

# HOW PASSIVITY IS DETRIMENTAL TO PUBLIC ACTION FAVOURING SENIOR CITIZENS: THE APPROACH OF THE FRENCH STATE LOOKING FOR SOLUTIONS TO SUPPORT SENIORS' WELL-BEING

\*AURELIEN FADERNE

## INTRODUCTION

Deciding who is best suited to support senior citizens in need is a pressing question. For a long time, intergenerational solidarity was the norm. Families lived under one roof, as homes were owned by older members and then passed on to children. This pattern of cohabitation was still used by 15% of the French population in 1962. It has declined strongly since.<sup>1</sup>

For poor elderly people, hospices have disappeared, while generational solidarity has lost ground in a society that is increasingly based on individualism. The State (*L'Etat* or France's central government) is commonly seen in France as the 'engine of social cohesion'.<sup>2</sup> It has naturally been called on to respond to this development and care for people entering their senior years who find themselves in a situation of need. The decline in family solidarity has happened at the same time as profound changes in French society, many of which have hampered public policy efforts intended to provide assistance to senior citizens. These include transformative demographic changes and rising public deficits (which need to be controlled). Reforms carried out for the purpose of meeting public expectations around new problems have had damaging impacts on the lives of senior citizens. Examples include the disappearance of human bonds in the use of public money, bonds which are often important for persons isolated socially; spending cuts required by national efforts to reduce deficits; aging infrastructure and overcrowding in institutions meeting the needs of seniors. In sum, although the French State continues to support seniors in many areas (including pensions, public care facilities, and policies to support those experiencing isolation), the broader objectives of the State in recent decades have often led to make choices with negative consequences for France's oldest citizens. For several reasons, but especially because of budgetary constraints, the State has often forced to disengage. These consequences are *contra* to the French tradition of the welfare state and obligation to protect and support citizens in vulnerable situations.

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\* Aurélien Faderne, PhD Student in Public Law, OMIJ – Université de Limoges, France

<sup>1</sup> Alain Villez, 'EHPAD, La crise des modèles' (2007) 30(123) *Gérontologie et société* 169.

<sup>2</sup> Bernard Stirn, 'La conception française du service public' (1993) *CJEG* 299.

To the extent that elderly people are especially likely to experience vulnerability in ways that require regular support and assistance from Public Action, the French state has traditionally played a special role in the lives of elderly people. The *Académie Française* dictionary defines the term ‘vulnerability’ as the one that can be injured or attacked.<sup>3</sup> Older persons are not inevitably more vulnerable than others, as described by Lydie Dutheil-Warolin:

Old age could then only be conceived as a cause of vulnerability if it creates a “special” dependence on others. Vulnerability could thus result from the fact that the elderly person is physically dependent on others for his or her travel, from being subject to a regime of protection in accordance with domestic law... or from any other natural incapacity reducing his or her autonomy.<sup>4</sup>

Vulnerability for older adults is also enhanced by dependence on public policies and the public sector in multiple ways: as public service positions are eliminated (and older adults lose an interlocutor); as declining public investments mean, for example, a loss of quality care facilities..

The first part of this paper will be devoted to the new forms of Public Action constrained by budgetary rationalisation, as the counter, the public employees and the public institution give way to IT procedures, and the impact of budgetary control on the State's social and fiscal policy. These transformations have had a significant financial and human impacts on elderly persons. In the second part, I argue that the greater dependence of older adults on the State creates a corresponding obligation to modify public policy in ways that are more responsive to senior citizens’ needs thereby reducing vulnerability. This includes renovating reception facilities and providing support to economic and family actors, through incentives, to address problems associated with isolation.

## I SENIOR CITIZENS AS ‘COLLATERAL VICTIMS’ OF PUBLIC POLICY ADAPTING TO MODERN SOCIETY

Significant public policy shifts in France, adapting to social changes on global and national levels, have obliged the State to make reforms affecting the lives of seniors on a human (sub-section A) and economic level (sub-section B). These as discussed below.

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<sup>3</sup> <<https://www.dictionnaire-academie.fr/article/A8V0832>>, 12 mars 2019.

<sup>4</sup> Lydie Dutheil-Warolin, “ La notion de vulnérabilité de la personne physique en droit privé’ (2004) Dissertation, University of Limoges, 2004, 56-58

## A. *The Breaking of Human Bonds with Seniors by the Rationalisation of Public Services*

### 1. *The Dematerialisation and Dehumanisation of Social Bonds Enabled by Public Services*

Decision-making in France has become de-centralised and diversified. The State is historically, and remains, the most important actor. Nevertheless, over time, policy and public action have decentralised state power. There has been a multiplication of levels of local government which has allowed elected officials to carry out policies closer to users. As a result, and as competencies have been transferred through the devolution of responsibilities (referred to a *décentralisation* in France), a tight mesh of public services has emerged at several levels of local government. This was a ‘blissful’ age when more than 36,000 local communes (the basic administrative unit throughout the country) each had a railway station, a post office and a school.<sup>5</sup>

Two phenomena, one endogenous, the other exogenous, gave rise to numerous forces which threatened this social network and the way of life it enabled for citizens generally, and senior citizens in particular. As the competencies of newly-created levels of local government expanded, spending rose, and France’s layer-cake of local government became increasingly expensive as it thickened.<sup>6</sup> French and European requirements that public deficits and debts be stabilised led to reforms, including the rationalisation of territorial structures (cutting the layer cake).<sup>7</sup> Cuts in the territorial presence of public services followed those cuts in the layer-cake, to such an extent that it may now be asked whether the ‘continuity of public services’ – a constitutional requirement – is being threatened on the local level.<sup>8</sup> At the same time, technological innovations and progress in communication have meant that information technology (IT) has been substituted for humans in many areas of public service, allowing for reductions in wages payable by local governments (consistent with deficit reduction objectives and the cuts in the layer cake). For years now, public administrations have been pursuing practices of digitisation and ‘dematerialisation’ with the result that physical offices have been closed and physical contacts between public sector employees and citizens eliminated. Some

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<sup>5</sup> Yves Madiot, ‘Service public et aménagement du territoire’(1997) AJDA 83.

<sup>6</sup> Eric Landot, ‘Loi NOTRe : le big bang des collectivités’ (2015) *Territorial editions* 24.

<sup>7</sup> Clotilde Deffigier, ‘La diversité des structures à l’épreuve des territoires’ (2011) in Hélène Pauliat et Clotilde Deffigier, ‘La réforme des collectivités territoriales commentée’ *Editions Le Monde* 37.

<sup>8</sup> Jean-François Lachaume, Hélène Pauliat et Clotilde Deffigier, *Droit des services publics 3<sup>ème</sup> éd.* (Paris: LexisNexis, 2015) 473.

procedures are now conducted entirely on-line, completely eliminating the use of paper and all person-to-person contact.<sup>9</sup>

The combined impact of distancing and dematerialisation has clearly been a source of exclusion for senior citizens. This has been pointed out especially by the France's Commissioner of Human Rights (*Défenseur des droits*) who in a public report has noted that 'the decline of government services receiving members of the public following dematerialisation' is a source of 'great difficulty' for senior citizens.<sup>10</sup> For these users, digital exclusion amounts to social exclusion. As local public services are being closed, especially in rural areas, it is necessary and even vital that seniors adapt to the digital age. Public policy guided by economic considerations tends to forget user accessibility and inequalities linked to communication technologies. Some researchers clearly link reducing the digital divide to fostering a harmonious life in the 21<sup>st</sup> century.<sup>11</sup>

Such accelerated digitisation may be seen especially in the rapid dematerialisation of income tax returns required for income tax payments. As of 2019, returns can only be declared on-line, the culmination of a digitisation process which has moved forward relentlessly.<sup>12</sup>

Senior citizens have thus found themselves, willy-nilly, victims of a twofold change in public action. France's rural exodus (since World War II) has been followed by an 'administrative exodus', as railway stations, post offices and other administrations deemed too costly by the State have been closed.<sup>13</sup> To be sure, dematerialisation has plugged the gaps resulting from an absence of public institutions. But at the same time, it has also weakened the physical link between public employees and users. This is especially detrimental to those senior citizens least familiar with IT, and has led to the breakdown of a certain conception of equality and accessibility in the use of public services.

*2 France's Post Offices and the Dehumanisation of Public Services* The postal service is a particularly interesting case of the growing gap in relations between the State and senior citizens. For a long time, La Poste was an example of the social bonds which existed between users of public services and the State, incarnated by postal delivery workers. 85,000 postal

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<sup>9</sup> Carine Dou Goarin, 'La socialisation tertiaire des séniors' (2014) 94 *Empan* 137.

<sup>10</sup> Thomas Coustet, 'Le Défenseur des droits met en garde contre les dangers de la dématérialisation' (2018) *Dalloz Actualité*, 16 avril 2018. *Défenseur des droits, Rapport Annuel 2017*.

<sup>11</sup> Carine Dou Goarin, 'La socialisation tertiaire des séniors' (n 9).

<sup>12</sup> Article 1649 quater B et s. Code général des impôts, *Mémento pratique Francis Lefèbvre, Fiscal* 18, 3675, 95.

<sup>13</sup> Note 5.

workers deliver mail to all French households, six days a week.<sup>14</sup> This human network is sometimes the only daily contact for isolated senior citizens in the countryside. Yet similar problems are arising here as in all sectors in which the State is a shareholder: public finances are under pressure and technological progress is changing work profoundly. The advent of email and electronic communications has drastically cut the traditional distribution of letters.<sup>15</sup> The drive to rationalisation is taking place here too.

These factors have led France's Groupe La Poste to re-examine certain activities, in order to achieve a better financial balance. In 2016, a service for 'Watching over my parents' was created, which established contracts and rates for service usage that was otherwise becoming 'obsolete.'<sup>16</sup> Henceforth, users may opt for two services: the first costs €19.90 and includes a weekly visit by a postal delivery worker along with a report sent to relatives; the second service costs €37.90 per month and includes tele-assistance.<sup>17</sup> Such charging by a public limited company (albeit state-owned) for work previously provided as a form of human connection and social cohesion characteristic of public administration has been received with surprise and distrust in France. Some members of parliament have talked about 'the dehumanisation [...] of the very idea of a public service'.<sup>18</sup> Despite this, the La Poste Silver subsidiary is developing its human network and marketing for seniors.<sup>19</sup>

There is no doubting the fact that various budget constraints weighing on public finances have pushed the State to seek greater economic efficiency. Yet, cuts in public services are dehumanising bonds with seniors. At the same time, economic pressures on public spending are directly affecting the income of many seniors.

## *B The Worsening Financial Situation of Senior Citizens Caused by the Economic Environment*

### *1 France's Pay-As-You-Go Pension System Shaken by Demographic Change*

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<sup>14</sup> <<https://legroupe.laposte.fr/profil/le-groupe-en-bref/l-essentiel>>, 24 Novembre 2018.

<sup>15</sup> H  l  ne Pauliat, 'Le cas des services postaux' (2016) *Energie – Environnement – Infrastructures* 10.

<sup>16</sup> Pierre Mousseron, 'La contractualisation des usages' (2018) *AJ Contrat* 366.

<sup>17</sup> <[https://www.laposte.fr/particulier/veiller-sur-mes-parents?%26xtor%3DSEC-48-GOO-\[-\[277143471512\]-S-\[veiller%20sur%20mes%20parents\]&xtor=SEC-85-GOO-\[-\[277143471512\]-S-\[veiller%20sur%20mes%20parents\]&gclid=EAIaIQobChMI\\_7uTvaxI3gIVpzXTCh2oiAX8EAAYASAAEgLPvD\\_BwE](https://www.laposte.fr/particulier/veiller-sur-mes-parents?%26xtor%3DSEC-48-GOO-[-[277143471512]-S-[veiller%20sur%20mes%20parents]&xtor=SEC-85-GOO-[-[277143471512]-S-[veiller%20sur%20mes%20parents]&gclid=EAIaIQobChMI_7uTvaxI3gIVpzXTCh2oiAX8EAAYASAAEgLPvD_BwE)>

<sup>18</sup> Written question and answer No 8031, 1<sup>st</sup> May 2018, Ministry of Labour, Social Relations and Solidarity (*Minist  re du Travail, des Relations sociales et de la Solidarit  *).

<sup>19</sup> Decision No 17-DCC-74 of 1<sup>st</sup> June 2017 relating to the exclusive takeover of the Asten Sant   firm by La Poste Silver.

Opting for a pay-as-you-go pension (PAYG) system is necessarily a balancing act.<sup>20</sup> To satisfy both members of the workforce and retirees, the contribution of the former has to meet the needs of the latter. This challenge was dealt with more easily in the years after World War II: full-pension rights were available at 65, while the average life expectancy for workers was 62.<sup>21</sup> Today, we should of course be happy that life expectancy has risen. But the PAYG system has become more complicated.

Two factors are putting the system under pressure. First, more people are studying longer and hence entering the workforce later.<sup>22</sup> Second, the ageing demographic is increasing the financial needs of seniors as a proportion of the population. In France, 19.6% of the population was over 65 in 2018, compared to 15.5% in 1998. Similar trends are found throughout the European Union (rising to 22% in Italy).<sup>23</sup> The convergence of these phenomena requires governments to find solutions to maintain the financial equilibrium of pension systems.

To overcome these difficulties, which also exist in funded pension systems, many countries have opted for increasing the age of retirement. French legislators have been especially active in this area. Since 1993, at least five laws have increased the minimum retirement age, the minimum age for obtaining a full pension, and the number of quarters and semesters employees need to contribute to the pension scheme in order to obtain a full pension.<sup>24</sup> In 1993, employees needed to have contributed to France's pension schemes for 37½ years to receive a full pension; by 2014 this had risen to 43 years.

Indeed, economic, social and demographic uncertainties have required legislators to adapt the pension system constantly for it to remain operational. The policy implications of these changes mean that they cannot simply be based on mathematical formulas. From this point of view, the continuous raising of the threshold for obtaining a full pension is generally seen as an attack on social rights, especially as the age of retirement is not automatically correlated to workers' life

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<sup>20</sup> 'At the heart of the social compact uniting generations' Article L161-17 A, France's Social security code (*Code de la Sécurité sociale*).

<sup>21</sup> Jean-Jacques Dupeyroux, 'Le temps qui reste' (2011) *Droit social*, 239.

<sup>22</sup> Work by France's Pensions Advisory Council (COR, the *Conseil d'orientation des retraites*): a study on raising the legal retirement age and the duration of contributions, *La Semaine Juridique Social* n°13, 30 mars 2010, act. 174

<sup>23</sup> Insee, Première, *Bilan démographique 2017*

<sup>24</sup> Law No 93-936 of 22 July 1993 (*Loi n° 93-936 du 22 juillet 1993*) relating to pensions and the protection of social security; Law No 2003-775 (*Loi n° 2003-775 du 21 août 2003*) relating to pension reform; Law No 2010-1330 of 9 November 2010 (*Loi n° 2010-1330 du 9 novembre 2010*) relating to pension reform; Law No 2011-1906 of 21 December 2011 (*Loi n° 2011-1906 du 21 décembre 2011*) on the financing of social security for 2012; Law No 2014-10 of 20 January 2014 (*Loi n° 2014-40 du 20 janvier 2014*) guaranteeing the future and the fairness of the pension system.

expectancy. Productivity, an interest in work, employment possibilities, wages, etc. and other additional factors may lead workers not to want a later retirement date.<sup>25</sup>

It does not seem possible that this heterogeneity of wishes, with some employees wishing to take early retirement and others preferring longer working lives, can be solved on a case-by-case basis. The PAYG system requires broad guidelines. That said, a lasting and systemic structural reform does not seem possible either. Meeting both the wishes of young retirees and those of older workers is not simple. Shifting age limits is thus systematically central to reforms, and each shift triggers social protests in favour of France's PAYG system, even as that system continues to experience perpetual change. The waters are muddied further by the very low employment rate of seniors in France; on-going reforms may not be effective, as older workers may not be able to find work. This adds to popular scepticism about reform.<sup>26</sup>

France's public finance problems have not only affected the age of retirement; as discussed in the following section, retirees have also been called on to participate more directly in the reduction of public deficits.

## *2 Senior Citizens' Contributions to Balancing Public Finances*

Retirees were generally spared extra taxes for a while, despite the ups and downs of the French economy. Indeed, retirees' portfolios are structured differently from people in the workforce. Though pensions are often less than wages, they are more frequently topped-up by capital income or various social benefits.<sup>27</sup> These variables have led to financial vulnerabilities for some seniors, however, which in turn translate into a certain form of financial indulgence by the State. To give just a few examples, persons over 65 get the same income tax rebate to cover work-related expenses,<sup>28</sup> as do taxpayers living in health care institutions.<sup>29</sup> Persons over 75 do not pay property tax.<sup>30</sup> Others are exempted from local housing taxes.<sup>31</sup> Some retirees may get

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<sup>25</sup> Peter A. Diamond, 'Système de retraite et vieillissement de la population' (2006) *Revue française d'économie*, 20, 4, 21-49.

<sup>26</sup> Pierre Yves-Verkindt, 'La réforme des retraites. Entre le clair et l'obscur' (2011) *Droit social* 256

<sup>27</sup> The living standards of retirees, Annual extract of the report by the COR (*Le niveau de vie des retraités, Extrait annuel du rapport du COR*), 2017, in *La fiscalité des retraités*, Plenary session of 6 December 2017.

<sup>28</sup> Art 157 bis 1500 Code général des impôts (France's General Tax Code).

<sup>29</sup> Art 199 quinquies Code général des impôts.

<sup>30</sup> Art 1390 Code général des impôts.

<sup>31</sup> Art 1414 Code général des impôts.

tax credits,<sup>32</sup> while certain services consumed by seniors carry lower value added tax rates.<sup>33</sup> On the whole, the tax system seems to protect the financial interests of seniors.

Yet legislators are now eyeing senior citizens as contributors to deficit reduction. Statistics indicate that retirees have higher living standards on average than people in the workforce, especially as they no longer face certain costs: seniors are more likely to own their homes outright and no longer support children.<sup>34</sup> As a result, when cuts in employees' social security contributions as well as unemployment and sickness contributions had to be financed at a cost of €21.5 billion, it was decided to increase the generalised social contribution (CSG or *contribution sociale généralisée*): this is a flat-rate tax on all incomes, used to top-up the revenues of France's social security funds. The broad tax base of the CSG includes pensions in particular. By increasing this tax to support incomes from paid work, retirees have been obliged to help finance members of the workforce.<sup>35</sup> This measure has been deeply unpopular, and the administration of President Macron has been forced to back track: the CSG is being cut in 2019.<sup>36</sup>

This grim picture of the State sacrificing the interests of senior citizens should not however overshadow its role and concerns for the elderly. Today, government is being called on to change and create a new mechanism for generational protection.

## II ADAPTING PUBLIC ACTION FOR SENIOR CITIZENS: TOWARDS A RENEWED HUMANISATION OF SOCIETY

Although France's difficult economic context has forced the State to adopt the kinds of reforms discussed above, it is possible for the State to reverse present trends and promote improvements in the quality of life of senior citizens. For this, the State would need to act pro-actively with the objective of countering trends which unwittingly worsen the lives of senior citizens.

The State can act in several ways. It could create structures to meet the needs of many seniors, notably by overhauling its policy on nursing homes (called EHPADs): see sub-section A below.

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<sup>32</sup> Art 3230 199 sexdecies and art 200 quater A Code général des impôts.

<sup>33</sup> Art 278-0 bis, D Code général des impôts.

<sup>34</sup> Note 27.

<sup>35</sup> Frédérique Perrotin, 'Focus sur la réforme de la CSG' (2017) 203 Petites affiches 4.

<sup>36</sup> Press release by the Presidency (Elysée) cancelling the increase in CSG taxation on pensions equal to €1,200 to €2,000 per month (*Les mesures concrètes pour votre quotidien : Annulation en 2019 de la hausse de la CSG subie cette année par les retraités entre 1200 et 2000 euros par mois*), <<https://www.elysee.fr/emmanuel-macron/2018/12/10/adresse-du-president-de-la-republique-du-lundi-10-decembre-2018>>.

The State can also stimulate or boost private initiatives, be they entrepreneurial (sub-section B) or family-based (sub-section C).

### *A The Need to Make EHPADs More Human*

Since the legal separation of Church and State in 1905, government has substituted itself for religious organisations in caring for the elderly in need. This mission has been profoundly transformed since that time, and public action today must adapt to meet the difficulties faced by stakeholders.

The beginnings of modern State care for the elderly seems to have been set out in the government circular of 30 June 1966,<sup>37</sup> and the creation of ‘homes for living’ (*logements-foyers*). These were very different from today’s health care establishments, and truly provided housing which occupants could really appropriate for themselves. In more recent terms, retirement homes welcome resident seniors, but above all provide health care when necessary. This vision of retirement homes seems to have emerged in 1975, when legislators clarified the status of social and medico-social institutions.<sup>38</sup> That model now seems to be running out of steam. Accommodation establishments for dependent elderly persons (EHPADs, the *établissements d’hébergement pour personnes âgées dépendantes*) are currently facing strong criticism from staff and families, and reinventing a new model is urgent.

The major criticism of today’s EHPADs is that they are no longer places to live in, but have become stepping-stones to hospitalisation. This affects both persons in care, their families, and the personnel of the EHPADs. Several factors have contributed to this state of affairs. The first, and not the least, concerns the ageing of residents.<sup>39</sup> Residents are ‘older and sicker... without the necessary means being attributed...; [EHPADs] face considerable under-staffing’ and impose ‘significant out-of-pocket costs... for families’.<sup>40</sup> EHPADs are increasingly obliged to provide medical care, employing care-givers and nurses in their daily running.<sup>41</sup> Cuts in the State budget have also led to the rationalisation of establishments, leading sometimes to the creation of institutional behemoths which deter seniors.<sup>42</sup>

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<sup>37</sup> Circulaire du 30 juin 1966, *Foyer pour vieillards et jeunes travailleurs*, JORF du 5 juillet 1966 page 5715

<sup>38</sup> Law No 75-535 of 30 June 1975 (*Loi n° 75-535 du 30 juin 1975*) relating to social and medico-social institutions.

<sup>39</sup> In 2015, more than 38% of residents were over 90, compared to 26% in 2007. Rapport d’information par la Commission des affaires sociales, présenté par Mmes. Les députées Monique Iborra et Caroline Fiat (2018).

<sup>40</sup> Ibid.

<sup>41</sup> Gérard Brami, ‘Les paradoxes de l’évolution des EHPAD’ (2013) 91 *Empan* 56.

<sup>42</sup> Pierre Roux, ‘Diriger en EHPAD’, (2013) 91 *Empan* 62.

A number of actors today are calling for a transformation of public policy to make EHPADs real places to live, close to the *logements-foyers* of old. Various possibilities have been explored, but they all converge on the importance of bringing more humanity back into establishments, and putting seniors at the heart of institutions' policies. Though not exhaustive, three factors are regularly underlined:

- Renovating establishments: the report on EHPADs presented to France's National Assembly mentions notably the absence of individual toilets for residents;
- Adapting to present and future demands by patients familiar with IT;
- Preventing the frequent recourse to hospitalisation.

Particular actors such as architects and home automation companies will play a central role in such projects.<sup>43</sup> However, public policy needs to be pro-active to meet these objectives.

Apart from the State's role as the hotelier of seniors via the EHPADs, it also plays a non-negligible part in the impetus it can give to private sector actors in the silver economy.

### *B The Need to Shift to an Efficient Silver Economy*

The silver economy will involve taking advantage at a microeconomic level of a situation which seems catastrophic from a macroeconomic point of view. This is based on the initial observation that demographic ageing in France is not going to stop. For the first time in its history, a quarter of the country's population will be over 65 in 2050.<sup>44</sup> This will place continued pressure on public finances, given the various social benefits provided to senior citizens and the financial equilibriums of France's pension system (it should be recalled that pension schemes in France are not managed directly by the State, but by the social partners, although the State acts as a guarantor of the whole PAYG system).

That said, some actors relativise the announced bankruptcy of the State, and stress the opportunities which are opening up for private actors. The idea here is to renew the way society sees seniors, who should be viewed as consumers of goods and services (and boosters of the

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<sup>43</sup> Conference 'L'EHPAD dans tous ses Etats', AVRUL, 11 December 2018.

<sup>44</sup> Mickaël Blanchet, 'Gérontocroissance et territoires : quel potentiel pour la silver économie ?', (2018), *Population & avenir*, 2018/4, 739, 4-7.

economy) rather than simple recipients of benefits.<sup>45</sup> Certain companies have already identified the potential for seniors to demand specific products better adapted to their needs, e.g. customised digital products, medical equipment integrated into home automation, and specific travel arrangements. The silver customer base is both large and heterogeneous, providing significant business (and profit) opportunity.

There is an important role for the public sector in stimulating and facilitating private initiatives of this kind (supporting public finances in turn). For example, the Ministry of Industry could be given a remit to encourage the creation of companies, while the Ministry of Labour may be charged with training labour in obvious new professions.<sup>46</sup> Government support for these initiatives will boost and create coherence in this new sector. Humanisation of services within this emerging silver economy can also be achieved, responding to seniors' needs and filling gaps left by the retreat of the public sector. In sum, even as

### *C The Growing Awareness of the State's Role in Supporting Fulfilled Family Caregivers*

Economic actors are working on providing seniors with better lives through the kind of silver economy development described above, but family members continue to play an essential role in the lives of the elderly, especially when they become dependent. The need to care for elderly relatives frequently raises substantial difficulties for family caregivers, however, who often need to restructure their lives in order to provide that care. A parliamentary report has stressed two major problems for family caregivers:

- Problems related to finances: care giving sometimes entails adapting or even quitting employment;
- Problems with care: family caregivers are sometimes 'alone' and 'helpless' when they "lack support or moral backing".<sup>47</sup>

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<sup>45</sup> See in particular the report by Luc Broussy for the Delegate Minister of the Elderly and Autonomy (*Ministre déléguée aux personnes âgées et à l'Autonomie*), (2013), the Inter-ministerial Mission for Adapting France to Demographic Ageing (*Mission Interministérielle sur l'adaptation de la société française au vieillissement de sa population*).

<sup>46</sup> Numa Rengot, 'La silver économie : un nouveau modèle économique en plein essor', *Géoéconomie*, (2015), 76, 43-54.

<sup>47</sup> Paul Christophe, Rapport fait au nom de la Commission des affaires sociales sur la proposition de loi visant à favoriser la reconnaissance des proches aidants, (2018), 28 novembre 2018, Assemblée Nationale

Legislators have attempted to respond to these problems. The *Law on the Adaptation of Society to Ageing (loi relative à l'adaptation de la société au vieillissement)* of 2015 extended the notion of the 'caregiver relative' beyond the immediate family<sup>48</sup> and provided for employment leave where caregiving is given to:

an elderly or disabled person with whom the employee is living or has close and stable links, and who helps the elderly person regularly and frequently, in a non-professional capacity, in order to carry out all or some tasks and activities of daily life.<sup>49</sup>

Only about 10 people out of 200,000 eligible persons took up this right in 2016,<sup>50</sup> suggesting that the support provided by the law is not enough. The lack of wage compensation during leave is probably the most important disincentive which potential caregivers face. Yet a proposed law put forward in 2018 to provide compensation was rejected by France's lower chamber.

### III CONCLUSION

As in many other countries, the goal of self-fulfilment for French senior citizens has been disrupted and constrained by external factors. The necessity of rationalising public spending and balancing budgets has led to reforms which are seen as social setbacks for many in France and for older adults- especially those experiencing vulnerability- in particular. The retirement age is being pushed back steadily, and pensions are taxed at significantly higher rates than in previous years. Public services are becoming increasingly limited and de-personalised in rural areas. Senior citizens feel abandoned. The solution surely lies in a transformation of public policy, either by renovating and re-thinking public care institutions, or by spearheading private initiatives by private enterprise or through increased support for family members providing assistance and care to their older relatives.

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<sup>48</sup> Law No 2015-1776 of 28 December 2015 (*Loi n° 2015-1776 du 28 décembre 2015*) relating to the adaptation of society to demographic ageing, JORF n°0301 of 29 December 2015, page 24268.

<sup>49</sup> Art. L3142-16 of the Labour Code (*Code du travail*).

<sup>50</sup> *Ibid*

