



## **PHS-QUALITY Project**

Job Quality and Industrial Relations in the Personal and Household Services  
Sector - VS/2018/0041

COUNTRY REPORT: Belgium

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## Summary

In this report, the Personal Household Service (PHS) sector in Belgium is described and analyzed with regards to the regulatory set-up, the role of the social partners and the wages and conditions of the employees. The report has a special focus on the subsectors of cleaning and elder care.

In Belgium, there is no legal definition of the PHS sector. For referring to the activities related to the personal care and household services sector it is often used the expression “proximity services” (Laville and Nyssen, 2000). This expression includes various services such as household activities, child care, and personal care services rendered in the homes of dependent or elderly persons.

In the PHS sector in Belgium we have identified two major categories:

- Care and support services for elderly, dependent and handicapped individuals. These so-called family care services are under a common regionalised responsibility and are exclusively assured by public or non-profit organisations.
- Household services, which are largely dominated by the ‘titres-services’ scheme or voucher system. This system was introduced in 2004 at the federal level as a demand-subsidising system limited to a specific list of activities. This system has been later regionalised.

On 1 January 2004, the Belgian federal government launched a system of services vouchers in a new attempt to boost job creation by promoting the demand for domestic services and tackling undeclared work in the Personal and Household services sector. Developing this system was the Belgian’s respond to the so-called welfare states trilemma formulated by Iversen and Wren: How to adapt welfare states to create more jobs, maintain a just wage tension and control government spending at the same time (Vandenbroucke, 2015).

## 1. Introduction

This report presents the case study on Belgium of the EU-funded project entitled Job Quality and Industrial Relations in the Personal and Household Services Sector (PHS-Quality project), with the project number VP/2017/004/0049, coordinated by AIAS-HSI, University of Amsterdam. From a comparative and multidisciplinary perspective, the PHS- Quality project studies the existing public policies and social partners’ strategies towards personal and household services in ten EU countries, namely, Belgium, Denmark, the Netherlands, Spain, Germany, France, Finland, Czech Republic, Slovakia and the UK. Personal and household services (PHS) cover a range of activities that contribute to the well-being at home of families and individuals, including childcare, care for dependent older people and persons with disabilities, housework services (such as cleaning, ironing and gardening), remedial classes, home repairs, etc.

The project's main research question is: *How can legal regulation, public policy and social partners' action improve job quality and fight informality in PHS sector?*

The aims of the project are: 1) To provide insights into the experiences of implementing legislation and public policies aimed to improve rights, reduce informality, and enhance service quality. 2) To analyse the challenges social partners face in improving conditions and rights through collective bargaining /social dialogue. 3) To discuss and disseminate the project results.

The methods used are semi-structured interviews with public authorities, social partner organizations and NGOs.<sup>1</sup> The project research applies a mixed/method approach convening the interview data with desk research and analyses of legislation and collective agreements and other relevant documents from social partner organizations and NGOs, national statistics as well as research reports and academic research studies.

Personal and household services (PHS) in Belgium includes various types of services from elderly and childcare services to hired cleaning and home renovation aid. The care services in Belgium are traditionally strongly linked to the public social services. In the recent decades, the share of the market options for PHS sector has grown, especially with intention to endorse customer choice in this sector. Today the services that are offered within the PHS sector go far beyond the traditional care and cleaning services, and include a variety of services such as home renovation, remedial teaching, ICT support etc. In this country report, the legal regulation and the public policy interventions on the PHS sector in Belgium is described and we addressed the main research question of the PHS Quality project, namely, how legal regulation, public policy, and social partners' actions can improve job quality and fight informality in the personal and household services sector.

The structure of the paper is as follows. Chapter 1 includes an introduction to the PHS sector in Belgium. Chapters 2 provides an overview of the PHS sector in Belgium and the multilevel legislative framework of PHS services. Chapter 3 focuses on the subsector of cleaning services at home. Chapter 4 describes the subsector of homecare for families and the elderly and Chapter 5 include the general conclusions and policy lessons about the PHS sector in this Belgian case study.

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<sup>1</sup> S. Coster from OSE, Brussels, has contributed to the qualitative research of the project.

## **2. PHS in Belgium in general**

### **2.1 Introducing the PHS sector and its subsectors**

In Belgium the provision of services in the PHS sector takes place mainly through a system of services vouchers. The services voucher scheme has several objectives with refer to both the quality of jobs in the sector and the quality of the services provided. The voucher system aims to create employment for unskilled workers, to fight undeclared work and promote regular employment in economic sectors where undeclared work is common; to offer certain categories of unemployed people who perform service jobs for local employment agency agencies the opportunity to move towards a regular employee status; and to improve the work–life balance of service users by making it easier to hire a domestic worker.

This system was introduced by the Belgian federal government on January 2004 with the aim to boost job creation by promoting the demand for domestic services and tackling undeclared work in the Personal and Household services sector. The service vouchers system has as core objective to allow a user to pay a registered company for household tasks and tackle undeclared work (Horlings, 2011). The main target group that could benefit from this system is long term unemployed people. The services voucher scheme aims to create employment, particularly for low-skilled workers – the target was for 25,000 additional jobs by the end of 2007 (EUROFOUND, 2013).

The service voucher system gives residents in Belgium the opportunity to buy a form of credit vouchers for 9 -10 € each. These receipts can then be used by cleaning companies to hire cleaners. The vouchers are then redeemed by the cleaning companies at the government for an amount of 22€. This means that the government takes a large part of the costs out of its own pocket in the form of a subsidy. To ensure that the subsidies do not become a waste of money, according to Vandenbroucke, three important conditions that had to be met. Firstly, no difference in social security rights should be made. Secondly, a triangular model had to be built in which there would be a company in the form of an intermediary between the customer and the cleaner. Thirdly, the activities that would fall under the service voucher system should be strictly defined (Vandenbroucke, 2015).

The services voucher is a wage cost subsidy for labour-intensive, low-skilled domestic work. (EUROFOUND, 2013) Residents in Belgium can

buy services vouchers in order to purchase domestic help, ranging from housecleaning, laundry and ironing to sewing, meal preparation and transport for people with mobility problems. The activities paid for with services vouchers are carried out by employees working for a company that is licensed as a services voucher company. The range of services voucher companies is quite broad. It includes commercial businesses, such as temporary work agencies or cleaning companies; companies working in the social sector, such as reintegration services; and public services, such as local welfare offices or communities.

Developing this system was the Belgian's respond to the so-called welfare states trilemma formulated by Iversen and Wren, (how to adapt welfare states to create more jobs, maintain a just wage tension and control government spending at the same time). The Belgium system does not have a dichotomy for social security as in other systems as the Netherlands and Germany. In the Netherlands the social security scheme explicitly distinguishes two types of workers (employees and workers under the special legislation applicable to domestic workers). The distinction between these two groups can be found in the fact that one group can make full use of the social security benefits associated with a welfare state and the other group has limited access to them. The same is reflected in German labour law, where so-called Mini-jobbers are also not entitled to all social security that German labour law offers. The Belgian system does not have this dichotomy. According to Vandenbroucke, such a dichotomy is ultimately negative for the society (Vandenbroucke, 2015).

In the Belgian system there is a buffer between consumer and cleaner. The service voucher system requires that there is always a professional intermediary between the customer and the cleaner. The risk of the Belgian system is that a high public subsidy will go to costs and profits of the intermediary companies and that as a result too little money will end up as salary of the employee. However, according to Vandenbroucke, a company as an intermediary offers benefits to the consumer (Vandenbroucke, 2015). For example, in the event of employee illness, a company can arrange for a replacement, while a consumer who is in direct contact with the employee cannot do this himself. This guarantees the continuity of the service. Many administrative tasks will also be left to the consumer if there is no intermediary. It is also better to prevent fraud when you use intermediaries. Indeed, it is easier to audit several thousand companies than hundreds of thousands of individuals.

To maintain the affordability of service vouchers, the Belgian approach is to limit them to cleaning and some related tasks. The service vouchers should also only be used by private individuals. An important aim when the service vouchers system was introduced in Belgium was that everyone should be able to become an employee. For example, unemployed, non-working women who were not officially unemployed and undeclared workers who wanted to switch to the white circuit should all have the opportunity to do so. Due to budgetary savings, this was adjusted in 2012, as a result of which 60% of the new jobs must go via service vouchers to benefit recipients, the fully unemployed or people who live on a living wage (the Belgian social assistance). However, in 2015 the Flemish government abolished that part of the system.

The Belgian system has been called an expensive success. The costs of the service checks is still a stumbling block. The quality of jobs and PHS services that this system tries to guarantee with its triangular model does not always ensure profitability. Especially, when we look at the increasing costs of recent years. "In order for the system to continue to guarantee full-fledged jobs and a good staffing framework, the sum of user price and subsidy must be high enough to pay rising wages and associated costs. But the user price cannot get too high, otherwise the temptation to have people cleaning in the undeclared market will increase again." According to Vandembroucke, the government must assume sometimes a large expenditure to continue guaranteeing that quality (Vandembroucke, 2015).

An action introduced in August 2012 aims to reduce the net cost of the service voucher system for public authorities. Companies of the sector are encouraged to employ 60% unemployed and/or recipients of integration incomes. In 2013, this rate was achieved in Wallonia with 66% of the newly recruited personnel according the above measure. Brussels quoted a share of 45% unemployed or recipients of integration income among the newly recruited personnel (Maarten, Romainville, and Valsamis, 2012).

The high price that the government pays in public subsidies for it has paid off in the form of some successes. The service voucher system is the most successful target group-oriented employment program ever in Belgium. The program has created some 100,000 full-time jobs. The service voucher system has also made it easier for many women to work outside their home. However, these figures need to be looked at somewhat critically, because it cannot be ruled out that service checks have displaced other

jobs, so that the ultimate impact on the labour market might be less favorable than the figures suggest.

In addition to this visible improvement in increasing employment in the PHS sector, another important outcome of the service voucher scheme is the fact that undeclared work is being reduced. There is talk of massive whitening of jobs in the black labour market in Belgium.

The Belgian system has an undeniable positive effect on the quality of jobs and services in the PHS sector. However, some studies show that that kind of state subsidized use of services system benefits more the middle class than the socially weak. The question is therefore whether service vouchers do not primarily help the middle class and because of the public funding of those programs a necessary balance with redistributive measures in favour of the weakest groups in the society needs to be ensured.



**Table 1: Number of registered companies and users by regions, 2004–2012**

Year	Registered companies				Users	
	Brussels	Flanders	Wallonia	Belgium	Brussels	Flanders
<b>2004</b>	42	497	246	785	4,418	86,541
<b>2005</b>	67	642	329	1,038	9,971	178,467
<b>2006</b>	142	833	463	1,438	21,211	282,383
<b>2007</b>	214	921	585	1,720	36,204	388,851
<b>2008</b>	315	1,016	799	2,130	53,645	486,179
<b>2009</b>	425	1,128	946	2,499	53,584	404,983
<b>2010</b>	450	1,170	1,044	2,664	66,428	458,336
<b>2011</b>	490	1,198	1,066	2,754	76,488	501,621
<b>Jan 2012</b>	487	1,186	1,061	2,734	77,275	505,198
<b>Feb 2012</b>	490	1,183	1,066	2,739	77,982	507,981
<b>March 2012</b>	491	1,192	1,062	2,745	78,670	510,903
<b>April 2012</b>	483	1,177	1,053	2,713	79,301	513,716
<b>May 2012</b>	493	1,176	1,051	2,720	79,630	515,003
<b>June 2012</b>	494	1,168	1,047	2,709	80,081	517,929

Source: EUROFOUND based on data of the Federal Public Service for  
Employment, Labour and Social Concertation

**Table 2: Number of vouchers bought by users by regions, 2004–2012**

<b>Year</b>	<b>Brussels</b>	<b>Flanders</b>
<b>2003</b>		710,213
<b>2004</b>	195,320	6,094,769
<b>2005</b>	688,748	14,635,928
<b>2006</b>	1,659,061	24,938,905
<b>2007</b>	3,379,182	34,891,212
<b>2008</b>	5,640,336	47,211,727
<b>2009</b>	7,586,882	48,108,564
<b>2010</b>	10,381,980	59,300,065
<b>2011</b>	12,563,281	66,274,861
<b>Jan 2012</b>	1,206,661	6,031,915
<b>Feb 2012</b>	1,139,696	5,603,026
<b>March 2012</b>	1,260,497	6,079,021
<b>April 2012</b>	1,119,307	5,654,877
<b>May 2012</b>	1,221,753	5,908,631
<b>June 2012</b>	1,249,292	6,122,227
<b>Total</b>	49,291,996	337,565,941

Source: EUROFOUND based on data of the Federal Public Service for Employment, Labour and Social Concertation

These are the two PHS subsectors under analysis in this report:

#### *Household services*

Household services (cleaning, ironing, cooking, gardening, etc.) is a broad category of PHS services. It is partly overlapping with eldercare and with childcare, as these services sometimes form part of the same job descriptions.

#### *Eldercare*

In Belgium, care for the elderly is publicly subsidized and part of the subsector home care for families, dependents and senior citizens.

## **2.2 Legal framework**

In this section the most relevant legislation and policy initiatives with regard to PHS in Belgium are described. This is the most relevant legislation in the field:

#### *International Conventions*

The ILO convention 189 regarding domestic work regulates at international level the rights and working conditions of workers in the PHS sector. Belgium ratified ILO Convention No. 189 on decent work for domestic work in June 2015.<sup>2</sup>

On 28 January 2014, the European Commission adopted a Council Decision authorizing Member States to ratify the ILO Convention on decent work for domestic workers. The main purpose of the Decision is to promote the ratification of that ILO Convention. The Council Decision allows Member States to ratify those parts of the Convention No 189 falling under the competence conferred upon the Union by the Treaties.

The ILO Convention No 189 adopted in June 2011 by the ILO General Assembly aims to ensuring fair and decent conditions for domestic workers by protecting their fundamental labour rights, and preventing abuse and violence at work against them. The Convention deals with some minimum requirements related to social policy (health and safety at work, protection of young people at work, maternity protection, working time, etc.), antidiscrimination, freedom of movement of workers and asylum and immigration. Some of these issues are regulated also by EU law.

According to the opinion of a representative of a large European organisation in the area of PHS, the European Federation for Services to Individuals - EFSI, (representing national associations, employers' organisations, PHS providers and companies involved in the development

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<sup>2</sup> CGSLB, La Belgique ratifie les conventions 189 et 159 de l'OIT, 10 juin 2015  
<http://www.cgslb.be> : <http://bit.ly/1MeGJk7> (1/11/2019)

of personal and household services at EU level) the ILO convention led to further reflection on the working conditions and social protection of domestic workers at the national level in some EU countries.

Belgium ratified this convention in 2015 and it entered into force on the 10th of June 2016. Many of the aspects of the convention on domestic workers' rights were already covered in Belgian labour law. In fact, during the debates around the adoption of the ILO Convention on domestic work, Belgium was already politically committed to ratify this convention. According to the opinion of a representative of EFSI, the adoption of this Convention is a matter of adding value to the protection of workers in the sector, in the sense of having international legislative support also for trade unions and employers to better develop quality of jobs and services in that sector. So Belgium had every interest in ratifying the convention.

The EFSI (European Federation for Services to Individuals) is currently involved in a project dealing with the health and safety standards in the domestic work sector as established in the ILO convention. EFSI is partner in this project with OSHA, the European Agency for Safety at Work. They have launched a campaign to curb the use of hazardous substances in the workplace. The EFSI is promoting the share of best practices regarding health and safety in the PHS sector. The project includes in the agency's website a database describing best practices and standards in all sectors. In this database, reference is made to ILO Convention 189, in particular for the safety of domestic workers.

Another convention worth mentioning is *ILO convention 94* on labour clauses, which is relevant with regards to public procured in PHS that are provided by private contractors. The ILO convention 94 stipulates that 'contracts to which this Convention applies shall include clauses ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour, which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on' (ILO Convention 94, article 2). Belgium has ratified the ILO convention 94 but its impact has been very limited.

#### *National legislation on domestic work*

Following the ratification of the Domestic Workers Convention some adjustments of the Belgium law were made. Belgium implemented the Royal Decree of the 13th of July 2014 which amended the Belgian legislation to fully comply con the Convention.<sup>3</sup> The main changes introduced by this Decree are:

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<sup>3</sup> Koninklijk besluit van 13/07/2014 tot opheffing van de artikelen 5 en 18 en tot wijziging van artikel 16 van het koninklijk besluit van 28 november 1969 tot

- The legal definition of ‘domestic worker’ was modified.
- The specific regulation of the domestic workers is abolished: all domestic workers will be subjected to social security;
- The exception on the registration at the social security system of domestic workers in case of a weekly working time of less than 24 hours was abolished. In other words, everyone who performs manual domestic work in the context of an employment contract must be registered at the National Social Security Office, irrespective of the amount of working hours per week.
- Only certain non-manual intellectual activities, so called “occasional activities”, are still excluded from registration at the social security system, as long as the employee is not exercising these activities professionally or regularly and as long as they do not exceed the limit of 8 hours a week. “Occasional activities” examples include: babysitting, doing groceries, escorting less mobile persons etc.

With the adoption of that Royal Decree domestic workers became “regular” workers. They enjoy the same social protection as all the other workers. Besides, after the entering into force of that Royal Decree, the general provisions and Title V of the Labour Contract Act also apply to the employment contracts of all domestic workers.<sup>4</sup>

Moreover, in order to comply with article 13 of the ILO Convention on domestic work, which establishes that domestic workers have the right to a safe and healthy working environment, the Law of the 15th of May 2014 expanded the scope of the Act of 4 August 1996 on the well-being of workers to domestic workers.<sup>5</sup>

#### *Services users vouchers system*

The most important legislation regarding the PHS services (domestic work) in Belgium is the services voucher system adopted in 2004 (see chapter 3).

Each voucher costs the user €7.50, which corresponds to one hour of domestic help from a registered company. The cost of the voucher is partially tax deductible: the services voucher scheme entitles its users to a

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uitvoering van de wet van 27 juni 1969 tot herziening van de besluitwet van 28 december 1944 betreffende de maatschappelijke zekerheid der arbeiders.

<sup>4</sup> Labour Contracts Act of 3 July 1978.

<sup>5</sup> Wet van 15 mei 2014 tot wijziging van de wet van 4 augustus 1996 betreffende het welzijn van de werknemers bij de uitvoering van hun werk, wat de dienstboden en het huispersoneel betreft.

fixed 30% tax cut, so that the net cost is only €5.25. In addition to the €7.50, the registered company receives a government subsidy of €13.91. Workers paid with services vouchers have a services vouchers employment contract. This is a normal employment contract with some specific features. The employment contract may be fixed term or open ended, full time or part time. A worker can serve several successive fixed-term employment contracts with the same employer without this leading to an open-ended employment contract. However, this is only possible for a limited period of time, which varies between three and six months. The workers have an employment contract, earn a wage corresponding to legal wage scales, accumulate social security rights and are insured against accidents at work.

The user dates and signs the services voucher(s) and hands one voucher per worked hour over to the worker. Only the vouchers can be used to pay for hours worked. The worker passes the services vouchers on to the recognised company, which in turn sends them to the issuing company in charge of refunding the value of the services voucher to the recognized company. Since 1 September 2006, the paper services voucher scheme has been supplemented with an electronic version, giving the user and the recognised company a choice of either schemes. A user can buy a maximum of 500 vouchers per year, though a disabled person can buy 2,000.

#### *Health and Safety at Work*

According to the Act of 4 August 1996 on the well-being of workers at work, every employer in Belgium must integrate well-being principles (security at work, protection of the worker's health, psychosocial aspects of work, ergonomics, occupational hygiene) in the management of his/her company.

The Royal Decree of 28 May 2003 on the monitoring of workers' health generally regulates the tasks and duties of the employer and the occupational doctor with respect to mandatory medical check-ups.

The Royal Decree of 10 April 2014 on the prevention of psychosocial risks at work obliges employers to make a risk analysis and have preventive measures, as well as various procedures available for workers believing to have suffered damages following an exposure to psychosocial risks at work. It lays down a general framework for the prevention of psychosocial risks at work, whereas only violence and moral or sexual harassment at work had been considered before. It refers to and specially develops all provisions of Collective Agreement No. 72 of 30 March 1999, which was agreed in the National Labour Council and concerned the management of

work-related stress prevention. It became mandatory by the Royal Decree of 21 June 1999.<sup>6</sup>

Concerning explicitly housekeeping services, Article 9 of the Royal Decree of 12 December 2001 on the services voucher system explicitly refers to the well-being of employees when performing their functions. The licensed company must always, in its capacity as employer, comply with its obligations for the well-being of workers. The company and not the user have the ultimate responsibility under criminal law when it comes to the application of the rules on well-being at work. The most recent data on the sick leave of service voucher workers date from 2011 following the 2012 annual evaluation report on the service voucher system. According to the data collected among service workers, the total number of hours missed for sickness in 2011 show a significant increase in comparison to 2007. 28% of the workers stated that they had never been absent due to sickness in 2011 (versus 47% in 2007). These figures must be seen in relation to the hardness at work and the workload in combination with the nature of the services provided (EFSI et al., 2015).

### **3. Cleaning services in private homes**

#### **3.1 Introducing the sector**

Cleaning services at home are provided in Belgium through the system of services vouchers. Cleaning services provided in private homes is a large subsector in Belgium. According to the data of the National Employment Office (ONEM) 49,782 individual workers were active in the service voucher scheme in 2013.<sup>7</sup> At the end of the same year, 110.878 workers were still under a contract. (Maarten, Romainville, and Valsamis, 2013) Employment within the service vouchers system represented 4.2% of total employment in Belgium.<sup>8</sup>

The total number of workers in the services voucher system has decreased gradually since 2010 passing from 29.3% (i.e. 40.094 new entrants) to 18.8% (i.e. 28,227) in 2013. The first factor is offset by a peak in the number of service vouchers purchased which shows an increase of working hours per worker. Active companies also decreased between 2012 and 2013 from 10% to 6% respectively. This decrease over a time lapse of

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<sup>6</sup> Service public fédéral, Emploi, travail et concertation sociale, Rubrique « bien-être au travail », <http://www.emploi.belgique.be> : <http://bit.ly/1NdUGOZ> (4/11/2019)

<sup>7</sup> ONEM Statistics on services vouchers see: <https://www.rva.be/nl/documentatie/statistieken/cijfers/dienstencheques-tot-eind-2015>

<sup>8</sup> Ibid.

a decade shows the stabilisation of employment in the system (EFSI et al., 2015).

The list of housekeeping services which can be provided through the service voucher system is strictly defined by the regions and limited to household tasks at the user's home or outside his/her home<sup>9</sup>:

Services inside the user's home are:

- cleaning;
- washing;
- ironing
- small sewing tasks;
- meal preparation.

Tasks outside the user's home are:

- shopping for the user;
- transport of persons with reduced mobility.

### 3.2 Legal framework and policy initiatives

The Act of 20 July 2001 on promoting the development of services and proximity employment regulates the services voucher system in Belgium.<sup>10</sup>

This system was implemented by the Federal State in 2004. As explained before, this voucher system has the objectives of creating new jobs, particularly for low-skilled workers, fighting undeclared work in the PHS sector, promoting regular employment in the sector by facilitating that unemployed people enter the labour market and improving the quality of household services.

The services voucher system is a publicly subsidy system reducing the user's cost for the services rendered at his/her home. All residents in Belgium can purchase such vouchers from an issuing organisation, and these will then enable the person to get access to household services provided by a licensed company. Each voucher corresponds to one hour of work. The system is based on a triangular labour relationship consisting of the employer (the licensed company), the user (the private individual receiving the service) and the worker. The user hosting the worker at his/her home to carry out household services is not the worker's employer (OIT, 2013). The worker hands over the vouchers to the licensed company (the employer) who returns them to the issuing organisation (in charge of reimbursing the vouchers). The issuing agency, ONEM, transfers a sum of EUR 22.04 per voucher to the licensed agency. This sum is to cover the

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<sup>9</sup> Titre-services-onem.be, «services autorisés», <http://www.titres-services-onem.be> : <http://bit.ly/1KVX9M9> (12/10/2019)

<sup>10</sup> Loi coordonnée du 20 juillet 2001 visant à favoriser le développement de services et d'emplois de proximité.



cost of the salary (gross salary including salary related benefits such as paid annual leave and additional benefits, including training, transportation as well as insurance costs) (EFSI et al., 2015).

The voucher service workers do not need have to have a specific qualification to provide work. Nevertheless, since 2007 policy measures have been taken to facilitate access to vocational training for this type of workers. The Regional training funds provide an opportunity for companies to organize internal or external training for their workers on the tasks that they have to perform. Since September 2009, the funds also pay for first-aid training. Three types of training are available: internal, external or on-site. Depending on the category, companies can get a partial reimbursement of training costs from the training fund. Since 1 October 2013, all voucher service companies can receive € 150 or € 350 on top of the training budget allocated to the voucher service company, when a new worker from the 60% target group (unemployed or recipient of integration income) follows a training course of no less than 9 or 18 hours in the three months following his/her recruitment. The worker has to follow one or more external training courses given by a registered service provider/training institute.<sup>11</sup>

The sectoral training fund (TS) was set up in 2009 by the social partners of the sector. This fund is intended for all employers and workers governed by Parity Subcommittee 318.01. It is funded by a quarterly fee of € 0.20 on the salary. For any company within the competence of Parity Subcommittee 318.01, a collective training of 12 hours per full-time equivalent is mandatory. Furthermore and according to the Protocol for the training of new service voucher workers which entered into force on 1 September 2014, the Sectoral training fund ensures the funding for a minimum of 9 hours (and a maximum of 18 hours) of mandatory training for any new worker. The training focuses on the following subjects: ergonomics, relations to the client, ironing, organisation of work at the client's home, knowledge of products, and health and safety.<sup>12</sup>

### 3.3. Main actors

The voucher service workers are organised by the CSC food and services union, which is affiliated to the Christian Trade Union Confederation (CSC-ACV), and in various sections of the Fédération de Travail in Belgium (FGTB-ABVV Horval and FGTB-ABVV Centrale Générale). CSC-ACV has more than 30,000 service voucher workers among its

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<sup>11</sup> Service public fédéral Emploi, Travail et Concertation sociale  
<http://www.emploi.belgique.be> : <http://bit.ly/1GOB1YX> (30/10/2019)

<sup>12</sup> Fonds de formation sectoriel Titres-services  
<http://www.formationtitresservices.be> : <http://bit.ly/1LFY3jS> (30/10/2019)

members. 3700 service voucher workers are organised by FGTB-ABVV Horval and another several thousand are members of FGTB-ABVV Centrale Générale (EFFAT, 2015).

The provision of services in the domestic cleaning services in Belgium takes places mainly through the system of services vouchers. The main actors involved in the services voucher system are:

- Workers: the registered companies have to hire workers to provide the PHS services and detach them to the users of the system. There are no specific conditions to be hired, except that there must not be a familiar link between the company and the worker.
- Registered companies: To be a registered company of the services voucher system the company has to be approved by the Service Vouchers Recognition Commission at the National Employment Office (Office National de l'Emploi/Rijksdienst voor Arbeidsvoorziening, ONEm/RVA). The companies can be commercial, a non-profit association, self-employed people, local employment agencies, communes and/or social enterprises.
- Users: Residents in Belgium can buy vouchers through registered companies for household activities such as cleaning, cooking, ironing, sewing, caring of relatives or shopping.
- National Employment Office (Office National de l'Emploi (ONEm) – Rijksdienst voor Arbeidsvoorziening (RVA)): Supervise the demand of PHS workers on the labour market.
- Federal Public Service Work, Labour and Social Concertation (Service Public Fédéral Emploi, Travail et Concertation Sociale – Federale Overheidsdienst Werkgelegenheid, Aarbeid en Sociaal Overleg). This public organism is in charge of the regulation of this sector.
- Sodexo services (Multinational company specialised in Personal & Home Services). Sodexo services is in charge of issuing and distributing the vouchers to the registered companies.

*Social Partners in sub-sector – cleaning services*

- Trade unions
  - o CGSLB/ACLVB:
  - o FGTB- HORVAL
  - o FGTB- Centrale Générale
  - o CSC – Alimentation et services
- Employers' organisations
  - o FEDERGON
  - o Unitis
  - o EFSI – Fédération européenne des services à la personne

### **3.4 Wages and working conditions**

Under the service voucher system, the worker paid with service vouchers has a 'service vouchers employment contract', may be fixed-term or permanent, full-time or part-time. A worker can serve several successive fixed-term employment contracts with the same employer for a limited period of three months, and the company must automatically propose its

employee a permanent employment contract at the end of that period. In 2013, 54.493 permanent employment contracts (CDI) and 124.007 fixed-term contracts (CDD) were concluded (i.e. 30.5% CDI contracts versus 69.5% CDD contracts) (Peters E. et Lebegge S., 2013).

For workers in the service voucher system minimum salaries are fixed in collective agreements concluded by joint committees (CPs) established for the licensed company or even by the company itself, and a deviation from such an agreement is prohibited. Non-wage benefits are often added to the provisions laid down in the collective agreements. They are the result of agreements adopted by the competent Parity Committees or directly introduced by the companies.

According to the estimations of the Social Security agency/ONSSAPL, a service worker earned an average gross salary of € 11.06/ hour in 2013. Daily wage depends on the number of hours worked per day (3 hours is the required minimum). In the sector, the number of full-time jobs is well below the number of part-time jobs. In 2013, 64% of the service voucher workers were employed with less than half of the full-time hours, and a quarter of them were employed between half the full-time hours and full-time. Only 11.1% of the workers are in full-time employment.

Regarding social protection, all workers under the services system are protected by the Belgium social security schemes for the following risks: sickness and maternity benefits, benefits for accidents at work and occupational diseases, disability benefits, old-age benefits, unemployment benefits, and family benefits.

### **3.5 Challenges and social partners actions**

In Belgium, working conditions and remuneration are fixed in Parity Committees which are the place for negotiations between unions and employers associations from the same private sector. Each Parity Committee concludes its own agreements on remuneration and working conditions (annual leave, year-end bonus, other benefits...) as well as training opportunities. In the Parity Committees, the social partners conclude collective agreements.

In Belgium, a sectoral agreement is negotiated every 2 years in each sector. The employers' representatives (FERDEGON) explained that a new bargaining round started again in February 2019. The most important points are always the working conditions and the increase in the wage cost or the hourly wage with consequences for the wage cost. In the Belgian system, social partners first wait for the results of the intersectoral negotiations in December each year. There is the wage standard set at the intersectoral level. And in this context, each sector, among others the PHS sector, start these sectoral negotiations. They were talking again about sustainable work in the bargaining. They also discuss about training every bargaining round because it is an essential issue for this subsector, both for the individual worker and for the company. The interviewed representative

said: “You also have to train people with the products they can use for cleaning to avoid health and safety risks. Besides, there are a lot of soft skills to learn how to speak and chat with customers.” According to the employers’ representatives interviewed, a good training policy is a win-win for the three parties involved, the customer, the employer and the worker. “When your staff is comfortable with themselves, it is good for the company and for the client.” There is a contribution of 0.20% paid by all companies in the subsector to the Training Fund. The main purpose of the Training Fund is to provide subsidies for companies which give courses for starters.

The challenge of negotiating for a group of workers who are in a very vulnerable position – the service voucher workers who often come from unemployment – has been raised in an interview with trade unions representative. Trade unions representatives always have in mind to negotiate for working conditions and remuneration but, apart from those traditional bargaining issues, for this very vulnerable group of workers it is important to negotiate on other issues, as they have often difficulties to settle in the job market. This is something that is understood by all the social partners in this sector. That is why they have set up a training fund for social workers, focusing on projects for very vulnerable workers. Within this Fund (Fond de formation) they have started a project mainly aimed at young immigrants, to engage them in the service voucher scheme. This includes a language training program for people who do not speak Dutch or French. At the moment being, with the Fund there are two running projects that are focused on people who came from abroad and who do not speak the official languages in Belgium.

An interesting feature of the system of collective bargaining in Belgium is how the Federal structure of the country has also an impact on the negotiations of the social partners in this country and in particular in the sector of PHS services. This was pointed out by the representatives of a trade union organization. According to them, the service voucher scheme is a system which remains with a federal logic but with regionalized competences. And for the moment, the sector social partners are trying to ensure that the perception of the sector is not too divergent in the North and the South of the country. According to the interviewees, some differences exist in the bargaining dynamics between the North and the South of the country. The interviewees provide the example of the “Autonomy Insurance” (*Assurance Autonomie*). In Flanders, a lump sum is directly allocated to people suffering from a loss of autonomy who are then free to use it as they wish in order to cope with a need for assistance. In Wallonia, people suffering from a loss of autonomy are entitled to a certain number of hours of home help benefits. These services must be provided at home by a structure or service provider approved by the Walloon Region. The interviewees said that they are trying to structure the offer and ensure that it becomes professional and, by becoming professional, that it gives a guarantee of quality through service. This example illustrates the different visions that can coexist within a single country.

The unions representatives also pointed out that the voucher services is a very particular sector also because workers do not have a fixed workplace. They have a place of work but many of the arrangements are digitalized nowadays. Often workers do not really interact anymore with their employers. Everything is digitalized. The checks they received from the customers also. From the point of view of the unions this is a problem. They are isolated. Someone's home is not like other workplaces where you have colleagues with you. It is easier in a way but it makes it harder for unions to inform the workers. "We can't give them a brochure anymore or go face to face to their working place. I think this is an interesting challenge."

An interesting action called "Good spirit makes it clean!"<sup>13</sup> was run by Plus home Services in the Flanders and Brussels regions from July 2012 to December 2014 (EFSI et al., 2016). It was a training-monitoring action aimed to improve job quality of domestic workers. This program was implemented in the 47 Plus Home Services' agencies (domestic cleaning). This initiative consisted of a set of tools to combat stress-related work and to increase workers' wellbeing and reduce absenteeism. A personalised welcome brochure was issued for all new domestic cleaners containing practical information and a work plan. The brochure also addressed the issue of harassment and gave concrete tools to the workers on how to react and who to contact. Field coaching was strengthened thanks to the internal creation of 32 managerial jobs exclusively dedicated to that task. Finally, the newsletter for the employees 'Thuiskrant' was improved. Regarding managerial staff working at the agencies, a compulsory five-day training course was introduced for every new worker. The managerial competencies of the employees were tested and additional training was considered when needed or requested. The workers job descriptions were redefined and led to the creation of 18 different functions. Furthermore, the intranet was modified and included all necessary information for the day-to-day management of domestic cleaners, as well as targeted communication tools.

The target group of this program was the workforce of Plus Home Services' workforce (3,200 employees), specifically: domestic cleaners, newly hired domestic cleaners, managerial staff and newly hired managerial staff. The aim of the action was to ensure that all employees came to work with pleasure and experience the least possible stress while fulfilling their tasks. The outcomes of the program were quite positive. The service voucher users reported higher satisfaction and better appreciation of domestic workers. The workers reported a reduction of work-related stress and higher job satisfaction, both for the groups of domestic cleaners and managerial staff and a better appreciation by service users. From the

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<sup>13</sup> Opgeluid staat netjes!/La bonne humeur, ça rend propre! in the official languages in Belgium.

organizational point of view, the program was also a success. There was an improvement in the efficiency of decentralised management of domestic cleaners and that led to a 3% increase of workers' retention.

Another initiative of Plus Home Services, also aimed to improve both job quality and quality of services in the PHS sector, is “Watch Out & Take Care, Always” – WOTCA in the area of training on health and safety at the workplace. This initiative was only implemented in the Flanders region. This program was adopted in the framework of the Law of 4th of August 1996 related to the welfare of workers at work which established the obligation for employers to train their employees and to inform them about the risks and hazards associated with their work. The project was developed in order to enhance risk prevention and security in the service voucher sector. To this end, this awareness raising campaign targeted both workers and users of service vouchers, on four pre-selected topics:

- risk of falling down a staircase or resulting from working at height,
- body protection when carrying heavy objects or using materials,
- travel between home and work,
- the use of cleaning products.

A website has been created and various brochures have been issued. Thanks to an attractive format (pictures and videos with renowned actors, drawings, etc.), they provided tips and tricks to reduce work-related hazards. In order to increase its impact, the campaign was also widely promoted on social media. This campaign was positively evaluated both by users/clients of the service vouchers scheme as by domestic workers as an useful tool for employees and customers to raise their awareness and prevention of risks and safety at home. (EFSI et al., 2016)

Finally, in Belgium, even when the phenomenon of platform work/associative work is growing also in the cleaning sector no specific collective agreements covering platform workers has been reached yet. In the cleaning sector in the EU only in the case of Denmark a collective agreement has been signed by the Danish owned cleaning platform Hilfr and the Danish trade union 3F in 2017. (Ilsøe and Larsen, 2020). In the Netherlands there has been also negotiations between employers in the sector and platforms to conclude this type of collective agreements.

### **3.6 The interplay between job quality and service quality**

The fight against the black-market economy in the PHS sector was one of the primary objectives of the service voucher scheme. When looking at the figures on the number of workers entering the system as well as the increase in the number of active users in the system since its establishment, it is possible to conclude that the introduction of the service voucher system scheme has contributed to fight undeclared work in the sector and promoted the formalization of employment. On the one hand, the system thus led to some of the workers formalising their situation to benefit from the advantages of the system, and, on the other hand, it encouraged the users to resort to licensed service providers to benefit from tax deductions.

As regards access to housekeeping services, every resident in Belgium can have the right to use the service voucher scheme. The user has the right to buy a maximum of 500 service vouchers per calendar year (maximum of one thousand per household). Persons with disabilities, families with a handicapped minor, single-parent families with one or more dependent children, as well as elderly persons receiving an allowance for help to senior citizens are entitled to a maximum of 2,000 service vouchers per year.<sup>14</sup> The system is subsidised by the public authorities, and this allows the users to benefit from a tax deduction which is limited to a maximum of 150 service vouchers per person and year. In Flanders and for the Brussels-Capitale region, the tax benefit amounts to 30%. In Wallonia, the tax benefit is 10%.

The service voucher system excludes the large majority of services for dependent persons. But nothing hinders a dependent person or an elderly person to use the service voucher scheme as a supplement to the services provided by the service sector for home care to families and dependent persons or irrespectively of these services. In the last years, the share of persons being 65 years or older represented more than a quarter of all service vouchers users in all Belgium regions. This increase in the category of persons above 65 using the service voucher system, probably instead of the home care for the elderly available services might pose problems in terms on the quality of service. This age group of users demands a particular expertise of the worker, as well as a specific framework to ensure services are performed under good conditions for both the service provider and the recipient. This overlapping between the two subsectors with very different missions could be complementary but could also be problematic in terms of the adequacy and quality of the services provided. Thus, a more intensive coordination and integration of the functioning of the two subsectors is needed, so that the users of those services can be rapidly oriented towards the most appropriate service provider for their needs.

According to the opinion of the EFSI representative interviewed, formalization policies, not only for migrant work but for workers in general in the sector, are extremely important to ensure the double aim of the quality of work and services in the PHS sector. Also broader measures are needed that reduce bureaucracy for families, for businesses to give regular contracts of employment in this sector. If there are workers in the sector, of a migrant background or not, who are not covered by social security that is at the end a risk for both the employee and the user. If families resort to hire migrants or workers undeclared is because it less costly and they avoid bureaucracy. That is why it is important to adopt good measures that would allow a good legislative framework to have

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<sup>14</sup> Titres-services-onem.be, « quota annuel », <http://www.titres-services-onem.be> : <http://bit.ly/1GJ7e4f> (3/11/2019)

employment contracts without too much bureaucracy, but tax assistance would still be necessary, so that the costs for the user is not too high.



## 4. Homecare for elderly

### 4.1 Introducing the sector

As described in section 2, the focus here will be on elder care provided in private homes. The services covered all activities related to personal care (including personal hygiene, dressing, getting out of bed, eating etc.) and practical assistance (including cleaning, laundry, shopping, preparing food, etc.). It is with domestic cleaning a large PHS-subsector. For care services for families and dependents, it is difficult to get statistics, as there are a wide variety of institutions providing this kind of services. For an estimation of the dimension of the sector the available data show that in 2013, 36.972 workers depended on the Parity Commission 318 for care services to families and senior citizens (Palsman, 2015).

In Belgium care services for families, elderly people and persons with disabilities is publicly funded and depend on the local authorities. The provision of services is financed and regulated by public authorities. This public regulation aims at guaranteeing access to services for vulnerable persons (elderly people or persons with disabilities) through regional Decrees. This regulation imposed strict standards for supervision and professionalization of the work in the sector (Defourny, 2009).

The activities covered by the subsector of services for families, dependent persons and senior citizens are regulated by several decrees and are divided in 5 major categories:

- Care in everyday activities (such as mobility, shopping, and meal preparation);
- Hygiene and health services;
- Interpersonal care;
- Social care;
- Educational functions.

The services are provided by public institutions called CPAS or by non-profit organisations, such as the ASBL and private foundations. Due to the Federal structure of Belgium there are different institutions dealing with the administration of PHS services in the home care subsector and there are several peculiarities on the functioning of those care services depending on the region:

#### **Brussels**

Care services for French-speaking families and senior citizens are licensed by the French Community Commission (COCOF) in accordance with the decree of 27 May 1999 on licensing and granting subsidies for at-home care services. The Common Community Commission (COCOM) is the legislator for bilingual institutions, also operating in Brussels.

#### **Flemish/Brussels region**

In the Brussels region the applicable Decree to home care services in Flemish dates from 5 March 2009 and deals with the provision of family, welfare, and health services defines. That Decree governs home care services for Dutch-speaking institutions in Brussels (Flemish Community Commission, COCON).

### **Wallonia**

The home care services for families and elderly citizens are subsidised by the Wallonian government on the basis of a Decree of 6 of December 2007 on care services for families and senior citizens.

At-home care services (SAD) is another important at-home services provider in the Wallonia-Brussels region. They offer different care services such as household care, family care, and elderly care. They can operate as a non-profit private institution or a public scheme and maybe regrouped in a coordination centre.

Another important provider in the Wallonia region is Care services for families and senior citizens (SAFPA). They provide home care services for families and elderly people in connection with social action but also through the services voucher scheme. They focus on the provision of care services for persons with disabilities and elderly people at home (Defourny, 2009).

### **Flanders**

PHS services in Flanders are mainly regulated in a decree of 22 December 2006. The services covered are home care, childcare, and transport services for dependent persons.

The Decree on at home care of 13 March 2009 regulates proximity care services in Flanders and governs at-home care, residential care, and new forms of home care for the elderly.

The main service providers providing care services for families and dependent persons in Flanders are the coordination centres for at-home care and assistance services (CCSAD). These services are provided for all residents in the Flemish region in need of care with a dependency or handicap and are not means tested (Dubourg, 2014).

Another important provider for families at home care services in Flanders is *Familiehulp*. This is an independent non-profit organization providing a large range of at-home services, such as cleaning, childcare, care during maternity leave and home care for elderly persons.

## **4.2 Legal framework and policy initiatives**

The subsector of home care for the elderly in Belgium is regulated by labour law (the list of Decrees mentioned in section 4.1 and the applicable labour law *acquis* in Belgium). The impact of the ILO convention on domestic workers is very low in this subsector. In the subsector of home

care for the elderly you have to deal with workers who are subject to labour law like any other employee. As long as there is an employment contract, there is a subordination relationship and wages. So, in Belgium workers in the home care for elderly are employees who are subject to full-fledged of labour law, who benefit from social security, who benefit from training, and other employees' benefits. So there is no subcategory at all for them. There are only a few specificities in the regulation due to the work context. These workers are not a subcategory of labour law, they are really part of the whole process and subject to all relevant employment and social security law provisions. They have wage scales, there is a joint committee, there are rules regarding working hours, night work, and overtime pay. According to the representative of one employers' organization, there is no discrimination at all in this sector regarding labour and social security rights.

In this sub-sector the turning point in terms of well-being at work and recognition of workers' rights was the adoption of the collective agreements of 2000 (Wymersch and Piette, 2019). It started with better recognition of rights for the nurses and then it was extended to all the other professionals in this subsector. In those agreements it was included a reduction in working hours and a salary increase. The decrees regulating the profession already existed but there was an integration of these 2000 agreements into the new regulations. Therefore, the ILO convention on domestic work in Belgium arrived late in relation to labour law. This ILO convention has not had much impact in this sub-sector because extensive labour law regulation for the workers existed before and the national standards were better than the minimum standards established in that Convention.

In the sector there is a whole range of effective collective agreements and a well-functioning collective bargaining. There are different interests on the two bargaining parties, such as the request of a higher premium by the unions or more possibilities for training. However, both sides of the industry agree that collective agreements are really an essential tool for the development of proper working conditions and health and safety at work. Both sides consider essential to defend that system of collective bargaining as the best tool to regulate the sector. In words of one of the employers' representative interviewed: "collective bargaining is an extremely structuring factor and one that must absolutely be defended. As representative of the Federation of the employers in the sector, I find that it is very constructive and at the same time, it is close to reality. Reality in the sense that it is the home care sector which decides on these collective agreements and therefore the reality of field workers as well as the reality of services is put forward by their representatives. So, I find that we must continue to develop that system."

In the subsector of care services and home care for families and dependent persons, workers must hold a recognised diploma, which may be obtained in the regular education system or in social advancement courses or registered training centres. Experienced workers can be tutors for the new

recruits. Since 2010, the Maribel fund of home carers supports the social advancement training and allows workers to become family or at-home carers thus enabling their career advancement.<sup>15</sup> This type of measures makes training and career advancement at various levels more accessible for the workers in the personal care sector. (EFSI et al., 2015)

### 4.3 Actors

Concerning care services for families and dependent persons, the professionals of the sector are also represented by various unions such as CSC or FGVB. As regards the household help for families and senior citizens governed by Parity Committee 318.01, the Social Fund for household care workers and care workers of senior citizens also organises the funding for trade union training for workers. (APEF, 2015)

The provision of services in PHS sector in Belgium takes place mainly through the system of services vouchers. They also operate in the home care sector. The main actors involved in the services voucher system are:

- Workers: the registered companies have to hire workers to provide the PHS services and detach them to the users of the system. There are no specific conditions to be hired, except that there must not be a familial link between the company and the worker.
- Registered companies: To be a registered company of the services voucher system the company has to be approved by the Service Vouchers Recognition Commission at the National Employment Office (Office National de l'Emploi/Rijksdienst voor Arbeidsvoorziening, ONEm/RVA). The companies can be commercial, a non-profit association, self-employed people, local employment agencies, communes and social enterprises.
- Users: Residents in Belgium can buy vouchers through registered companies for household activities such as cleaning, cooking, ironing, sewing, caring of relatives or shopping.
- National Employment Office (Office National de l'Emploi (ONEm) – Rijksdienst voor Arbeidsvoorziening (RVA)): Supervise the demand of PHS workers on the labour market.
- Federal Public Service Work, Labour and Social Concertation (Service Public Fédéral Emploi, Travail et Concertation Sociale – Federale Overheidsdienst Werkgelegenheid, Arbeid en Sociaal Overleg). This public organism is in charge of the regulation of this sector.
- Sodexo services (Multinational company specialised in Personal & Home Services). Sodexo services is in charge of issuing and distributing the vouchers to the registered companies.

*Social Partners in the sub-sector – homecare for elderly*

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<sup>15</sup> Fonds de formation sectoriel Titres-services  
<http://www.formationtitresservices.be> : <http://bit.ly/1LFY3jS> (30/10/2019)

- Trade unions
    - o CGSLB
    - o CSC
    - o LBC-NVK
  - Employers' organisations :
    - o FASD – Fédération Aide et Soins à Domicile
    - o FEDOM – Fédération wallonne des services d'aide à domicile
    - o FSB - Fédération des services bruxellois d'aide à domicile
    - o Familiehulp
- General – personal household services sector
- o EFSI – Fédération européenne des services à la personne

#### 4.4 Wages and working conditions

In general the caregivers for the elderly have middle wages. In the Brussels region the wages are higher but also the cost of living in Brussels is higher, especially housing, that means that, obviously, the gain in wages is cut off by expenses which in other regions are not as significant. But, according to the employers representatives interviewed, the wages are proper and there is no discrimination in relationship with other sectors which required similar skills and qualifications.

The collective agreement for the non-profit companies in this subsector of 16 September 2002 was concluded for an indefinite term. This agreement establishes working conditions, remuneration and the indexation of the remuneration for personnel working in care services for families and senior citizens subsidized by the Wallonia region. Minimum remunerations are fixed through collective agreements concluded in the Parity Committees (CPs). These collective agreements include provisions to determine the general basis for the revenue calculation in the various qualification levels, functions and seniorities.

Care services for families and dependent persons are provided by various types of professionals depending on the needs of the recipient. Care at home for daily activities supports individuals of all ages (dependent persons, ill or handicapped) or families with difficulties in managing the tasks of their daily lives. The home care allows such persons to stay in their homes and maintain their independence while ensuring a better quality of life. (Peters E. et Lebegge S., 2013) The statute for professionals in the sector is regulated with clearly delimited tasks and determined in line with Federal entities. There are different regulations on the professional tasks depending on the region. The existence of various statutes leads to the idea that the professions are clearly structured. But the reality shows that the breakdown of tasks between the various at home care professionals is sometimes blurred in practice. (EFSI et al., 2015)

For this sector in particular and domestic workers more generally, we often speak of a certain arduousness of work. It is heavy work, both morally and physically. In the Brussels region the applicable collective agreements

include some clauses aimed to help achieve more sustainable work, as it is the reductions in working hours depending on age. So at 45, the full time weekly working week in that sector is 38 hours. From the age of 45 it is 36 hours. From the age of 50, it is 34 hours and at 55 years old, 32 hours. So, a 59-year-old full-time worker will work more or less, a 4/5 of the weekly working time for the sector but he will be paid full-time. According to the employers that reduction is clearly a relieving factor for arduous work. This reduction does not exist in Wallonia.

A very important factor of the work in this subsector of home care for dependent and elderly persons, underlined by the representative of an employers' federation, is that it is about team work: "We're part of a team. These are social household care teams. There is social supervision of the worker with a supervisor who manages the teams, the schedules of the whole team, with team meetings to plan the activities, relay situations observed in beneficiaries and requiring support." This is a very regulated sector and they have less autonomy because coherence and collaboration between the teams of workers is needed and there is less isolation than in the case of housekeeping domestic workers.

#### **4.5 Challenges and social partner initiatives**

Below a number of cases of social partners' initiatives with relevance for the subsector of home care for the elderly are described.

As mentioned before, in Belgium, working conditions and remuneration are fixed in Parity Committees (CPs) at sector level. These are the main bargaining settings between unions and employers' associations to conclude collective agreements. There are also Parity Sub-committees, which are subdivisions of the Parity Committees established for a region or a specific business sector. Each Parity Committee concludes its own agreements on remuneration and working conditions (annual leave, year-end bonus, other benefits...) as well as training opportunities. In Brussels and Wallonia, home care services are regulated by Parity Committee 318 for care services to families and senior citizens. There are two Parity Subcommittees: 318.01 for the French communities, the Wallonia region and the German-speaking community and Parity Sub-committee 318.02 for the Flemish community.

In Belgium, the social partners are discussing the challenges of the sector in particular in these CPs and inside other discussion bodies such as the social fund and the Maribel fund. Some of these debates deal with the improvement of labour protection and workers' well-being. In general terms the social partners in the subsector agree on the need to defend the objective of good job quality for the workers in the home care sector. Of course, there are different positions regarding certain issues, such as the working time of sleeping services ('gardes à domicile') where there is a different position between unions and employers' organisations. For example, at the current moment there is a discussion about the working time of the workers doing those night shifts because after the night service

they might have a team meeting in the morning. Then, you have to increase their working time, as an exception to the regular working time rules. So, there is a discussion on this issue between the social partners. So, both sides of the industry do not necessarily agree in all issues but, according to the employers' representative interviewed, "overall, we can say that the social partners in the home care for the elderly sector are going in the same direction."

Another recurring subject/challenge during the bargaining at the CPs relates to the management of timetables with the difficult equation between the capacity for the services to meet demand and to match supply and demand in terms of time and quantity. As it is a non-profit sector, the focus for employers is on assuring that there are non-financial losses of the services. On the other hand, the unions are demanding a better balance between family and professional life for the workers on the sector. On the other hand, the employers need to meet the difficulty of balancing supply and demand because they are subsidized for services to go to the beneficiary.

The representative of a trade union organization on its side talks of a certain precariousness of part-time workers in this subsector. They try to negotiate for workers in the Walloon Region a reduction in working hours, in the form of days off. So that female workers can take more time off and get more rest than their 20 days of statutory leave. They also negotiate for a better seniority leave and retirement leave. Reductions in working hours in the form of leaves have been negotiated more than wage increases in recent years. Now it has been 20 years since they had had large increases in staff salaries, and therefore since then, unions have been working rather to try to reduce the working time of workers in the subsector. Thus, they are also trying to increase team meeting times, consultation time, training time where workers can talk more about the content of their work and have more contact with their colleagues. According to the unions, this is also a way to support work at home care, which is a very lonely job per definition.

There are interesting examples of joint cooperation of the social partners, for example in the area of training. The employers' obligations regarding training are very tight in this PHS subsector. Training hours are strongly regulated. For a very long-time social partners have had to submit training plans to the authorities. In addition, in Brussels, there is the ABBET. ABBET is the Brussels Association for Well-being at Work and it is the result of the non-profit sector agreements of 2009-2010 by the social partners. The ABBET is a non-profit organization, initially subsidized by COCOF. Since there were no new agreements reached in July 2019 is also extended to the COCOM service. The activities of this organisation are being set up and a memorandum of understanding has been signed by the social partners on this issue. It is an association that develops well-being in the sense that services can call on this organization, for example to carry out a risk analysis at work. This association organizes training and supervision for prevention advisers. There is now a debate concerning the reintegration of long-term sick workers and what measures could be

adopted to stimulate that sick workers go back to work. So, in 2019 it was decided that 5% of the budget of ABBET is going to be devoted to a study dealing with how to promote return to work of the long-term sick. This association is composed of equally representation of employers and workers, organizations representing workers and federations. The ABBET does not exist at the Walloon level. It is operating only in the region Brussels. This association is a good example of a joint project and the cooperative dynamic of support for training of workers in this subsector.

The ABBET is also providing user-friendly information on work associated risks through online brochures. For example, they made brochures on the best suitable products to be used for cleaning, since there are products which are potentially harmful to health and also with an ecological dimension. So good practices are being summarized in a series of digital tools to ensure broad dissemination of that information. These tools are becoming quite popular and in great demand.

Regarding the bargaining in the sector, there are new players who have emerged in the discussions with a specific role. An emerging player is the socio-professional integration sector. As this is a sector that receives public subsidies, since its objective and primary mission is to integrate workers into the labour market. Some of the companies in the socio/professional integration sector are service voucher companies. They have become competitors of the companies providing services in the traditional sector of home care. The workers who are in these frameworks do not necessarily have the skills to accomplish the tasks of the home care sector. Because for example, in the home care sector workers should know how to read and write in French. Part of the workers hired through reintegration companies are often from a migrant background and do not always have those languages skills necessary to handle the written administrative obligations which come with the job.

#### **4.6 Relations between job quality and service quality**

In the service voucher system, there is not only one public institution responsible. In the Brussels region, the service is subsidized by the COCOM (The Common Community Commission - Brussels Capital Region). In the French speaking community is the COCOF (The French Community Commission) which subsidized the service vouchers. In Flanders there are 2 Flemish services and 2 large services but which are attached to Flanders while working in Brussels.

For care services at home and help for families and dependent persons, the creation of new jobs is primarily supported by the Maribel social fund for the promotion of employment in the non- commercial sector to respond to the needs of the sector and to improve the quality of the services. Employers create new employment (only employment for an indefinite period) financed by reduced employer contributions, which have been



mutualised in the sectoral funds (Service public fédéral Emploi, Travail et Concertation Sociale, Rubrique, 2015).

Home care services for families and dependent persons are subsidised by the public authorities with lump-sum amounts. For each licensed service, an annual rate of hours worked (the quota) is determined and provides the basis for the allocation of subsidies. The subsidy covers expenses for personnel, operating fees, times for meetings and training. The Brussels region subsidises the hourly quotas for family helpers and household helpers. The Wallonia region does not subsidise any hourly quota for at-home care personnel. The user's access to the services depends on his/her needs which are evaluated during an annual social enquiry and according to several criteria: composition of the family, level of dependence, intervention frequencies and modalities, income, resources, fees) and must be granted primarily to those with the greatest need in line with their physical, mental, social and financial situation. The recipient must contribute to the care provided which is calculated in relation to a scale defined by the ministry and depends on the financial situation and family-related fees. (EFSI et alter, 2015)

To ensure the availability and improve the quality of home care services, the three Belgian regions have introduced networks for at-home care services for families and dependent persons at the local and regional level through local centres coordinating these services (coordination centres for care and home care, CASD and the centres for at-home services). This coordination is intended to add value in relation to a series of services provided at home and carried out separately by various professionals to globally respond to the needs of the recipient.

The companies in the elderly care sector are funded by subsidizing entities. So, employers receive money to accomplish a certain number of hours. The employers' federation cannot provide for more working hours than the subsidized amount. If they provide more hours, then, it is with equity that they have to pay them. So, from the COCOF side for example, there are around 870,000 hours which are divided between 7 services (small, medium and large services). Sometimes the needs of care hours are much greater, as it is the case in Brussels, where there is an increase in the population and an aging of that population. Thus, the needs are diverse and growing and the employers' federation cannot meet all the demand for this type of services. So inevitably, they cannot develop as they would like to. The setting up of associated/platform work appears to be an important concern in the sector, as mentioned in several interviews with employer and trade union representatives.

In this subsector, from the point of view of the federations representing registered employers, they are in the front line of this trend to new forms of employment which are undermining labour law. The problem is not that the home help sector is not well regulated in labour law, the problem is that labour law is in crisis. The consistency and strength of labour rights is being threaten by the emergence of this associative/platform work.

According to several stakeholders in the sector, there is a real danger with the emergence of associative/platform work. In the home care for the elderly subsector, the problem lies in the fact that this is lowering job quality, as well as it might potentially adversely affect the quality of the services provided. Through these platforms anybody can put a service online and hire people who are not subject to social legislation and who are not subject to taxation within the framework of an associative contract. In these cases workers are paid a remuneration which is lower than the applicable for the sector. The platform workers are performing work without application of labour rights and without the social security relating thereto and therefore that is a real danger. This phenomenon has just started in this sector but it is clear that it will develop further. Obviously, not every worker providing care necessarily should be a nurse but the growing hiring of workers for care services through these services platforms will put pressure on the world of work in the sense of a race to the bottom. There is a chance that in a few years part of the “workers” of this subsector who would fall within this framework to meet the growing needs of home care for the elderly. Then, the employers in this subsector might be tempted to develop small appendices of service through platforms with workers in a sub-statute regarding labour and social security rights. Then, according to the representative of one federation, the consequence might be that the service rendered to the population will be less solid. One interviewee puts the example “When the workers have to deal with caring for people with psychiatric problems, Alzheimer's, memory problems, they must have sufficient qualifications and be supported by a team and by supervisions. Home care for the elderly cannot be improvised. It is not just cleaning up. It is a matter of listening, monitoring, prevention, and developing distancing capabilities. Therefore, a home care worker who does not have the training, who does not have the necessary support from the employer and when supervisory structures are lacking, might not be able to react properly to elderly people with those sort of complaints.” According to employers federations, if one day the sector develop in that way of more informality regarding the hiring of workers, it will be very paradoxical in relation to the values and objectives of the sector of providing good quality of care.

In the traditional sector home care for the elderly sector, the employers have training obligations, must prove that they devote all budgets to the well-being of workers, with prevention advisers and evaluations of the psychosocial load and risk analysis. Employers claim that there has been an increase in their obligations, which can be positive in the sense that it is a consideration of workers' needs, but which can still be cumbersome at the administrative level. There is a risk that an employer who is today 100% subsidized by COCOF or COCOM, decides to develop an annex to his regular business with a services platform with sub-status associate work. Integrating a few workers with associative work can influence negatively the quality of the services because it poses difficulties to integrate those workers into a regular team with rules of ethics and with an obligation of supervision. So there will inevitably be an imbalance in the

quality of the services offered that will arise even if these workers do not represent the majority.

The representatives of employers in the sector claimed that they are quite vigilant with applying labour laws and preventing informal work. But that hidden work, especially in the case of workers with a migrant background, has always existed in this sector and the extend of it is difficult to estimate. A representative of a main association of the home care for family and dependent subsector explains that there is also a sort of competition around the tasks performed in the home care sector between the companies providing '*aide familiale*' and the use of services vouchers for domestic work. The representative of an employer's organization explains that the domestic workers paid with service vouchers, basically do not have the skills and competence to provide home care for the elderly (*aide familiale*). So, it is also a form of competition in the content of the tasks that are given to some workers and not to others.

In principle, the service voucher worker main task is cleaning, but they can go shopping, make meals. What they cannot do is take care of the children. Hence, there are some limits but, in practice, the service voucher employee can do everything because there is not much control. Sometimes they do activities which go beyond initial skills and competences as helping elderly people to get dressed. The main problem is that service voucher companies do not respond to the whole dynamic of the '*aide familiale*' of training, supervision, well-being at work, and psychosocial work-load. So, they cannot provide the same quality of service for the dependent elderly people. One representative of an employer's organization said that they regretted that the money for service vouchers was not invested more in their sector to help this group of the population in need and that, as a result, companies in that sub-sector were not able to increase the number of jobs.

According to the EFSI representative, for quality of work it is important to design the formalization of work in the PHS sector properly. Not only in a way that the worker has social security and all his social rights recognised, but also linked to the professionalization and training. Because, for example, there are certain platforms that directly link the self-employed and the family. It is about matching supply and demand but it does not provide a framework that provides reassurance to workers and the family. The intermediaries, members of EFSI, are the intermediaries between the family and the workers and give assurances in both directions. And to workers in particular, they offer a social security framework with social rights but also a training framework (in personal care, domestic services, new products, and new regulations). The workers have to be updated so they have to be trained. And not only at the start but also during their service. It is also a safety issue because if there are workers who are not trained to master the use of dangerous substances, it is a risk to their health and safety at work. This is what makes a real difference in terms of quality between agencies and companies that are intermediaries and platforms.

From the qualitative part of the study, we deduct that there is a high degree of overlapping between the care services for families and dependent persons and the household services provided through the service voucher system. These two subsectors of the PHS sector are differently regulated in the Belgium case and there is lack of coordination between the functioning of the two systems. Care services for families and dependent persons are coordinated by regional public authorities. The service providers, which may only be public or non-profit entities, must be licensed by the regions. They are subject to strict obligations regarding standards with respect to workers' qualifications, the employment and training ratio of the workers, their structural organization and the quality of services and jobs provided. The service voucher system is also associated with a regulatory framework requiring licensing of the companies (via the Licensing Committee under the supervision of the National Employment Agency/ONEM) and an annual evaluation covering the effect of the system on employment, the expenditure for the action and the applicable salaries and working conditions. A more integrated coordination of the regulation of both sectors might improve the complementarity of the services provided in the PHS sector as a whole and its quality.

## 5. Policy Lessons and conclusions

In this report, we have attempted to answer the research question common to all the national studies as it was stated in the introduction: *How can regulation, public policy and the social partners' actions improve job quality and fight informality in PHS sector?* To achieve that aim, this case study has described the PHS sector in Belgium. The analyses have consisted of a general overview of the PHS sector in Belgium and sector studies of the cleaning and the eldercare sector, respectively. The *main policy lessons and findings* are:

- The introduction of the services vouchers in 2004 has been a great success in terms of improved quality of services and jobs in the sector. Indeed, the figures presented in table 1 and 2 of this report show that the number of vouchers bought and the number of registered companies increase every year. These figures clearly show an increase in the number of jobs and less unemployment and thus less undeclared work. In addition, this is a way to increase the number of people on the labour market and therefore reduce the unemployment rate.
- With launching a services vouchers scheme the government has not only achieved a reduction of the amount of undeclared work but has also managed to reduce the figures of work accidents in the PHS sector and financial fraud (regarding taxation).
- For the local employment agencies, the major issue is still the difficulty of identifying how much undeclared work in the PHS sector is still present in Belgium.
- Belgium has an extensive legal framework regulating the rights of PHS-workers. ILO convention 189 has been ratified in Belgium but has not

had much impact on improving the working conditions of workers in the sector, as Belgium was one of the countries with a high protective legislation for those workers before the adoption of that Convention. Apart from this legal framework, the collective agreements provide an equally important framework for pay and conditions for PHS workers.

- The social partners have also developed a series of initiatives to improve pay and conditions. These initiatives are relevant for PHS-workers in both the cleaning and the elder care sectors but are not always limited to these.
- Due to a substantial overlap between the two selected sectors, we found a number cross-sector similarities. However, the private-formal and private-informal types of PHS are likely to be more widespread in the cleaning than in the eldercare sector, where pay and working conditions on average appear better and the obligations of the employers as regards for example training are more extensive.
- The quality of services may decrease because of constraints/reductions in public spending - in particular in the family home care and care for senior citizens - when regional authorities are forced to reduce their care budgets while the need for care continues to grow.
- The Belgian system has a clear positive effect on the quality of jobs and services in the PHS sector. However, some studies show that that kind of state subsidized use of services system benefits more the middle class more than the socially weak. So, from that point of view, it is not a very redistributive system.
- The Belgium services voucher system is an effective, but expensive, method (generous in terms of subsidy) of addressing the needs of vulnerable groups in the labour market.
- The main societal benefit of the service voucher system in Belgium is that it helps to bring some of those currently in the informal or undeclared economy into the regular labour market. However, the high level of subsidy in the scheme, raised doubts about value for money and highlighted the potentially market-distorting effects of the fixed-price model incorporated in the services voucher scheme.
- The relatively narrow focus on domestic services and the dominance of women among beneficiaries of the programme of service vouchers leads to policy suggestions for a broader approach that might cover other potentially vulnerable workers.
- The two sectors under study overlap to a certain extent, in that cleaning at home is an important part of the eldercare and workers in both subsectors provide sometimes similar tasks. Also several licensed companies, which are active in the care and assistance services sector for families and dependent persons or as integration providers, also supply services within the service voucher scheme. Besides, service voucher system is also used by integration companies to facilitate the re-integration of low-skilled persons into employment in the PHS sector.
- Finally, with regard to relations between job quality and service quality, in the cleaning sector our findings indicate that low job quality among care at home workers in some instances influence the quality of the

home care services (aide familiale), especially when the services is provided through associate or platform work.

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