



Relaunching Collective Bargaining Coverage in Outsourced Services

RECOVER COUNTRY REPORT

OUTSOURCING OF SERVICES IN FRANCE:

The Challenges from Collective Bargaining System

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sobre la Vida Quotidiana
i el Treball



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SECTION I. OUTSOURCING, COLLECTIVE BARGAINING COVERAGE AND FACILITY MANAGEMENT COMPANIES

1. COLLECTIVE BARGAINING COVERAGE

1.1. Main characteristics of the collective bargaining structure

1.1.1. *General framework of the collective bargaining system*

The French industrial relations system is characterised by a pluralist system with a high level of state intervention through a regulation system of collective bargaining and an extension mechanisms system conducted by the state (Bosch 2015; Dufresne&Maggi-Germain 2012). The predominant level of collective bargaining has been the sectoral level. Collective agreements are traditionally signed by the major unions and employers' organizations. In the last decade, there was an attempt to develop a neocorporatism movement through a tripartite concertation between social partners and the French government. Actually, unions and employers' organizations traditionally do not contact spontaneously. They tend to address the state in order to pressure it to obtain its favour (Pernot 2018). Beyond this general framework, an increase of decentralization of collective bargaining has been developed. The last reforms of French government eroded the attempts of tripartite concertation at national level in benefit of the company-level bargaining (Rehfeldt 2018).

The level of coverage of French collective bargaining is one of the highest of the European countries: 98.8% in 2017, according to Visser (2016) (and with levels up to 90% in the last twenty years). By contrast, the level of membership of French unions is low; especially in the private sector with around 8%, (this level is still lower in sectors as construction or hotels and restaurants with levels around 4%) (Pignoni 2016).

Since 1950 and until the 2015-2018's period the French collective bargaining system was

based on the concept of “hierarchy of norms”:

Collective bargaining must enrich, clarify or expand the content of what is negotiated at the higher level. Thus, a sectoral agreement cannot derogate from the provisions of the Labour Code, just as an agreement concluded in a company can not revert to the guarantees set out in the sectoral collective agreement to which it belongs. (Barrat&Daniel 2002: 5-6)

Under this principle, the sectoral level of collective bargaining system was institutionalized. According to French Labour Ministry, in France there are more than 700 collective agreements, although not all are active conventions. In 2011, there were around 460 active sectoral collective agreements, some of them with few employees, although the 75% of more important collective agreements cover nearly 50% of workers (Combexelle 2015).

Nevertheless, following the general trends in European countries (Köhler 2018), the decentralization of collective bargaining in France, started in the 80s, was developed with the reforms of 2004, 2008 and 2013; and it is accelerated since 2016, especially with the “El Khomri Law” and the last orders of Macron government (Rehfeldt 2018).

In the last years, attempts of merge of collective agreements were developed with different levels of intensity (Rehfeldt 2018). In this sense, in August 2018 out of the 687 sectoral collective agreements identified by a prior work of French Labour Ministry, 154 of them were restructured (DGT 2018).

The role of trade unions in collective bargaining

In France, the level of union membership is low in comparison with other European countries, with around 8% in the private sector and around 15% in public sector. This low level of union membership does not affect to the collective bargaining system, thanks to the still central role of the sectoral collective bargaining and the role of state intervention, especially in the case of the extension mechanisms of collective agreements (Dufresne&Maggi-Germain 2012). Two more reasons reinforce this argument: by the one

hand, union structures do not depend primarily on member dues, and by the other hand, only representative unions have the right to negotiate with employers' organizations and the government (Cheuvreux&Darmaillacq 2014). This last reason is related with the traditional force of French unions on the workplace, with upper levels than the EU average in terms of union presence in the workplace. Despite this low level of membership, French unions have a great capacity to mobilise workers in union elections with a participation level above 40%. This level varies according to the sector and the labour dynamics involved.

1.1.2. Current dynamic of collective bargaining

The annual data recorded by the Ministry of Labour point to a very active collective bargaining, both in company level and at sectoral and national level. In 2017, 84 sectors negotiated, 46 of which belonged to the service sector, 37 in commerce and 1 in industrial sector. 622 meetings took place in mixed commission, requiring the sending of more than 18,000 convocations (Commission nationale de la négociation collective 2018).

Despite de progressive decentralization of collective bargaining, sectoral and national level continues being central for the social partners¹. Sectoral bargaining can take the form of a "basic" text (a collective agreement or an inter-professional agreement) or an "attached" text (an agreement or amendment) that modifies or supplements the former. A collective agreement must include clauses relating to the territorial and professional scope covered and define the conditions for revision or denunciation of the agreement. This agreement can be modified, enriched or updated by the signing of agreements or amendments between social partners involved (Commission nationale de la négociation

¹ With the last reforms, the principle of hierarchy of norms was eroded in favour of company-level bargaining. But, despite this reversal trend, employers continued to using the sectoral level as a central reference of bargaining, in order to assure the general social order or to minimize the level of conflicts with unions (Pernot 2018).

collective 2018: 336). The main topic developed by these agreements or amendments was wages, followed by agreements that deal the conditions for concluding the agreements (Table 1).

Table 1. Main topics of amendments and sectoral agreements signed (2016-2017)

Ranking 2017	Topics	2017 (provisional)	2016 (updated)	2016 (published)
1	Wages	463	418	401
2	Condition of concluding agreements	319	240	229
3	Condition of applying agreements	188	155	142
4	Labour equality between women and men	169	150	135
5	Bonuses system	163	143	143
6	Vocational/apprenticeship training	153	192	177
7	Supplementary pension & occupational insurance	128	165	155
8	Labour contract	86	103	99
9	Working time	67	68	65
10	Right to organize	66	51	48

Source: Commission nationale de la négociation collective (2018).

Inter-professional agreements can be signed by social partners belonged to several sectors and they usually deal specific subjects related to key economic and social issues, in order to harmonize different labour practices or social guarantee's systems in a specific field. They may also be behind the origin of the negotiation of a new collective agreement linked to a sector not covered by any collective agreement.

Table 2. Inter-professionals and sectoral texts signed in 2017 (provisional data)

2017 (Provisional data)	Basic texts	Agreements or amendments	Total
Inter-professional agreements	3	9	12
Professional agreements	18	49	67
Collective agreements	7	691	698
NATIONAL TEXTS	28	749	777
Inter-professional agreements	0	0	0
Professional agreements	1	2	3
Collective agreements	0	214	214
REGIONAL TEXTS	1	216	217

Inter-professional agreements	1	3	4
Professional agreements	0	5	5
Collective agreements	0	107	107
DEPARTMENTAL/LOCAL TEXTS	1	115	116
TOTAL	80	1080	1110
which: inter-professional level	4	12	16
sectoral level	26	1068	1094

Source: Commission nationale de la négociation collective (2018).

1.1.3. Recent trends

The last reforms developed since 2015 reinforce the decentralisation process of French collective bargaining. Previously, some legislative initiatives anticipated this decentralization process, diluting the principle of hierarchy of norms characteristic of the French collective bargaining system, among them:

- The “Fillon Law” (4 May 2004), unless the explicit prohibition of derogation by the sectoral agreement, opens the possibility for company-level agreements to derogate from higher-level agreements for certain areas.
- The “Larcher Law” (31 January 2007) institutes the negotiations of the social partners prior to the reforms initiated by the government.
- The “Law on the Renovation of Social Democracy” (20 August 2008) gives the company-level agreements the competence to set rules on the quota of overtime and the annual adjustment of working time.

Beyond these reforms, from 2015 onwards, the process of erosion of the principle of hierarchy of norms was accelerated, giving prominence to the company level. Two initiatives stand out above the rest. The first one is the “Law on labour and the modernisation of social dialogue” (commonly called as the “El Khomri Law) (8 August 2016) that introduces a “new architecture of the rules” of the French Labour Code, defining three levels of rules:

“(1) the “fundamental principles of labour law”, which would be imperative and guaranteed by the Constitution; (2) areas open to derogation by sector or company agreements, with a “minimum legal framework”; and (3) standards that would apply only in the absence of a collective agreement.” (Rehfeldt 2018: 628)

Therefore, this law reinforces the primacy of the company level over the sectoral level, following the trend developed by the “Law on the Renovation of Social Democracy” of 2008 in terms of the regulation of working time.

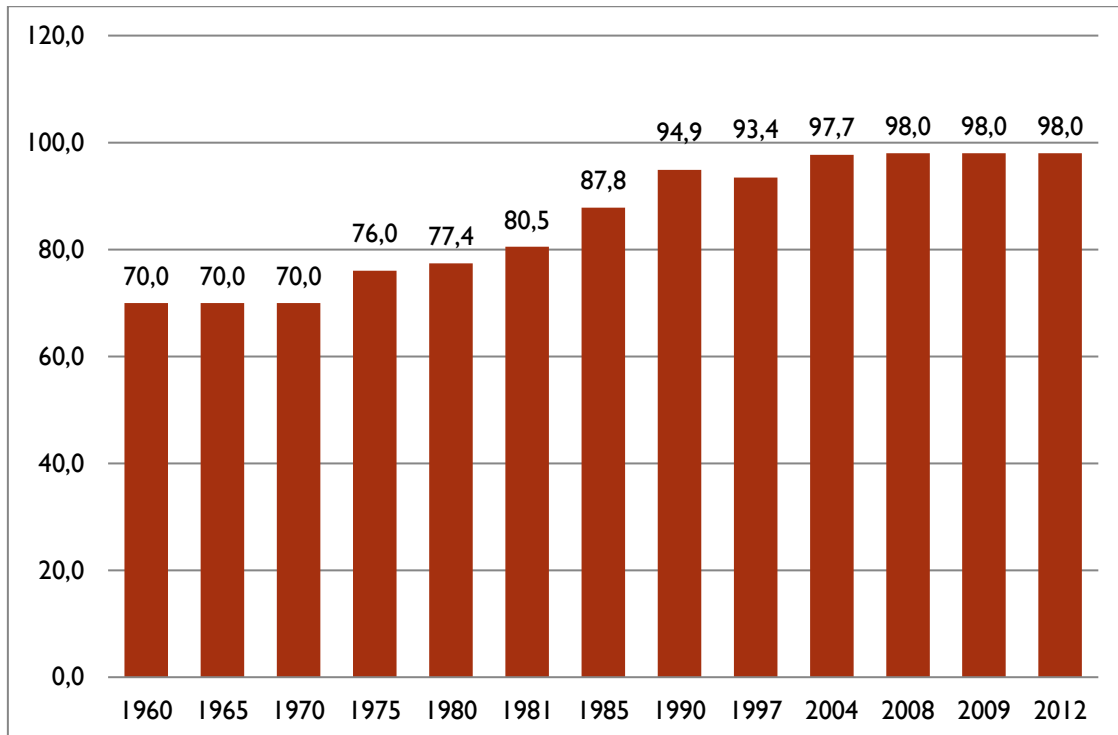
This primacy of the company level has been confirmed by the “Macron Orders” of September 2017, with two main effects. Below a certain extension of the topics reserved for the sectoral level, the company is only required to provide guarantees at least equivalent and no longer favourable than the guarantees included in upper-level agreements. By the other hand, the orders establish the obligation to merge the different representative bodies of employees (the Work Councils, the Staff Delegates and the Committees on Health, Safety and Working Conditions) within a single body (the Social and Economic Committee), generating a loss of union power on the workplace.

1.2. Collective bargaining coverage

1.2.1. Coverage levels and evolution at national level

According with ICTWSSS data (Visser 2016), the collective bargaining coverage is one of the highest coverage levels of the whole European countries, with more than 90% and it remains stable since the 90s (Figure 1). This high level of coverage is reinforced by the still centralised system of collective bargaining and the quasiautomatic procedure of extensions mechanisms guided by the state intervention.

Figure 1. Evolution of collective bargaining coverage



Source: Visser (2016).

These data mean that practically all workers are covered by a collective agreement. The process of decentralization of collective bargaining, accelerated by the reforms of 2004, 2008 and 2013, diluted the principle of "hierarchy of norms" between the different levels of collective bargaining, especially as regards the relationship between the sectoral level and the company level. The reform of Labour law of 2017 especially affected the working-time bargaining, although it also included other issues (such as the minimum wage) where the sector level is still valid². In the rest of topics, it depends on the agreement if it has priority over the company-level agreements. In the absence of a

² Wages are negotiated basically at sectoral level, but legislation let companies with over 50 employees to negotiate them at company level. The minimum wage is regulated by law and it must to be respected by sectoral and company-level agreements.

company-level agreement, sectoral agreements will continue to be applied.

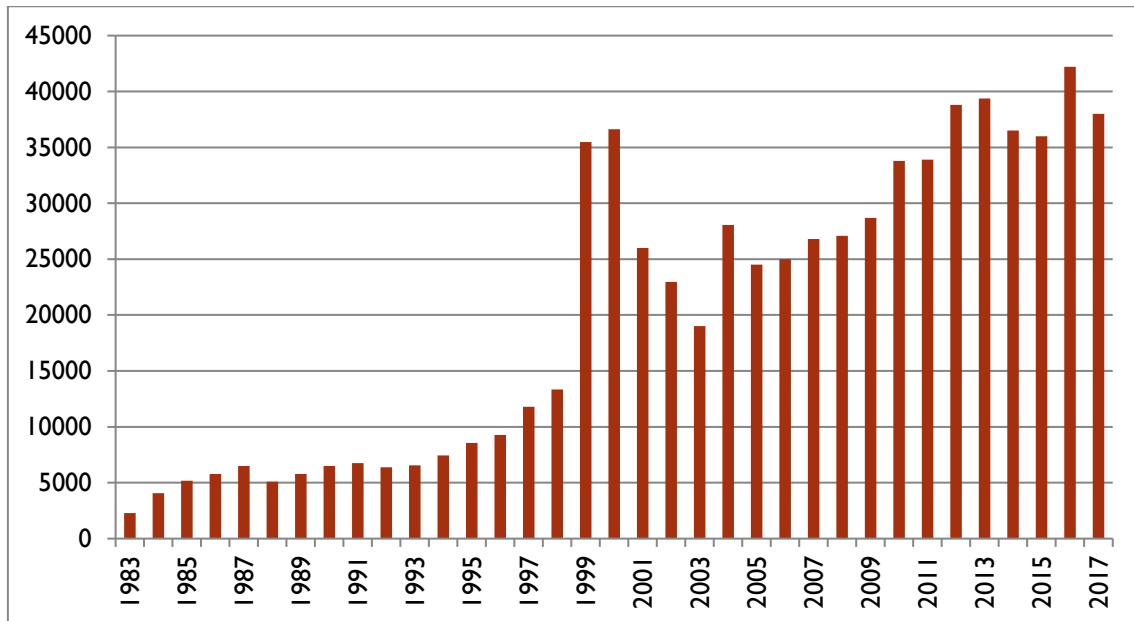
According with the Evaluation of collective bargaining of 2018 by the National Commission of collective bargaining, in 2017 there is an increase in six topics in relation to the sectoral agreements and amendments concluded: wages (always the main topic), conditions for concluding and applying the agreements, bonuses, the labour equality between men and women (Table 1, p.6). On the other hand, 14 topics have decreased in relation to 2016: vocational training, additional social protection, working time and labour contract.

1.2.2. The increase of the company-level agreements

The development of company-level bargaining has contributed more than any other factor to the changes of French collective bargaining system and explains the loss of weight of the sectoral level in this general bargaining system.

With less weight until the 80s (the star-point were the “Auroux laws” of 1982) the company-level bargaining slowly grew in the 90s and take off in 1999 under the impact of the first 35-hour law (Figure 2). With the beginning of the century the number of company agreements increased steadily due to the reforms of 2004 (the “Fillon Law”), 2008 (the “Law on the Renovation of Social Democracy”), 2013 (the “Law on securing employment”), and especially the last reforms of 2016 (the “El Khomri Law”) and the orders of the Macron government in 2017 (Rehfeldt, 2018).

Figure 2. Evolution of company-level agreements



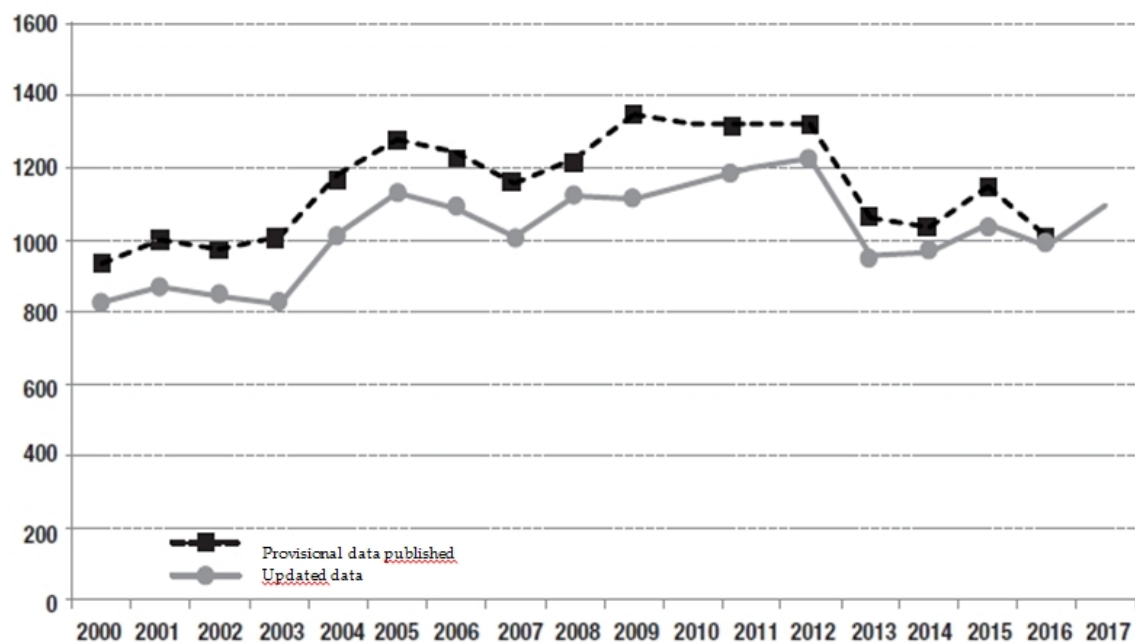
Source: Pernot (2018) and Commission nationale de la négociation collective (2017; 2018).

It should be noted that since 2015 the proportion of company-level agreements tabled and finally signed between employers and union representatives, had remained around 60%: 36,500 agreements from 61,000 agreements tabled in 2015 (59.8%); 42,200 from 71,000 agreements tabled in 2016 (59.4%); and 38,000 agreements from 61,400 agreements tabled in 2017 (61.9%). Anyway, it means a decrease in 2017 of the number of agreements signed and registered in relation to 2016 (14% and 10%). Despite this large number of agreements, only 10% of eligible companies sign agreements, so the companies indeed far from being generalized (Pernot 2018), following the general trend in the 90s, when the weight of company level differs according to the own dynamics of the sector (Meurs et Skalli 1997). As data point out, a third of the negotiations end without agreement. The 35% of these company agreements signed by social partners are relating to wages and bonuses, so the wages topic remains the topic most frequently raised by union representatives.

1.2.3. The (still) central role of sectoral level?

With 1,094 agreements signed by the social partners, in 2017 there was an increase of 6% in agreements and amendments concluded at inter-professional and sectoral level in relation to 2016. This increase is higher in comparison to the last four years, in contrast to the decrease of the company-level agreements (Figure 3) (Commission nationale de la négociation collective 2018).

Figure 3. Number of sectoral agreements



Source: Commission nationale de la négociation collective (2018).

Services sector remains the sector with more agreements signed by union representatives (38%), following by industry (34%); although industry includes the 19% of employees versus the 55% in the case of services sector. So, collective bargaining in industry sector is relatively more active, a sector with more large companies and with more proportion of representative bodies of employees (*Institutions ou instances*

*représentatives du personnel*³) who are able to negotiate and sign an agreement (Commission nationale de la négociation collective 2018: 602).

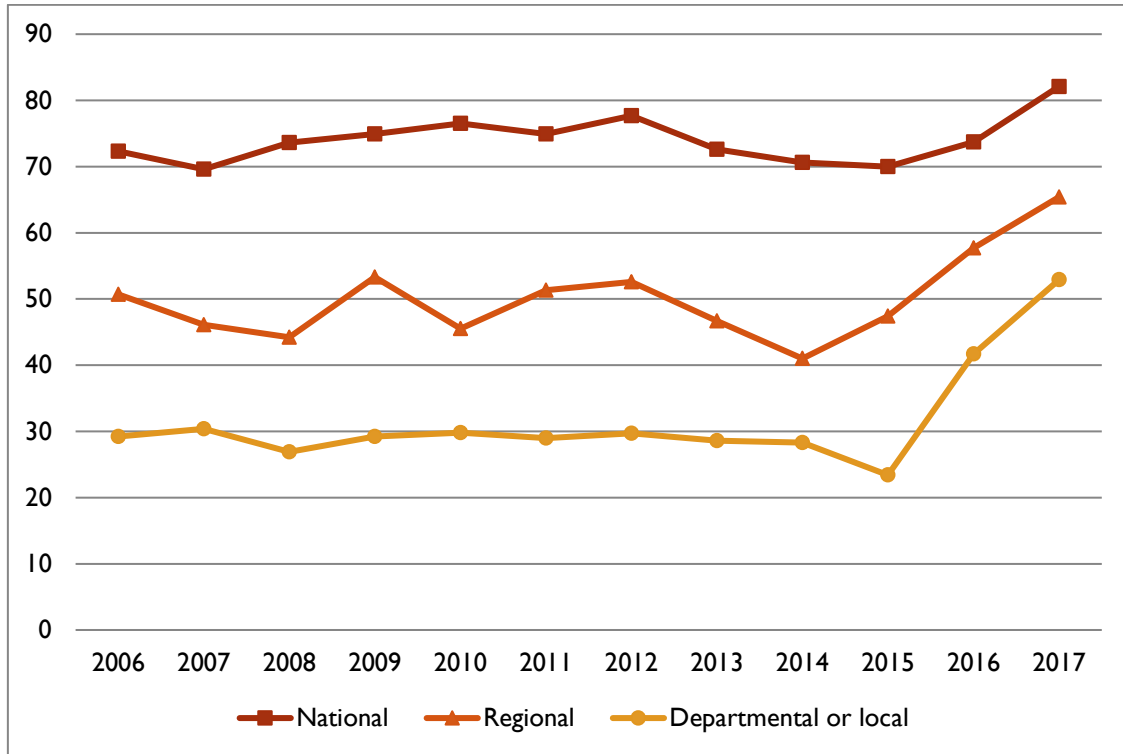
The importance of the national level in collective bargaining

Within the collective bargaining, the most important level remains the national level in comparison with regional and local levels. In 2017, 70% of texts belong at the national level. This level has been maintained since 2000, with variations between the minimum of 64% (in 2007) and the maximum of 75% (in 2009). During this period, the regional level of sectoral agreements was around 20%, while local level was around 10% (Base de Données des Conventions Collectives - Direction Générale du Travail, Ministère du Travail). The agreements linked to these both levels are mainly in metal, building and public works agreements, due to that these sectors include occupations that usually are locally structured and with differences of labour conditions among regions.

In addition to this greater weight, it should to be note that the national level has a higher level of activity than in regional and local levels of collective bargaining. Figure 4 shows that, in 2017, more than eight collective agreements (82.1%) are enriched with a new text (agreement or amendment). This proportion is up 70% since 2006. By contrast, regional and local levels have a lower proportion of collective agreements completed by new agreements or amendments (in 2017, 65.4% and 52.9%, respectively). Anyway, the activity of these levels has increased in the last ten years.

³ Before the 2018 reform: Staff Delegates, Works Council and Committee on Health, Safety and Working Conditions. After 2018: Social and Economic Committee, Corporate Union Section, Employee Director and Group Committee

Figure 4. Tax of collective agreements with at least an amendment by geographical level and year



Source: Commission nationale de la négociation collective (2018).

1.2.4. Extension mechanisms

In the case of France, extension mechanisms are used extensively. The extension procedure (regulated under the Article L.2261-15 of the French Labour Code) consists of making a collective agreement or an agreement applicable to all employees and employers covered by its scope. The extended agreement thus applies to companies that are not members of one of the signatory organizations of the agreement. In the case of an amendment, the extension is only possible if the basic text (a collective agreement or an agreement) has been previously extended. The extension procedure has the effect of making the agreement compulsory for all employers falling within the territorial and professional scope of the extension agreement, regardless of whether the employer is member of a signatory employers' organization. The aim of the extension procedure is to "harmonise the rules relating to the working conditions and the employment of

workers within a geographic and professional area to which a convention or collective agreement applies” (DGT 2018: 37). Unions usually request extension demands, although they can also be requested at the initiative of the Minister of Labour. This one also can refuse an extension demand (Article L.2261-25 of the French Labour Code). Anyway, extension mechanisms are requested for the 80% of agreements and rarely are turned down (Cheuvreux&Darmaillacq 2014). In fact, in 2017 there were 886 extensions requests in comparison with the 897 requests in 2016). 431 of them were linked to agreements on wages. Finally, 683 extension orders were published (what represents 77% of the requests), including 21 “unique” orders⁴ (DGT 2018: 37). Since 2014, it is introduced the right to block the extension request of an agreement:

“To be able to be extended, the sector agreement or multi-sector agreement and its riders and appendices shall not have been blocked [...] by one or more employer associations recognised as representative at the level considered whose companies employ over 50% of all the workers in the member firms of the employer associations recognised as representative at this level.” (Law 2014-288 of 5 March 2014 on vocational training, employment and social democracy, cited in Cheuvreux&Darmaillacq 2014: 3)

Despite this option of blocking extension requests, the extension mechanism allows a high level of coverage for most of workers, regardless of the level of presence of unions in the companies.

1.2.5. Main problems detected in relation to collective bargaining coverage

The collective bargaining coverage system linked to the quasi-automatic system of extension of agreements makes it difficult to identify gaps or coverage problems. Even so, the trend to subcontract and outsource activities, whether they link to the core business of companies, especially in the industry (Gosse, Sargis-Roussel & Sprimont

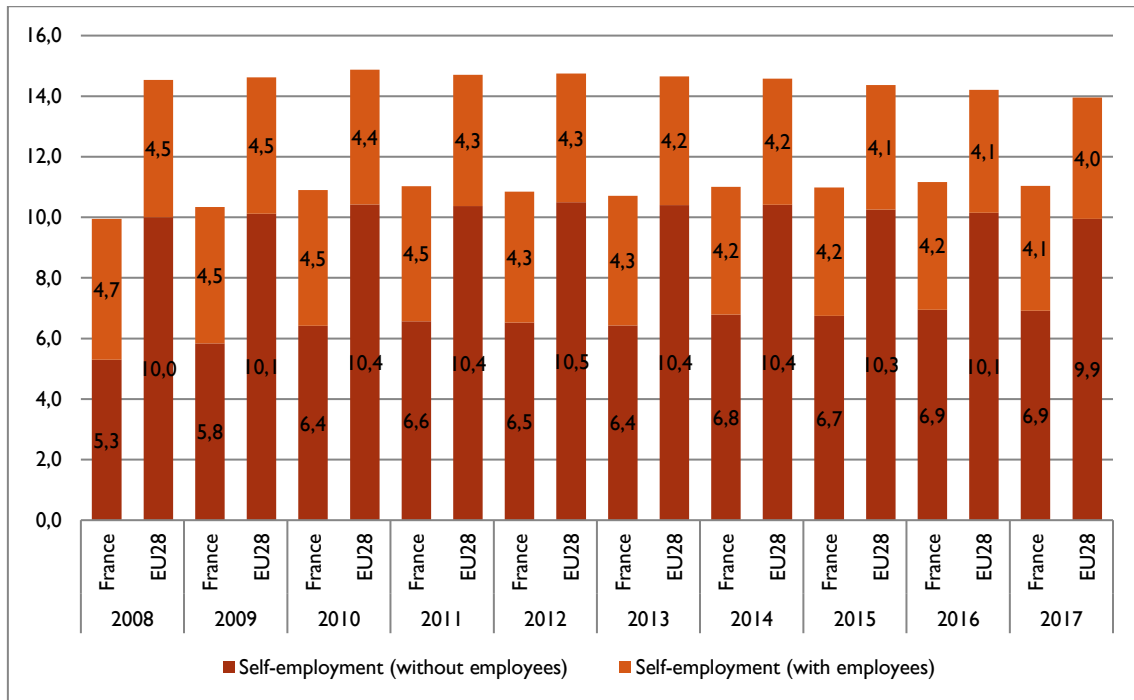
⁴ They are extension orders that consist in the extension of several agreements in the same procedure.

2002; Perraudin et al. 2013, 2014; Tinel et al. 2007) or to complementary activities, especially the outsourcing of services to companies (Denis, 2008; Édouard 2005), can cause the increase of certain coverage problems. The increase in the trend to outsourcing and subcontracting generates the "coexistence" of workers linked to different companies, different collective agreements and different employment status (public and private workers, open-ended contracts, fixed-term contracts, self-employed persons, etc.).

Within this scenario, those workers who are not wage earners, the self-employed persons, used in the same way as in other European countries as forms of outsourcing of labour costs by companies are less protected. Even so, it is worth noting the lower level of self-employment in France (11%) with respect to the EU28 average (14%) and with other neighbouring countries, such as Italy (20.9%) or Spain (15.8%), in addition to the existence of specific labour figures, characteristics of France, that provide greater coverage to these workers⁵ (Figure 5).

⁵ For more details see the case study of IT activities in the Section II.

Figure 5. Level of self-employment in France and EU28



Source: Authors by Eurostat.

Finally, and taking into account the last reforms of the Macron government, French unions point a growing concern about a possible loss of capacity for union action in certain workplaces. Despite the traditional activism in the workplace by unions, the last reforms (which follow the general trend of the last ten years) point to a progressive greater importance of company-level bargaining of certain topics, which makes it especially important to maintain some bargaining level by the unions' side. The last government reforms go in the direction to weaken the bargaining tools of unions in the workplace. This situation is aggravated by the increase in the trend to outsource activities, the use of atypical employment figures and the privatization of certain activities in the public sector (Civil service), which hinders the possibilities of maintaining certain levels of union membership (Table 3).

Table 3. Union membership by employment status and working time

	Civil service	Private sector	Total
Employment status:			
- Open-ended contracts	22.7	9.9	12.8
- Fixed-term contracts	4.7	2.1	2.9
Working time:			
- Full time	21.6	9.3	12.0
- Part time	12.9	6.7	8.2
Total	19.8	8.7	11.2

Source: Pignoni (2016).

This double trend (outsourcing and privatization) hinders the union's ability to articulate or act in the workplace, which can generate unequal situations of workers who perform even the same activity. In addition, in general, the presence of French trade unions is greater in the client company than in the outsourced companies. This, together with the loss of weight at the sectoral level in favour of the company level, means that collective bargaining loses its "inclusive character" with respect to those workers who place themselves on the "margins" of the production chain, doing more important in these cases bargaining at the workplace level (Pernot 2018; Pulignano & Stewart 2012).

2. THE EXTENSION, REGULATION AND FORMS OF OUTSOURCING

We can define outsourcing as “the use of an external service provider, for an activity previously carried out within the company, that it is usually accompanied by a transfer of material and/or human resources; it requires a contractual framework, defining in a specification the benefits and the mutual obligations, in a global and more substantial way than for the outsourcing; it is sustainable with a long-term commitment from the company and its service provider” (Édouard 2005: II-19-20). The outsourcing is increased since the mid90s in France. Appeared first in the Anglo-Saxon countries, outsourcing is developing in France for about 20 years. After large companies, these are SMEs that are fully involved, and recently the public sector uses it in a renewed form. This growth has been accompanied by a concern about outsourcing, from a managerial point of view and its possible impact on employment conditions. Nowadays, the 27,8% of French companies claim to be involved in outsourcing processes (Data from European Company Survey 2013).

In recent years, outsourcing in strategic public sectors has increased from privatization processes: for instance, the SNCF, the Post Office, but also the outsourcing of certain services in the national public Administration (Ponnet 2011). The main reasons for this outsourcing are a better economic adjustment (reduction of costs) and greater flexibility in the organization of work. Another reason for outsourcing is the transfer of risk and uncertainty to outsourced workers. These outsourcing processes refer to core activities of industrial and service companies. Nevertheless, the outsourcing of non-core activities of companies has also increased.

2.1. The regulation of outsourcing

In France, public markets are regulated under the Order n° 2015-899 of 23 July 2015, which implement the European directives 2014/24 and 2014/25. This order, replaced from 1 April 2019 by the “Public Order Code”, defines the main principles of public order law: freedom of access to public procurement, equal treatment of candidates and

transparency of procedures.

For private sectors, the transfer of business is regulated under the article L.1224-1 (former L.122-12) from the French Labour Code. This article regulates the transfer of an economic activity between the former employer and the new employer:

“When there is a change in the legal position of the employer, including succession, sale, amalgamation, transformation of the fund, incorporation of the company, all the labour contracts in force on the day of the modification remain between the new employer and company staff.” (Article L.1224-1 of French Labour Code)

In terms of outsourcing, this article refers to those outsourced services in which the staff of the service is transferred between the former service provider and the new provider. Some examples of these services are cleaning activities in buildings, catering and restaurants in some companies and public institutions, etc. It should be noted that in other outsourcing dynamics a competitive market principle prevails (for instance, the case of IT services for companies). The main aim of this article is to maintain, in general terms, the same labour conditions of the staff, regardless the change of services provider.

More protective than the law, the French jurisprudence extends the automatic maintenance of contracts to the transfer of that they called as “autonomous economic entity”. According to them, the application of the Article L.1224-1 implies two cumulative conditions: the transfer of an autonomous economic entity, and the maintenance of the identity of the transferred entity with the continuation of the activity of this entity by the buyer.

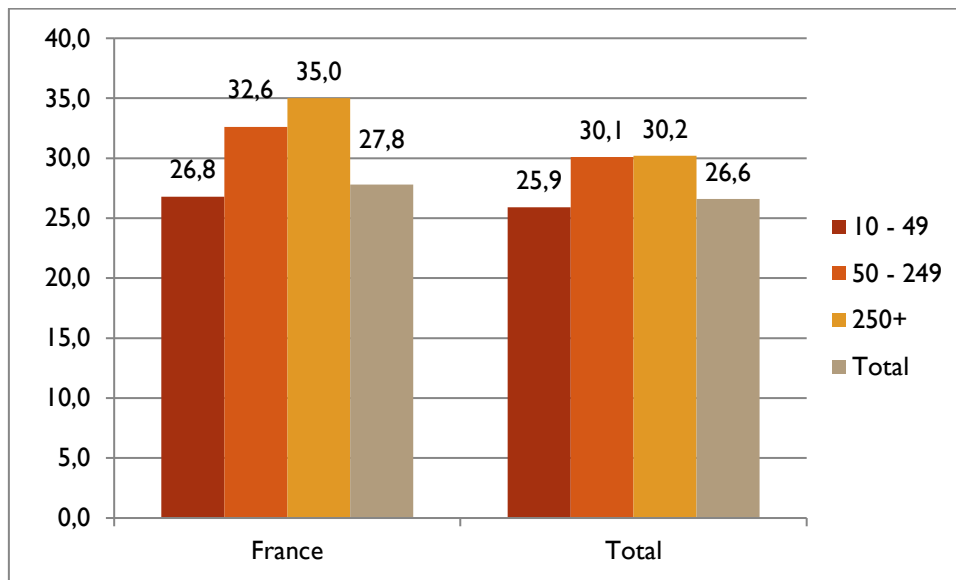
However, since the 80s the application of this article has been systematically breached. In practice, the transfer of labour contract article has been replaced by clauses within collective agreements (*transfers conventionnelles*), used by social partners. It should be noted that these clauses do not exist in all sectoral collective agreements. They are present in those agreements that the transfer of undertaking (in the sense pointed above) is a common pattern (e.g. cleaning services, maintenance activities, etc.). Usually these clauses are less advantageous for the workers involved.

Finally, it should be noted that the last reforms as the “El Khomri Law” and the “Macron Orders” include some changes in the regulation of transfer of staffs. The former introduced the possibility of making dismissal by the new provider before the effective transfer of the service. The second one applies a derogation mechanism for the automatic transfer of labour contracts for companies with at least 50 employees.

2.2. Main forms of outsourcing

According to the 3rd European Company Survey (Figure 6), the general level of outsourcing is around 28%, slightly above the European average. In relation to the company size, we can see that companies use 35% of outsourcing with 250 or more employees, 32.6% is used by companies having between 50 and 240 employees, while companies having between 10 and 49 employees use 26.8% of outsourcing.

Figure 6: Outsourcing by company size (2013)



Source: European Company Survey 2013.

According to Global Activity Chains Survey of 2012 (Table 4), 34.8% of industrial companies has outsourced total or partially (included outsourcing in France and offshoring out of France), while around 16% of companies in construction and services

has used outsourcing. The main services sectors than have outsourced are Information and communication (32.4%), Specialized, scientific and technical activities (25.6%) and Real estate activities (22.9%).

Table 4: Total or partial outsourcing by sectors (2009-2011)

Economic sectors	Level of outsourcing ¹
Total	21,5
Industry	34,8
Construction and Service sector (excluding financial and insurance activities)	15,9
Construction	11,3
Trade; repair of automobiles and motorcycles	14,6
Transport and logistics	12,2
Accommodation and catering	13,9
Information and communication	32,4
Real estate activities	22,9
Specialized, scientific and technical activities	25,6
Administrative services and support activities	9,3

¹Companies having outsourced in France or having offshored out of France.

Companies with 50 or more employees; companies belonging to financial and insurance activities are excluded.

Source: Insee, Enquête Chaînes d'activité mondiales 2012.

In addition it should to be noted the phenomenon called by “cascade outsourcing” that makes outsourcing more complex phenomenon (Table 5). With data of Response Survey of 2011, Table 6 shows several differences: 1) among clients that outsource at least a part of their core business (Client^{ma}) and clients that outsource complementary activities or services (Client^{sec}); 2) among providers that at the same time are clients for at least a part of their core business (Provider-Client^{ma}), providers that at the same time are clients for complementary activities or services (Provider-Client^{sec}) and finally companies that are only providers (Provider^{pur}).

Table 5. The “Cascade outsourcing” (2011)

	% companies	% employees
Client ^{ma}	29,5	32,8
Client ^{sec}	24,2	29
Provider-Client ^{ma}	17,1	15,9
Provider-Client ^{sec}	3,5	3,7
Provider ^{pur}	2,6	2,3
Others ¹	23,2	16,3

¹ Companies with no relation with outsourcing
Companies with 11 employees or more.
Source: DARES, Response Survey 2010-2011.

The forms of outsourcing vary depending on the sector of client companies and the outsourced activity. In any case, in general, we can note that the main form of outsourcing is the use of other service companies (outsourcing-to-other-company) over other figures such as the use of temporary agency workers (TAW) or self-employed workers. This main form of outsourcing began in the 80s, with the incorporation of multiservice and multi-technical companies progressively in the 90s⁶. In recent years, the FM outsourcing model (Total and Global FM models) have been incorporated (see Figure 9 in point 3.1.2 of section I).

⁶ For more details of this kind of outsourcing forms, see point 3.1 in section I.

3. FACILITY MANAGEMENT COMPANIES

3.1. Definition, regulation and importance of FM companies

3.1.1. Definition and regulation of FM companies

France is characterised by a “development model” of FM, with countries as Austria, Belgium, Luxemburg, France, Germany, Ireland and Italy, that means that FM providers have been operating since the 90s in the country (Ferri&Pala 2009). The origin of these FM companies are, by one side, subsidiaries from large construction companies (as Vinci, Eiffage, Spie or Bouygues) or energy companies (as Dalkia, EDF or ENGIE) with a progressive offer of services related to technical maintenance and electrical systems, and by the other side, services companies, specially cleaning and restaurants, tend to open their market to a wide range of services related to the building environment (cleaning, reception, post services etc.) (as Atalian, Elior, ISS or Sodexo).

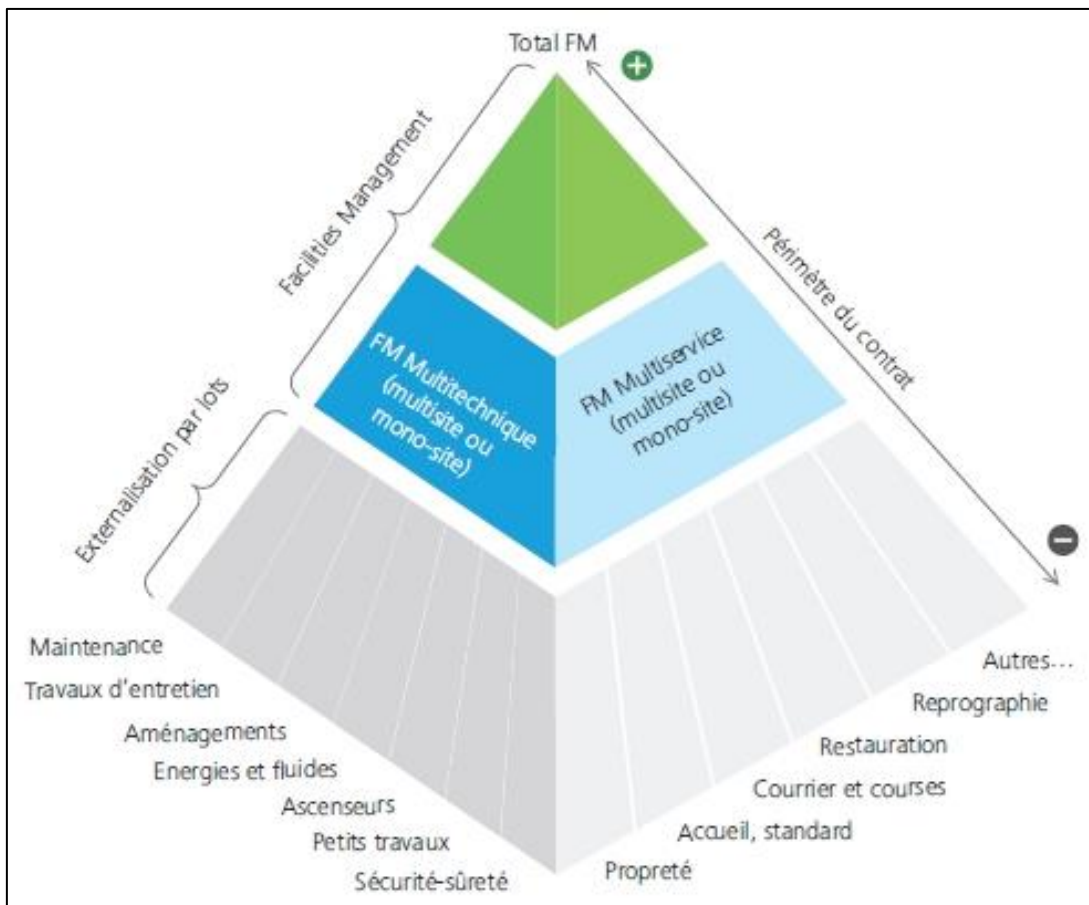
The definition of FM in France is characterised by the structure of French market of services suppliers. This market is structured by different models of suppliers in outsourcing services (Figure 7) (Deloitte&ARSEG 2015):

- Outsourcing by activity: a not strictly model of FM. The outsourced activity is the core business of a service provider.
- Multiservice FM: the same operator is responsible for a set of services for occupants: reception, switchboard, cleaning, catering, security, mail, reprography, etc.
- Multitechnical FM: the same operator is responsible for building operations: technical maintenance, works, energy management and regulatory controls.
- Total FM or Integrated FM: the same operator covers the services of multitechnics and multiservice. In some Total FM contracts, operational management can also be outsourced.
- Global FM: it is a Total FM model covering a set of sites spread over several countries.

The contract is generally negotiated for a geographical group, a particular type of site or all the establishments of the client company.

- Public Private Partnership (PPP): It is particular form of FM contract that involves a public sector client and a private sector provider. The partner builds, operates and provides all services in the context of a contract that can in the context of large operations run over several decades.

Figure 7. The schema of FM in France



Source: Deloitte&ARSEG (2015).

The main activities in French FM companies can be structured in two cluster activities: building services and soft services. The first one is linked to all the activities for the maintenance of buildings, while the second one is more linked to activities that are secondary in relation to the maintenance of buildings (Table 6).

Table 6. Cluster activities in FM companies

Building services	Systems maintenance, space management, moves, landscaping, cleaning service, surveillance, security, waste management and administrative, insurance and tax management
Soft services	Mail service, archives, telecom, transports and logistics, reception, reprographics, travels and public catering.

Source: Ferri & Pala (2009).

These activities are more linked to the models of multiservice FM and multitechnical FM. Nevertheless, in France there is an increase of calls for tenders for FM contracts including in addition to technical and service lots a pilot lot. According to some studies of FM market, some matured companies on outsourcing “want to free themselves from the operational management function (contract management, reporting, performance monitoring ...) to keep only the strategic dimension of management (lease management, real estate strategy, surface optimization, prospective ...)” (ARSEG&SYPEMI 2013: 9). In this sense, the White Book of Sypemi and ARSEG⁷ defined a FM company as:

“A profession performed by a service provider who organizes, coordinates and reports, under its proper responsibility and according to contractual performance criteria, the support services (technical, general, administrative or logistical), of a tertiary, commercial or industrial real estate complex . This service provider is the sole interlocutor of the client and the client-users. It organizes its mission through a system of procedures and tools for supervision and traceability. The FM controls the activities of multiservice, multitechnical and management of the utilities”. (ARSEG&SYPEMI 2013: 7)

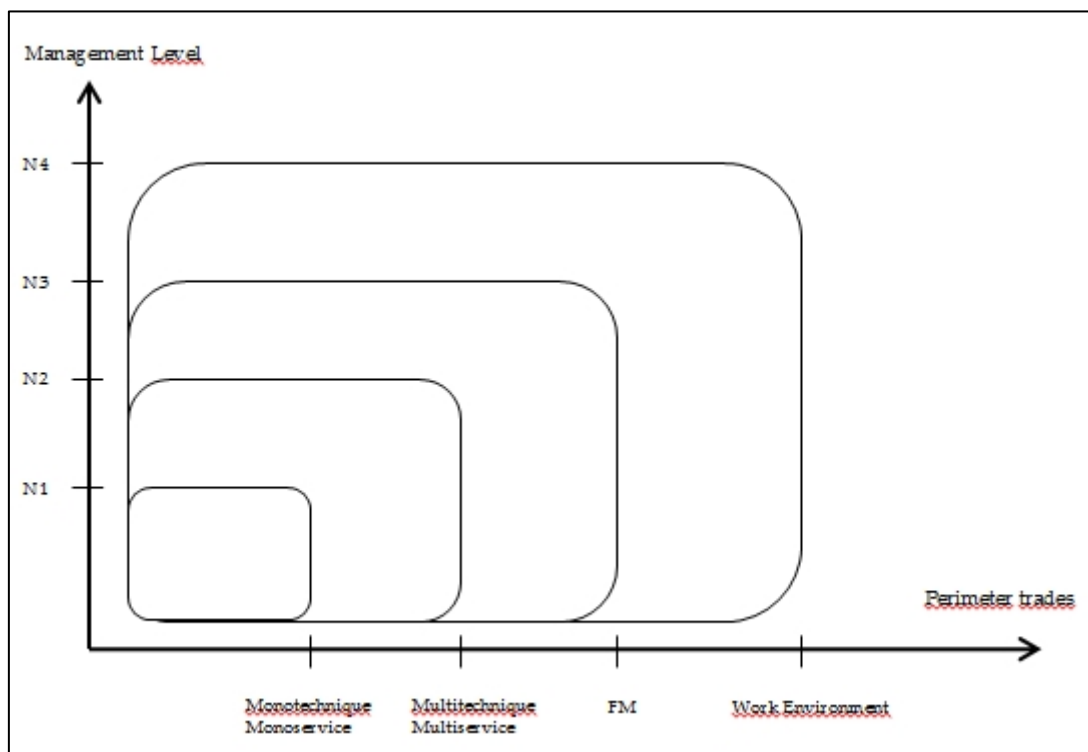
There are several challenges of the French FM companies. The first challenge is to increase the market of Total FM in two ways: by one side, in order to expand the activity in the soft services; and by the other side, in order to include the management of services in the FM package (Figure 8). In France exists a labour figure similar to the Facility Managers (*Directeurs d'environnement de travail*) that are still linked to the client

⁷ French FM Organizations. For more details see point 3.2 of Section I.

companies⁸ and that are the intermediary between client and provider. The strategy of FM companies is to pass from a subcontracted company situation to a management services situation.

The second challenge is to respond to the service offered taking into account the increasingly aggressive economic demands from clients. The French market of FM is still a prices-based system. Taking into account the limitations of savings, FM companies and FM organizations try to leave this model in order to develop a more cooperative, relational and informational model moving away from the model based on cost reduction (SYPEMI 2016).

Figure 8. The value chain of outsourcing



Source: SYPEMI.

⁸ ARSEG is their organization.

3.1.2. The importance of FM companies

According to 2012 data from INSEE the FM market is growing by 8.70% in turnover with more than 100,000 contracts between 2010 and 2012. Within the sector of support activities by service providers, Building and General Services accounts for 66% of employees, followed by the 16% of employees in Administration and Finance. In terms of turnover, data are similar: 60.6% is from General Services and Building activities, followed by Administration and Finance with a 19.3% of the total turnover of support activities.

Within Building and General Services, specialized construction work has de 42.2% of employees, followed by Services related to buildings and landscaping (13%) (84.6% of those carry out cleaning activities) and Architectural and engineering activities, technical control and analysis (12.6%) (Table 7).

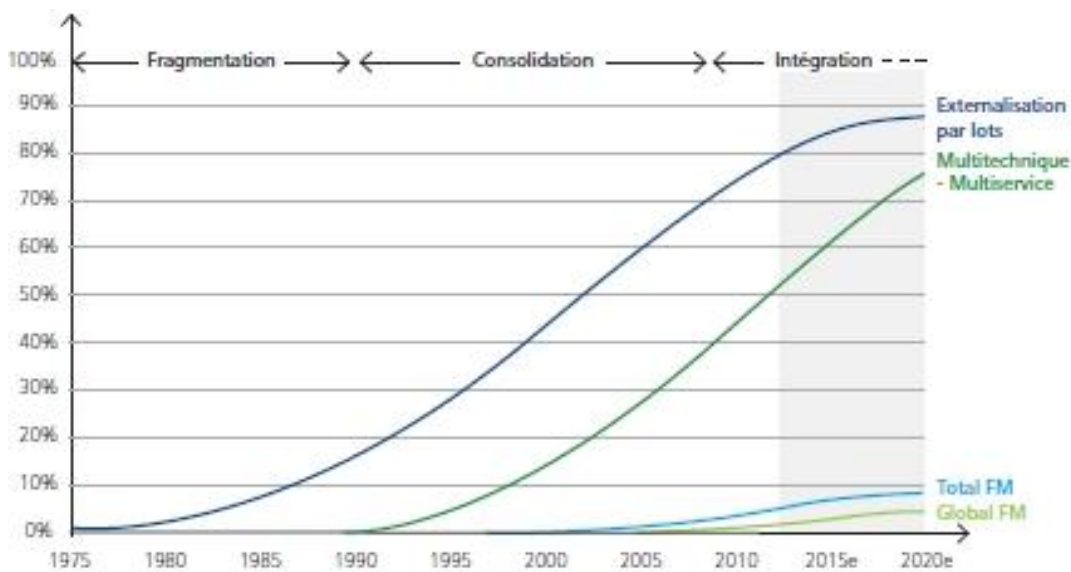
Table 7. Employees FTE in the activity “Building and General Services” by segment of activity

Activities	n	%
Administrative and other business support activities	78,503	3.1
Services related to buildings and landscaping	328,419	13.0
Investigations and security	14,053	0.6
Rental and leasing activities	45,731	1.8
Architectural and engineering activities, technical control and analysis	319,633	12.6
Real estate activities	96,357	3.8
Post and courier activities	4,788	0.2
Specialized construction work	1,067,666	42.2
Civil Engineering	165,444	6.5
Building construction	125,853	5.0
Depollution and other waste management services	4,512	0.2
Collection, treatment, disposal and recovery of waste	86,932	3.4
Production and distribution of electricity, gas, steam and air conditioning	23,236	0.9
Repair and installation of machinery and equipment	171,880	6.8
Total	2,533,007	100

Source: SYPEMI & HENT Consulting. Données économiques et sociales des activités de services aux entreprises, 22 mai 2015.

In relation to the evolution of services providers, as Figure 9 shows, multitechnical and multiservice models have been developed since 90s, with less intensity than the outsourcing by activity model. In 2015, the 33% of clients used this model, while the 46% of clients used the outsourcing by activity model and only the 7% of the companies used the Total or Global FM model.

Figure 9. Evolution of outsourcing models



Source : Deloitte&ARSEG (2015).

In relation with Total FM companies, the French market is still very small. Although the first contracts of FM began in the mid-90s, it is not until after mid-2000 that the FM market develops. The competition of Total FM companies with multi-technical companies (technical maintenance, maintenance of buildings, energy management) and multi-services companies (hygiene, cleaning, reception, catering, security, mail services) is the main reason to this limited presence in the services market. According with a study of ARSEG about FM market, in 2013 the proportion of companies that contracted a Total FM supplier oscillated between 8% and 10%, while in 2008 was around 7%.

For talking about the FM companies, we can cluster them by their main activities or by their position into the outsourcing schema. According to their activity, the main FM

companies in France are the following:

Table 8. Main FM companies by economic activity

<p>Multitechnical companies: Bouygues Energies/Services, Eiffage, SPIE, Vinci Facilities</p> <p>Multiservice companies: Armonia, Atalian, Derichebourg, Elixor Services, ISS Facility Services, Onet, Samsic Facility, Sodexo</p> <p>Energy Services companies: Dalkia, Engie Cofely, Multidex (Idex)</p> <p>Other FM companies: DES, Hervé Thermique, Rougnon, Steam'O</p>

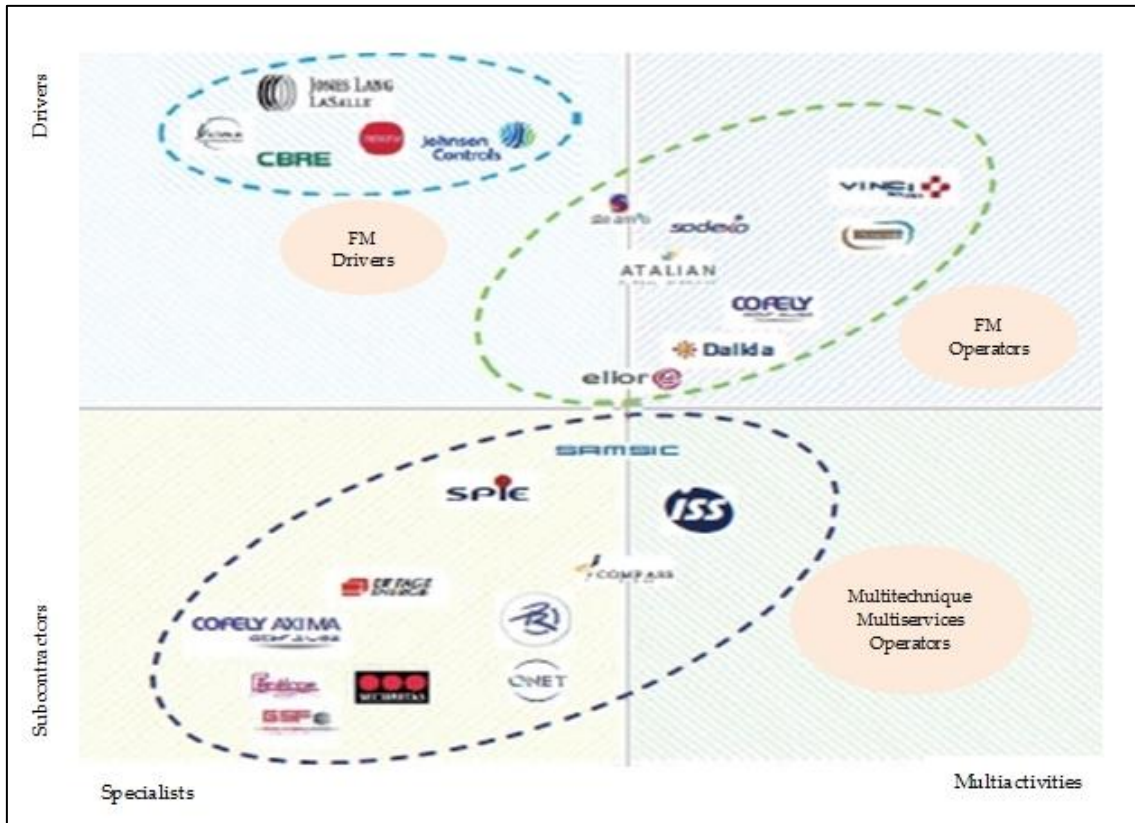
Source: Le marché du Facility Management Face à la révolution numérique et aux nouvelles pratiques sociales, quels défis et perspectives à l'horizon 2020?

The White book of FM (SYPEMI 2016), classifies FM companies in four groups:

- FM companies come from energy and environmental sectors that claim a performance in the field of technical expertise and rationalization of energy costs.
- FM companies come from construction and building activities that focus on arguments for valuing real estate assets.
- FM companies come from mainly cleaning sector that are more focused on social engineering and management of cost-controlled services.
- FM companies come from catering and restaurants sectors.

These companies also can be clustered by their position in the outsourcing schema. The following figure (Figure 10) shows a major complexity of this schema. Besides the difference among specialist companies or multitechnique/multiservices companies, FM companies can be also FM managers or strictly outsourcing companies. As we pointed above, one of the challenges of FM companies in France is to tend to become FM managers and not only services provider companies.

Figure 10. Positions of main FM companies by level of management and level of specialisation



Source: Deloitte&ARSEG (2015).

3.2. Representation, social dialogue and collective bargaining of FM companies

In terms of collective bargaining, in France FM companies are represented by the federations linked to the activities they carry out, as well as by the main national organizations as MEDEF (main employers' organization for large companies). As we pointed above, the origin of most of French FM companies is a single activity model. In fact, most of them continue to develop this activity with a higher weight in comparison with other activities in the company. The representation of FM companies is in relation to this evolution of the market.

In this way we can find employers' organizations in function of the main activity of FM companies, among others: building maintenance (*Fédération nationale du bâtiment*,

Fédération nationale de l'équipement électrique, Fédération nationale des sociétés coopératives de production du bâtiment et des travaux publics - pour la section bâtiment, Fédération des Services Energie –FEDENE, Fédération professionnelle des entreprises de l'eau –FP2E); cleaning (Fédération des entreprises de propreté et des services associés –FEP, Chambre Syndicale Désinfection Désinsectisation Dératisation- CS 3D), security (Syndicat national des entreprises de prévention et de sécurité –SNEPS, Chambre syndicale nationale des entreprises de sécurité – CSNES, Syndicat national des exploitants en télésécurité –SNET, Union de la Sécurité Privée – USP), restaurants and catering (Syndicat national des chaînes d'hôtels et de restaurants, section restauration collective –SNRC), reception and logistics services (Syndicat National des Prestataires de Services d'Accueil, d'Animation et de Promotion –SNPA, Fédération des Entreprises de Transport et Logistique de France –TLF), Association des Agences de Conseil en Communication –AACC).

Besides this organizations in France there are three organizations linked to FM actors. The first one is the *Syndicat Professionnel des Entreprises de Multiservice Immobilier (SYPEMI)*. SYPEMI is the reference organization for the FM sector in France. Among its members are the main FM companies in France (Atalian, Bouygues Energies/Services, Dalkia, EDF, Elior Services, Engie Cofely, ISS Facility Services, Samsic Facility SODEXO, SPIE, VINCI Facilities, etc.). Their members commit to apply the provisions of their professional estatute and to verigy their effective implementation. However, SYPEMI is not a recognised actor in the collective bargaining. Its functions are nearer a think tank highlighting best practices and promoting FM market through the realisation of studies, strategic publications and conventions.

There is also the *Grouperment des Professions des Services (GPS)* that groups most of employers' organizations in services sectors (25 federations), as well as large service companies and FM companies (24 large companies). Its functions are similar that SYPEMI.

The last organization is ARSEG (*Association des Directeurs de l'environnement de travail*) (formerly Directors of General Services, similar than the profile of FM managers). With more than 2.0000 members, it is the only representative organization of managers FM professionals (or/and managers of work environment) in France, with similar functions than the former organizations pointed above. Besides these members, 300 services providers are associated with the organization.

In relation to the bargaining level of FM activities, there is no specific collective agreement for FM companies (Table 9). As we pointed above, they are regulated under the different national collective agreements in France⁹, according to the main activity of every FM Company. In this way, a FM company including cleaning and hygiene will be regulated by the corresponding national collective agreements of cleaning and hygiene for every activity. In some cases, as the FM company case (see point 3 in Section II), the activity of Total FM will be regulated by the national collective agreement linked to the main activity of the company (in most of cases this main activity tells us the "origin" of the FM company). In the FM company case its Total FM section is regulated by the national collective agreement of cleaning, due to the main activity of the company is cleaning.

⁹ According to the collective agreement, in France we can find national agreements or regional agreements. National collective agreements are more usual, but there are also important collective agreements with regional signatures, as the metallurgy agreements or the agreements of employees, technicians and building supervisors.

Table 9. Main National Collective Agreements in FM companies

Building Services
<p>SYSTEM MAINTENANCE CCN des ouvriers, employés, techniciens et agents de maîtrise de l'exploitation d'équipements thermiques et de génie climatique CCN des cadres, ingénieurs et assimilés des entreprises de gestion d'équipements thermiques et de climatisation</p> <p>CLEANING CCN des entreprises de propreté et services associés</p> <p>LANDSCAPING AND SPACE MANAGEMENT CCN des ouvriers employés par les entreprises du bâtiment (entreprises occupant jusqu'à 10 salariés) CCN des ouvriers employés par les entreprises du bâtiment (entreprises occupant plus de 10 salariés) CCR des employés, techniciens et agents de maîtrise du bâtiment de la région Ile-de-France² CCN des gardiens concierges employés d'immeubles CCN de l'immobilier</p> <p>SECURITY CCN des entreprises de prévention et de sécurité</p> <p>WASTE MANAGEMENT CCN des entreprises de désinfection dératisation désinsectisation 3D CCN des activités du déchet</p>
Soft Services
<p>RECEPTION CCN du personnel des prestataires de services dans le domaine du secteur tertiaire</p> <p>CATERING CCN du personnel des entreprises de restauration de collectivités</p>

1 CCN: National Collective Agreement. CCR: Regional Collective Agreement.

2 We point out the most important regional collective agreement in terms of employees.

Source: Authors.

It is necessary to point out that in some sections where there is no any collective agreement, the main collective agreement in the company is applied. Case study findings show the use of national collective agreement of cleaning in sections as logistics or Total FM of the FM company studied. We have no evidences about the extension of this practice in other FM companies.

SECTION II. CASE STUDIES: OUTSOURCED ACTIVITIES AND FACILITY MANAGEMENT COMPANY CASE

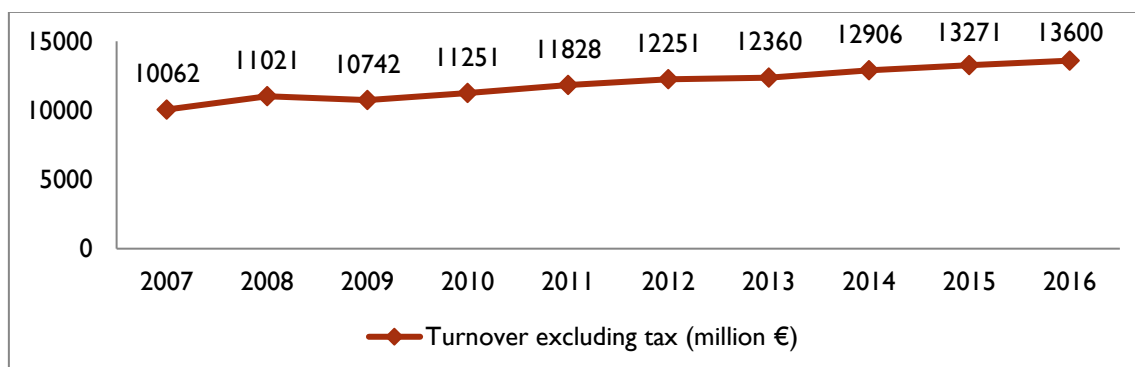
1. CLEANING ACTIVITIES

1.1. Introduction

The cleaning provides general cleaning services for companies and buildings. In the case study of cleaning, we did not study specific cleaning activities (cleaning in airports, train wagons, hospitals, etc.) that are outside the national collective agreement of cleaning. The cleaning is one of the activities with the highest outsourcing rate among the complementary services of the companies.

Cleaning turnover has had a continuous growth since the economic crisis. Cleaning companies maintain a good dynamic of activity in these last years (Figure 11). According to the ranking of companies of the FEP, the turnover of the top 50 companies was to nearly 6.1 billion euros in 2016, with a growth rate of 2.5%. The estimates of turnover in 2016 were around 13.6 billion euros for the sector as a whole, while the turnover in 2017 was about 14 billion euros with a business growth up to 3% (Chiffres clés at actions prioritaires, Propreté et Services Associés, Édition 2017).

Figure 11. Turnover of cleaning sector

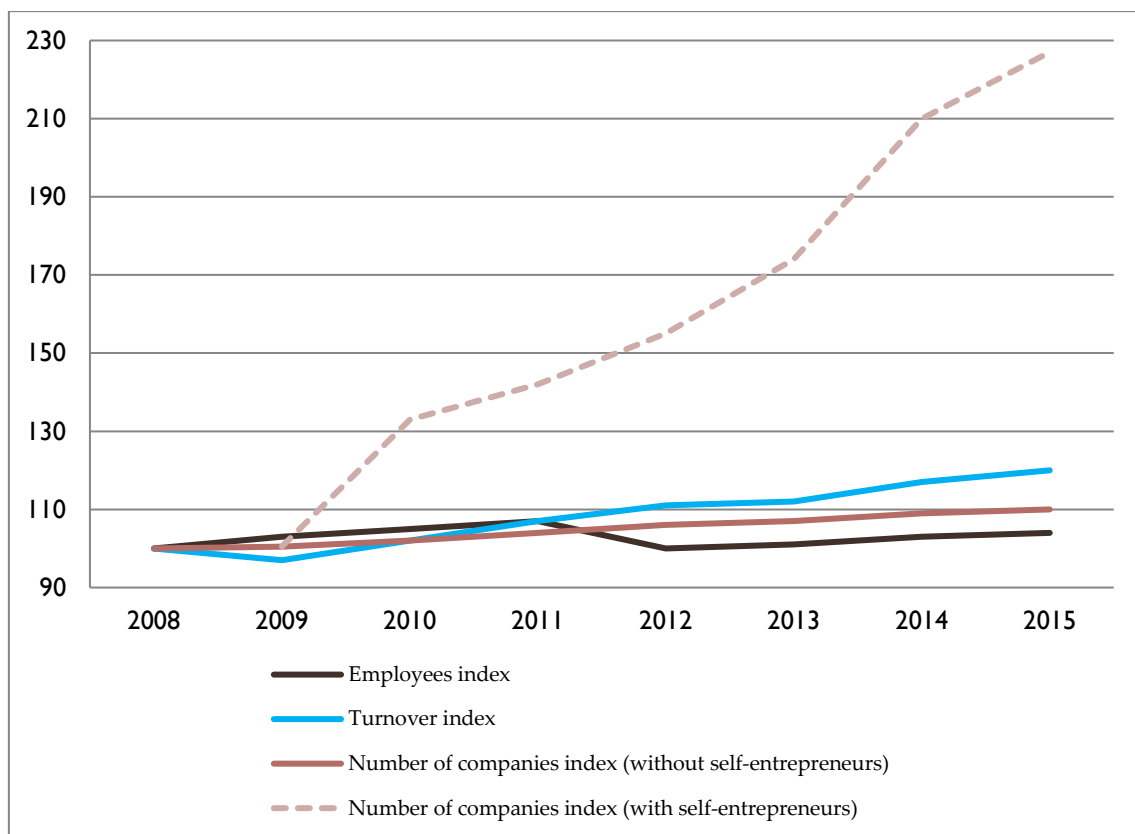


Source: Chiffres clés at actions prioritaires, Propreté et Services Associés, Édition 2018 from INSEE

(SUSE & ESANE). Estimates FEP for 2016.

In addition to this growth in turnover, we can also see a growth in the number of companies, in line with the growth in the volume of business (Figure 12).

Figure 12. Evolution of cleaning sector in turnover, employees and companies



Source: Chiffres clés at actions prioritaires, Propreté et Services Associés, Édition 2018 from INSEE ESANE (turnover), INSEE REE SIRENE file (number of companies), ACOSS (number of employees).

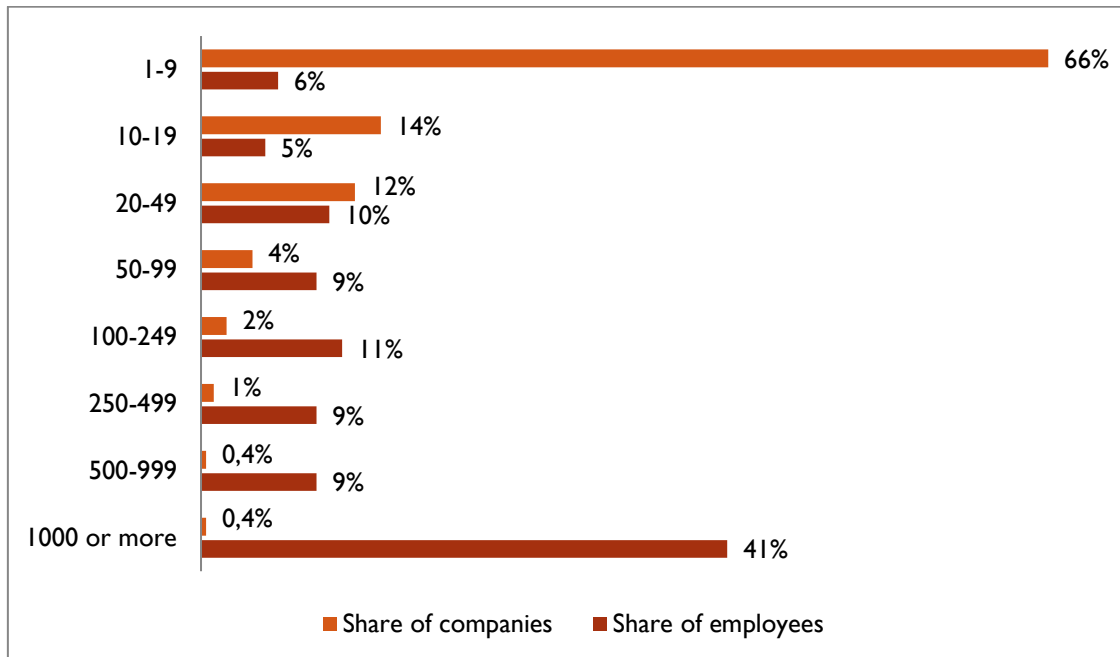
In relation to this growth of companies in the cleaning sector, it is worth highlighting the growth of the figure of the self-entrepreneur (*auto-entrepreneur*) or micro-entrepreneur¹⁰. The self-entrepreneur, different of self-employed, is a sole trader or one-person business,

¹⁰ Since January 1, 2016, we no longer speak of a self-entrepreneur but a micro-entrepreneur.

registered under the entrepreneur’s name. The self-entrepreneur status was introduced in 2009. This status simplifies the process of registering and running the smallest sole-trader businesses, and it comes with an exemption from certain charges.

Regarding the distribution of workers by company size, companies until 20 employees represent 80% of companies with at least one employee (excluding self-entrepreneur) and only 11% of the sector's employment. On the contrary, 50% of employees are concentrated in less than 1% of companies. Therefore, we can see the significant concentration of employees in large companies (Figure 13).

Figure 13. Employees and companies by company size



Source: Chiffres clés at actions prioritaires, Propreté et Services Associés, Édition 2018 from DADS (Déclarations annuelles de données sociales) 2015 and REE SIRENE file.

1.2. Outsourced workers in cleaning

1.2.1. Persons employed performing this activity in the economy

The evolution of the number of employees in the sector is strongly linked to the evolution of turnover. In contrast to all sectors, cleaning workers have grown continuously since 2008, reaching a total of 485,288 workers according to ACOSS.

Most of cleaning workers have an open-ended contract (85.5%), although more than 60% have a part-time job and 36% are in a multi-employment situation. The workforce is predominantly female (63.5%), old workers (34.8% over 50, compared to 25% in business services) and has a high proportion of foreigners (34% with 21% from outside the EU). In the cleaning sector, the workforce is globally unskilled: around 50% have no diploma (ISCED 0-1). 33.4% of workers are concentrated in Ile-de-France. Regarding professional level, 91.4% of employees are a worker qualification (Table 10).

Table 10. Characteristics of cleaning workers (2014)

		%
Sex distribution	Women	63.5
Age	Less than 30 years	13
	50 years or more	34.8
Origin	EU Foreigners	11
	Non-EU Foreigners	21
Studies ¹	ISCED 0-2 (without diploma)	49.6
	ISCED 3 (CAP/BEP)	29.7
	ISCED 4	12.8
	ISCED 4-5	4.8
	ISCED 6-8	3.2
Territory ²	Île-de-France region	33.4
Professional levels	Managers	1.9
	Supervisors	2.8
	Employees	4
	Workers	91.4
Employment conditions	Part-time workday	60.6
	Open-ended contract	85.8
	Multi-employment	36

¹ Enquête emploi 2016 (INSEE).

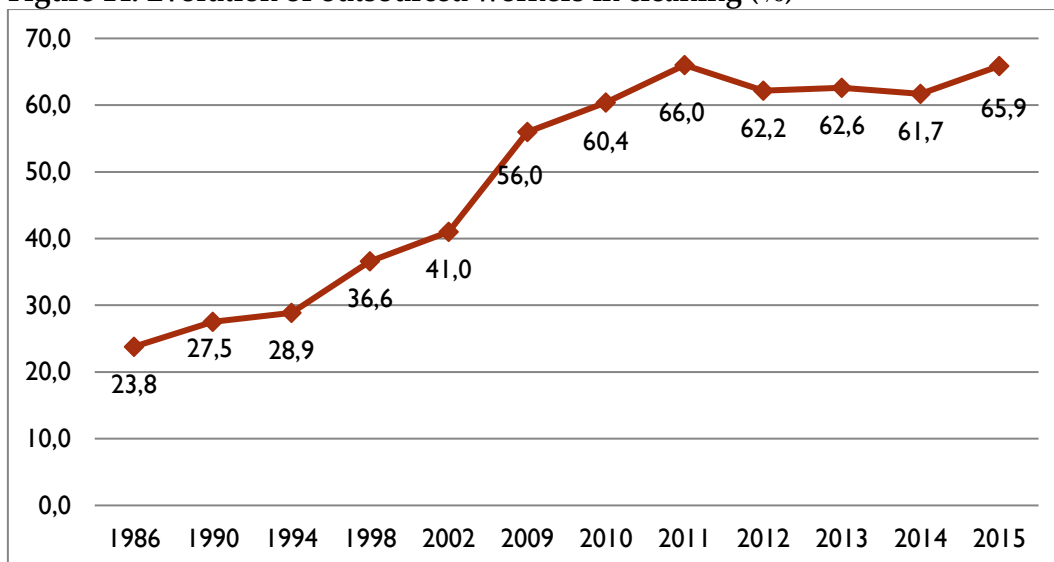
² ACOSS 2016.

Source: Authors from DADS 2014 and Chiffres clés at actions prioritaires, Propreté et Services Associés, Édition 2018.

1.2.2. The influence and development of outsourcing in cleaning

As we pointed out above, cleaning is an activity with high levels of outsourcing. The main form of outsourcing is the hiring of cleaning companies. Among them, the main companies are: specialized companies in the cleaning (outsourcing by activity model), multi-services companies and, finally, FM companies. The resource to TAW agencies is minority. The use of the self-employment (*travailleurs indépendants*) is reduced to specific cases such as the particular cleaning of isolate offices or households. Since the 80s, growth has been continuous to the present. In 2015, and according to DADS data, 66% of the cleaning workers were outsourced workers (Figure 14).

Figure 14. Evolution of outsourced workers in cleaning (%)



Note: Until 2002 Data by Enquête Emploi [French Employment Survey], from 2009 data by DADS.
Source: Estimates from the Enquête Emploi and DADS.

According to Table 11, the differences between outsourced workers and non-outsourced workers are not significant. The main difference is in relation to the origin of the workers. There are a higher proportion of foreigners in outsourced workers (27.9% versus 17.8% in internal workers).

Table 11. Characteristics of outsourced and non-outsourced workers (2014)

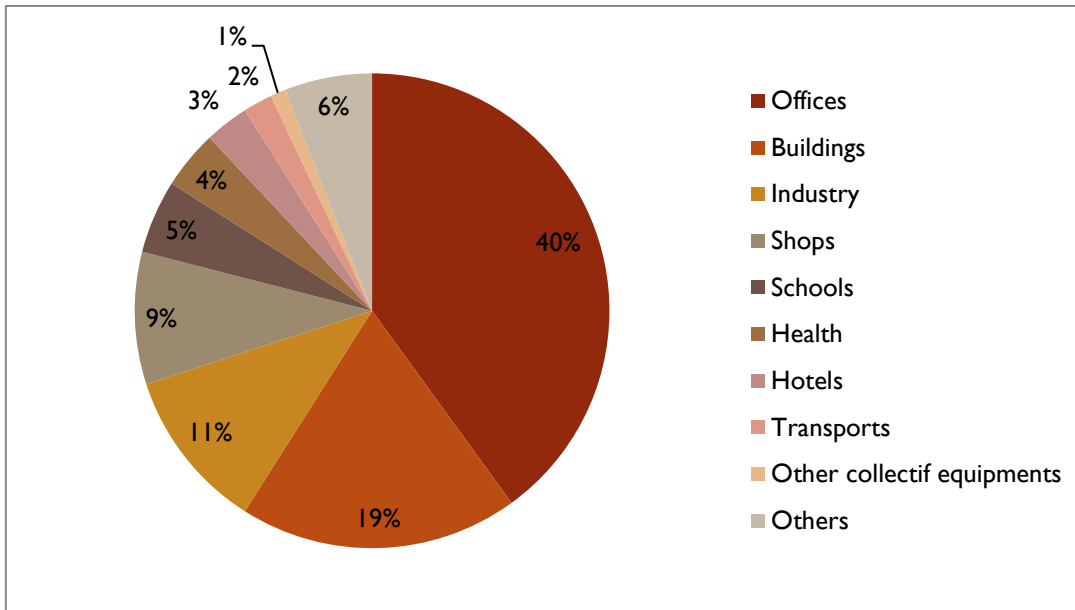
		Internal workers	Outsourced workers
Sex	Men	30.1	28.6
	Women	69.9	71.4
Age	<25	8.7	8.7
	25-34	13.5	15.5
	35-44	21.3	28
	45-54	33.1	33.6
	55 and more	23.4	14.2
Educational level	> bac+2	1.3	1.2
	bac+2	2.1	2.0
	bac ou équivalent	10.4	9.8
	CAP/BEP	25	23.5
	BEPC	8.8	6.9
	aucun diplome ou CEP	52.5	56.6
Origin	French	60.7	46.3
	French with foreigner parents	12.6	13.1
	French born abroad	8.9	12.7
	Foreigners	17.8	27.9

Source: Estimates from the *Enquête Emploi* (INSEE).

1.2.3. Characteristics of client companies

The core business of cleaning represents 93% of the turnover of cleaning companies. The other 7% are activities linked to cleaning (*services associées*). The main activity segments where it is developed cleaning activities are cleaning in offices (38%), cleaning in buildings (19%) and cleaning in industrial companies (13%) (Figure 15). It should be noted that the distribution of turnover is conditioned by the company size of providers. Cleaning of buildings represents almost a third of the turnover of small companies, against only 7% of the turnover of large companies. The tertiary sector, industry, shops, schools and transport are more strongly sources of turnover for large companies than for small one.

Figure 15. Cleaning by segments



Source: Chiffres clés at actions prioritaires, Propreté et Services Associés, Édition 2018.

The main client of the cleaning sector is the private client (70-80% of market front of 20-30% of public clients). The size of the clients is diversified.

1.3. Representation of workers and employers in cleaning

The main unions in the cleaning sector correspond to the majority unions in France. In this sector, for the negotiation of collective agreements according with article L. 2232-6 of the French Labour Code, the weight of the representative trade union organizations is shown in Table 12.

Table 12. Weight of the main trade unions in the cleaning collective bargaining

Trade union	Weight in bargaining of National CA of cleaning (%)
Confédération générale du travail (CGT)	38.57
Confédération française démocratique du travail (CFDT)	28.36
Confédération générale du travail-Force ouvrière (CGT-FO)	21.53
Confédération française des travailleurs chrétiens (CFTC)	11.54

Source: Arrêté du 5 octobre 2017 fixant la liste des organisations syndicales reconnues représentatives dans la convention collective nationale des entreprises de propreté et services associés du 26 juillet 2011 (n° 3043).

Taking into account that the French trade unions are structured mainly in a sectoral way, cleaning unions correspond to the Federations of these major unions: *Fédération nationale des ports et docks CGT (FNPD-CGT)*, *Fédération des Services CFDT* and *Fédération de l'équipement, de l'environnement, des transports et des services (FO)*. These unions refer to the selected cleaning activity, which includes the cleaning activity linked to the national collective agreement of cleaning. Depending on the unions, other branches of cleaning include other federations. For example, in the case of CGT union, the cleaning employees in trains are represented by the *Fédération nationale des cheminots CGT*. The industrial origin of the cleaning is still observed in the link of this activity with some unions as is the case of the *Fédération nationale des ports et docks CGT (FNPD-CGT)*, which is one of the signatories of the national collective agreement. Despite signing the collective agreement, the *Fédération commerce, services et force de vente (CSFV-CFTC)* and the CGC (managers union) are more marginal unions, especially the second one, as a managers union and taking into account the low rate of this profile (1.3% in 2017). Even so, all of these unions participate in the different agreements, with the first three unions being the main unions (Table 12).

Beyond these unions, in cleaning there are also more minority unions but with a very active character as *SUD-Nettoyage* and the *Confédération nationale du travail (CNT)*. Within the sector the employees affiliated to this last union would be represented by the *Syndicat du Nettoyage de la Confédération Nationale des Travailleurs - Solidarité Ouvrière* (Denis, 2008).

On the side of employers' organizations, the main organization is the *Fédération des entreprises de propreté et services associés (FEP)* which represents 94.2% of the cleaning companies. We also found the *Syndicat national des professionnels de la propreté et des services associés (SNPRO)* but only represents the 5.8% of them. Founded in 1966, as the *Fédération nationale des entrepreneurs de nettoyage de France (FNENF)*, later as the *Fédération des entreprises de propreté* in 1990 and finally as the *Fédération des entreprises de propreté et*

services associés in 2002, the FEP is the employers' organization more representative of cleaning companies.

This makes it represent all types of companies. In fact, as a federation, it is part of the main national employers' organizations as MEDEF (for large companies) and CGPME (for SMEs). It is structured in the territory from nine territorial Federations: *FEP Centre et Sud-Ouest, FEP Grand Est, FEP Ile de France, FEP Ile de la Réunion, FEP Nord Normandie Picardie, FEP Ouest, FEP Sud-Est, SPENRA* and *GENIM-grandes entreprises*. The SN PRO is a minority employers' organization created in 1966 for cleaning and associated services companies.

The main challenge shared by social partners is fighting against the demands of costs reduction by clients. On the side of employers, the challenge is to find the balance between the low margin of adjustment (less than 3% in the cleaning sector) and the reorganization of the service, taking into account that the wage bill represents at least 80% of the price of the provision of service. On the side of trade unions, the main challenge is to protect workers in case of business transfer, in order to avoid that this reorganization of the service generates a worsening of working conditions. There are also problems of communication and articulation of trade unions due to the fragmented and isolated workplaces, which hinders their actions of representation and communication between workers and their representatives.

Some of the main effects of outsourcing for cleaning workers pointed by social partners interviewed are the following: 1) Insecurity in case of new supplier. In case of transfer, workers must sign the new agreement. According to trade unions, in some cases, workers with very low levels of literacy signed conditions not adjusted to the former conditions. 2) Workload intensification according to the economic demands of the client. Due to the pressure on the part of the clients, many times, the suppliers must reorganize the service. In some cases, this means the displacement of workers and intensification of the work of the workers who remain in the workplace. 3) Risk of loss of quality of service. 4) Division among external and internal workers. The cleaning collective agreement has

lower work conditions than other agreements, generating unequal situations among workers who perform the same service but who are covered by different agreements depending on whether they are outsourced workers or are internal workers. 5) Problems of communication and articulation of trade unions due to the fragmented workplaces, which hinders their work of representation and communication between workers and their representatives.

1.4. Collective agreement(s) and bargaining coverage in cleaning

1.4.1. Main characteristics of Collective Agreement(s) covering workers in cleaning

The main sectoral agreement for cleaning is the agreement *Convention collective nationale des entreprises de propreté et services associés*. It is signed by the most representative unions and employers' organizations: on the side of employers, the *Fédération des entreprises de propreté et des services associés (FEP)*; and on the side of trade unions, the *Fédération nationale des ports et docks CGT (FNPD-CGT)*, the *Fédération de l'équipement, des transports et des services FO (FEETS-FO)*, and the *SNES CFE–CGC*. Subsequently, other major unions are incorporated as the *Fédération des Services CFDT*.

The majority of workers included in this collective agreement carry out common cleaning in buildings (78.4%), followed by other types of cleaning and industrial cleaning (18.2%). The rest of activities are marginal (Table 13).

Table 13. Distribution of employees by the cleaning collective agreement (2014)

Top 10 NAF codes present in NCA of cleaning (IDCC 03043) (in % of employees present at 31/12/2014)		Distribution of employees
8121Z	Common cleaning of buildings	78.4
8122Z	Other building cleaning and industrial cleaning activities	18.2
8129B	Other cleaning activities	0.8
7010Z	Activities of head offices	0.3
6420Z	Activities of holding companies	0.2

9609Z	Other personal services	0.2
8299Z	Other business support activities	0.2
8810C	Help by work	0.2
7830Z	Other provision of human resources	0.1
8130Z	Landscaping Services	0.1
Cumulative total of the top 10 NAF codes		98.8

Source: DADS 2014.

This collective agreement regulates the cleaning activity and, in particular, the outsourcing of this from a series of articles. The most important is the Article 7 (*Conditions de garantie de l'emploi et continuité du contrat de travail du personnel en cas de changement de prestataire* [Conditions of guarantee of the employment and continuity of the contract of work of the personnel in case of change of provider])¹¹ that regulates the undertaking of services among the former supplier and the new supplier in a workplace. It should be noted that, in France the business transfer between the old supplier and the new supplier was covered by the French Labour Code under the article L. 1224-1. Even so, from 80s it does not apply between providers. According to the French Court of Cassation, in the majority of cases this article does not apply correctly. Instead, the labour contract transfer is regulated under several articles included in sectoral collective agreements. In general, these articles (*transfers conventionnels*) are less advantageous for employees (fewer employees covered, fewer retained premiums or complements, etc.). The article 7 of national collective agreement of cleaning is one of these articles. This article establishes obligations for the new supplier. Among them, there is the obligation to guarantee 100% of the employees that fulfil a set of conditions, fundamentally that they have an open-ended contract with an antiquity of more than 6 months before the transfer.

Even so, the new supplier has some capacity for work reorganization. The options are

¹¹ Previously Agreement of 29 March 1990 (Annex 7 of Cleaning collective agreement of 1994).

two: 1) the dismissal of workers with less than 6 months old, 2) the voluntary or forced displacement to other workplaces. In this case, if the worker has a part-time workday, the collective agreement requires the maintenance of the same schedule. It can be modified with full-time workdays, distributing the workday in the morning, afternoon, weekends. Here the worker cannot refuse it the new schedule. In addition, the collective agreement includes a limit to the displacement of workers, which is defined in the collective agreement as "geographical area". This clause has little impact on the activity carried out in the Île-de-France region, where 33.4% of France's employees are concentrated.

"It's the mobility clause [*la clause de mobilité*]. It is fixed. For example, you are here. And the employer has sent you here. It is necessary that between here and there [previous workplace] there is a maximum displacement of 30 kilometres. On the other hand, schedules must be respected. If you work from 6 to 9 hours, now you must also work from 6 to 9h. It must to be the same time schedule." (FO-Propreté, Trade union)

"For part-time workers, that is, they are often multi-employees, schedules are respected." (FEP, Employers' organization)

1.4.2. Collective bargaining coverage

In general, the cleaning collective agreement regulates and protects the workers affected by the outsourcing of cleaning. Even so, there are also other agreements related to cleaning. These agreements have better working conditions than the cleaning agreement. Table 14 shows that the employees that do common cleaning in buildings are covered mostly by the national collective agreement of cleaning (about 96%). However, there are other cleaning activities covered by other agreements. Especially noteworthy are the cleaning in specific workplaces such as airports and trains, as well as wastes activities that are covered by more favourable agreements for employees (*Manutention et nettoyage aéroports Région parisienne, Manutention ferroviaire and Activités du déchet*). Even so, it is observed that a significant proportion of these employees are covered by the general cleaning agreement.

Table 14. Employees covered by cleaning activities and collective agreement (2014)

Economic Activity (APE) (N° Employees 31/12/2014)	NCA Code	National Collective Agreement (IDCC)	Employees covered (as % of APE employees)
Common cleaning of buildings (297,000)	03043	Entreprises de propreté et services associés	95.9
	01000	Cabinets d'avocats	1.7
	Other	Agricultural branches, statutes, agreements outside the sector	2.4
Other building cleaning and industrial cleaning activities (74,000)	03043	Entreprises de propreté et services associés	89.4
	02272	Assainissement et maintenance industrielle	2.8
	00538	Manutention ferroviaire	2.3
	Other	Agricultural branches, statutes, agreements outside the sector	5.5
Other cleaning activities (12,000)	00538	Manutention ferroviaire	37.3
	03043	Entreprises de propreté et services associés	24.5
	01391	Manutention et nettoyage aéroports Région parisienne	16.4
	02149	Activités du déchet	5.8
	00573	Commerces de gros	1.5
	01597	Bâtiment ouvriers plus de 10 Salariés	1.2
	00275	Transports aériens personnel au sol	1.2
	01090	Services de l'automobile	1.1
Other	Agricultural branches, statutes, agreements outside the sector	10.9	

Source: Authors from DARES - Labour Ministry.

According to DADS data, average wages by professional level vary substantially between the general cleaning agreement and these other agreements, being the cleaning agreement the agreement with lowest wage levels (Table 15).

Table 15. Monthly wages by professional level and collective agreements (2014)

Total Monthly Wage	Entreprises de propreté et services associés [General Cleaning]	Manutention ferroviaire [Cleaning in trains]	Activités du déchet [Waste activities]	Total SCA
Total	1,390	1,600	2,020	2,240
Manager	3,890	3,940	4,010	4,090
Intermediate position	2,130	2,300	2,340	2,300

Employee	1,580	1,620	1,830	1,610
Workers	1,280	1,510	1,730	1,730

Source: Authors from DADS 2014.

This difference between collective agreements is under some conflicts with workers that are outsourced and that, from this process, can be covered by a collective agreement with less favourable conditions than the previous ones. This situation is linked with some conflicts between outsourced workers and internal workers in the workplace.

“Depending on whether the workers clean in general or do specific cleanings, for example cleaning on trains, they are covered by different collective agreements. Moreover, there are differences between these agreements. For example, one of the main differences between the cleaning agreement and the cleaning agreement in trains is that in this last collective agreement, they pay for 13 months and in the cleaning agreement they pay for 12 months. It is an important difference!” (FO-Propreté, Trade union)

“A difference between the cleaning collective agreement and the others agreements is that it does not have the food allowance [*prime de panier*]. When the worker makes a schedule, for example, from 6 am to 1 pm, the employer participates paying 5, 6 or 7 euros to be able to lunch. This is what we call the food of allowance. In the cleaning collective agreement there is no such bonus.” (FO-Propreté, Trade union)

“There are a lot of collective agreements: the collective agreement of hotels, or the collective agreement of buildings. All of them are most interesting that the cleaning collective agreement.” (CFDT-Services, Trade union)

Other findings in French case study are related to the non-compliance with the transfer contract. In some cases, we are faced with situations where the new supplier offers conditions below the conditions of the collective agreement or modifies the existing working conditions (working hours, schedule, etc.). According to the unions interviewed, this situation is related to the high level of illiteracy that exists in the cleaning sector, which makes it difficult for many workers to negotiate their conditions in a satisfactory way.

Added to this is the high fragmentation and isolation of certain workplaces (especially offices scattered throughout the territory, such as banking offices), which makes it

difficult for trade unions to access these workers. Anyway, the collective cleaning agreement seems an instrument that provides a high level of protection to workers in relation to outsourcing dynamics.

“In many cases it is very difficult for us to reach the worker. In some cases, the worker's contact with us or even with the client is minimal. A worker who cleans in a store or a bank from 6 to 7 o'clock, the only contact he has is the *chargée de clientèle* [customer manager], which is what we call in our slang the *inspector*.” (FO-Propreté, Trade union).

“Under a union point of view, we try to make union delegates of client company communicate with the provider company. It is a communication problem. We try to sensitize the union delegates of the client company, because, in definitive, they are its workers.” (CFDT-Services, Trade union)

1.4.3. Strategies deployed by social partners in order to solve coverage problems

The main strategy by the trade unions is the strict compliance of the collective agreement and, especially, of the article 7 on the labour contract transfer. It is requested that the maintenance of the number of workers and their working conditions be respected in case of business transfer. In order to achieve this objective, trade unions request greater control over business transfer and the signing of new contracts related to the entry of a new supplier in a workplace. In some cases, as we have pointed out above, we are faced with situations in which the employer fails to comply with the terms of labour contract transfer.

As we have pointed out in the previous section, the high level of illiteracy and the fragmentation and isolation of many workplaces makes communication between workers and unions very difficult. For this reason, trade unions defend a greater allocation of resources to be able to organize and reach a greater number of workplaces, especially those fragmented and isolated.

“There is a high weight of the immigrant population and the immigrant population mainly comes from Black Africa and North Africa. There is a high proportion of illiteracy. I would say that from the AS1 profile [lower qualification] to even the *Chef d'équipe* level 1 [Team leader], there is a lot of illiteracy (between 70% and 80%). Under a union point of view, it hurts us. They do not know how to read. They cannot read the contract, the payroll

document. We have created a literacy center to combat this, but it is very difficult.” (FO-Propreté, Trade union)

A strategy shared by unions and employers is the control of the price of the service by the client. All social partners interviewed agree that the main responsible for the increase in precariousness in the outsourcing of cleaning is the downward trend in the price of the service. This trend has been progressively accentuated, reaching levels difficult to assume by the suppliers. According to social partners, the current margins are minimal. According to data from the FEP, the current margin is less than 3% and at least 80% of the price of the benefit is attributed to the wage bill. This forces suppliers, in many cases, to adjust the margin by modifying the labour cost. According to a study by ARSEG and SYPEMI (FM organizations), between 2004 and 2010 the average cost of cleaning per m² has gone from the €17.75 to €17.3 excluding VAT (-2.5%) while the minimum wage was at the same time €7.61 gross to €8.86 gross (+16.4%) (ARSEG - Buzzy Ratios 2004 et 2010).

“The client, who is the one who outsources, will often make it cheaper. Today, I'm going to clean the square meter for 15 euros. However, the client asks for 12 euros. There are small companies that can accept these 12 euros. However, large companies will not accept because they have many costs. The problem is the market competition, because there is fierce competition, and the downward.” (FO-Propreté, Trade union)

“The transfer clauses in the collective agreement have a perverse effect, because they often involve a deterioration of working conditions of workers. The pressure in the price forces changes that cause an intensification of work for the same wage.” (CFDT-Services, Trade union)

In this sense, some unions defend a regulation of prices that prevents this high competition based on the cost reduction, which forces drastic reorganizations of work. The side of the employers' organizations carries out campaigns out that seek to stop this trend of the price to the downside.

2. IT ACTIVITIES

2.1. Introduction

IT activities are a complex case study according to the diversity of activities and occupations within in them. IT activities include a wide range of different activities: computer programming, computer systems and software consultancy, maintenance of computer systems and applications, management of computer systems, etc. Some of the professions related to these activities are: software development engineer, computer production engineer, IT security manager and system engineer (Table 16).

Table 16. Occupations linked to IT activities

Design and development
Architect of digital systems, Web designer, Developer, Integration Engineer
Advice and expertise
Functional Consultant, Change Management Consultant
Management and operation of information systems and networks
Maintenance technician, Database Administrators, Business Analyst
Computer project management
Project Manager
Marketing and customer support
Pre-sales engineer/consultant, Trainer and assistant of users, Hotline/user assistant
Management and direction
Manager, Director of Information Systems, Information Systems Security Officer

Source: Cinov-IT.

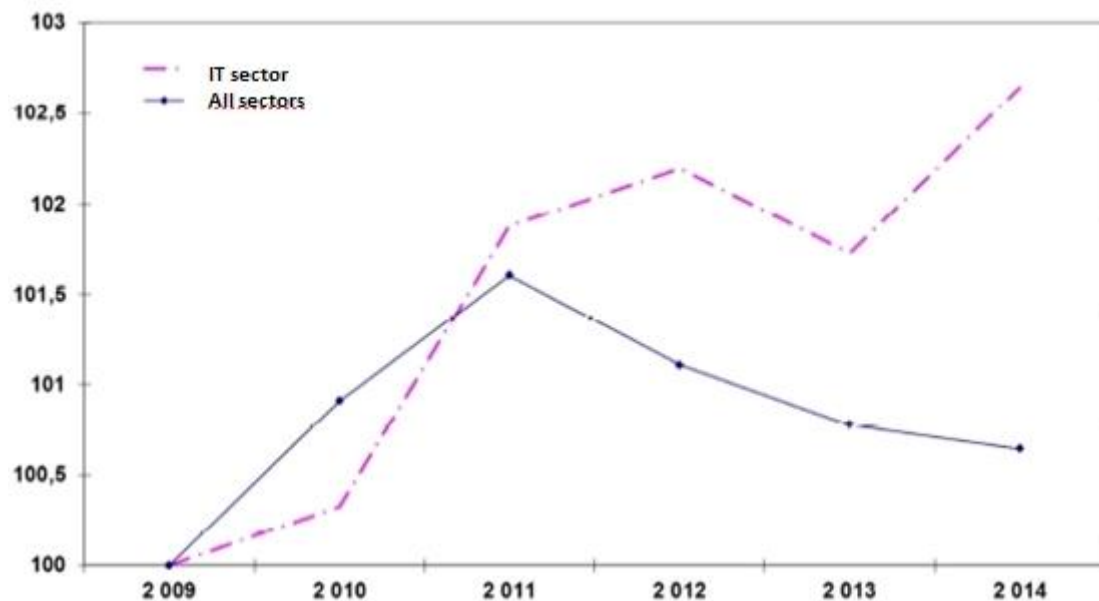
As in other European countries, IT activities are a growing sector in turnover and employees. Some of the reasons are the digital transition of most of French companies

and the increase of outsourcing of non-core business, specially informatics and communications.

IT services, technology consultancy and software publishers generate turnover of around € 52 billion in France per year. This sector represents 447,000 jobs in France. 19,000 jobs were created in 2016. More than 500,000 new hires were completed in 2017.

In the case of France employment in the IT sector has grown more strongly from 2009 to 2014. In 2014, IT workforce growth was 0.9%, while employment in all sectors fell by 0.1%. Hiring in the IT sector grew by nearly 10% between 2014 and 2015, three times higher than the whole sectors (Figure 16).

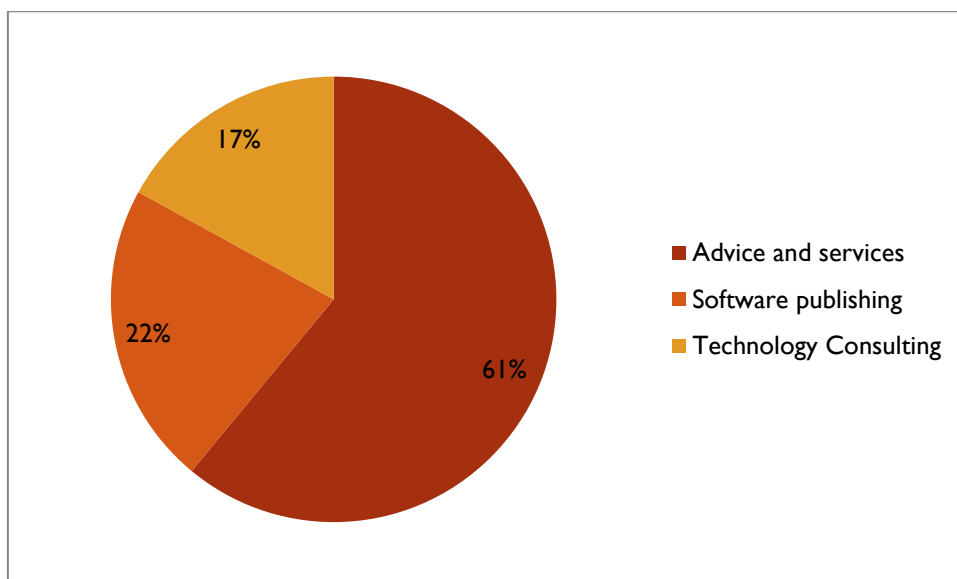
Figure 16. Evolution of employment in IT sector (base 100 in 2009)



Source: Le secteur du numérique et ses métiers. *Statistiques, études et évaluations*, Avril 2016 # 16.015 from ACOSS Data.

IT services companies account for 78% of the sector's turnover that it means around 40 billion euros (Advices and Services, and Technology Consulting). According to some interviewees, many IT services companies have been able to develop software, and vice versa, software companies can offer services. Therefore, the distinction between companies and activities that develop is difficult to distinguish.

Figure 17. Distribution of turnover of IT activities



Source: Cinov-IT.

Regarding the distribution of workers by company size, companies with less than 10 employees represent 81.6% of companies with the IT collective agreement as their main collective agreement. On the contrary, 27.5% of employees are concentrated in less 0.2% of companies with 500 or more employees (Table 17). This contrast is more accentuated if we focus on IT services: 10.8% of employees are in companies with less than 10 employees, while 37.5% of employees are in companies with 250 or more employees.

Table 17. Distribution of employees and companies with IT collective agreement

Distribution of companies with IT CA as the main collective agreement	Employees	Companies with IT CA as their main collective agreement
1 - 9	17.4	81.6
10 - 19	9.7	9.2
20 - 49	14.6	5.9
50 - 99	10.0	1.8
100 - 249	11.7	0.9
250 - 499	9.1	0.3
500 or more	27.5	0.2

Source: Authors from DADS 2014.

2.2. Outsourced workers in IT activities

2.2.1. Persons employed performing this activity in the economy

The evolution of the number of employees in the sector is strongly linked to the evolution of the IT sector. According to 2014 data, 689,925 employees work in the IT sector. This sector includes 36,513 companies, 2.0% of all French companies. Although IT sector was conditioned by several crises, including those of 1993, 2002-2003, and 2009, which resulted in downsizing, the sector (computer and software) almost tripled its jobs in just 20 years. In this sense, the number of employees has increased from nearly 125,000 to more than 350,000 in 2010. According to DADS data of employees and companies covered by the IT collective agreement, in 2014 the number of employees was 820,200 with 67,750 companies. The IT activities studied in our case study are the main subgroup of IT sector in terms of companies (52.2%) and employees (45.8%) involved (Table 18): programming, consulting and other IT activities. Within these IT activities studied the activity with a higher weight is computer systems and software consulting (226,400), followed by computer programming (64,000). Then, there are other IT activities as third party maintenance of computer systems and applications (10,600), management of IT installations (27,700) and other IT activities (5,700) with a lower weight in IT activities (see Table 23 in p. 64).

Table 18. Distribution of sub-groups by companies and employees (2014) (%)

Sub-group of sectors	Companies	Employees
Telecommunications	10.5	19.1
Programming, Consulting and other IT activities	52.2	45.8
Industrial manufacturing of digital products	3.8	10.8
Software, data processing and internet portals	15.7	14.2
Trade and repair of digital products	17.8	10.1

Source: Le secteur du numérique et ses métiers. *Statistiques et Indicateurs* 12 Avril 2016, n°16.015, from ACOSS Data.

The 94.4% of IT workers have open-ended contracts, with lower levels of part-time contracts (13.6%). The workforce is predominantly male (66.2%), young workers (28% with less than 30 years). In IT sector the workforce is globally skilled, with a high level of the profiles of managers (58.3%) and supervisors (20%). Wages are globally higher than the average of all sectors in France (Table 19).

Table 19. Characteristics of SYNTEC CA's workers (2014)

		%
Sex distribution	Men	66.2
	Women	33.8
Age	Less than 30 years	28.0
	30 years or more	72.0
Professional levels	Managers	58.3
	Supervisors	20.1
	Employees	16.5
	Workers	5.2
Employment conditions	Part-time workday	13.6
	Open-ended contract	94.4
Wages	Medium wage FTE (euros)	3,010
	Between 1.0 and 1.05 times the Minimum wage (Smic)	2.5
	Greater than 3 times the Smic	25.2

Source: Authors from DADS 2014.

It should be noted that these data are related to the whole of workers in the main IT collective agreement. As we noted below in the section 2.4.1, the main collective agreement in IT sector is a collective agreement that include a wide range of occupations, below the occupations linked to IT activities (i.e. engineers, consulting, translators, etc.). If we focus on IT occupations, we can see some differences in sex, age and skills distribution: 72.9% are men, 69.3% are managers and 17.9% have less than 30 years. By contrast, 93.9% of workers have open-ended contracts, very similar of the whole of workers of IT collective agreement.

2.2.2. *The influence and development of outsourcing in IT*

Outsourcing of IT activities is the support of the information system of the client usually by an IT service provider, with or without transfer of client resources (workers and infrastructure), with or without relocation. Initially, it was a management mode of computer operation, and then the monitoring of application maintenance. With the formalization of activities, some companies have tried to outsource their whole information system. In many cases, these outsourcing practices became to offshoring practices since nineties.

In France, outsourcing in IT is called as *infogérance* and is defined as the partial or total provision of the information system of a client company by an IT service provider. Outsourcing can be based on infrastructures (i.e. the management of computer equipment and networks of the client) or based on applications. In these cases, we usually talk about third-party application maintenance. There are different kinds of outsourcing according to the level of outsourcing, the content of outsourcing, etc. According to these characteristics, we can have global outsourcing, partial outsourcing, application outsourcing, operations outsourcing and business process outsourcing (BPO).

One of the main characteristics of the sector in relation to outsourcing is the high competitiveness among suppliers under different outsourcing practices. Under the main practice, workers of an IT services company than gains a tender develop their activity on the client site (*salariés chez clients*). However, there are other outsourcing practices more related to the individualization of work: self-employment and *portage salarial*.

The predominant form is the IT services company (*Entreprises des services numériques - ESN*) (formerly *Sociétés de services du numérique*). According with interviewees, this is a “French specificity”. They are large French companies (in most cases international companies), exceeding the billion Euros in sales (e.g. Atos Origin, SopraStéria or

CapGémini). Many of these IT services companies can outsource a part of their services to SME, self-entrepreneurs and freelancers or self-employees, in a process that it is called as “cascade outsourcing”.

The workers that these IT services companies employ can work in two ways: 1) the *forfait* (flat rate), which they work directly on the premises of the IT services company and their work is billed to the client by the day; or 2) the *régie* (or technical assistance), that is to say that the IT workers work directly with the client, for a period that can range from a few days to several years. In the former, all or part of a project is subcontracted to an IT service provider. The client company sets constraints on project objectives, deadlines and costs. It is a formula of short duration (15 days to 1 month here, 60 to 80 days there, etc.) (APEC 2006). According to the main employers’ organization, (Syntec numérique) 150,000 workers are under the *régie*’s system, but it is very usual that IT services companies combine these both ways of employment.

Another form of outsourcing is the *portage salarial*. Created in the eighties, at the beginning it was addressed to senior managers but then it was extended to all professional levels. The *portage salarial* is a relationship between a client company, a provider and a company of *portage salarial*. The service provider carries out missions independently for clients. The company of *portage salarial* that employs it provides him with a support to carry out these missions, and receives the remunerations of these, by paying him a part. According to the order n° 2015-380 of 2 April 2015¹² the definition of *portage salarial* is the following:

“*Portage salarial* refers to the organized group constituted by: 1) On the one hand, the relationship between a company called *entreprise de portage salarial* performing a benefit for a client company, which gives rise to the conclusion of a commercial contract of portage

¹² Later, it was ratified by the Law n° 2016-1088 of 8 August 2016.

salarial; 2) On the other hand, the labour contract signed between the *portage salarial* company and an employee designated as the *salarié porté*, who is remunerated by this company.”

In order to apply this kind of services provision, it must be accounted some conditions:

1) The employee warrants an expertise, qualification and autonomy that allow him to search his own clients and to agree with them the conditions of the provision, its prices, etc. (minimum required of qualifications, work experience, etc.)

2) The employee receives a minimum remuneration defined by the collective agreement. In the absence of an extended collective agreement, the amount of the minimum monthly remuneration is set at 70% of the monthly value of the social security ceiling provided for in Article L. 241-3 of the Social Security Code for an activity equivalent to a full time. This remuneration can be change in function of the three categories of employees that exists: the employee “junior” (70%), the employee “senior” (75%) and the employee “au forfait jour” (85%).

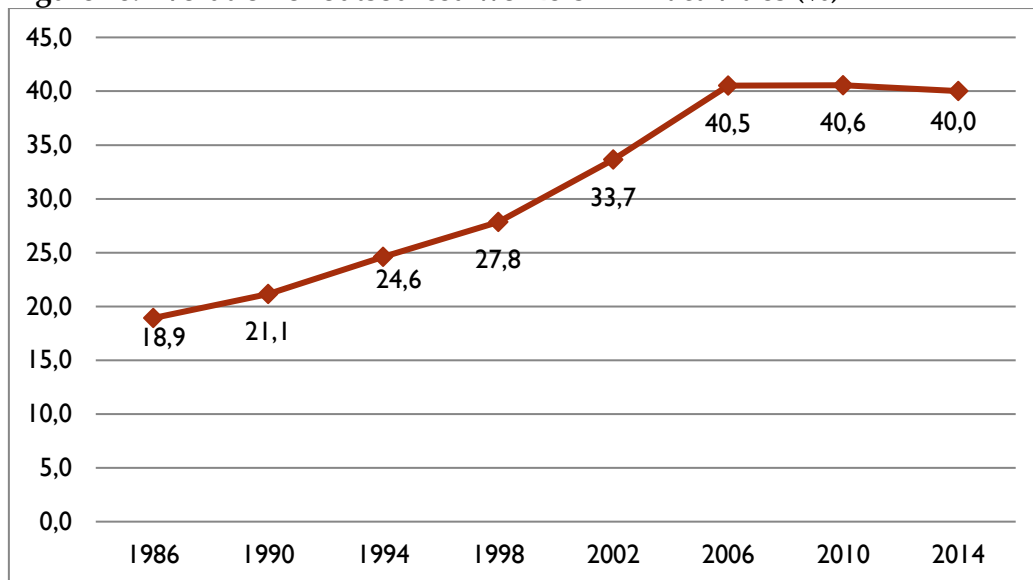
3) The company of *portage salarial* is not required to provide work to the employee.

The *portage salarial* is used more and more by profiles as consultants and freelancers with specific skills. This formula allows workers to maintain their independence, but with a status of employees and other advantages, among them: affiliation to Social Security and pension funds, contributions to unemployment insurance, benefit of a health company, paid vacation, right to training, management of legal-administrative and accounting tasks by the company of *portage salarial*, etc.

The growth of this formula has been strengthened until today (according to interviewees, it rounds 20% of IT workers). Several legal changements of its status have finished in the signature of the collective agreement of *portage salarial* in March 2017 (and with effect from July 2017), that complement the already existing legal framework.

Talking about outsourced workers, as we can see in the Figure 18, outsourcing of IT workers has is progressive increasement since eighties and with a situation of stability since before the economic crisis with a level of outsourcing around 40% of IT workers.

Figure 18. Evolution of outsourced workers in IT activities (%)



Source: Estimates from Enquête Emploi.

According to data from the French Employment Survey, the differences between outsourced workers and non-outsourced workers are focusing on sex, age and qualification. According to data on Table 20, the profile of an outsourced IT worker is a young man with high educational level and French origin.

Table 20. Characteristics of outsourced and non-outsourced workers (2014)

		Internal workers	Outsourced workers
Sex	Men	78.6	80.2
	Women	21.4	19.8
Age	<25	7.9	10.4
	25-34	26.8	39.8
	35-44	30.9	29
	45-54	24.7	16.5
	55 and more	9.7	4.3
Educational level	> bac+2	44.8	62
	bac+2	25.1	22.2
	bac ou équivalent	16.4	10.7
	CAP/BEP	7.8	2.3

	BEPC	4	1.7
	aucun diplome ou CEP	1.9	1.2
Origin	French	71.8	68.6
	French with foreigner parents	17.3	17.8
	French born abroad	6.5	8.1
	Foreigners	4.4	5.6

Source: Estimates from the *Enquête Emploi* (INSEE).

2.2.3 Characteristics of client companies

According to interviewees (and according to the evolution of the outsourcing of IT activities) there is no a main sector. The sectors of clients are heterogeneous: banks, insurance, distribution, automotive industry, tourism, space and aeronautics, agri-food, energy, public administration, etc. By contrast, outsourced activities are present in large companies in various forms: large accounts, and medium enterprises. Instead, smaller companies (small and micro enterprises) used outsourced IT services in a little weight, due to their structural delay in relation to the digital transition.

2.3. Representation of workers and employers in IT activities

The national collective agreement that regulates IT activities is the Collective agreement of *Bureaux d'études techniques, cabinets d'ingénieurs conseils, Sociétés de conseils (Syntec)* and is called as the name of the main employers' organization of the sector (Syntec agreement). This agreement includes a wide range of different professions (informatics, engineers, scientists, consultants, HR managers, conventions & exhibitions, translators, etc.). It is one of the agreements that include a greater number of workers involved: 820,200 employees in 2014 (DADS). In IT sector there is also, since July of 2017, a collective agreement that regulate the practice of *portage salarial*: the collective agreement of *Branche des salariés en portage salarial*.

In relation to the main collective agreement (Syntec agreement), the main unions correspond to the majority unions in France together with a national interprofessional

union representative of managers. In this sector, for the negotiation of collective agreements in accordance with article L. 2232-6 of the French Labour Code, the weight of the representative trade union organizations is shown in Table 21.

Table 21. Weight of the main trade unions in the Syntec collective bargaining

Trade union	Weight in negotiation of sectoral CA (%)
Confédération française démocratique du travail (CFDT)	35.55
Confédération française de l'encadrement-Confédération générale des cadres (CFE-CGC)	22.16
Confédération générale du travail (CGT)	18.47
Confédération française des travailleurs chrétiens (CFTC)	13.40
Confédération générale du travail-Force ouvrière (CGT-FO)	10.43

Source: Arrêté du 5 octobre 2017 fixant la liste des organisations syndicales reconnues représentatives dans la convention collective nationale applicable au personnel des bureaux d'études techniques, des cabinets d'ingénieurs-conseils et des sociétés de conseils (n° 1486).

The representative federations of these major unions are: the *Fédération communication conseil culture CFDT (F3C-CFDT)*, the *Fédération CGT des sociétés d'études (FSETUD-CGT)*, the *CFE/CGC/FIECI* (interprofessional union), the *Fédération commerce, services et force de vente (CSFV-CFTC)* and the *Fédération des employés et cadres (CGT/FO)*. Therefore, they are unions that respond to the diversity of professions included in the collective agreement of the sector. For instance, the *Fédération commerce, services et force de vente (CSFV-CFTC)* is also present in the other activity studied in the French case (cleaning activities). Other characteristics are the presence of interprofessional unions that represent the profile of managers, a profile with a high weight in the sector. According to data of 2014, 58.3% of the employees covered by the collective agreement were managers (Déclarations annuelles de données sociales-DADS, INSEE).

On the side of employers' organizations, the main organization is the SYNTEC Federation, which gives its name to the collective agreement of the sector. This organization represents 89.3% of the companies in the sector. We also find CINOV

Federation, which represents 10.7% of companies.

The SYNTEC Federation was created in 1950 under the name *Chambre Syndicale des Bureaux d'Etudes Techniques de France*, and it became Syntec Federation in 1991 when it decided to create an engineering group. It is structured from five federations:

- *SYNTEC Numérique*
- *SYNTEC Ingénierie*
- *SYNTEC Etudes et Conseil*. This, in turn, is the union of five federations representative of each profession: *SYNTEC Etudes*, *SYNTEC Conseil en Relations Publics*, *SYNTEC Conseil en Recrutement*, *SYNTEC Conseil en Évolution Professionnelle*, *Consult'in France* (formerly *Syntec Stratégie et Management*) and the *Fédération nationale du management de transition (FnMT)*.
- *FFP Fédération de la Formation Professionnelle*
- *UNIMEV Union française des Métiers de l'Évènement*

This division is related to the complexity of the sector. Another important issue is that some of the employers' organizations are organized around the different professions included in the collective agreement. With regard to the activities selected in the case study, the most representative federation is *Syntec-Numérique*, which includes IT service companies, software publishers and technology consulting companies.

The *Fédération des syndicats des métiers de la prestation intellectuelle du Conseil, de l'Ingénierie et du Numérique (CINOV)* is a representative employers' organization of 10 federations and 15 regions of the consulting, engineering and IT services professions. It is closely linked to the employers' organizations of CGPME (SME) and UNAPL (National Union of the Liberal Professions). The CINOV Federation has a structure similar to the SYNTEC Federation. Thus, it is composed of ten federations:

- *CINOV Conseil en Management*
- *CINOV Ergonomie*
- *CINOV GIAC (Groupement de l'Ingénierie Acoustique)*

- *CINOV Ingénierie Bâtiment-Infrastructures-Coordination*
- *CINOV Ingénierie Tourisme-Culture-Loisirs*
- *CINOV Industrie*
- *CINOV IT (Chambre Professionnelle des TPE et PME du Numérique)*
- *CINOV Restauconcepteurs*
- *CINOV SYPAA (Syndicat des Programmistes en Architecture et en Aménagement)*
- *CINOV Territoires & Environnement*

According to the selected activities, the representation federation is CINOV-IT. It includes the three major areas of the IT sector: software publishing, consulting and computer engineering. CINOV IT brings together all types of companies and entrepreneurs: liberal professions, employees de *portage salarial*, micro-entreprises and SMEs. CINOV IT is the main representative organization of micro-companies and SME of the sector (most of them with less than 20 employees).

In relation to the collective agreement of *portage salarial*, the unions that sign it are CGT, CFDT, CFTC, CFE-CGC and FEC FO. By the employers side, the only organization (and it signs the collective agreement) is the *Syndicat du Portage Salarial* (PEPS). In 1998, the *Syndicat national des entreprises de Portage Salarial* (SNEPS) was created. In 2004 the *Fédération nationale du Portage Salarial* (FeNPS) is born. In 2012, these two organizations were merged into the PEPS, consolidating as the only employers' organization in relation to the *portage salarial*.

According to social partners, the main challenge shared by them is to “neutralize” the trend based on price reduction and the high level of competitiveness of IT market. By the side of employers, the main challenge is to fight against to the loss of loyalty of workers due to the high mobility of workers between clients and IT companies. In this

sense, the disclaimer tax in IT services is 8.8%¹³, much higher than in other activities (4.8% in construction, 2.7% in financial activities and assurances, 2.1% in chemical industry, etc.). According to FSETUD-CGT (2012), the reasons to disclaim are the following:

- The lack of a corporate culture and sense of belonging to a company can encourage IT workers to be hired in the client company for which they were a provider.
- Difficult working conditions, accompanied by stress and geographical mobility lead some IT workers to seek more stable jobs in other sectors.
- Finally, a limited wage evolution (in some cases, only the change of company allows employees to increase their wages) and an insufficient level of training to offer professional perspectives.

“The main problem linked to outsourcing is the excessive pressure of client companies. It is a very competitive sector” (Syntec-Numérique, Employers’ organization)

By the side of trade unions, the main challenges are to fight against the “cascade outsourcing”, especially in relation to the figure of self-employed persons. Another challenge is to fight against formulas as the work by deadlines that increase the workload and can generate psychosocial risks. In 2016, 54.4% of the projects in IT sector were considered “difficult” by the employers (in comparison to 32.4% of the whole sectors)¹⁴.

“There is a tender and a company responds this tender. Ok. Now, it can happen that the company says: I’m going to do this part of the tender with my staff. However, on the other

¹³ According with some trade unions (FSETUD-CGT 2017), the level of workers turnover in France is 15%, the highest one in French labour market.

¹⁴ Le secteur du numérique et ses métiers. *Statistiques, études et évaluations*, Avril 2016 # 16.015.

hand, for this part of the project I have a partnership with another company that will be in charge of this part of the project. So we sometimes find ourselves with cascade outsourcing situations.” (F3C-CFDT, Trade union)

“Work by deadlines can generate and generate excessive pressure on workers.” (FSETUD-CGT, Trade union)

2.4. Collective agreement(s) and bargaining coverage in IT activities

2.4.1. Main characteristics of Collective Agreement(s) covering workers in IT activities

As we pointed above the national collective agreement that regulates IT activities (Syntec agreement) is addressed to employees of companies of engineering, consulting, IT services and consulting engineers' cabinets, in addition to other activities not close linked to IT sector. Therefore, the Syntec agreement include the following activities: computer system consulting, non-customized software edition, other software development activities, data processing, database activities, market studies and surveys, advice for business and management, engineering, technical studies, analyzes, tests and technical inspections, HR selection and provision, trade fair and trade fair organizations (Table 22).

Table 22. Distribution of employees by the SYNTEC collective agreement (2014)

Top 10 NAF codes present in SYNTEC CA (IDCC 01486) (in % of employees present at 31/12/2014)		Distribution of employees
6202A	Computer Systems and Software Consulting	24.6
7112B	Engineering, technical studies	22.3
7022Z	Business and other management advice	13.0
6201Z	Computer programming	6.6
5829C	Edition of application software	4.6
6311Z	Data processing, hosting and related activities	3.1
7120B	Analysis, tests and technical inspections	2.7
6203Z	Management of IT installations	2.6
7320Z	Market research and surveys	1.8
6420Z	Activities of holding companies	1.6

Cumulative total of the top 10 NAF codes

82.9

Source: DADS.

By contrast, to activities as cleaning, there are no transfer clauses in the Syntec collective agreement. When a client company makes a tender, several IT services companies are put in competition to propose candidates. According to a qualitative study of recruitment processes in IT sector, the general rule is that the fastest IT services company wins. Hence, we are facing an “ultra-competitive sector” where the speed of the proposals by IT services companies and the availability of candidates by them are crucial factors to win a tender (APEC 2006). Later, the company that wins the tender sends its workers to carry out the project won. In the workplace, the client company has several legal obligations with respect to the worker who performs the service.

We also have pointed above the collective agreement that regulates the formula of *portage salarial*, in two ways: 1) it regulates the access of workers to this formula with several conditions (certain levels of expertise and qualification, work experience by the worker) and 2) it regulates several advantages near to an employee status (minimum remuneration, Social Security and pension, unemployment insurance, health benefits, paid vacations, right to training, etc.). Taking into account the recent signature of this collective agreement, there are no data about workers covered by it.

“A collective agreement for *portage salarial* has been signed, representing 15,000- 20,000 people. The *portage salarial*, in fact is ... I am a self-employed worker but I am not able to find a job on my own. Then I entrust the job search to a company. I'm going to pay that company a part of my profits, but I'm not a wage earned worker of that company. The company that finds the job is the one that carries [*porte*] the worker to the client company, hence the name *portage*. And this company is the one that bills for me.” (F3C-CFDT, Trade union)

“The *portage salarial*, in the services sector, is used mainly by profiles of managers, senior executives, with a certain level of expertise, while the TAW formula is used more by workers with lower qualifications, who do not find employment.” (FSETUD-CGT, Trade union).

2.4.2. Collective bargaining coverage

According to case study findings, the Syntec agreement regulates and protects the workers involved in the outsourcing of IT activities. Even so, there are also other agreements that cover a proportion of IT workers. These agreements globally have better conditions than the Syntec agreement. It should be noted the significant proportions of employees that are included in the 'Other' category. This category includes employees covered by other kinds of coverage, different from the sectoral collective agreements (statutes, company agreements, agricultural branches, employees not benefiting from some collective coverage) and employees covered by collective agreements with a weight less than 1% of the workforce in the sector. According to Table 23, computer systems and software consulting and computer programming are the activities where workers are more covered by the Syntec agreement (89% and 84.2%), in contrast to activities as third party maintenance of computer systems and applications (60.1%) and other IT activities (68.2%).

Table 23. Employees covered by IT activities and collective agreement (2014)

Economic Activity (APE) (N° Employees 31/12/2014)	NCA Code	National Collective Agreement (IDCC)	Employees covered (as % of APE employees)
Computer programming (64,000)	01486	Bureaux d'études techniques SYNTEC	84.2
	00650	Métallurgie cadres	2.2
	01672	Sociétés d'assurances	2
	02098	Prestataires de services secteur tertiaire	1.1
	Other	Agricultural branches, statutes, agreements outside the sector	10.5
Computer Systems and Software Consulting (226,400)	01486	Bureaux d'études techniques SYNTEC	89
	00650	Métallurgie cadres	6.7
	00054	Métallurgie Région Parisienne	1.4
	Other	Agricultural branches, statutes, agreements outside the sector	3
Third party maintenance of computer systems and applications (10,600)	01486	Bureaux d'études techniques SYNTEC	60.1
	01672	Sociétés d'assurances	15.1
	00878	Métallurgie Rhône	2.5
	00650	Métallurgie cadres	1.6
	01539	Commerces de détail papeterie bureau informatique	1.2
	02128	Mutualité	1
Other	Agricultural branches, statutes, agreements outside the sector	18.4	

Management of IT installations (27,700)	01486	Bureaux d'études techniques SYNTEC	78
	00650	Métallurgie cadres	7.4
	02120	Banques	4.2
	00054	Métallurgie Région Parisienne	3.1
	02216	Commerce détail et gros à prédominance alimentaire	1.3
	01369	Métallurgie Loire Atlantique	1.2
	Other	Agricultural branches, statutes, agreements outside the sector	4.9
Other IT activities (5,700)	01486	Bureaux d'études techniques SYNTEC	68.2
	00054	Métallurgie Région Parisienne	13.8
	00650	Métallurgie cadres	5.2
	01539	Commerces de détail papeterie bureau informatique	1.8
	01686	Commerce audiovisuel électronique équipem ménager	1.6
	00573	Commerces de gros	1.4
	02148	Télécommunications	1.3
	Other	Agricultural branches, statutes, agreements outside the sector	6.7

Source: Authors from DARES - Labour Ministry.

According to DADS data, it is interesting to point that, although the average wage in Syntec agreement is higher than the average of all sectors, if we see by professional level, we can see some contrary trends in the case of managers (3,670 vs 4,090). In the same sense, if we compare the wage level in Syntec agreement with other agreements that cover employees in some IT activities, we can assure that Syntec agreement is the less advantageous agreement in terms of wages for IT workers (Table 24).

Table 24. Monthly wages by professional level and collective agreements (2014)

Total Monthly Wage	SYNTEC Collective Agreement	Métallurgie cadres	Sociétés d'assurances	Métallurgie Région Parisienne	Total SCA
Total	3,010	4,360	3270	2,530	2,240
Manager	3,670	4,360	4,400	n.a.	4,090
Intermediate position	2,100	n.a.	2,480	2,920	2,300
Employee	1,870	n.a.	2,140	2,150	1,610
Worker	2,150	n.a.	3,130	2,070	1,730

n.a.: not applicable

Source: Authors from DADS 2014.

In this regulatory framework, the situation of self-employees maybe is the one situation of non-coverage in IT activities, although this figure has a very low weight in IT sector. This low weight maybe is due to the existence of the other outsourcing practices that allow workers to achieve a high level of autonomy in relation to liberal or freelance situation¹⁵. This is case of the *portage salarial* or self-entrepreneurs in France. In France, one in ten jobs is a form of independent or mixed work: freelance, self-entrepreneurs, no-wage earners managers, *portage salarial*, intermittent permanent contracts, temporary contracts.

Anyway, trade unions warn of the situation of self-employees in outsourced IT activities in the sense that outsourcing hides a relationship of subordination of that freelancer that believes in his voluntary autonomy. It is a kind of “renewal of the distinction between self-employees and employees”, in the sense that, under outsourcing schema, self-employees act as employees but without the social benefits of the latter. One French trade union presents an example situation of this contradiction:

“As part of the outsourcing of applications development for tablets or phones, a large company of online distribution uses an IT services company that carries the contracts of benefits of self-employees. The contractual framework is therefore as follows: a self-employee, with experience in digital development, is contracted by an IT services company for a specific period and for a specific mission at the client (the large online distribution company). In fact, the self-employee works in the client's premises, directly under the orders and instructions of the client. He is even quickly led to coordinate the work of other service providers or employees of the client but does not benefit from the social system of employees, the collective rights of the client. The self-employee believes he is autonomous and the labour market encourages him to do so: his skills are well valued and he knows (believes) that he can choose his employer. The reality is a subordinate work relationship, masked by an outsourcing contract with an IT services company.” (CGT 2017. *L'impact du numérique sur l'emploi et le travail*. Etude concernant le Colloque du 6.12.16)

¹⁵ Although the freelance situation is usually linked to a voluntary decision of the worker, unions warn of the growth of non-voluntary situations of these figures by IT workers.

Another finding in French case study is the non-compliance with some conditions of the services provisions between client and workers, especially in relation to the addition of tasks not included in the services contract. This situation generates an intensification of workload maybe due to the expectations of IT workers to work on client business and it is related to the *régie's* system of work.

Another situation of non-coverage identified in the French case study is related to the problems of training of IT workers in those periods between contracts (in France is called as *l'Intercontrat*). This situation is particularly significant in the case of IT sector according to the high level of IT contracts in most cases with limited periods (quite different to outsourcing dynamics in the cleaning case). In IT services companies, there is almost never any training cycle planned for these periods between contracts (below the mandatory training and upgrades). The notion of self-training has become very common and accepted by IT workers. The HR departments of the IT services companies rarely have the tools to identify the real skills of their employees, or even simply the updated CVs of the employees that the company places among the clients.

2.4.3. Strategies deployed by social partners in order to solve coverage problems

The main strategies of trade unions are linked to the intensification of workload and the process of individualization of workers. The first strategy is to promote campaigns in order to fight against formulas as the work by deadlines that increase the workload and can generate psychosocial risks. Another strategy tries to improve the articulation of the union action, due to several reasons. First, as we pointed above, the fragmentation of workplaces and the isolation of workers hinder the communication between workers and unions. It is also worth noting the weight of a profile of managers with low identification with some unions. Secondly, the increase of different formulas of self-employed workers (portage salarial, freelancers, micr-entrepreneurs,) erodes the capacity of unions to “connect” with workers. In this sense, some trade unions try to develop

online platforms with a set of services addressed to this kind of workers. Some of these platforms are built in partnership with associations of freelancers.

“It is a political analysis: with the *portage salarial* we reach the destructuring of the collective of workers, and these imply greater difficulties to organize in front of the employers.” (FSETUD-CGT, Trade union)

“For us, as a union, outsourcing is already a problem because it hinders our union action. It makes more difficult our work as trade unionists”. (F3C-CFDT, Trade union)

“Since 2016 we are trying to get closer especially to the self-employed worker in IT. There are many young people who enter the IT sector and, before becoming wage earners, they want to try an 'adventure'. And, as unions, we have to prepare ourselves for this kind of workers. We have set up a service support platform for this kind of workers.” (F3C-CFDT, Trade union)

Finally, and following the main challenges pointed above, other initiatives try to promote a kind of “new labour contract” in the sense to give priority to a better definition of tasks, workload and resources within the contracts of IT services.

3. FACILITY MANAGEMENT COMPANY

3.1. Introduction

The selected FM company (from now on, FMC) is a multinational company, with more than 100 years of existence. Currently, it is one of the leading international companies in the FM market. With more than €10.8 billion in revenues in 2017, it is the world's fourth largest private employer, with almost 500,000 employees in more than 70 countries.

FMC entered the French market in 1994, with the acquisition of a company specialized in the cleaning sector, in a market with little tradition in the use of FM services, as we have already pointed above (point 3.1.2. in Section I). FMC is initially developed as a service provider, mainly the cleaning activity. In 2005, according to data from INSEE, FMC was among the top 10 companies in the industrial cleaning sector. Subsequently, it developed a multi-service model of services provider, expanding its market currently to the FM market (Total FM model of outsourcing). Even so, as the company says, FM market is still a limited market for the company: "It is still a small market. The size is still modest. We have over 10% of the activity of FMC [in FM services]" (FM Manager).

In general, it is the third subsidiary company of the group in the world. FMC has a turnover of 638 million euros and it is the first foreign employer in France with more than 22,000 employees (collaborators in the vocabulary of FM companies).

The provision of cleaning services continues to be the main market of the company (50-52% of the activity of FMC according to trade unions interviewed), although revenues have dropped a lot in recent years: in cleaning in France, the income has been reduced in a 27% between 2015 and 2016 (Table 25). Currently, FMC has fallen to 7th or 8th place in the ranking of cleaning companies, when they had reached the second place. It should be noted that the current market in cleaning is very competitive, with more than 350 cleaning companies and with increasing pressure from clients to reduce costs, especially

since 2008. This situation has caused that today the company is immersed in a process of adjustment.

Table 25. General economic data of cleaning activities¹ of FMC

Revenues 2015 Cleaning activities France (millions €)	Revenues 2016 Cleaning activities France (millions €)	Revenue growth 2015/2016	Employees in cleaning 2016	Employees FTE in cleaning 2016
496.5 (Group revenues: 642.8)	362 (Group revenues: 635)	-27.09%	19628	9525

¹ Cleaning activities: all cleaning activities including railway cleaning, rolling stock, nuclear and non-urban roads.

Source: Review Services. *Le magazine de l'hygiène, de la propreté et du multiservice*, n°255, Janvier-Fevrier 2018.

3.2. Business strategy and organization

The current main drivers of FMC are the innovation and the quality of services. It should be noted the problems already pointed out in the French market, especially since 2008, in relation to the strategy based on reduction of prices by clients. Currently, and according to data from the FEP (main employers' organization of cleaning), the margin of adjustment is less than 3% and the wage bill represents at least 80% of the price of the provision of service.

“Before, the client looked at the service. Now the client looks at the money and the service. He asks for both. Before I wanted to have everything clean and I paid the price that was. Not today. Today I want it to be clean, but under the price 10 or 20%. That becomes a problem for cleaning.” (FM workers’ representative)

These increasing demands in price reduction by clients cause a very competitive market for service providers. According to some interviewees, we must add the reduction in the duration of service contracts. Service contracts range from one year to three years. Three years are the more usual contract, but we can find more and more one-year contracts. This causes more competition and less loyalty from the client: “With this trend you do not achieve a client loyalty [...]. Now [in FMC], there is a project underway that seeks to build this client loyalty” (FM workers’ representative).

The business strategy of FMC is to overcome a client-supplier relationship based on price, betting on an increase in the quality of service, based on a better relationship and communication with the client, within what some cleaning employers' organizations call a "helpful and integrating model". Therefore, FMC seeks to stop being a simple provider of services (a subcontracting situation within the outsourcing chain) to be a company that manages equipment and processes towards integration and focus on added value. For this reason, FMC is currently committed to the development of its FM section, being able to offer the main services (cleaning, reception, space management, etc.) linked to the maintenance of buildings:

"The client knows what FMC does. If he wants FM, he asks for everything. If he wants the 3D [*désinfection, dératation, désinsectisation*] plus cleaning, he asks for 3D plus cleaning. If he wants only cleaning, so only cleaning. No problem. However, FMC proposes the FM offer. The company seeks to expand this demand for FM. Today the objective of FMC is to propose FM, for all clients." (FM workers' representative)

The organizational structure of FMC is based in four sections with their corresponding services:

- Cleaning: Office Cleaning; Building Maintenance; Hospital Cleaning and Biocleaning; Industrial Cleaning; Transport Cleaning.
- Hygiene&Prevention: Pest control (3D); air hygiene; sanitation; fire protection.
- Logistics&Production: Industrial logistics; Production delegation; Quality control; Administrative delegation.
- Facility Management: Reception and security; Factotum, Courier and concierge Cleaning; 3D and waste management; Project Management; Food corners and snacking; Space Management.

FMC is organized into 4 subsidiaries or branches that respond to each of these sections. Some of these subsidiaries have agencies distributed throughout France. In cleaning there are 7 agencies in the headquarters and one agency in each region (in some regions

there is even more than one agency). In contrast, for subsidiaries such as FM or Hygiene & Production there is only one agency in France (due to the small number of employees and economic activity). Most agencies are concentrated in the Île-de-France region.

It should be noted that within the FM subsidiary, there are also agencies of cleaning, reception, etc. As we have said before, FMC's commitment is the development of its FM subsidiary: all the activities for the maintenance of buildings in an integrated way: "All the activities that can facilitate life in a building" (FM Manager). The strategy of FMC is, once won a call tender, to propose FM services to the client to expand this market.

3.3. Employment structure

In terms of employment structure (Table 26), FMC accounted for 22,332 employees in France in 2017. The main profile of workers is related to the main activity performed: 82.1% of workers are in cleaning. The others sections are minority in relation to cleaning. Regarding the level of qualification, 90.6% of employees have the level of workers (*ouvriers*) (most of them are *Agent de service*, the lowest category within the salary scales in the National Collective Agreement of cleaning). 17.9% of workers are under 35 years old, while 25.4% are 55 years old or older. 66.7% of the workers are women, with a high level of part-time work, consistent with data on employment in the cleaning sector (66% of women in 2017 for the whole sector): "It depends on the activity, but yes, we have a lot of part-time, especially in the case of cleaning, due to the characteristics of the activity itself" (FM Manager).

Table 26. Main characteristics of employees in FMC (2017)

		n	%
Sections	Hygiene & Prevention	1,402	6.3
	Strategic sections (FM+Logistics&Production)	2,136	9.6
	Cleaning	18,328	82.1
	Headquarters ¹	466	2.1
Professional levels	Managers	638	2.9
	Supervisors	907	4.1
	Employees	560	2.5
	Workers	20,227	90.6
Sex distribution	Number of women	15,024	66.7
Age	Less than 35 years	4,000	17.9
	55 years or more	5,682	25.4
Total employees (collaborators)		22,232	

¹ Strictly it is not a section (in terms of subsidiary), but the FMC report of 2017 include it. Probably, other data presented in this table include this section.

Source: Auhors from FMC report 2017.

According to trade unions, the main workday is part-time work. The full-time day is given mostly in large companies or in the headquarters. According to them, this workday is a process of precariousness of workers: “The main schedule in cleaning is between 6 and 9 am and between 5 pm and 8 pm in the afternoon. We try to develop the work during the day, but there are many clients who want the service to be done before or after the workday. We have schedules that are fragmented (*coupés*). It is complicated. Most of workers have a part-time workday” (FM Manager). In the other branches: Hygiene & Prevention, and Logistics & Production the main workday is full-time. In the subsidiary of FM, also the main workday is also the full-time workday, except for the cleaning workers who have a part-time workday.

3.4 Characteristics of clients

Even so, the main client is the private sector, with little weight from the public sector (although increasing in recent years). In relation to the size of the clients, the large company, especially large international groups, prevails, although there are also small

and medium clients. Large clients are committed to FMC due to their network of companies that have in the territory.

It should be noted that, according to a study by Deloitte and ARSEG (Deloitte&ARSEG 2015), the outsourcing by activity model is used mainly by companies with less than 100,000 m² of assets (50%), whereas the multitechnique/multiservices model is used mainly by companies with more than 100,000 m² of assets (45%) (usually by combining the multitechnique model plus the outsourcing by activity model). The Total or Global FM, in addition to being little used by French companies (7% in 2015), does not apply by companies with less than 10,000 m² of assets.

As we have pointed out above, the current strategy with the client consists of, once FMC gain a call tender for an activity (e.g. cleaning) or a multiservice package, FMC tried to acquire the rest of services from an integrated offer, to avoid competition from the service provider market: "For us cleaning is the main activity. The client first comes to us for cleaning. Then we try to offer complementary services. However, cleaning is still our main market for France. The FM is still small" (FM Manager).

According with all interviewees in the FM case study, the relationship between FMC and its clients still remains a relationship based on cost reduction, although, as noted above, the business strategy of FMC tries to overcome this relationship based on the price of the service: "It is a very strong commercial relationship based on the price, on the reduction of rates. The position of the outsourced company is subordinated to the client's requirements" (FM Manager), "The client now knows very well what he wants and wants cheaper" (FM workers' representative).

3.5 Collective bargaining and workers' representation

FMC is member of FEP (*Fédération des Entreprises de Propreté et des Services Associés*), the main employers' organization in cleaning, ARSEG (*Association des Directeurs de l'Environnement de travail*), CS3D (*Chambre Syndicale Désinfection Désinsectisation Dératisation*) and SYPEMI (*Syndicat Professionnel des Entreprises de Multiservice Immobilier*). For collective bargaining purposes, the recognized actors are the FEP and the CS3D, which respectively sign the national collective agreement of cleaning and the national collective agreement of 3D (*désinfection, dératisation, désinsectisation*). The main trade unions present in FMC are the main unions CGT, CFDT and FO.

In the French case, the FMC is regulated by current sectoral collective agreements. There is no company agreement, so the regulation is based on where the workers are located. It should be noted that the majority agreement of the company (cleaning) is the least advantageous agreement for workers (see point 1.4. in Section II).

The presence and composition of the works councils depends on each subsidiary company. There are branches or subsidiaries where there is only one works council. In others there is a central works council and then works councils for each agency distributed throughout the territory. The trade unions interviewed do not give too much importance to the central works council of FMC. Bargaining by agency prevails: "Each agency has its works council, its budget and manages its accounts in an autonomous way" (FM workers' representative).

FMC mainly applies the national collective agreement of cleaning, given the greater weight of this activity (and its employees) in the company as a whole: "The people of FM come from the cleaning" (FM workers' representative), "But also because it is the agreement with lower salary level. When there is a transfer of employment contract, the cleaning agreement is the most advantageous agreement for the company" (FM workers' representative).

Each activity is regulated by the corresponding national collective agreement. The workers included in the FM section of the company are covered by the collective agreement of cleaning. The workers in the Hygiene & Prevention section are covered by the collective agreement of 3D. The section of Logistic & Production does not have its own national collective agreement, so an own company agreement is applied: "We have this agreement because we cannot apply the cleaning collective agreement. That's right" (FM Manager). For the whole company, there is no company agreement, except for the company agreement for the Logistics section.

Regarding the regulation of the activity, as already pointed out in the section dedicated to cleaning, the French Labour Code and the national collective agreement of cleaning provide for the maintenance of the working conditions of workers in case of change of service provider. The law requires the new company to take all workers with an age of more than 6 months. With minor antiquities, the company can refuse the workers. Theoretically, for the company it is an advantage in terms of recruitment:

"The collective agreement foresees that we have to retake the collaborators who had with the previous provider. With the new situation, the worker becomes a salaried employee of the company that has won the call tender [...] The advantage of the outsourcing system is that when you win a call tender you can take back the workers, which are necessary to ensure the service. You do not need to start recruitment processes. It is an advantage of collective bargaining. The workers and the new provider are protected." (FM Manager)

Even so, the main challenge for the company is to find the balance between maintaining the working conditions of workers that it must hire when it wins a call tender and maintaining the competitive capacity taking into account the services market. According to interviewees, the problem is not the structure of collective agreement but the market and the strategy of cost reduction of the clients. Therefore, collective agreement is considered an advantage because it allows workers to be protected below the minimum level, independently of this downward pressure.

“If there were no collective agreement, it would make less competitive the companies that will bet for better conditions for the workers. With the collective agreement, however, it allows to homogenize the rules of the commercial game. It is, rather, an advantage.” (FM Manager)

“But what is the problem? The price. You have to avoid competition. The constant reduction of the price is a problem that has already reached us ... That’s outsourcing.” (FM workers’ representative)

The problems detected in the FM case study are related to the transfer of a service in relation to the possible imbalances between the cost demanded by the client and the labour cost of former workers who become workers of the new provider. Faced with this situation, there are several scenarios that affect workers: 1) reorganization of work, with displacements of workers between workplaces of the same provider, 2) changes of working conditions (schedules, workdays, etc.) and finally , 3) the dismissal of workers (with the corresponding severance payments).

“When a new provider enters a workplace, it does not know how many workers there are. It looks how many square meters and how many people there are and it does tis accounts on that.” (FM workers’ representative)

“If the company have more people than necessary, it has to make a decision: dismiss, move to another workplace But it is not only to FMC, it is for all services providers.” (FM workers’ representative)

“We try to balance the expectations of the client, the proposal that we make with the working conditions of the collaborators. Eventually, we can propose the displacement to other workplaces. We can also propose changes to schedules. Finally, we can also finish the contract. In this case, the worker continues in the workplace but changes of employer.” (FM Manager)

In case of dismissal, when there are more providers in the same workplace, the worker becomes a worker of another provider. These changes are always made for the same activity: cleaning to cleaning, FM to FM, etc. Changes of working conditions must be made in agreement with the worker. On the other hand, the displacement of workers can be carried out provided that two conditions included in the collective agreement are met: 1) in the case of part-time work, the same schedule must be maintained; 2) the

"geographical area" must be respected: "[Regarding the displacement between workplaces] It is complicated, because sometimes the change of workplace can be accompanied by changes in schedules and that can be a problem for the worker. It is necessary to find a solution that allows linking the needs of the activity with the needs of the worker. It is not always easy" (FM Manager).

In the same way, in case of need for more workers to perform the service, it is usual to propose to move other workers from other workplaces of the company to the new workplace: "The second option would be new hiring, but it depends on the organization of work, of the territory, etc. In Île-de-France region, there are many workplaces, with which we can propose the displacement of workers near the new workplace. In a place with fewer places of work, we will go directly to new hires" (FM Manager).

The main conflict identified by trade unions is when a call tender is won and the work must to be reorganized through the dismissal of workers. In this situation, alliances have been made between unions with mobilizations and strikes. The role of the client is also important in the development of some conflicts, due to the pressure of public opinion and Medias: "FMC has lost services due to social conflicts developed in the workplace. In some cases, the client, after a social conflict that the company did not want to negotiate, has decided to finish the contract with FMC. And this happens often" (FM workers' representative). In these cases, the workers' strategies are to carry out strikes "in front of the client".

Other conflicts are related to the working conditions characteristic of the majority sector of the company: part-time work, very fragmented workdays of 2-3 hours, etc.: "One hour here, one hour over there. In addition, the worker runs for everything. To do 5-6 hours a day, you must do 3-4 workplaces. There are also conflicts for complementary conditions such as the restaurant ticket. There are people who do not have it, and that generates tensions "(FM workers' representative). The unions interviewed also

recognize conflicts in the workplaces between internal and external workers, but shift the responsibility to the client.

3.6. Strategies developed by social partners in order to solve/cope with coverage problems

Trade unions are betting that all service companies establish the same prices by areas, moving from a strategy based on price to a strategy based on the quality of service. According to the unions interviewed, an average price could be established through the main employers' organization of cleaning (FEP). However, according to them there are resistances by the side of the companies. By other hand, the FEP is also betting on overcoming the model based on cost reduction, although in its model (a model based on the quality of the service and greater communication with the client) no strategy is included to cancel the "price effect" in the sense proposed by trade unions.

The social agents interviewed positively value the existing instruments of collective bargaining as mechanisms for the protection of workers. In this sense, trade unions defend strict compliance with the collective agreement.

One of the problems highlighted by the unions is the high ignorance of the collective agreement by an important proportion of workers. This lack of knowledge can allow negative situations for workers. According to them, there is pressure for workers to accept conditions below the conditions of the collective agreement. Unions recognize that they cannot reach all workplaces. For unions, the main strategy would be to identify all workers. However, they recognize that they have no resources to do so. In this sense, unions highlight the problem of isolated workplaces. They have difficulty reaching them. One strategy would be to increase resources to cover these fragmented workplaces in the territory.

SECTION III. CONCLUSIONS

The extension of outsourcing

In France, outsourcing has had a progressive development in the last 20 years. It is a widely used resource: in industry but also in services, in the private sector and increasingly with more weight in the public sector, linked to privatizations. In the cases studied, cleaning and IT activities, outsourcing is an important phenomenon in terms of economic activity and workers involved. Even so, there are differences between both cases. In cleaning, the outsourcing system is characterized by on-site work with relatively stable workers in the workplace. In general, the service and the workers involved are outsourced, staying between providers. For the maintenance of the workers, a subrogation system is used, with staffs in the workplace that are assumed by the new providers. The regulation of these transfers of undertaking is carried out using transfer clauses included in the cleaning collective agreement. In the case of the FM company, the dynamics are similar to the case of cleaning due to it is a cleaning company at its origin. However, in IT case, the outsourcing system is carried out through the market, with external workers coming from IT service companies that win a tender. In this case, and unlike the case of cleaning where the large part are wage earners, there are also other labour figures involved (*portage salarial*, self-employed workers and micro-entrepreneurs).

The role of the client

In the relation between client, provider and workers, the case study findings show the importance of the client. Outsourcing transforms labour relations into market relations, with which the client is a key player in the configuration of these relationships. Despite the fact that there are more motivating factors of outsourcing, the reduction of costs continues being the main reason to outsource. This means that, in general, clients seek a greater price reduction. In cases such as cleaning or FMC, the margin that providers have

between costs and benefits is very low. The configuration of the tender under offers with increasingly reduced prices has negative effects on workers, since the new provider must face the organization of a service but with a much lower cost. This situation forces, in many cases, processes of reorganization of work, displacement of workers, proposals for new contracts and/or schedules. In the case of IT activities, the client exerts a pressure on the workers in relation to the complexity of the demands and the time allocated to carry them out.

Outsourcing effects in collective bargaining system

The effects of outsourcing in the collective bargaining system are diverse. Firstly, divisions or inequalities can occur between workers in the same workplace and, in many cases, carrying out the same activity. The outsourcing of certain activities generates changes in the coverage of the workers involved. Workers, being outsourced, in many cases, are part of a collective agreement different from when they were non-outsourced workers. Frequently, the new collective agreement has less advantageous conditions for the outsourced workers. This can generate coverage gaps for the same activity developed. Secondly, “cascade outsourcing” or the fragmentation of the production chain hinders the information, communication and representation capacity of the unions involved. This situation causes certain workers to be left unprotected with respect to coverage or protection mechanisms. These mechanisms are especially important in the case of cleaning where the level of illiteracy and the lack of information about labour rights is high. Finally, although with different intensities depending on the cases studied, outsourcing results in the use of figures not covered by collective agreements. This is the case of the self-employed workers. Even so, it should be noted that this figure is little used in the outsourcing of cleaning services by companies. In the case of IT activities, it should be noted that the French system has alternative mechanisms that give a certain level of protection to the figure of freelancers or self-employees (among others, the formula of *portage salarial*).

Main strategies of actors involved

There are several common strategies in relation to outsourcing. The first one is the development and adaptation of the unions to the dynamics that fragment the production chain and isolate the workers. Outsourcing represents a major challenge for unions that are not properly adapted to the complex dynamics that appear with outsourcing.

A defense of the compliance with the existing regulatory mechanisms is also observed. This emphasis on the compliance with the collective agreement appears to a greater extent in the cleaning case, which is logical considering the weight of the cleaning collective agreement in the regulation of the transfers of workers between providers. From the IT case, it is aimed more at the strict fulfilment of the service contract to fight against the increase of the workload, trying to avoid the addition of new tasks and objectives to the project agreed between client and worker.

There are also differences between the cases studied that are related to the way in which outsourcing takes place in both cases. In the cleaning case, there is a greater concern by the union side about the processes of transfer between the old provider and the new provider of a service. This moment is key for the unions, and the complexity and fragmentation of workplaces makes it difficult for them in order to act. The high level of illiteracy among the cleaning workers has caused certain unions to develop, on the one hand, training and/or support services for these workers with difficulties in reading and understanding documents; and on the other hand, reinforce their actions in the workplace, especially those more isolated and with more presence of these workers. In the case of IT activities, strategies mainly go through struggles against formulas such as work by deadlines that can increase the workload, and "neutralize" cascade outsourcing and the use of self-employment, based on a better definition of tasks and the necessary resources for its fulfilment, included in the service contract, as well as the promotion of support platforms for freelancers.

General conclusions

Outsourcing is a phenomenon that makes the identification of workers with the existing coverage mechanisms increasingly complex. It supposes, in part, the dissolution of the boundaries of companies and activities (Walsh&Deery 2006), which implies a tension between the "sectoral character" of the collective bargaining mechanisms (and the social partners organized around them) and the outsourced activities (Denis 2018; Nizzoli 2014). It should be noted that in the French case, despite the progressive erosion of collective bargaining, especially the sectoral level in benefit of the company level, the existing regulatory mechanisms seem to be acceptable mechanisms to guarantee the coverage of the workers involved. It is true that formulas such as self-employment are outside of these mechanisms, but it does not seem to be the most used formula and in some cases they are relatively covered. In some cases, gaps linked to outsourcing dynamics are more related to the failure of these mechanisms than to the fact that this phenomenon is not sufficiently regulated.

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