



New forms of employment Employee sharing, Belgium

Case study 3: Job'Ardent

Employer group Job'Ardent helps firms that do not need a full-time specialist worker to share employees. Benefits for companies include flexibility and shared costs while for employees they include having a permanent contract.

Introduction

Employee sharing is rare in Belgium. Until the turn of the millenium, the only legal basis for it was in common law regulating the secondment of workers and the use of temporary agency workers. In 2000 a law was introduced to support the creation of pools where a third party acts as the employer and administers the sharing of employees between different firms. Under this law, the Ministry of Labour can grant permission to set up an employer group (Groupement d'Employeurs) under certain conditions. The Labour Minister allowed the company in this case study, Job'Ardent, to set up as a regional employer group based in Liège in 2008.

The report describes the main characteristics of Job'Ardent, how it was created and has evolved, how the sharing of employees is organised, and what effects it has had. The report includes the perspectives of the group's administrator, the user companies and the shared employees.

The creation of Job'Ardent is the result of two parallel initiatives: an action research project on behalf of the research institute Lentic (University of Liège) and an initiative of the director of the Chamber of Commerce and Industry (CCI) in Liège. The case study report is based on a report of Lentic's research project (Xhaufclair, 2011) and interviews with the researchers concerned, the founder and administrator of Job'Ardent, a representative of a customer in the food industry and a web designer working for five different Job'Ardent user companies.

General characteristics of Job'Ardent

Job'Ardent was founded in 2008 and is the largest employer group in Belgium. It comprises 52 SMEs from different sectors, of which 33 companies were active users in January 2014. (The other 19 members did not employ a shared employee at the time of the interviews.) From February 2014, the employer group covered eight employees, of whom five were graphic/web designers, two were secretaries and one was a quality manager. The services provided by the shared workers include administrative work, quality control in the food industry and graphic/web design.

Design and implementation process

Job'Ardent was created jointly by the Lentic research institute and the local Chamber of Commerce and Industry. Lentic has a long tradition of action research where public and private sector organisations initiate and implement new organisational forms, particularly in human

resources management. One of the institute's research interests concerns emerging practices of workforce sharing, especially work 'mutualisation'. As a result, Lentic has been setting up partnerships with local industry in order to find resources for its action research projects (Xhaufclair, 2011). In 2005, a research project on mutualisation was given the go-ahead by the Walloon Ministry of Work. At the same time a transnational project began, funded by the European Social Fund, on innovative management of restructurings.

In the framework of both projects, Lentic's researchers invited regional firms located around Liège to volunteer to participate in pilot projects on workforce sharing. These were aimed at investigating various forms of flexicurity that are both economically and socially sustainable. After intensive promotion involving seminars, workshops, press releases and interviews with stakeholders, the researchers approached the director of the Chamber of Commerce and Industry (CCI) in Liège. The director, inspired by an employer group in Brussels, Jobiris, was mainly concerned with how to help several of the chamber's members find skilled employees. The chamber and Lentic decided to collaborate on trying to set up an employer group (Xhaufclair, 2011). For the chamber this represented an opportunity to get scientific support for its ideas for innovative forms of employment, and for Lentic it meant access to the large network of CCI members.

Before Lentic began working with the CCI it had already, through its regional seminars, established contacts with three local enterprises interested in setting up an employer group. To mobilise and identify more willing companies Lentic and the CCI launched an additional communication and marketing campaign with a series of seminars and presentations for companies working within close proximity.

Lentic and the CCI then realised that it was possible to create an employer group because five local enterprises all needed a part-time web designer. The interested firms were quite diverse in terms of size and industry (food, energy, publishing, metalworking) and, after a more detailed investigation of the specific needs of each company, Lentic and the chamber concluded that it was possible to create a full-time position. They established Job'Ardent, taking into account the requirements defined by law, which requires employer groups to have the legal form of a 'separate non-profit entity of economic interest' with its sole objective that of employee sharing (Xhaufclair, 2012). To get permission from the Labour Minister to establish the group, Lentic and the chamber director prepared a case using the experiences of the Brussels group Jobiris. These included:

- the installation of a board of directors appointed by a general assembly (all user companies) to govern the group;
- rules of entry and exit of member companies;
- decision on a membership fee;
- the definition of a code of conduct.

The group fine-tuned the profile for the first shared employee they wanted and set out the worker's working time schedule. They then set up procedures for the recruitment and selection of employees and, as they belong to different sectors, agreed on which sector the new employee would belong to. Most of the employment conditions, including wages and social benefits, working time and training provisions, are settled in Belgium by collective agreements concluded between the social partners at the sectoral level, so the choice of a sector is crucial in deciding a salary and other working conditions. (The final decision on this belongs to the Labour Minister.) The choice of sector was also important because tensions could be created between the shared employee and the 'regular' staff if the shared worker were to have different conditions. This issue can be especially relevant for blue-collar workers because there are many more agreements in manufacturing industries than in services. In practice, however, the divergent sectoral regulations did not create any significant problems for Job'Ardent because the majority of its workers were

white-collar workers covered by the largest generic sectoral committee for employees working in services.

Finally, since Belgian regulations on employer groups normally stipulate that they can recruit only socially vulnerable groups or the long-term unemployed, the CCI established contacts with the local public employment service in order to find a suitable jobseeker. Job'Ardent found a web designer who had been unemployed for only a few days. However, the public employment service did not object to his employment by Job'Ardent. This implies that, in practice, legal requirements are not strictly enforced. However, as also explained in this project's case study 4 on employer groups, the stakeholders who were interviewed regard this law as a major barrier to the creation of employer groups in Belgium (Eurofound, 2015).

After two years of initial collaboration, Job'Ardent was officially established and certified by the Ministry of Labour, and its first employee started working on 1 July 2008. Job'Ardent has since gradually grown with, at the time of the report, 55 member companies and about 10 shared employees. In addition to web designers, some secretaries and managers were also recruited by Job'Ardent. The growth was organic and relatively rapid, despite some of the member companies or shared employees leaving the group for economic or other reasons.

As Job'Ardent grew, its administrative services systematically improved, with the development of new ICT tools and the installation of formal procedures for the recruitment and selection of the employees. At the time of the interviews (January 2014), Job'Ardent had an intranet service for sharing information between all user companies and a tool for constructing and managing working time schedules.

The Lentic research institute gradually reduced its involvement in the group to the point where the CCI director took over its full coordination, administration and further development. The research institute, however, still remains involved in the follow-up of a number of employer groups in Belgium and in some coordinating activities, such as the ones facilitated through the website for the Resource Centre for Employer Groups in Wallonia.

Working method, processes and procedures

Job'Ardent is administered by the director of the Liège chamber of commerce and industry, who was also, as described above, one of its key founders. Since 2012, the director has been supported by one full-time employee who, according to the director, has been sufficient for the employer group's current activities. Should Job'Ardent continue to grow, additional administrators might be hired.

Companies wishing to join the group to recruit a new employee contact Job'Ardent directly. If Job'Ardent considers the demand for a particular employee profile as sufficiently generic and feasible to be complemented with similar requests of other enterprises in the vicinity, it starts looking for other companies who might need similar employees, both with the member companies of Job'Ardent and beyond. This investigation is done by monitoring vacancies in the regional press and by circulating information about the employee profile to other companies in the region through the chamber's newsletters and emails to its members. Once there are enough companies interested in a particular employee profile, Job'Ardent sets up a meeting with them to investigate the overall compatibility of the vacancy in terms of the required skills and competencies, wage conditions, number of working hours, time schedule and other key issues. Job'Ardent then collates this information, prepares a recruitment profile and circulates this information among the interested companies.

Once an agreement is reached, Job'Ardent starts the recruitment and selection procedure. The vacancy is published in different recruitment channels, including the PES but also in, for example, newspapers. Some pre-selection of the candidates is performed by Job'Ardent through a first round of interviews to find out about such characteristics as their flexibility, mobility (for

example, whether the candidates have a car), confidentiality and discretion, and attitude. Interested firms then compose a jury for the final selection. The involvement of all user companies in the selection and recruitment is considered important by both Job'Ardent's administrator and the user companies to reach a consensus on the candidate chosen. Practice shows that dissatisfaction on the part of any of the potential member companies with the chosen candidate would lead to their withdrawal.

After the user companies select the candidate, they and Job'Ardent agree the final employment conditions and conclude the employment contract which is then offered to the candidate. If accepted, the contract is signed between Job'Ardent and the employee. As mentioned, the crucial decision at this stage is to choose the most appropriate sectoral regulation under which the employee will work. In practice, this has meant all employees at Job'Ardent being covered by the generic sectoral committee for white-collar workers.

The Belgian law on employer groups requires that all employees are recruited on a full-time basis and with a permanent contract. The law also states that they need to have been unemployed for a long time and have limited labour market opportunities (low skills) or be entitled either to the minimum subsistence allowance or social financial aid. However, as stated by Job'Ardent's administrator, the public employment services are, in practice, flexible and allow the hiring of employees who do not necessarily fit the employee profile described above. Consequently, none of the employees employed by Job'Ardent to date has complied with the legal requirements.

How the employee will be shared between the different user companies is agreed before the employee starts work. Since the employment contract is permanent, the plan has no end date. Each month, the employee emails the actual hours worked in each company to Job'Ardent which prepares the invoices for the user companies including the agreed administrative fee for Job'Ardent.

Deviations from the plan need to be agreed in advance by all user companies. However, in practice, the companies often reach bilateral agreements on certain relatively minor and/or temporary changes. It may also happen that the employee negotiates with the user companies on the hours worked in each company. It is, however, very important that Job'Ardent's administrator is informed of these changes on time in order to make the correct invoices.

The administrator described this type of problem-solving as satisfactory and said it was generally preferable for user companies to solve their problems themselves without the group's interference. While Job'Ardent is the legal employer, the user company is the 'real' employer and therefore should settle practical arrangements as much as possible. The final responsibility for all employment matters, however, rests with Job'Ardent, as the legal employer (Xhaufclair, 2012).

For the same reason, Job'Ardent must be informed if an employee falls ill or is absent so that it can inform the user companies and apply the labour law accordingly (for instance, by arranging sick pay).

Some other tasks and aspects of the GE are considered to be a burden by some participants of Job'Ardent and it is difficult to motivate them to get involved in, for instance, discussing internal codes of conduct, or networking in order to expand the group. They are also not keen on using certain human resource practices to map the group's needs in terms of competencies or to analyse workplace needs and training activities, partly because many of these companies are SMEs and do not apply such practices in relation to their regular workforce.

The administrator of Job'Ardent plays a key mediating role in solving conflicts or misunderstandings between the user companies and/or employees. For example, one company was dissatisfied with the qualities and skills of a shared employee. In this case, the administrator mediated between the two sides to come to an agreement over the expectations and tasks involved.

Job' Ardent consults the group if another company wants to join. Each member company has the right to keep a candidate membership 'on hold' while collecting more information about the potential member and assessing the extent to which any competition or confidentiality issues could arise. New candidates can also be refused if they have, for instance, failed to pay required social security contributions or have unsatisfactory working conditions. The group has established a code of conduct and a clear mission statement, agreed by all members as well as all employees and to which all new members have to adhere. The code of conduct covers issues such as:

- confidentiality;
- discretion;
- mutual consultation;
- just treatment of employees and other user companies;
- the joint liability towards each other and the shared employee.

This practice is in line with findings from academic literature, where the establishment of such principles is assessed as essential for ensuring trust among the members of the employer group (Xhaufclair, 2012).

It is also possible for companies to suspend their membership. This could be, for example, if a member company's need for labour decreases. If, however, this continues for a long time, the agreement with the group can be ended, subject to due notice and an agreed severance payment.

In practice, should any company no longer need the services of the shared employee, Job' Ardent approaches other member companies to see if they would be willing to increase their use of the employee, or if other companies are willing to join the particular scheme and share the employee. To this end, the group relies extensively on the pool of companies operating under the CCI.

External support

The fact that Job' Ardent was founded by the local employer organisation, the Liège Chamber of Commerce and Industry, is a key element in its success. The chamber not only has a very broad network of companies in the region but also a deep knowledge about the characteristics of the local economic situation and its strengths and weaknesses. This is considered a major factor in the development and expansion of the employer group.

Another source of external support is the Lentic research institute, one of the original founders of the group. The institute initiated interest for sharing employees with an active recruitment strategy in the region. It also supported Job' Ardent by providing guidance based on experiences from abroad and from the existing group in Brussels, Jobiris (Xhaufclair, 2012).

This support was made possible thanks to some project funding from the regional Ministry of Work, whose main incentive was to support the economic recovery of the region during industrial restructuring and the recent economic crisis. A website, as mentioned above, brings together all information on employer groups, including good practice and information on legislation.

According to the group's administrator, Job' Ardent would prefer to collaborate more intensively with the local public employment service as this would mean access to a wider network of companies with vacancies that could be of interest to the group. In Belgium, the PES have 'company consultants' who are familiar with the needs of enterprises and are thus able to assess the type of worker that would be a good fit for a specific company. However, it appears that these company consultants are not sufficiently familiar with the system of sharing employees to act as intermediaries between the group and regional firms.

Outcomes

At the time of this study, Job' Ardent had 52 member organisations, of which 33 are active users of the group. Job' Ardent has 10 employees in the pool and employs one full-time coordinator (employed by the CCI and financed by the administrative fee invoiced each month to users).

Employment conditions, costs and alternatives for company and employee

One of the group employees interviewed for this report is a web designer working for five companies. He says one of the most important advantages of working for an employer group is the permanence of the contract. This is difficult to get as a web designer. If a member company withdraws from the group, this does not affect the employment security of the employee. He feels the ideal would be to combine working in Job' Ardent and being self-employed as an independent consultant because this would combine flexibility with security. It would also give the employee access to a broad network of potential clients he would not otherwise have known. He is convinced that this combination might also be preferred by some member companies that do not always have the same amount of work every week. Such changes in workload are not easy to organise within the group, but they could be managed more easily if the person undertook some of the tasks as a self-employed worker.

From the point of view of the user companies, however, hiring a shared employee is preferable to hiring a self-employed web designer. This is because shared employees tend to work for the same company for a much longer time than a self-employed employee. Should there be a need for additional services, it is much more difficult to re-approach a self-employed consultant as opposed to a shared employee, who can be approached when he or she turns up for their regular work schedule.

The member company interviewed, a small food production company, strongly agreed with the importance of this continuity and stability as stated by the shared employee, especially in the area of web design and information and communications technology. Specialists in this field have to understand the global context in which the company operates, its products and its customers' requirements. It's easier for the company to call on one person rather than to explain all this to different consultants.

The user company interviewed said that, in assessing the pros and cons of the employer group prior to joining it, it had initially thought that joining Job' Ardent would be more expensive than hiring one-off consultants because the employee had to be recruited on a permanent basis and a fixed fee would have to be paid for the administration of the group. However, it said those costs have been more than offset by the continuity and stability that the group offers. Also, in comparison to temporary agency work, shared workers are, on average, more efficient as they are more familiar with the specificities of the company and are typically more qualified and experienced.

That said, the user company says it can sometimes be quite complex to operate in the group. The recruitment of a shared employee implies a long-term engagement and potential liability to the employee and to the other user companies in the group. Companies have to sign a contract with the group and comply with certain rules and codes of conduct. Being part of the group also requires effective collaboration and communication with the other user companies and a certain level of solidarity and mutual trust.

Learning at work and personal development

Several interviewees acknowledge that shared employees can have greater development opportunities compared with employees working for one company only. A web designer at Job' Ardent said he is given a great variety of tasks, whereas web designers in other companies often perform a more limited set of tasks. Although this employee found it hard at first to deal

with the diverse demands of the different user companies, it has, he feels, contributed significantly to the development of his skills and expertise.

Even if working in a group offers opportunities to improve a worker's employability, some workers, especially those who do only administrative work, feel they get the tasks nobody else in the company wants to do. Therefore, they do not necessarily learn new techniques or create new things in the company but they provide only operational work.

However, the web designer pointed out that combining different workplaces may also lead to work intensification. He has to change many workplaces during the week and consequently has to work very efficiently to complete his tasks. The interviewed employee said this was similar to being self-employed.

The interviewed manager of a member company acknowledges the company's responsibility in giving manageable amounts of work and setting appropriate deadlines and expectations to the work that can be done within a full-time contract. At the same time, he said the company appreciates the fact that the web designer has accumulated solid working experience and a set of skills by simultaneously solving problems in a number of different companies. This is seen as very advantageous, as the company can benefit from technical competences to which it would not otherwise have access, given its small size.

A key disadvantage mentioned by employees is that web designers work for very small enterprises where they are the only ones with their skills, profile and expertise. The lack of colleagues and peers results in a lack of professional support. Sometimes this makes it more difficult to solve problems. The interviewed employee suggests establishing a platform within Job'Ardent where the employees could exchange their expertise and share advice.

Another disadvantage mentioned by the interviewed employee relates to the lack of upward mobility within the group. The companies' small size means there are usually no opportunities for promotion or career advancement. Similarly, it is difficult to organise vocational training in a way which would not clash with the companies' needs. All user companies have to agree on the usefulness of such training and be willing to accept the absence of the employee during the training period. A further question is who pays for the training.

At Job'Ardent, training proposals are formulated by the employee and the company, who discuss the training needs internally. They then discuss this with Job'Ardent and other companies concerned. If an agreement is reached, the employee can enrol for the training and the costs are shared between the companies based on how much they had been using that employee.

Working in different companies

By definition, most shared employees have to be able to work in a diversity of environments, even though not all employees may wish (or indeed be able) to work with such great flexibility (Xhaufclair, 2012). In the case of Job'Ardent, the member companies differ by size and sector, which range from food to publishing to the metal industry. As a result, employees can be confronted with divergent requirements and expectations. This is not necessarily experienced as a disadvantage by the interviewed employee, who states that it is possible to feel accepted and integrated in all teams, even with a limited presence on site, provided that one can easily adapt to different situations.

The importance of a good relationship and emotional attachment between the shared employee and the user companies is highly important for the functioning of the group. One interviewed representative from a member company says the company might leave Job'Ardent should the shared employee leave. This illustrates quite clearly the difference between shared employees and temporary agency workers or self-employed web designers who are often working on much shorter terms for the company and may not reach similar levels of integration within the company.

A key problem mentioned by the employees concerns the centralised nature of employee evaluations and the resulting loss of privacy. At Job'Ardent, all the evaluations are centralised and can be accessed by all user companies. This is regarded by the employee as potentially intimidating, especially because the person's performance is highly dependent on the specific context within each company, including on the tasks assigned, the supervisor, the organisational environment, the corporate culture, and other employees. The interviewee was not sure if all these contexts were appropriately reflected in the evaluations or that they were taken into consideration by member companies which read them.

Strengths and weaknesses

Based on the issues discussed above, it appears that, for Job'Ardent, the user company and the shared employee, there are advantages and disadvantages associated with participation in the employer group.

The group has brought a more permanent and well-structured character to employment relations and working conditions as compared with employing temporary agency workers or self-employed people. This can be considered a major advantage, not only for the employee, who has more job security, but also for the user companies which can count on the continuity and secure availability of a skilled and competent workforce.

The flexibility provided by the system, however, seems to be more favourable to the company than to the employee, who has to make a greater effort in terms of adaptability, mobility and flexibility, with too large an increase in work intensity. It is likely that, by combining a few tasks which, in theory, should amount to a full-time job, the worker might in fact be required to complete tasks that involve more hours than set out in this type of contract. While it was not part of the investigation in this case study, one can assume that older workers, or workers with limited abilities or certain disadvantages, will not easily fit within such an intensive work scheme.

The question is, therefore, how sustainable shared employment can be for the employees concerned. For the user company, the flexibility of the system also brings down the costs associated with severance payments should the company experience a decrease in the demand for labour. The fact that all member companies are jointly liable to secure full-time employment reduces the burden of the recruitment for a particular company and also shifts part of the burden to the employment group administrator. As long as the group has enough member companies, the risk for each member can be further reduced because a replacement company can be found more easily.

The fact that unexpected changes in work volume can be dealt with bilaterally between the user companies seems to be an effective way to coordinate the sharing of the workforce. However, for the employees this may imply more stress and higher intensity of work if they are not informed or consulted about short-term changes.

In terms of employability, working in diverse companies can be assessed as having a very positive effect on the employee's professional skills and expertise. This advantage is, however, somewhat offset by the absence of colleagues who could help solve some work-related problems.

The fact that shared employees are better skilled and develop their experience more quickly by working in a number of different companies is also viewed very positively by the companies. This allows the companies to benefit from the employee's experience and skills obtained in other user companies.

Future plans

According to the interviewed director of CCI, more regional employer groups are planned. At the time of the interview, the director of CCI was involved in the creation of a group for a network of

eight schools which began in July 2013 and got the go-ahead from the Labour Minister in October. By April 2014, it had grown to 31 schools sharing an accountant.

The director also hopes that the use of employer groups will become more widespread with the introduction of the new legislation (see case study 4 for more details) and additional help from the Ministry of Labour, the Lentic research institute, the CRGEW web resource, and the CCI itself. In particular, the director hopes that employee sharing may become an important instrument in managing some large restructurings (including closures) of large companies in the region.

Information sources

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