

Don't GIG Up, Never!

Country update – FRANCE

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(Institut de Recherche Economique et Sociales - IRES)

April 2022



dontgigup.eu



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INTRODUCTION

This report is part of a series of follow-up studies to the State of the Art report¹, published in January 2019 under the project 'Don't GIG Up! Extending social protection to GIG workers in Europe' (VS/2018/0018), and reviewing debate, studies, and policies arising on platform work in the following countries: France, Germany, Italy, Poland, and Spain².

As part of the 'Don't GIG Up, Never!' project (VS/2021/0204), the report updates country-level information up to February 2022, illustrating contextual information and recent developments around platform work. Furthermore, the country update describes political, social and academic debate on platform work, results of recent research studies, relevant legislation and policy reforms, and social partners' responses to platform work. This was completed using a questionnaire and with universal instructions for the different countries covered by the partnership.

Whenever possible, and in a view to support the comparison of findings across countries, the report refers to the 'Don't GIG Up!' classification of labour platforms presented in Table 1.

Table 1. Classification of labour platforms adopted in the project 'Don't GIG Up!'

Platforms involving passenger transport services (Uber, Lift...);	Type 1
Platforms involving goods delivery services (Deliveroo, Foodora...);	Type 2
Platforms involving 'traditional gigs', like gardening, cleaning activities (Task Rabbit, Helping...) to skilled services (marketing, advertising, translating), possibly also by means of auctions (Fiverr, Upwork...);	Type 3
Platforms externalizing micro-tasks, often performed on web, to a 'crowd' of workers (crowd-work platform like Amazon Mechanical Turk).	Type 4

¹ The report is available under the following link: <http://www.dontgigup.eu/resources/>

² The web-site www.dontgigup.eu hosts also two country reports addressing Sweden and Estonia respectively, and covering a larger time span for them were not included in the State of the Art report.

PUBLIC AND ACADEMIC DEBATE ON PLATFORM WORK

Workers' rights status and fraudulent practices

The historical position of public authorities in France is to consider that platform workers are self-employed. This position was recently reinforced in 2020 and 2021 with the adoption of Ordinance No. 2021-484 of 21 April 2021³, setting the terms and conditions for the representation of self-employed workers using platforms, as well as the conditions for exercising this representation (see below). Nevertheless, the number of legal actions asking for the requalification of the commercial contract into an employment contract has increased since 2017-2018. An important ruling by the Court of Cassation of March 2020 requalified the partnership contract of an Uber driver as an employment contract (Arrêt n°374 March 4, 2020)⁴. More recently (April 2022), a “historical” ruling of the Paris criminal court fined Deliveroo 375,000 € for concealed work. However, neither the pandemic nor the recent developments at EU level⁵ succeeded so far in changing the position of the French government.

Most trade unions in France consider that the majority of platform work involves bogus self-employment. But some of them (especially Union Indépendant⁶, a new trade union close to CFDT) support the idea of strengthening the rights and autonomy of self-employed platform workers, especially concerning price setting. There is no official position of the employers' organisations regarding the status issue. The Association des Plateformes d'Indépendants, a new organisation that brings platforms together, defends the status of self-employed.

³ <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043403734>

⁴ [DigitalPlatformObservatory](#)

⁵ In December 2021, the European Commission proposed a directive to improve the working conditions in platform work

⁶ [Accueil | Union \(union-independants.fr\)](#)

Algorithmic management

Another issue raised by trade unions is the governance and transparency of algorithms. Unions regularly denounce the role of algorithms and trackers. They denounce the collection of data without the consent of customers and workers. Unions campaign for transparency in algorithms in order to avoid “black box” effects.

A number of appeals have also been lodged before the CNIL (National Commission on Informatics and Liberty), the independent French administrative regulatory body, notably in reference to Article 22 GDPR (automated individual decision-making). One of these appeals was filed by the Ligue des droits de l’homme, to denounce abusive disconnections of drivers.

Social Protection, health, and safety

The weak social protection of platform workers, due to their self-employed status, has long been denounced by workers’ collectives and trade unions. With self-employed status, platform workers, especially micro-entrepreneurs, have limited access to social protection. In the event of illness or accident, self-employed workers receive daily allowances (50% of the previous year’s income), which they can supplement with additional insurance. However, during the first year of activity, unlike employees, no compensation is provided. Unlike employees, platforms are under no obligation to provide supplementary health cover. Since 2016, platforms can pay the contribution to the voluntary insurance covering the risk of work-related accidents when the worker subscribes to an insurance scheme. But the number of workers aware of this possibility is exceptionally low (Sénat, 2021). Most platform workers are excluded from unemployment benefits for self-employed workers, which has been introduced in 2018, with lower rights than those of employees.

Platforms are moreover exempt from any employer responsibilities in terms of occupational health and safety.

The COVID-19 crisis revealed the excessive exposure of platform workers to economic and social risks, particularly occupational health and safety risks. Several workers’ collectives called in an op-ed piece published in April 2020⁷ that platforms should assume employer responsibilities in terms of health and safety at work. The promoters of the proposal argued that these provisions were consistent with the latest European developments, in particular the High Court of England and Wales ruling of 13 November 2020, which explicitly opened the way for platforms to assume employer responsibility within the meaning of the Framework Directive 89/391/EEC on health and safety at work.

These proposals were taken up in September 2021 by the Senate information mission on “ubérisation” (Sénat, 2021). Proposal No. 2 aims at “extending to platform workers exposed to obvious occupational risks the guarantees enjoyed by employees in terms of occupational safety” (Senate 2021).

So far, the public authorities did not endorse these proposals.

⁷ <https://www.nouvelobs.com/economie/20200410.OBS27352/tribune-protoger-les-travailleurs-uberises-une-urgence-nationale.html>

Social protection: social dependency/complementary social protection

An important debate was triggered in the autumn of 2021 on the content that could enter the future collective agreements of social dialogue to be set up between platforms and workers' representatives (see below). Several collectives expressed their opposition⁸ to a governmental measure including supplementary social protection in the social dialogue⁹. The collectives highlighted the risk of social dependence that could result for workers, i.e. social rights granted according to the turnover achieved on the platform. These same collectives have put forward their arguments at the European level, to Members of the European Parliament and the European Trade Union Confederation.

Social Dialogue

Workers' organisations have been lobbying since 2017 to promote the establishment of a balanced social dialogue between platforms and workers. They took part in various initiatives set up by the public authorities: the 'Etats Généraux des Nouvelles Régulations du Numérique in 2018 (Don't Gig Up 2020), the "Frouin" mission in 2020 (Frouin and Barfety, 2020), the "Mettling" mission in 2021. The "Frouin" and "Mettling" missions (commissioned respectively by the Prime Minister and the Labor Minister) have led to hearings with workers' representatives. These mobilisations resulted in the 21 April 2021 ordinance organising social dialogue between platforms and platform workers' representatives (see below), setting terms and conditions for the representation of self-employed workers in the delivery and passenger transport sector.

An important debate emerged around the elections of representatives. Many workers' unions announced that they would not participate in the elections. This was particularly the case for new unions: CLAP for delivery drivers¹⁰, SCP VTC union and INV union¹¹ for drivers. The collectives argued that these elections are in conflict with the draft European directive, which seeks to guarantee no disconnection risk to workers, or of accounts being sub-contracted, especially to migrants without papers. In Paris, according to the survey conducted by Dablanc et al 2020, 37% of the accounts were sub-contracted (legally or not).

8 Tribune 23 novembre 2021 <https://www.nouvelobs.com/social/20211123.OBS51300/uber-delivero-o-le-gouvernement-doit-cesser-de-faire-le-jeu-des-plateformes.html>

9 Article 105 de la loi LOI N°2021-1754 du 23 décembre 2021 de financement de la protection sociale 2022 <https://www.legifrance.gouv.fr/download/pdf?id=Lc0QsfvOIMwvja76lfyO-nam6aCt-sgM2LdqyWZyGE=>

10 https://twitter.com/_CLAP75/status/1500558485695737865

11 <https://twitter.com/BENALIBrahim20/status/1469756242201563140>, <https://twitter.com/BENALIBrahim20/status/1487090934756093959>

“Platformisation” of business services

Another debate relates to the “platformisation” of business services. A study conducted for the Ministry of Labour in 2019-2021 (Chagny et al. 2021) insists on the ongoing and expected rise of “B2B” platforms, particularly those intermediating skilled digital and consulting occupations. The study shows that platform freelancers are very often subject to algorithmic governance and lose their familiar landmarks notably concerning their competence and professional qualifications.

The professional federation of temporary employment Prism’Emploi is involved in this debate. The federation denounces the fact that platforms impose the status of auto-entrepreneur¹² on dependent workers. The federation also wants to promote the temporary worker status in the framework of the draft Directive on platform workers (own sources).

¹² <https://twitter.com/Prismemploi/status/1506212277418176514>

FEATURES AND TRENDS

Repository

There is no publicly available repository of digital platforms. Since the 2016 Finance Act, reinforced by the law against tax fraud of 23 October 2018, platforms must report some information to tax authorities (DGFIP), detailed in Article 242 bis of the Tax Code. These information cover: identification details of the platform operator concerned, identification details of the user, user's status (private or professional), total gross amount of transactions carried out by the user during the previous calendar year.

Many platforms have not complied with this legal requirement and the quality of the information collected by the administration is often considered of poor quality. Moreover, the register is not public (Sénat, Mission relative à la protection sociale des travailleurs de plateformes 2021).

As it stands, the inventory of platforms is based on the collection of scattered information, often produced by private consultancy firms. It should however improve in the future, thanks to the creation of the "ARPE" (see below). An official centre of expertise on digital regulation was also created in 2020, hosted by the Ministry of Economy¹³.

Statistical sources

In addition to the European surveys carried out by the European Commission's Joint Research Centre (COLLEEM surveys, Brancati et al. 2020), several surveys and sources are available at national level.

European level

The main source is the COLLEEM Survey carried out by the European Commission's Joint Research Centre (Brancati et al 2020).

¹³ <https://www.peren.gouv.fr/>

National statistical office

- INSEE (2018). In 2017, an ad hoc module to the labour force survey asked self-employed persons (persons declaring themselves as self-employed or as salaried managers, as their main job) about the constraints they face and possible sources of economic dependence. The survey asked the self-employed respondents whether or not they used an intermediary. Survey limitations: not everyone who answered positively uses a digital platform.
- ARPE. Starting in spring 2022, data will be available via the new Employment Platform Social Relations Authority, created in February 2022 and in charge of organizing the social dialogue in the ridesourcing and delivery sectors.

Academics

- Le Ludec et al. 2019. The authors worked on an estimate of the number of micro workers in France. They started from the official registration figures published by seven crowdworking platforms. This study, which resulted in a rather high figure of micro workers (see below), has been criticised¹⁴. In particular, the number of registrations recorded is not a true measure of activity on a website.
- Chagny et al 2021. The project focused on B2B intermediaries. An important step was to map the actors and document their characteristics and specificities. Data collection was carried out using only online sources. The use of these sources has limitations, as not all organisations studied are subject to the same transparency and disclosure obligations, and researchers are dependent on the advertising choices made by the platforms.
- Dablanc et al. 2019, 2020, 2022. Since 2016, the Université Gustave Eiffel/ Institut Français des Sciences et Technologies des Transports has been conducting surveys among delivery drivers. Four surveys have been conducted. The first one was conducted in October-December 2016 and January-March 2018 on a sample of one hundred “instant delivery drivers” in Eastern Paris. A second survey was conducted in December 2019/January 2020 on a sample of 300 “instant delivery” drivers in Eastern Paris. A third survey was conducted among 323 delivery personnel of instant delivery platforms in Nantes in September 2021. A fourth survey was conducted in eastern Paris in March 2022 among 670 delivery personnel (results not yet publicly available in May 2022). These surveys focus on the characteristics, status and working conditions of delivery workers. The main limitations are the limited geographical coverage (only Parisian districts).

Private sources

- Roland Berger 2019. At the request of the Ministry of the Economy and Finance, the Roland Berger consultancy firm produced a study on the “potential” for development and growth of employment by digital platforms in several sectors (odd jobs, sport and well-being, home help, urban logistics, tourist accommodation, catering). The study was based on monographs of

¹⁴ <https://theconversation.com/pourquoi-lestimation-de-250-000-micro-travailleurs-en-france-est-exageree-113960>

actors and sectoral studies. The main limitation is the biased nature of the source (platform source).

- Platforms:
 - » Uber. As part of the Senate information mission (Sénat 2021), hearings of representatives of Uber platform were conducted, and made it possible to gather information, particularly on remuneration. The limitations of this source are obvious, with a lack of transparency in the collection methods.
 - » Datastorm (2022). The study was commissioned by the Freelance.com platform. It covers the entire freelance population, whether they work on a platform or not. Freelancers are identified as people working in an unregulated intellectual profession in a free hierarchical framework, in the sense that they do not report to a manager linked to an organisation but carry out their activity independently with their clients as their only counterparts. It was carried out by Datastorm, the economic, statistical and data science expertise and consulting firm of the Groupe des écoles nationales d'économie et statistique (GENES). The survey crosses administrative data (Urssaf / social security), INSEE and the Ministry of Labour. The limitation of the survey relates to the fact that the population covered goes far beyond the freelance population working on platforms.

Figures

The main difficulty regarding statistical information collected about platform work is the heterogeneity of sources, which hampers both the quality and the comparability of information. However, some convergences emerge. For example, taking a sample of around 200 000 workers, one can see that a low proportion of workers are women (2% for couriers, 34% for VTC drivers), there is a high proportion of workers with a migrant background (32% for VTC drivers, 86% for couriers), there are long working times (high prevalence of more than 50 hours a week/8 hour a day) and there is overwhelmingly low seniority in worker status. Comparison of earnings is moreover rendered particularly difficult by the absence of harmonisation of definitions (gross or net earnings, including or not taxes and operational expenses, etc). Moreover, platforms have an interest in disseminating rather high levels of earnings and in general, conditions which reflect well on their business model. Consequently, the information concerning earnings is not reliable. With the recent creation of the new Employment Platform Social Relations Authority and the expertise centre PEREN, an improvement in the availability and quality of statistical information is expected.

Number of workers – all sectors				
Year	2015	2017	2018	2025 forecasts
Total number of workers	200 000 (≈0,7 % of total active population)	200 000 (≈0,8 % of active population in employment)	213 000	≈350,000 workers
Source	Amar and Viossat, 2016	INSEE, 2018	COLLEEM survey, Urzi Brancati et al. 2020	Roland Berger, 2019

NOTE: numbers are often not consistent among different sources: scope and methodology often differ.

Number of workers – sectoral data									
Year	2018	2021 (2d half))	2018	2021 (2d half))	2022	2018	2018	2022	2018
Sector	Ride sourcing "VTC"	Ride sourcing "VTC"	Urban Logistics	Urban Logistics	Quick commerce	Households Services	Jobbing	Freelancers	Micro-workers
Number of workers	30 000	39 316	20 000	84 243	≈5000	≈ 61,000	≈ 6,000	≈ 1 Million	≈ 260,000 Casual, 15 000 each week
Source	Roland Berger, 2019	ARPE 2022	Roland Berger, 2019	ARPE 2022	Own estimations based on platform communication	Roland Berger, 2019	Roland Berger, 2019	Datastorm 2022, including all freelancers, and not only those intermediated via a platform	Le Ludec et al. 2019

Socio demographics characteristics			
Year	2018	2016	2020
Sector	All sectors	VTC drivers (ridesourcing)	Couriers working in Paris area
Sex	34% women, 66% men.		2% women
Age	15-19 years: 7%, 30-49 years: 57%, 50 years old and more: 36%	less than 30 years old: 18% (against 2% for taxi drivers).	35% less than 25 years, 53% between 26 and 35 years
Nationality	32% with immigration background (compared to 18% for all independent workers).		14% French
Working time	between 40 and less than 50 hours/week: 31% (26% all independent workers); 50 and more: 32% (44% all independent workers).	21% of VTC drivers multi apping or multi jobbing	73% full time; Working time: 26% work 7 days/week, 28% 6 days/week; Working time: 41% more than 8 hours/day, 35% between 5 and 8 hours
Education			39% without any diploma
Seniority			6% less than one month, 12% between 1 and 3 months, 23% between 3 and 6 months, 37% between 6 month and 1 year
Status			Status: 48% micro-entrepreneur, 37% sub-contractor (legal or not), 11% employees, 2% member of a cooperative, 2% temporary agency worker
Source	INSEE 2018	INSEE 2020	Dablanc et al. 2020, based on a survey of 300 couriers

NOTE: For INSEE data, data cover all independent workers depending exclusively on an "intermediary", not only platform workers.

Earnings				
Year	2016	2020	2020	2021
Sector	VTC drivers (ride-sourcing)	Uber drivers	VTC drivers (ridesourcing)	Deliverer
Earnings	570 € / month (1230 € taxi).	Net monthly income for 45 hours of connection per week: € 1 617 (31 % more than net legal minimum wage SMIC (1 231 euros).	Net hourly income between € 8,30 and 9,40 first year € 7,8 and 8,80 second year (SMIC: 8.11 €).	12 to 15h daily working time, 3,50 € to 1,40 € / km.
Source	INSEE 2020	platforms, Sénat 2021	platforms, Sénat 2021	trade unions, Gomes, 2021).

POLICY, LEGAL AND CASE LAW DEVELOPMENTS

Policy reforms

Recent developments relate to the social protection of platform workers and to social dialogue.

Social protection

In autumn 2021, the government presented a plan for the self-employed, with several measures impacting platform workers, to be adopted by the end of 2021.

These measures led to the adoption of the Law of 14 February 2022 in favour of self-employed professional activity¹⁵. The law facilitates access to the voluntary insurance scheme against the risk of accidents at work, by lowering the contribution rate that allows one to access to it. This provision is considered as insufficient by platform workers' collectives and trade unions. Another provision facilitates workers' access to the self-employed workers' allowance. In particular, the law extends the conditions of access to the self-employed workers' allowance (ATI) to self-employed workers who permanently stop their activity which has become unviable. Previously, only self-employed persons who were in liquidation or receivership and had generated €10,000 of income per year could benefit.

Social dialogue

The Ordinance of 21 April 2021, ratified by law in February 2022¹⁶, sets the terms and conditions for the representation of self-employed workers in the delivery and passenger transport sector (see below). It also provides for the cre-

¹⁵ LOI n° 2022-172 du 14 février 2022 en faveur de l'activité professionnelle indépendante <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045167536>

¹⁶ LOI n° 2022-139 du 7 février 2022 ratifiant l'ordonnance n° 2021-484 du 21 avril 2021 relative aux modalités de représentation des travailleurs indépendants recourant pour leur activité aux plateformes et aux conditions d'exercice de cette représentation et portant habilitation du Gouvernement à compléter par ordonnance les règles organisant le dialogue social avec les plateformes

ation of an *Employment Platform Social Relations Authority*¹⁷, which will be responsible for organising and supervising the elections and approving the agreements. This is the main policy implemented towards platform workers in France.

Case law developments

28 November 2018, Court of Cassation. The Court of Cassation rules for the first time on the qualification of the contract binding a bike deliverer to a digital platform (Take Eat Easy). A courier had applied to the labour court for the reclassification of his contractual relationship as an employer-employee relationship. In its decision, the Court of Cassation ruled for the first time on the issue of the existence of a subordinate relationship between a platform worker and a digital platform (Digital Platform Observatory, 2021).

03 April 2020, Court of Cassation¹⁸. The social chamber of the Court of cassation requalified the partnership contract of an Uber driver as an employment contract. This decision is the second that the social chamber of the Court of Cassation has issued about platform workers, after the decision in the Take Eat Easy case. It rejects an appeal against a decision admitting a request for requalification. The judgment was strongly reasoned, with publication for the first time of a press release in English (Digital Platform Observatory, 2021).

18 January 2022, Commercial, Financial and Economic Chamber of the Court of Cassation¹⁹. For the first time, the Court of Cassation examined the employment status of VTC drivers from the perspective of unfair competition. The commercial chamber of the Court of Cassation considered in its judgment that a taxi company may invoke the employment status of drivers employed as self-employed entrepreneurs in support of an action for unfair competition against a VTC platform and seek a possible link of subordination. The high court applied the criteria for a subordination link established by the social chamber in order to censure an appeal decision which had rejected the unfair competition alleged by the taxi company Viacab against Transopco, which operates a VTC platform.

13 April 2022, Court of cassation²⁰. In a decision of the social chamber, the Court of Cassation specified the analytical grid it uses to qualify the employment relationship between a driver and a platform. It censured an appeal decision that had reclassified the contractual relationship between a VTC driver and the company Voxtur as an employment contract.

¹⁷ <https://travail-emploi.gouv.fr/ministere/agences-et-operateurs/article/arpe-autorite-des-relations-sociales-des-plateformes-d-emploi#Elections-des-representants-des-travailleurs-independants-du-9-au-16-mai-nbsp>

¹⁸ <https://www.legifrance.gouv.fr/juri/id/JURITEXT000042025162?isSuggest=true>

¹⁹ <https://www.courdecassation.fr/decision/61de7d4cfc57de8d136e0671>

²⁰ <https://www.courdecassation.fr/decision/62566d623b20a89542a2c16c>

19 April 2022, Tribunal correctionnel de Paris²¹. On 19 April 2022, the Paris Criminal Court fined Deliveroo France 375,000 euros for the offence of concealed work, and also sentenced some of its former directors to suspended prison sentences. According to the court, the company misappropriated the status of self-employed workers of its delivery staff by making them work, knowingly, under a subordinate relationship without making any of the declarations that must be made to the social welfare organisations and the tax authorities.

Social security administration and the labour inspectorate

Several procedures involved the social security administration and the labour inspectorate. At the beginning of 2021, no less than ten investigations were underway conducted by the Ile de France Regional Support and Control Unit (URACTI) relating to illegal employment. URACTI is a body in charge of supporting the labour inspectorate in the fight against illegal work.

The most prominent initiative concerned Deliveroo. In June 2018, the Paris Public Prosecutor entrusted the Central Office for Combating Illegal Work (OCLTI), a judicial police body entrusted to the national gendarmerie, with a preliminary inquiry concerning Deliveroo. The investigation followed a report of the Labour Inspectorate denouncing offences allegedly committed by Deliveroo. URSSAF estimates that the number of unpaid contributions in 2015 and 2016 exceeds € 6.4 million.

On 21 September 2021, Deliveroo and three of its former managers were referred to the criminal court in March 2022 for alleged “concealed work”. The prosecutor asked that the three million euros seized by the Ursaff during the proceedings, representing part of the value of the offence, be confiscated. The prosecutor requested a 375,000 euro fine against Deliveroo, and a one-year suspended prison sentence for two former managers, as well as a 30,000 euro fine. For a third manager, a “mere employee”, the prosecutor asked for four months’ suspended imprisonment and a fine of 10,000 euros. The prosecutor also requested that the court’s decision be posted and distributed on the homepage of the website and the application, as well as outside the company’s headquarters for two months. The judgment was issued on 19 April 2022 (see above) and followed most of the prosecutor’s recommendations.

²¹ <https://ogletree.fr/publications/actualite-des-travailleurs-de-plateformes-la-societe-deliveroo-france-condamnee-pour-travail-dissimule-par-le-tribunal-correctionnel-de-paris-jugement-du-19-avril-2022/>

SOCIAL PARTNERS' ACTIVITIES AND GRASSROOT CAMPAIGNS

Collective agreements

There is no collective agreement existing at sectoral, regional or company level involving platforms in France. It was the purpose of the ordinance of 21 April 2021 to allow platform workers' representatives to negotiate agreements with platform's representatives. Workers will appoint their representatives (election) in May 2022 (9 to 16th May 2022). The first negotiations will take place at the end of 2022 (ARPE internal sources). Only mobility platforms workers are concerned (delivery, passenger transport). No linkage with branch collective agreements is foreseen. The total number of workers concerned by the election is estimated to be 120 000: 84 000 of which in the delivery sector, and 39 300 in the VTC sector (ARPE internal sources).

The ballot was open to organisations other than traditional trade unions, but none of the emerging collectives (CLAP, INV, SCP VTC) decided to participate in the elections. Altogether, 9 organisations submitted their application for participating in the elections, 7 trade unions (CFTC, FO, UNSA, CGT, CNT SO, Union CFDT), and two professional organisations (FNAE, FNTR) (source: internal source ARPE).

Ordinance No. 2022-492 of 6 April 2022²² specified the conditions for the adoption of collective agreements. They can be signed by one or more workers' organisations considered as representative, as well as by one or more professional organisations of platforms considered as representative (the order also sets the criteria for the representativeness of platform organisations). Negotiations shall be initiated at least once a year at sector level on one or more of the following topics (1) The means for determining workers' income, including the price of the service ; (2) The conditions under which workers carry out their professional activity, and in particular working time as well as the effects of algorithms and changes affecting algorithms on the methods of providing the services; (3) The prevention of occupational risks to which workers may be

²² <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000045522912#:~:text=Dans%20les%20r%C3%A9sum%C3%A9s-,Ordonnance%20n%C2%B0%202022%2D492%20du%206%20avril%202022%20renfor%C3%A7ant,sociales%20des%20plateformes%20d'emploi>

exposed as a result of their activity as well as damage caused to third parties;
(4) The methods of developing professional skills and securing professional careers.

Focus: Just Eat

At the beginning of 2021, Just Eat announced its intention to hire 4,500 delivery staff on permanent contracts in France. In November 2021, Just Eat reached the threshold of more than 50 employees over a 12-month period and initiated the process of compulsory election of a CSE (Economic and Social Committee). The first elections for employee representatives at Just Eat took place in February 2022, and FO and CGT trade unions won the second round of voting. Collective bargaining was expected to start straight after but is still awaited (situation May 2022). In March 2022, it was estimated that only ¼ of the announced 4500 permanent contracts were created (Le Monde 2022a) and Just Eat announced a redundancy plan in April 2022 (296 deliverers concerned) (Le Monde 2022b).

Grassroot movements

All historical and emerging trade unions/workers collectives attempt to offer legal and administrative advice to the workers. For example, drivers and couriers emerging trade unions like CLAP, SCP-VTC or INV provide help to drivers and couriers to go to court for reclassification of their contracts. Most traditional and emerging unions/collective develop strategies aimed at reaching platform workers via social networks. Lobbying strategies are also an important component of the action undertaken by the union. An illustrative example is the new trade union “Indépendants.co”, created at the beginning of 2020, and very pro-active since the COVID crisis.

Since 2017, and on the initiative of delivery workers working for different platform companies, various “local” CGT unions of bicycle delivery workers have been created under the aegis of the CGT: in Lyon, Gironde, Toulouse, Limoges, Dijon and recently in Paris. On this basis, a national union coordination of delivery workers was set up to encourage and support new local initiatives, organise joint collective actions and make common demands at national level (minimum wage, social protection, contractual status, etc.) (Etuc, Astrees, Ires 2021).

Unions create meeting spaces for workers in platform companies. For example, the CGT is planning assembly points for delivery workers, where they can rest and take showers (Etuc, Astrees, Ires 2021).

The first social movements broke out in 2015, in reaction to remuneration cuts imposed by platforms on workers. In October 2015, for example, Uber decided to lower fares, and to introduce the €5 fares (lowering the dynamic minimum fare from €8 to €5). This context of price wars led to several demonstrations in December 2015 and January 2016, and to the establishment of a mediation, entrusted to MP Laurent Grandguillaume in January 2016. The Grandguillaume law adopted in December established standard rules to all operators of passenger transport in vehicles of less than 3.5 tonnes (Don't Gig Up!, 2019).

More recently, flashmobs have been for example organised by the INV drivers trade union concerning the regulation and transparency of algorithms (Uber strike January 2021).

For delivery workers, an important mobilisation took place in summer 2020, after the newspaper Libération revealed that the Frichti platform was working with undocumented migrant workers via subcontractors. The CLAP and the CGT called for regularising the status of the undocumented migrants. They organised demonstrations in front of Frichti's hubs. Other important flashmobs were organised during summer 2019 (blocking restaurants), winter 2020 (to raise awareness about Deliveroo Editions Kitchen in St Ouen and Courbevoie, near to Paris) and June 2021 (in response to racist insults and attacks).

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