying the ‘worker’ status to these home workers. In the associations where the CNE is in majority, namely the FASD network and the other FESAD associations, the ‘employee’ status for home minders has been maintained.

\textsuperscript{18} Non-profit sector framework agreement of 16.05.2000 in WR and that of 30.06.2000 in the German-speaking Community.

\textsuperscript{19} In 2011, the Constitutional Court judged discriminatory the treatment difference on layoff notice and non-payment day. Consequently, it was cancelled from the 1\textsuperscript{st} January 2014 on.
The rivalry between white- and blue-collar unions led to the heterogeneization of working conditions in the SC 318.01 with the differing implementation of the worker-employee status. This competition also impacts the entitlement equality beyond this status.

**The political dimension of the titres-services scheme**

Implemented at the Federal level in 2004, the titres-services (TS) scheme consists in the subsidization of a small number of activities dominated by cleaning and ironing. Households pay TS services with a previously purchased TS voucher. The Federal State takes on its duty part of the labor-cost funding. The subsidization – 22.04 Euros at the moment for a 9 Euro TS voucher – renders profitable the development of these activities by for-profit companies, work integration enterprises, and associations.

As soon as the TS scheme was announced, the four employer associations of the SC 318.01 launched negotiations with unions about building up TS cleaner departments within associations. The first purpose was to find new funding resources in a context of limitation of the home helper quotas granted by the regions (BE1). The other objectives were to lighten the cleaning tasks of home helpers and to develop new cleaning services as advertising to non-elderly publics (BE2). The approbation of unions was nonetheless required to prevent tensions in the local and sectoral social dialogue.

From the beginning of the negotiations, the CNE and the Setca strongly opposed the introduction of TS cleaners. They stressed the competition with the TS for-profit companies from the SC 322.01, and within associations the competition between new TS cleaners and social home cleaners. The latter competition would be at the detriment of already social cleaners because they were often less subsidized. The both white-collar unions also worried about the financial health of associations in that elderly people could turn to TS cleaners rather than to the traditional staff for purchasing cleaning services.

The political stake of the TS scheme must not be understated. Horval supported the employer proposal to introduce TS cleaners into the SC 318.01. Such a cross-class coalition seems at first paradoxical from the FGTG-Horval, given the blue-collar union is generally blamed for importing in the non-profit sector conflicting bargaining strategies from the industrial world and for-profit services (BU3). That can be explained by the TS cleaner membership Horval could expect and thereby the opportunity of counterbalancing the increasing power of the sectoral white-collar unions. In WR, and particularly in the high

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20 The subsidy depends on the revenues of beneficiaries.
unemployment areas such as Charleroi or Liège, the FGTB is more present than the CSC and a broad part of unemployed people tends to join it in order to be granted unemployment benefits\textsuperscript{21}. In this context, the recruitment of unemployed as TS cleaners was bound to be beneficial to the ‘worker’ federation of the FGTB (BU1). By reinforcing the weight of Horval, the introduction of TS cleaners makes conversely even more difficult the CNE/Setca project to shift the status of home cleaners and home helpers towards the ‘employee’ status, as they did it in BR.

\textit{Titres-services workers: towards a subclass of home cleaners}

Horval and the other sectoral unions have conditioned the entry of TS cleaners on the signing of a CLA providing them with the same entitlements as social cleaners. However, TS cleaners did not really enjoy the same rights. The CLA of 21.05.2007 in WR creates an employer contribution to the transport expenses different according the status. For ‘employee’ wage earners and social cleaners, the reimbursement amounts to 0.2903 Euro per km. It is limited to 0.2080 Euro as regards TS cleaners. In a job in which workers do numerous and costly displacements to reach beneficiaries’ home, this aspect of job quality is essential. Furthermore, the CLA of 19.11.2007 exclude TS cleaners from receiving additional days off. Another issue structuring the SSD (BE2), the end-of-year bonus, is also differentiated. Whereas the CLA of 22.05.2006 giving 223.10 Euros at the end of the year (+0.0744 per worked hour) is still in application for TS cleaners, social cleaners are now granted with 307.53 Euros (+0.0774/h).

The most important point is no doubt the renegotiation of the TS cleaners’ pay scale. This renegotiation started in 2009 and found concrete expression in the wage CLA of 04.07.2011. Between 2009 and 2011, it has been the main bone of contention in the SSD. Taking into account the decreasing generosity of the TS Federal subsidies, the sectoral trade unions finally accepted a deterioration of TS cleaners’ social entitlements. What was at play was the financial health of associations and therefore the employment of other home workers. The interest conflicts between occupational unions appeared here through the proposal of Horval to reduce the number of office workers in order soften the wage cutbacks for TS cleaners. Not surprisingly, this proposal did not receive any support from the Setca and the CNE. Eventually, the CLA of 04.07.2011 restricts TS cleaners’ seniority to 4 years and hence their wage advancement. This 2011 CLA strengthens the heterogeneity of collective sectoral

\textsuperscript{21} In the Ghent neo-corporatist system, trade unions administrate the unemployment benefits paid by the Federal State.
entitlements among home workers (BU2), since the career of social cleaners is still spread over 29 years.

Conclusion

Our paper has questioned the strategies of white-collar unions on the issue of employment condition equality in the French (BHH) and Belgian (SC 318.01) home care sectors. A comparative industrial relation perspective has been mobilized so as to enhance the understanding of the role played by intermediary staff on the quality of home jobs. The comparison between France and Belgium shows that the presence of a white-collar union could be more or less beneficial to the treatment equality within the groups of home cleaners and home care givers.

The variety of status and social entitlements in the SC 318.01 is to a large extent the collateral damage of power conflicts between blue-collar and white-collar unions. In a context of plurality of subsidizing public authorities – Wallonia region, Brussels-Capital region, and the Federal State – the occupational unions of the SC 318.01 have been prone in the 2000s to support the public policies favorable to their own organizational interests, that is, likely to increase the number of ‘workers’ or ‘employees’ in the sector. Two industrial relation properties account for this conflicting dynamics: the importance of the worker-employee status in Belgium and the sectoral balance of power between the blue-collar union, the FGTB-Horval, and the white-collar unions, the CSC-CNE and the FGTB-Setca.

In France, the weak representativeness of the white-collar union, the CFE-CGC, and its less competing relation to the other sectoral unions has been a key factor of the harmonization of the BHH, through its support to the 2010 single collective labor agreement. The CFE-CGC more or less followed the line of the CFDT and the UNSA, which considered that the working condition homogenization among associative employer networks and the expansion of social entitlements to non-covered workers should take precedence over getting new social rights for already covered workers.

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