Network forms of organization, collective labour law and the gendered and racialized division of labor. The Quebec homecare services case.
Network forms of organization: legally autonomous and contractually linked around a same production

* subcontracting * using employment agencies or self-employed workers * franchising *

*public–private partnerships, etc.*

Cases: homecare services local networks in Quebec
1. The inadequacy of legal labour regulation

Network organization
Multiple entities–based employment relations

Integrated fordist enterprise/bilateral employment relations:
- direct subordination
- legal criteria = control over work

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Three axis method:
... looking at the application of the legal regulation but also at the center of power (Morin 2005); and at the effects on working conditions in the network
2. Historical background and methodology

The homecare services in Quebec: from the family to the public sector (1970s), externalization (1980s) and networks involving public & private entities (2004–…)

What are the homecare services? Services provided at home to elderly people with decreasing autonomy or disabled people: *personal hygiene, help with eating, mobility and transfer in the home, moral support, housework, and so on.*

Data sources (evidence–related facts as reported in court decisions; case law, content of collective agreements, of complaints files from workers to a Labour Standards Commission; interviews in three local networks/three regions of Quebec (2 workers from private organization in each network, managers in the public sector and in the private organization, representatives of the unions), content of official policy and other documents)
The components of the 95 local networks

- Employment Agencies
- Non profit
- SEP workers
3- Results: Legal labour regulation and power relations in the networks
Results: level of protection for the collective bargaining rights of SEP workers

Power exercised by the MSSS and CSSS...

Not taken in account → very low level of protection or even no protection (SEP workers)

union certification for each of the users to whom they provide homecare services in a week;

collective negociation with each of these users...
Results: The working conditions

- Very weak salaries (11$ to 11,74$ vs 17,62$–19,35$ in public sector for similar tasks – 2011 datas);

- Travel time not paid, gasoline and automobile operating expenses not reimbursed = less than minimum salary;

- Part time, broken-up and variable schedules (average 20 hrs a week);

- A part of the working time not scheduled and not paid.
Results: reinforcement of the gendered and racialized division of labor

Legal regulation of labour

Strategic power of the brain-firm (Appay 2005)

Protection of labor rights & Working conditions & Gendered/Racialized Division of labour

Intersectionnality with gender and racialization
Conclusion

- The collective action of users associations: exemple for unions -- to go outside the box

- Organizing at the network scale, to pressure the brain firm (center of power)

- New forms of institutionnalized sexual and racial discrimination resulting from the combination of network organization, inadequacy of legal labor regulation
  - & gender/racialization