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Quality of jobs and services in the Personal care and Household Services sector in Belgium

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INTRODUCTION

In Belgium, the multitude of activities related to the personal care and household services sector fall under the commonly used expression of “proximity services” which first appeared in the 1980s. It designates an important variety of activities such as: household chores, childcare, maintenance and development of public areas in rundown neighbourhoods as well as domiciliary care services for dependent or vulnerable persons¹.

As there is no legal definition of the sector in Belgium, Laville and Nyssen’s (2000) definition of proximity services seems to be more appropriate for the purpose of this report. Indeed, it reflects the two dimensions of this expression, clearly linked to the different indicators that will be evaluated in this document. In this specific definition, proximity services are considered as activities answering to individual and collective demands by either an objective proximity - limited to a restricted area - or either a subjective proximity, reflecting the relational aspect of the different services provided².

Despite the lack of a general legal definition, the sector is properly defined and structured. Indeed, when it comes to proximity services, one prevailing voucher system comes to mind - the titres-services scheme - launched in 2004 at the federal level. Even if this system is exclusively restricted to domestic activities, excluding care, the choice has been made to focus specifically on this scheme; it is the emblematic and predominant form of proximity services management in Belgium.

Even if not addressed in this report, we should keep in mind that the Belgian titres-services system comes in addition to a range of regional legislations regulating social assistance which provide care services for elderly people, ill persons, disabled persons and all individuals with a limited autonomy wishing to stay at home.

Last but not least, Belgium is currently experiencing the implementation of the sixth reform of the State, which involved a transfer of competences from the federal to the regional level. It implies changes within the sector which currently depend on the federal legislation. 2015 is therefore a year of transition and a pivotal period for the management of proximity services in the country.

¹ Henry, A., Services de proximités, Centre d’économie sociale, université de Liège, Rubrique « Économie sociale ? », <http://bit.ly/1GbNVPE> (08/04/2015)

² Laville J.L., Nyssens M. (2000), "Solidarity-Based Third Sector Organizations in the "Proximity Services" Field: a European Francophone Perspective", *Voluntas*,11-1, pp. 67-84.

1. NATIONAL OR LOCAL REGULATION AND POLICIES

1.1. Policy Background

In the 1980s and 1990s, the increased labour market participation of women, the growing isolation of elderly persons, the impoverishment of a large section of the population as well as rising unemployment led to a new perception of the proximity services sector and was regarded as a great opportunity to reintegrate jobseekers into employment.

The first voucher system, called 'chèques ALE', was created in 1987 in Belgium and was considered as a temporary alternative for unemployed people. In this particular case, the long-term unemployed register in a local employment agency, which is the sole authority to dispense services with the ALE voucher. People working under this specific contract continue to have unemployment benefits while receiving additional tax-exempt funds. This system, although still existing, never really created real jobs and is currently disappearing, particularly after reforms which gave the priority to a new successful voucher scheme called "titres-services".

➤ The Titres-services system

The 1999-2004 Belgium legislature was a turning point concerning proximity services. Indeed, on July 4th 2000 the Federal State and the Regions signed a cooperation agreement considering proximity services as one of the three pillars of the social economy to be supported by public authorities.

A year later, Article 10 of the 20 July 2001 Act, aimed at promoting the development of services and proximity employment, was the cornerstone of the titre-service system. This article defines titres-services as a "*voucher [...] that allows the user to pay, with the financial assistance of the state in a form of a consumer subsidy, domestic services provided by a licensed company.*"

The titres-services scheme, implemented by the Federal State in partnership with regional and local authorities, became efficient in 2004 and presently surpasses alternative measures related to the sector.

The system has the following goals:

- Create new jobs, particularly for low-skilled workers.
- Transfer undeclared work to regular jobs in the formal sector.
- Offer the unemployed the opportunity to move towards regular employment.
- Improve users' work—life balance by making it easier to outsource domestic work.

Despite not being the principal function of the titres-services vouchers, elderly people are using them regularly in order to get help in their daily life.

1.2. Structural framework, funding and actors involved

1.2.1. Structural framework of the titres-services system

The service voucher scheme is essentially a wage subsidy for labour-intensive, low-skilled domestic work. All residents in Belgium can buy service vouchers from the issuing company in order to purchase domestic help from a licensed company. The list of activities is strictly defined by the State and is limited only to domestic tasks within or outside the home.

Domestic tasks within the user's home:

- Cleaning
- Laundry
- Ironing
- Small sewing works;
- Cooking

Tasks outside the user's home:

- Ironing
- Grocery shopping;
- Transportation of people with restricted mobility.

Care of dependent people is excluded except for accompanying persons with restricted mobility requiring transportation. However, nothing prevents a dependent person to have access to the services mentioned above under the titres-services system in complement to another care support covered by social assistance. The term “dependent person” includes disabled, ill, or elderly people in need of special care due to their condition.

1.2.2. Funding

Five parties finance the system: the issuing company, users, employers, workers and the Federal Unemployment Benefit Agency. Since January 2015, the unit cost of a titres-services voucher is €9. This is the face value of the voucher. This price has evolved several times in recent years.

Evolution of Titres-services prices over the last 12 years:	
January 2004	€ 6,20
November 2004	€6,70
June 2008	€7,00
January 2009	€7,50
January 2013	€8,50
January 2015	€9,00

In 2015, individuals can purchase up to 500 vouchers per year. The first 400 vouchers cost 9 euros and the 100 extra ones, 10 Euros. Each voucher corresponds to one hour of service from a registered company.

➤ A partially tax-deductible voucher

The cost of the voucher is partially tax-deductible: the service voucher scheme entitles its users to deduct 30% of their spending on vouchers from their taxable earnings.

Taking into account the tax deduction, users pay a net price of €6.30 per voucher for the first 400 and €7 for the next 100. The worker then gives the voucher to the licensed organisation which is in turn reimbursed by the issuing agency. This agency pays €22.04 to the organisation for each service voucher.

The difference between this amount and the worker's earnings (€13.04 or €12.04 per voucher) is paid by the Federal Unemployment Benefit Agency to the issuing agency. The licensed company receives therefore a total of €22.04 per titre-service. The price of €22.04/hour covers salary costs (the gross salary including extras such as holiday pay and extra-legal compensations) as well as other expenditures, such as training, travel expenses and insurance costs. Furthermore, the issuing agency is also reimbursed by the federal authorities for providing administrative support and printing the vouchers.

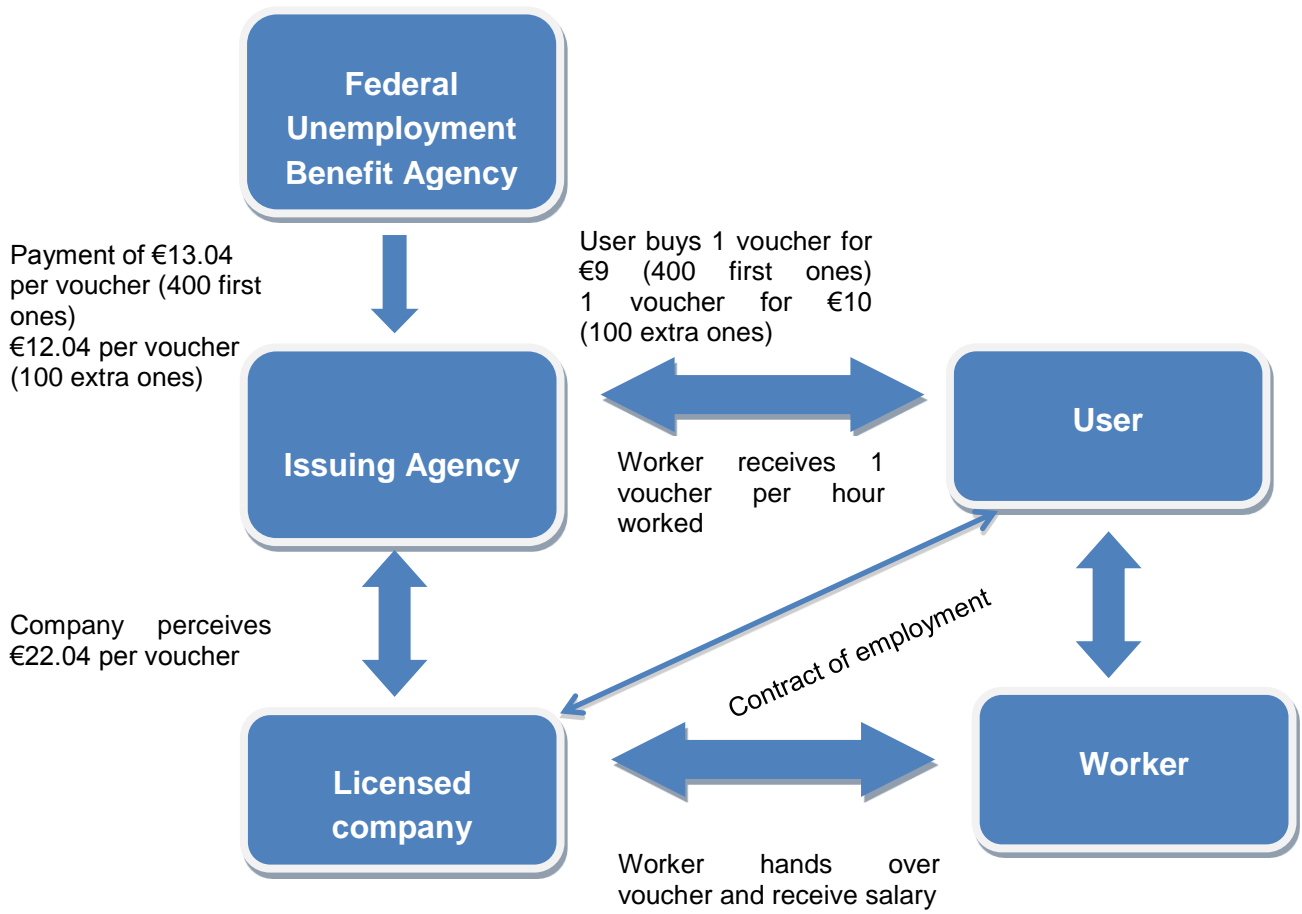
1.2.3. Actors involved

The titres-services system is based on a triangular labour relationship – rather similar to the case of temporary employment agencies – consisting of the employer (the licensed company), the user (the private person to whom the service is provided) and the worker. Unlike the situation in France, direct employment is not permitted in Belgium and users are compelled to use a licensed company to benefit from the service voucher scheme. As seen in the previous section, three more actors need to be taken into account:

- The Federal Unemployment agency³, which manages the system of service vouchers;
- The issuing company is responsible for allowing users to buy their vouchers and for processing the returned vouchers;
- The Federal Ministry of Work, Employment and Social Dialogue which is responsible for all legislation regarding the system, including licensing of companies that provide services with service voucher.

³ With the 6th reform of the Belgian state, it will be managed at the regional level.

1.2.4. The titres-services voucher circle



2. WORK AND EMPLOYMENT QUALITY

2.1. Career and employment security

2.1.1. Employment status

- The contractual relation between employer and employee

Workers paid with service vouchers receive a 'service vouchers employment contract'. This is a normal employment contract with some specific features. The contract may be fixed-term or indeterminate, full-time or part-time. A worker can serve several successive fixed-term employment contracts with the same employer without this leading to an indeterminate employment contract. However, this is only possible for a limited period of time, varying from three to six months.

- Nature of employers

The activities paid with service vouchers are carried out by employees working for a company that is licensed by the state as a service voucher company.

Type of licensed companies:	
COMMERCIAL BUSINESSES	Temporary employment agencies Cleaning companies
COMPANIES WORKING IN THE SOCIAL SECTOR	Companies providing reintegration services
PUBLIC PROVIDERS	Local welfare offices Public authorities

This type of public regulation can be described as quasi merchant. The titres-services system is market-based since it launches competitive tendering between the various providers in the same field activity. Indeed, all types of providers, public or private, profit or non-profit organisations can be licensed as a titres-services organisation.

- Existence of collective agreements

As for ordinary employees, titres-services workers have an employment contract and earn a wage corresponding to legal wage provisions. Wages are influenced by collective labour agreements made within the Joint Committee associated to the licensed company or at company level. They also accumulate social security rights, contributions for retirement pensions and insurance against work-related accidents. The quality of employment in terms of

the contract, salary, working hours, training and turnover has increased year after year and the service voucher sector has steadily become more professional. A series of collective agreements has been concluded, and now covers close to all of the usual aspects of industrial relations and collective bargaining systems. Gradually, the service voucher sector is being consolidated and is now generally considered a formal professional sector.

➤ Migrants work

In 2012, 3 out of 4 workers within the titres-services system were Belgian. 20% of workers were EU nationals (excluding Belgium). Finally, 8% of workers come from outside the European Union. However, these percentages vary widely by region. In Brussels, for example, less than 1 worker out of 4 is from Belgium, while this proportion is about 8 out of 10 workers in Flanders and Wallonia. In Brussels, the majority of workers are nationals of the EU-27 (excluding Belgium) and 21% are non-EU nationals⁴. For workers who are not from Belgium, the system is an opportunity to work in a legal context.

➤ Regulation of undeclared work

Even if the system was presented from the beginning as an instrument against undeclared work and fraud, it is rather difficult to find relevant figures concerning the impact of it on the regulation of undeclared work. In fact, the evaluation studies carried out for the Belgian authorities do not provide clear evidence in this regard.

2.1.2. Income and wages

According to the Social Security/ONSSAPL and based on yearly wages and the number of worked hours, a titre-service worker earned an average of €10,82/ hour in 2012⁵. However, the effective daily wage depends on the number of hours worked per day. Considering the nature of the tasks, the proximity service sector is by definition offering flexible jobs. Therefore there are 3 types of work patterns in the proximity service sector: full time jobs (with an occupancy rate of 100%), jobs between half-time and full-time (with an occupancy rate between 50% and 99%) and less than half time jobs (with an occupancy rate from 1% to 49%).

In the sector, the number of full-time jobs is well below the number of part-time jobs. In 2012, 65% of the service voucher workers were employed "small part-time" and nearly a quarter of them had a job at "big part time". Only 10.1% of workers were employed full-time in 2012. However, a number of differences according to workers' profile should be underlined:

⁴ IDEA Consult, Evaluation du régime des titres-services pour les service et emplois de proximité 2012, décembre 2013, p35.

⁵ *Ibid.* p45

- If we do a geographical comparison, it is clear that there are more full-time workers in Brussels (21.7%) than in Flanders (8.4%) and Wallonia (7.7%).
- Men are more often employed full-time than women (25.5% against 9.6%).
- We also note significant disparities according to the types of business. Public authorities are employing more full-time workers (16.8%), come next individual clients (15.4%). In relative terms, temporary companies are offering jobs between half-time and full-time (53.6%).

2.1.3. Social protection

Any worker under the titres-services system is protected by the Belgium social security scheme including the following branches:

- Sickness and maternity benefits;
- Benefits for accidents at work and occupational diseases;
- Disability benefits;
- Old-age benefits;
- Unemployment benefits;
- Family benefits.

2.1.4. Workers' rights

- Rights to collective bargaining

A trade union delegation can be implemented in each licensed company of at least 20 workers. The delegation's role is to represent the staff and is the interlocutor between workers and the employer concerning information, potential problems or working arrangements.

- Non-discrimination

The 2011 evaluation of the titres-services scheme carried out by IDEA Consult has a full section dedicated to the evaluation of the quality of the employment according to the nationality and the origin of workers.

From the point of view of workers, in total 12% of workers surveyed (non-Belgian workers or non-European) reported that they had already been refused work because of their origin. The number of cases varies slightly from region to region, with 12% in Brussels, 11% in Flanders and 10% in Wallonia. These results should be interpreted with caution. Indeed, we only mentioned here one case of discrimination from the worker's viewpoint. However, usually, only companies deal with the demand and are aware of discriminatory requests expressed by users. Companies should not reply to discriminating demand however some of them do. Therefore,

discrimination reported by the workers represents only a part of the actual discrimination.

Another survey was conducted in 2011 among licensed companies which indicates that 18% of them regularly faced discriminating demands from users. In 3 companies out of 10, cases of discriminating requests happened infrequently, while only 25% of companies are rarely facing it. 29% received a discriminating request more than once. However, several significant differences are observed depending on the regions. According to companies' experience, discrimination toward workers is systematically more common in Brussels than in the two other regions. The high percentage of non-Belgian workers undoubtedly plays a role in this regard. Figures for the Brussels area might also be distorted by the fact that many companies have their headquarters there while operating throughout Belgium.

Non-discrimination is one of the conditions for a company to be licensed and be part of the titres-services system. However, a recent study from Minderhedenforum (Minorities Forum) showed that two thirds of licensed companies in Flanders agree to specific demands from their clients, asking for a "native housekeeper"⁶.

2.2. Skills development and professionalization

2.2.1. Qualifications

Everyone can get involved in the system. There are no specific requirements. Information regarding the qualification level show that 56 % of the service voucher workers are unskilled, 40% of them are semi-skilled and 4% are highly qualified. The Brussels region records a higher share of highly skilled workers (5.9%) than the average. This could be explained by the presence of many migrants highly qualified in Brussels (with possibly an unrecognized foreign degree).

2.2.2. Access to vocational training

The training fund came into force in 2007 and aims to increase the level of training of titres-services workers. It provides the opportunity for companies to organize internal or external training for their workers in relation to their working tasks. Since September 2009, the fund also pays for first aid training. Three types of training are available: internal, external or on the ground. Depending on the category, companies can get a partial reimbursement of training costs from the training fund.

In the Memorandum of Understanding on new workers in the titres-services system, the training fund allocates resources for 9 hours (minimum, with a maximum of 18 hours) of mandatory

⁶ L'Echo, « Pas de femmes de ménage allochtones, SVP », <http://www.lecho.be/> : <http://bit.ly/1FHJF7m> (08/04/2015)

training for new workers which enter the system. Training should address the following topics⁷

- Ergonomics;
- Customer-oriented work;
- Home Ironing;
- Work organisation for the customer;
- Knowledge of products and materials;
- Health and safety.

2.2.3. Carrer development

Career development generally passes through access to training, increased working hours or an open-ended contract.

2.2.4. Recruitment and staff shortage

The availability of workers is causing a bottleneck in the voucher system. Up to 64% of companies struggle with an insufficient supply of adequate labour. The most important causes of this are the labour conditions (including the salary) and the lack of motivation among prospective workers. Increasing market shortages for workers is encouraging service voucher companies to offer workers additional incentives including various forms of extra-legal compensation.

2.3. Health and well-being

2.3.1. Work organisation

The Royal Decree of 28 May 2003 on the monitoring of workers' health regulates in general the tasks and duties of the employer and the occupational prevention consultant / labour doctor concerning medical mandatory examinations in the context of occupational medicine. The regulations concerning the welfare of employees in the performance of their works are applicable in the titres-services system. This is explicitly set out in Article 9 of the Royal Decree of 12 December 2001 on the titres-services system. The licensed company must always, as the employer, comply with obligations related to the well-being of workers, including the safety and health of workers during the execution of their work, and avoid the risks associated with it. This means that the licensed company, as the employer, bears the ultimate criminal liability concerning the application of the regulations on the well-being at work.

⁷ Only trainings organized externally or internally are concerned. Training and coaching in the workplace are not taken into account by the system.

Where there is an identifiable risk to the health of workers, licensed company must ensure that its workers are subject to health surveillance. Besides, the titres-services worker often performs hazardous activities requiring mandatory health surveillance. This will be the case if the employee performs clean-up activities at the user's home, among other things such as possible exposure to chemicals or heavy lifting. Furthermore, the employer must also provide personal protection against risks that can threaten the safety or health of workers. However, when the work is done at the particular user's home, it is the user who first determines working conditions. Yet there is no direct legal relationship between the two parties.

2.3.2. Risk exposure and health problems

According to IDEA Consult, in 2007, 42 % of workers reported never having been absent due to illness, against only 27% in 2011. The group of workers being on sick leaves for less than a month represented 41 % in 2007 against 55% in 2011. These statistics are also significantly higher than the overall figures for sickness absenteeism in the private sector in Belgium. According to data from Securex, 49% of workers didn't take any sick leave in 2010, against only 27 % for titres-services workers. Work in the titres-services system is more challenging physically and mentally than in many other sectors. It is no coincidence that one of the first workers' dissatisfaction concerns the heaviness of the work and the workload. Furthermore, training on safety and health at work are the most requested⁸.

2.4. Work/Life balance

In a survey conducted by Idea Consult in 2011, titres-services workers were asked if the number of working hours was a deliberated choice or if they would like to have more hours or less. A total of 86% of workers say they have chosen voluntarily their hours, while 10% would like to work more and 4% would prefer to have fewer hours.

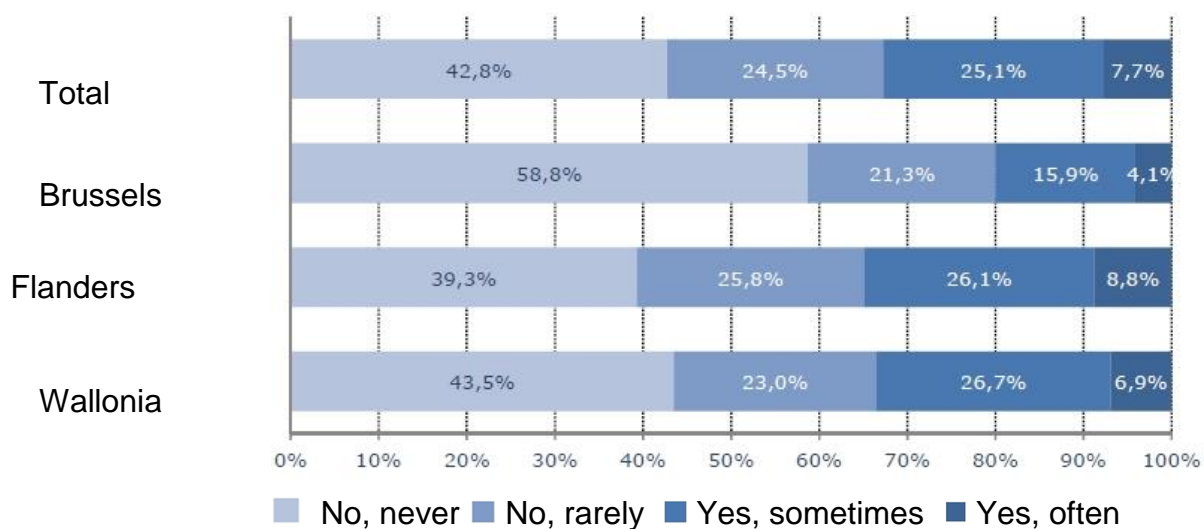
In the group of workers doing between 25 and 35 hours per week, 89% say they chose deliberately to worker this many hours, while only 7.5% would like to work more. Among workers who have a contract between 25 and 35 hours, the more hours they work, the more they would like to reduce their working schedule.

The vast majority of workers are satisfied with the number of hours worked and deliberately accept a certain amount of hours. The nature and difficulty of use may explain why the service voucher workers deliberately opt for an employment that is not full time. The fact that they often are women with children also helps explain why the service vouchers workers choose fewer hours. Sometimes the service voucher workers voluntarily choose a low number of hours

⁸ IDEA Consult, Evaluation du régime des titres-services pour les service et emplois de proximité 2012, décembre 2013, p85.

because they accept this job to supplement service vouchers of another paid job for which they cannot get enough hours.

Figure 1: Extent to which the service voucher workers have deliberately chosen their hours depending on the number of hours worked.



— Source: IDEA Consult on the basis of ONEM data (2011)

3. SERVICE QUALITY

3.1. Evaluation of the quality of the titres-services system

As mentioned previously, the Article 10 of the Act - to promote proximity services in Belgium - established the requirement for an annual evaluation of the voucher scheme by IDEA Consult at the request of the Belgian Federal Ministry of Employment. These evaluations focus on different aspects including:

- The effect of the service voucher system on the employment of target groups;
- The overall cost of the measure for the government;
- The quality of the service provided through the vouchers;
- The impact of service vouchers on the employment of users.

3.2. Availability and affordability of services

Anyone in Belgium can have access to titres-services vouchers. As it is partly subsidized by the state, it allows people to have access to domestic help at a fairly price.

Furthermore, the overall goal of the Belgian policy for long-term care Belgian is to provide universal access to affordable and high quality services in order to allow elderly people to stay at home as long as possible, even if their conditions require special care. Home care can also be covered by the public health system, according to a specific evaluation of the health condition of the patient. For moderately to severely dependent patients, out-of-pocket payments are relatively low. However, non-medical expenses due to dependency associated with old age are still high⁹.

More information should be gathered and commented here

3.3. Comprehensiveness of services

Personal care and household services in Belgium fall under different systems, which are complementary, in order to give a global answer to people with care needs or only for people wishing to outsource their domestic works. Elderly persons who are not eligible for subsidized home care can buy services privately through the Titres-services system, which is also partly financed by the state.

The titres-services scheme only covers domestic activities and doesn't include care services. Therefore, care services are provided by local care centres (Centre d'Aide et de Soins à Domicile, ASAD) which offer a range of activities (including household services) for elderly

⁹ Willemé Peter, "The Long-Term Care system for the elderly in Belgium", *ENEPRI*, No 70, Mai 2010.

people, ill persons, disabled persons and all individuals with a limited autonomy wishing to stay at home. These centres are created by local authorities and gather services and institutions that are originally separated (such as nurses, familial helper, social services). Finally, the distribution of home care policies is done by public social action centres (CPAS).

More information could be gathered from participants and commented here

3.4. Quality of regulation

Concerning the titres-services system, companies are accredited by the Federal state (with the 6th Belgian State Reform, these competences will be shifted to regional authorities). For the moment, the application has to be submitted to the Commission for Accreditation, depending on the National Employment Office.

More information could be gathered from participants and commented here

4. CONCLUSION

The titres-services system in Belgium stresses the fact that the country is dealing with proximity services in a similar manner to temporary agencies, based on a triangle labour relationship between the employer (the licensed company), the user (the private person for/to whom the service is provided) and the worker. This system aims to create new jobs (especially for low-skill workers) and generate economic activity through services. Unlike in France, the system forbids direct employment between the worker and the user and provides real contact of employment.

The Federal state has the role to accredit specific companies which have then the full responsibility of the worker as employers. However, some problems remains and licensed agencies do not always guarantee the quality of jobs and services or the respect of regulation, like for example concerning non-discrimination policies. It therefore seems important to reinforce the controls over licensed companies to ensure that they observe the statutory requirements.

Although the objective of the titres-services scheme was not to provide specific services for elderly persons, but rather to improve the balance between user's personal life and work by outsourcing domestic tasks, elderly people resort to the titres-services system. Around 30% of titres-services users are more than 60 years old and 8.1% are more than 80 years old¹⁰. They often use the titres-services system because they are not entitled to subsidized home care (which also provided domestic helps in addition to specific care) but still need help in their daily life. There is a shift of competencies in the titre-service system as workers often have to deal with elderly people, even if their tasks are restricted to domestic activities.

With the 6th reform of the Belgian State, voted in 2014, the role of the Federal level is minimized in the titre-service scheme as many Federal competences are now in the hand of regional authorities.

2015 is therefore a period of transition which still raises important questions. Indeed, before the 6th reform of the Belgian State, many aspects of the titres-services scheme were under the Federal State competencies and social assistance was in the hand of the different regional authorities. As both will be now under regional control, questions are raised concerning the management of the two systems, and whether it will be done in parallel or if a partial fusion will be made.

On the other hand, we currently have the certitude that the titres-services scheme could absorb practices applied within organisations providing home care services under the Belgian social assistance in order to foster the quality of titres-services jobs and services.

¹⁰ Defourny, J., Henry, A., Nassant, S., Nyssen, M., « Les titres-services : quelle qualité d'emploi et d'organisation de service ? », *Regards économiques*, n°69, avril 2009.

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