

Publication of the report "Working in the platform era. Upgrade required" in the presence of Cédric O, Secretary of State for Digital Affairs

The report "Working in the platform era. Upgrade required" follows the self-referral by the French Digital Council (Conseil National du Numérique, CNNum) on the issue of platform workers. It puts forward 15 actionable recommendations, the result of a pragmatic approach, as close as possible to the real needs of platform workers. Divided into short-, medium- and long-term areas, the recommendations are directed towards public authorities, platforms, workers and consumers.

The work of the "Platform Workers" working group, composed of Salwa TOKO (Chair of the Council and co-pilot of the working group), Hind ELIDRISSI (co-pilot of the working group), with the participation of Gérald ELBAZE, Maud BAILLY, Henri ISAAC and Loubna KSIBI (members of the working group), is a follow-up to the report "[Travail, Emploi, Numérique : les nouvelles trajectoires](#)" ("Work, Employment, Digital: the new trajectories") issued in 2016. They also follow on from the citizens' consultations carried out in the context of the referral to the Council for the "[États généraux sur les nouvelles régulations du numérique](#)" ("Estates General on the new digital regulations") issued in 2019, whose social aspect focused on the protection of platform workers. The numerous strikes by workers alerting about their working conditions, the [decision of the Constitutional Council on the charters](#)¹, the [Court of Cassation's Uber ruling](#) and the health crisis linked to the Covid-19 have strengthened the commitment of Council members on the subject of platform work.

"We share a conviction", said Salwa Toko, President of the CNNum: **"platforms are becoming the new channel for distributing work."** Faced with the realization that the development of digital work platforms is a social phenomenon, the members of the CNNum have seized the topic of work in the platform era.

"The health crisis that we have just gone through has reinforced our conviction that it is absolutely necessary to act, and to act quickly, to achieve a new balance between workers and platforms," added Hind Elidrissi, co-pilot of the working group.

The report first maps out the controversies and issues surrounding the emergence of digital platforms work. It points out that while digital work platforms offer extraordinary

¹ In France, the article 44 of the *loi d'orientation des mobilités* (Orientation law on mobility) created a new dialogue mechanism between platforms and workers: the charters. Their objective was to establish a list of negotiated elements regarding the working conditions of platform workers that, once enacted, could not be used anymore by workers to ask for the re-classification of their self-employed contractual relationship as a salaried one. This mechanism was struck out by the Constitutional Council.

opportunities for growth, they are also the source of unprecedented suffering in the workplace. In view of this, **the report stresses the need to regulate digital platforms in a way that restores a balance between workers and digital platforms.**

Following a recent decision by the Court of Cassation to reclassify an Uber driver as an employee, the question of the legal status of these workers is discussed at length: should an *ad hoc* status be created for these atypical workers? How can the conditions for real autonomy and sufficient social protection be guaranteed?

The report rejects the creation of a third status, which is considered to be a “bogus good idea” that does not provide a lasting solution. **Two options then arise:** the reclassification of workers by the judge if platforms derogate from labour law, and **the evolution of the guarantees and protections attached to self-employed status.** These two approaches, far from being contradictory, are complementary.

"Platforms are great sources of employment and can respond to a certain desire for autonomy and independence for many workers. But they can also do better: more ethical, more responsible design tools can enable these activities to be carried out independently," said Henri Isaac, a member of the working group.

Furthermore, *"throughout the world, judges have repeatedly noted that there are new forms of subordination on certain platforms. We regret it, but this is the reality, and this is what successive court rulings show. Where abuses exist and are proven, they must be punished."* he added.

Maud Bailly, also a member of the group, argued that **the platform economy could be made accountable by implementing a DIGISCORE:** *"Today, there are significant asymmetries of information between workers, platforms and consumers. What we are proposing to remedy this is the creation of this DIGISCORE, based on the Nutriscore model, which can be found on food products. Everyone must have access to simple, fair, clear and understandable information!"*

CNNUM members are also exploring many avenues to restore equity between workers and digital platforms. To this end, they also support the path of social dialogue as a promising avenue for regulation. *"All the players are calling for more social dialogue, both on the workers' side - this is one of their main demands - and on the platforms' side,"* Hind Elidrissi explained. *"But we took the time to hear all the players, and among these players, some had never met other than through the media, not to speak about dialogue or negotiation."* **The creation of a body such as a Social Observatory of platforms could enable us to remedy this issue,** with the objective of producing knowledge on the platform economy, but also to constitute a forum for dialogue.

The members of the CNNum thus propose 15 immediately actionable measures, in order to respond concretely to the urgency of the workers situation, while engaging in a broader and prospective reflection on work in the platform era, such as the revision of the status and protections of self-employed workers, or the design of digital work tools, which must be conceived in a loyal and responsible manner.

"We call on the Government to convene a Citizens' Convention on Labour, following the example of the Citizen's Climate Convention. The scale of the social crisis that we are about to go through makes it necessary to bring people together around a reflection on work, in order to define the conditions for a unifying Social Pact for the 21st century," concluded Salwa Toko.

The working group relied on fieldwork, meeting platforms workers, collectives and unions, but also representatives of the administration. The report is also the result of multiple hearings, events as well as a review of the academic literature.

The CNNum would like to thank the contributors (workers, platform representatives, social partners, administrations, researchers, entrepreneurs, etc.) who, by sharing their feedbacks and visions on this topic, have enabled the emergence of operational measures that can be rapidly implemented.