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# **Non profit-making home-care in the Franche-Comté : An example of structuring of a professional branch within the social and solidarity based economy.**

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**Summary:** the sector of the home help knows a strong development for some years, in reason in particular of the ageing of the population. In Franche-Comté, associations created the first regional professional collective of France. It represents more than 4000 employees. The employment is there mainly feminine and part-time. The objective is to lead a coherent development policy with the principles of the social economy: satisfaction of the user, the quality of the employment. A first stage of professionalization and a consolidation of the employment was successfully led, thanks to an agreement of yearly adjustment of the working time bound to a strong training policy. The current stake concerns the financial consolidation, in front of a low-cost competition which has no same quality objectives. It is a question of mobilizing the beneficiaries of the service as "consum' actors".

**Résumé :** la filière de l'aide à domicile connaît un fort développement depuis quelques années, en raison notamment du vieillissement de la population. En Franche-Comté, les associations ont créé le premier collectif professionnel régional de France. Il représente plus de 4000 salariés. L'emploi y est principalement féminin et à temps partiel. L'objectif est de mener une politique de développement cohérente avec les principes de l'économie sociale : satisfaction de l'utilisateur, qualité de l'emploi. Une première étape de professionnalisation et consolidation de l'emploi a été menée avec succès, grâce à l'annualisation du temps de travail liée à une politique de formation forte. L'enjeu actuel concerne la consolidation financière, face à une concurrence à faible coût qui n'a pas les mêmes objectifs de qualité. Il s'agit de mobiliser les bénéficiaires du service comme « consom'acteurs ».

**Key words :** home care, associations collective, quality of employment

**Mots clés :** aide à domicile, collectif associatif, qualité de l'emploi

## **A history of these jobs and these professions linked directly with the demographic developments, and the construction of policies concerning families and social welfare.**

### **I. Context of the professional branch of home-care**

#### *1. Social security in 1945 :*

In France home-care originated at the time of the creation of Social Security and of our system of social welfare, that is to say, at the end of the second world war and stretching over a period from 1945 to 1949. As of 1949, the Family Allowances Fund took on female family assistants (the name of the métier itself being in the feminine gender at that time). This action concerned either social aid for young children (ASE) and in this case it was financed by the County Council, or it concerned meeting with a temporary overload of tasks linked to the household or to upbringing within the family: multiple births, child-illness or accident, temporary help of a large family or a family in a critical period (death of a parent, separation...), in this case the financing being undertaken by the Family Allowances Fund or by the Health Insurance Fund. In 1999, the CNAM (Health Insurance) in its turn specified the criteria noted by the family aid workers: death of the father, difficult pregnancies.

In the area of old people's needs, in the same way as for the families, we witnessed an evolution in household help through the setting up of public policies favouring the maintenance of old people in the home.

#### *2. 1962 a policy for the aged initialized by the Laroque Report<sup>1</sup>*

Before 1962 there were no specific policies regarding the population of the aged. The only policy existing was one of aid to poor people, many of whom were aged and completely left behind by economic growth. In 1962, the Laroque Report affirms the priority of maintaining old people in their homes by putting in place measures for their support which were included in programs pushed through by the State. This program was applied until the end of the 70s with the creation of many Clubs for Seniors and the development of services of household help.

The growth in the sector of home-care began with non-qualified personnel (the only requirement was that of being female) through voluntary family-aid associations which little by little grew into administrators of home-services with financing from the CNAV (Voluntary Aid Organization) and/or from pension funds. It is these same associations which, having undergone all these evolutions, wish to maintain their role today.

It is only with the setting up of the APA (Professional Aid Auxiliary), that a state diploma is introduced: the state diploma of social aid auxiliary is a level V diploma<sup>2</sup> (equivalent to a technical diploma) defined as a certificate of competence to carry out a social accompaniment and one of support in the daily lives of fragile members of the community. It must be noted that the level of competence is low in relation to the frequently high level of dependency of the population in question and to the complex situations which these home help auxiliaries are confronted with. In terms of the work accomplished, the difficulty is comparable to that of the work carried out by the TISF (Social and Family Workers) who possess a level IV diploma (equivalent to school leaving exam). It is important to underline this fact because the impact in terms of cost is not the same, the cost of a TISF being 34 Euros an hour while, for a home-care auxiliary in possession of a DEAVS (State Diploma in Social Aid) will cost 20 euros. Thus the departments which finance family-aid are more and more inclined to prescribe a less qualified personnel (level V) now that this level exists rather than the TISF with their level IV.

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<sup>1</sup> Pierre Laroque, President of the National Social Fund; he constitutes and presides the "Commission of Study of problems of old age" which culminates in the famous Laroque Report

<sup>2</sup> The term social aid auxiliary designates the professional workers identified today notably by the names family-aid worker, household help, daily aid auxiliary, family aid worker and carrying out the functions such as they are defined in the professional reference system.

### *3. A shift appearing in the mid-80's: a policy directed at job-creation taking priority over a policy of social action*

Over a thirty year period, at the same time as a branch is being constructed to attempt to involve itself in the work of social aid to respond to the needs of a dependent part of the population, unemployment has affected an average of 10% of the population. The home-care services financed from social contributions levied from the salaried workers, began to be hit by the reduction in public financing at the same time as paradoxically the needs increased.

Employment policies were introduced and the sector of services of personalized aid was identified as a source of jobs going well beyond the needs of that population in situation of dependency. First of all policies of professional integration directed at a non qualified public were developed, then the law of the 29th January 1996, supporting the development of jobs in the service at the individual reflected the decision of the government to structure this sector through employment-policies and economic development and not at all based on public policies of social action. This opening-up of the market through measures of fiscal reduction and exemption from employer's contributions and the possibility for firms to obtain access to these dependent populations through the delivery of an approval of quality was the first stage in the liberalisation of the services.

The Borloo Law of 26 July 2005 concerning the development of services to the individual was a further reinforcement of this direction. It was intended to double the growth-rate of this sector to create 500.000 jobs within 3 years.

A national agency for services of persona aid was created (ANSP). This agency, which was placed under the guardianship of the Minister responsible for employment, coordinates all the initiatives relative to the promotion of the development of jobs in this sector in direct connection with the administrative services and private partners involved and without undermining the competencies of the territorial collectives.

We are now in the year 2010 and the objective of creating 500.000 jobs has not been reached: the figure is closer to 150.000 jobs. A report by the Audit office appearing in February 2010 denounces "an uncertain statistical basis" and "an abnormal over-estimation of the number of jobs created". As for the objectives for professionalisation at national level 30% of those working in the domain of home-care possess a qualification. Another point made by the Audit office and not without its importance **is precisely the absence of clear choice between the two objectives: help for those in dependency and on the other hand creation of jobs at any cost**, thanks to exemptions, at the risk of creating an effect of over-supply. The observation is made that " the measures of aid provided benefit more the most comfortably –off households who are in a better position to hire home-help".

### *4. A coherent positioning by the actors of the social economy for the maintaining of these services within the health and medico-social sector.*

Those involved in social action and at their head the professional federation of home-care have continued to situate their action and their positioning always in direct alignment with the family policies and those of social action inaugurated in France at the same time as our system of social welfare. For the vast majority they have chosen to maintain their activities concerning the persons in dependency in accordance with the rulings of the health and medico-social establishments (law of the 22nd January 2002) and according to the prices fixed via the social action agencies of the Departments. Thus they position themselves in such a way as to protect the dependent population, affirming that the Borloo law contains the risk of excluding those dependent persons who are without means from these services and consequently creating more exclusion when what is needed is cohesion.

This national positioning is also to be found at regional and departmental levels in a specific manner and reflected in different plans of action according to the territorial contexts, needs of the population, public financing and of all the elements and actors involved.

## II / The example of the Franche-Comté:

### *1. An original organization with the Franc-Comtois collective of non profit-making home-care*

**The collective is an original example since it groups together the Regional Unions** of associations for home-care adhering to a national federation which has signed home-care branch-agreements: UNA, ADMR and ADESSA. This regional structuring is the first initiative of its kind in France. The collective is unusual in that it has the particularity of being a true forum of reflection and exchanges going beyond the cleavages relative to federation membership and competition between territories. Decision-making is shared and approval by the board of directors of the member - Regional Unions is required prior to any decision regarding structures.

### *2. Quality employment policy*

To support the work of the collective, a Representative Commission for Regional Professional Employment and Training has been put in place since the 17th of March 2009 in order to ensure the political representation of the branch at regional level. Within the framework of partnership agreements with the Regional Council of the Franche-Comté and the OPCA (funds organism) of the branch, UNIFORMATION, measures for professionalisation called "Tremplin Solidarité" were introduced. The purpose being to develop the degree of professionalisation throughout all the associations and in all the métiers of the branch, to increase the level of qualification of the employees, to prepare for the integration of new employees through the forming of tutors in order to be able to propose a quality training base.

In all, out of the 6.000 employees represented by the collective, 3.000 followed a training-course in 2006 which amounts to 67.500 hours of training.

In this way, all these actions made it possible to meet the demand created by a very considerable increase in the number of salaried working-hours due to the introduction of the personalized autonomy allowance. Between 2004 and 2007 at national level this increase represented an increase in hours of service of roughly 44.76% and for the Franche-Comté an increase of 31.63%.

The efforts deployed by the branch collective to promote the economic model of the professional branch of non-profit – making home-care through the implementation of branch –agreements<sup>3</sup> have borne fruit. In terms of the number of working hours per month, in the Franche-Comté, the collective have attained an average of 0.63 ETP (part time employment) while at national level the average is of 0.49 ETP for the services offered. If one takes into account all the juridical modes (service provider, contracting and direct employment) the average is 0.29 ETP at national level.

The introduction of variable working hours generates a complexity of management for the associations, it being an organization of the duration of time worked which imposes certain constraints and which affects all the personnel, it has necessitated besides a training of the administrative staff in the drawing up of new work-contracts, the follow-up of work schedules, the monitoring of hours, the count of absences, the processing of these calculations at the end of the year, etc.

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<sup>3</sup>Collective agreement of 29 March 2002 concerning jobs and payments. Branch-agreement relation to variable working hours applicable on 1st January 2007. The modulation variability of working-hours consists in the possibility for the employer to vary the duration of the work of an employee within certain limits along the different months of one year and enter these variations into a balancing account. This is a tool which is used in the framework of a rigorous organization, based on the rules negotiated between the social partners and constitutes an element of social modernization for the professional branch of home help. The aid-workers / agents gain the advantage of a harmonization of their payments and the guarantee of a constant monthly salary which allows them to better manage their spending in relation to a fixed monthly income. The modulation renders the jobs more dependable but also ensures employee-loyalty.

The hazards connected to the particular nature of the activity require that certain interventions planned cannot be carried out for different reasons (placement in homes, or hospitalization of clients, deaths...). The hours initially included in the schedule of the agent are thus remunerated, but these hours have not in reality been worked. The structure thus finds itself with a loss and working-hours must be found for the agent so that the hours can be made up. but, considering the work-load of the structure, and that the clients are scattered over a large area, or again the range of competencies of the workers, the replacement of hours is not in all cases possible<sup>4</sup>. Presently the County Councils are not inclined to finance these "lost hours" and the stake is of importance given the competition by the commercial sector which up to now has no collective agreement and arrives on the market with lower prices.

### **III/ A regional branch engineering in 2010 to consolidate the development:**

#### ***1. The action undertaken in the project CRESS / Réunica/FSE/Branch-collective/BCCA***

Réunica which is behind this study is one of the leaders of social insurance in France. Together with an institution which covers contingency and a mutual insurance company, it also administrates large complementary retirement institutions AGIRC/ARRCO for 1.300.000 adherents. From early on it engaged its social action based on home-care in a partner-based strategy undertaken with the networks of the social and solidarity based economy. Following a successful experiment in the PACA [Province-Alpes-Côte d'Azur] region, the regional actors (C2RA and PSP) of the PACA, Bourgogne-Franche-Comté and Alsace-Lorraine regions) desired to associate with the Réunica social delegations to create an inter-regional program of accompaniment of **120 structures of home-care**

The objective of this accompaniment was **to improve the quality of the services rendered to the beneficiaries and to respond to the demand of the social commissions of Réunica to extend across other territories projects which had shown their pertinence and visibility**. The project has a direct effect on the improvement of the service rendered to old and dependent people.

The home-care collective of Franche-Comté, member of the CRESS, was asked to participate. Given the innovation represented by this collective in the promotion of the associative and non-profit-making model, in particular through actions of professionalisation undertaken over a long period, it was decided to carry out a study making it possible to evaluate the impact of the actions undertaken on the quality of services to identify the points which should be discussed in order that this model receive the attention it deserves.

#### ***2. An experiment which proves that, faced with the current situation of liberalisation of the sector, a branch-collective can be a tool for social cohesion and local development***

First of all, the study shows that the associations respond to all demands without discrimination of clientele, regardless of age, financial resources, pathologies or level of dependency, place of residence and difficulties of access, religion and political ideas. They propose likewise a range of services catering to all personal needs (nursing, day-care, travelling, night nurse) a non-stop service and response 365 days out of 365 (365 days a year). Working with all the partners of the territory makes it possible to create links with the establishments and to recognize the of limits of home-care.

It cannot be denied that the implementation of the branch-agreements of the CNN of home-care shows clearly the added value of the associative service-provider concerning the structuring of employment by the branch. The number of hours worked which is close on 130 hours per month is the visible proof of this. It is a success all the more noteworthy when one is aware that this region is the region of France which is the most affected by decrease in employment (a 26% rise in the number of unemployed in a year) and that, concerning direct employment in the area of personal services, the

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<sup>4</sup> This type of organization creates a deficit of hours worked for the structure each year. It will be minimized by a rigorous management of staff at the risk of incurring consequent financial loss. Thus, it is estimated that one or two years of application are necessary in order to achieve a satisfactory "cruising speed".

average number of hours worked per employee is 339 hours or roughly 0,20 ETP per month. The collective could carry weight with the financiers and decision-makers to defend this model, given the results obtained in terms of job-quality, and the services offered by the associations across the whole of the territory for the benefit of the whole population while ensuring the promotion of the rights of the beneficiaries.

Nevertheless, the employees, even if they are extremely committed to their métier, do not perceive the changes which they have been confronted with over the last years as an added-value having a direct impact on job-quality. On the contrary, they are worried about the risk of dehumanization that the new organization bring about. The seniors feel particularly sensitive about this. It is true for example that the application of variable working hours has secondary effects on the work-organization and on the management of the aid-workers' schedule. In order to fill the work-schedule of an agent, the person in charge may be put in the position of having to employ the agent in other clients' homes, even in replacement of the usual agent who has for her part exceeded her quota of hours. This practice which is unavoidable within the framework of variable working hours means that the number of professionals visiting the client home is considerably increased which can create certain discomfort, particularly when they are in a fragile situation. A fine balance must be found between a rigorous management of work-schedules, the well-being of the client and the acceptance of the constraint by the agent.

Information and communication will be essential levers in the quality of the service but also of the user's adhesion in a spirit of solidarity and of choice of one economic model rather than another. For the associations, the successful application of modulation (variable working hours) is achieved through the understanding and acceptance of the constraint by the clients and by the employees so that it does not become a factor of non-quality of service rendered.

Apart from this, the structures still have great difficulty in recruiting new personnel, there is still work to be done to advance the representations of these métiers and to render the service attractive to young people. In this regard, the career guidance-workers, the professionals of Pôle Emploi [Employment Agency in France] will have to undergo training in order to learn about these professions. The organization of professional mobility in relation with the new needs and wishes of employees in the spirit of a territorial GPEC (Employment and Skills Management) will have to be constructed based on an much more in-depth analysis of the needs on the territory and of the competencies already present.

### *3. A regional experiment which offers guidelines for the future*

This evaluation of an action of professionalisation undertaken over a period of 3 years and which at first had no other objective than that of joining together as a group in order to implement the conventional agreements goes far beyond that initial objective. In fact, the very widespread application of the branch-agreements by all the structures of 4 Departments rendered very clear the added value of the associative service-provider in terms of consolidation of jobs (passage from 0,44 ETP to 0,60 ETP). What appeared as the work progressed was that this grouping of structures which could be in competition on their own territories gained through this collective a common tool for conducting a shared political strategy using a common discourse, without one or the other losing its identity. Thus this closer study meant the recognition of good practices which had not been previously identified with such clarity and which enabled us finally to identify a economic model of solidarity which guarantees access to all citizens and also guarantees social cohesion at local level. This is also due to the capacity to mobilize the resources of voluntary help to contribute to the development of reinforcement of social cohesion according to the chosen area of solidarity, with voluntary workers and administrators who remain fixed on their territories.

In face of the current stakes and the "Services" directive of the European Commission there exists the risk of the absence of recognition of the social finality of these services as a guarantee of fundamental social rights. For the home-services implemented by the actors of the social and solidarity-based economy and its component structures, there result in particular the risks of being taken for granted and an absence of visibility between the profit-making sector and the public authorities, the negation

of their role as partners of the public authorities in the evaluation of needs as well as that of the type of response to bring.

It is also for this reason that it will be necessary in the future to implicate the users more actively in their choice of service so that they will be truly actors. Training will be carried out among the employees to build a culture of solidarity.