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Working in the platform era

Upgrade required

July 2020

Press kit

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EDITORIAL

In April 2019, while a recent law on transports¹ was being examined by the National Assembly, the members of the french digital Council (CNNum) asked in the columns of French newspaper *Le Monde*: "**Do we really want to create a multi-speed society, made up of employees, self-employed and hybrid status workers, whose conditions are then decided by judges on a case-by-case basis, leading de facto to the creation of a new precariat?**"

The health, economic and social crisis linked to the spread of Covid-19 has acted as a powerful indicator of the imbalance between workers and platforms. It has made the lack of protection for these workers even more glaring. As they quickly became symbols of a certain fragility in our society, the platform workers have moved the public opinion.

The crisis has only confirmed what we feared and what we have constantly denounced. We would have preferred to be wrong. As citizens, we watch with concern the social tensions building up. The recent revelations about the riders of a food delivery platform have shed the light on the extent to which the platforms business model may be dependent on the vulnerability of their workers, some of whom (both difficult to quantify and hardly quantified) are in an irregular situation. Many of us agree on what we do not want for platform work. What we collectively want, and how to achieve it, is much less clear.

One thing, however, is clear: there is an urgent need for action. There are issues on which latency is not acceptable. The current fragility of society calls for immediate measures, based on the responsibility of all players. We recommend, therefore, to equip consumers through the creation of a DIGIScore and social partners and administrations through the setting up of a Social Observatory of platforms.

The platform economy is hitting the balance between immediate and long-term macroeconomic equilibrium head on. Beyond the urgency, our recommendations also encompass a long-term perspective. Let's not allow the digital platform economy to become a new global symbol of exploitation, at a time when we need, more than ever, a unifying social pact. France must be the bearer of a more sustainable, more social and more responsible digital platform model. Our proposals are aiming at that goal.

The health crisis has forcefully reminded us that the State can, but the State alone cannot do everything. We therefore call on the Government to include our proposals in the post-Covid recovery plan. We also call on all people of good will, citizens, workers and platforms, to bring to life collectively the reflection for a new work balance.

Salwa Toko, pilot of the working group and president of the CNNum,

Hind Elidrissi, co-pilot of the working group,

**Maud Bailly, Gérald Elbaze, Henri Isaac and Loubna Ksibi,
members of the working group.**

¹ In French, loi d'Orientation des mobilités.

Platform work in a few figures

Who are the platform workers?

67 %

of the platform workers are men
(*Foundation for European Progressive Studies, 2019*)

Platform workers are often young,
they are on average **33 years old** (ILO, 2019)

50 %

of the platform workers chose this activity
because they couldn't find another job
(*European Trade Union Confederation, 2018*)

75.7% of platform workers consider themselves to be employees, only 7.6% consider themselves to be self-employed (*COLLEEM Survey, 2018*)

How many platform workers are there in France and in Europe?

2 %

of the working population in Europe **earn 50% or more of their income via platforms and/or work via platforms more than 20 hours a week** (*COLLEEM Survey, 2018*)

Between 2017 and 2018, **the number of micro-entrepreneurs registered in the transport sector** (chauffeur-driven cars, delivery...) **increased by 80.6%** (Sénat, 2020).

7 %

of self-employed workers in France use a "*digital platform or another intermediary*" in order to reach their clients,
i.e. 0.8% of the active population (INSEE, 2019)

BACKGROUND

The members of the French Digital Council (*Conseil national du numérique, CNNum*) decided to seize the issue of work in the platform era, using the possibility of self-referral offered by the institution's operating decree "for any matter falling within its field of competence"².

This decision follows the work begun in the context of the "États généraux sur les nouvelles régulations du numériques" ("Estates General on the new digital regulations", EGNuM). This organisation of the EGNuM was given to the CNNum by the former Secretary of State for Digital Affairs Mounir Mahjoubi, from September 2018 to the summer of 2019. Six topics were discussed, including a social component that specifically addressed the regulation of platform work. The synthesis of the EGNuM allowed to establish an inventory of the existing reflections and to map the controversies³. The verbatims of the consultations were valuable sources for the drafting of this report.

Meanwhile, the Council has expressed its position in the public debate on several occasions since April 2019⁴. This is taking place in a context of the emergence of a lively debate on the working and pay conditions of platform workers affected by the Mobility Orientation Law⁵ (Deliveroo riders' strikes in the summer of 2019, and various mobilisations of chauffeur-driven car drivers), and culminates in this report.

² Décret n° 2017-1677 du 8 décembre 2017 relatif au Conseil national du numérique.

³ CONSEIL NATIONAL DU NUMÉRIQUE. « La protection des travailleurs des plateformes ». Synthèse des états généraux des nouvelles régulations du numérique. mai 2020.

⁴ See:

- CONSEIL NATIONAL DU NUMÉRIQUE. « Souhaite-t-on créer une société à trois vitesses, constituée de salariés, d'indépendants et de travailleurs au statut hybride ? ». *Le Monde*. 27 avril 2019.
- CONSEIL NATIONAL DU NUMÉRIQUE. « Position détaillée sur les dispositions de la LOM relatives au travail au travail des plateformes ». 3 juin 2019.
- CONSEIL NATIONAL DU NUMÉRIQUE. « Nous appelons à la suppression des chartes de l'article 20 de la LOM ». 5 septembre 2019.

⁵ In French, loi d'Orientation des mobilités.

METHODOLOGY

The Council relied on fieldwork as well as numerous hearings, participation in events and review of the academic literature⁶.

+ 60 hearings

workers, platform representatives, social partners, administrations, researchers, entrepreneurs.

2 workshops to meet the workers

September 17, 2019 in partnership with the ANACT-ARACT⁷ and Heetch

September 25, 2019 in partnership with Wemind and ByCœur

10 ecosystem events

interventions by Salwa Toko, participation as observer or expert

+ 100 verbatims from the EGNuM⁸

consultations conducted between September 2018 and May 2019 with administrations, workers, platform representatives, trade unions, associations.



Workshop with VTC drivers organized in partnership with ANACT-ARACT and Heetch



Workshop with bike riders organized in partnership with Wemind and ByCœur

⁶ A list of the people interviewed, workshops held and events in which the National Digital Council participated as part of its work on platform workers can be found in the appendix to this report.

⁷ National Agency for the Improvement of Working Conditions and Regional Agency for the Improvement of Working Conditions (*Agence nationale/régionale pour l'amélioration des conditions de travail*).

⁸ NATIONAL DIGITAL COUNCIL. "The protection of platform workers". Synthèse des états généraux des nouvelles régulations du numérique. May 2020.

EXECUTIVE SUMMARY

In April 2019, while a recent law on transports⁹ was being examined by the National Assembly, the members of the French digital Council (CNNum) asked in the columns of French newspaper *Le Monde*: "**Do we really want to create a multi-speed society, made up of employees, self-employed and hybrid status workers, whose conditions are then decided by judges on a case-by-case basis, leading de facto to the creation of a new precariat?**"

The discussions at that time on the social responsibility charters for the platforms, since then partly censored by the Constitutional Council, were an opportunity for the members of the CNNum to continue the reflection on platform workers, in the continuity of the report *Travail, Emploi, Numérique : les nouvelles trajectoires* in 2016 (*Work, Employment, Digital: the new trajectories*), and of the citizen consultations carried out for the *États généraux des nouvelles régulations du numérique* (*General Assembly on new digital regulations*) in 2019. In 2019-2020, the numerous strikes led by workers alerting about their conditions, the Constitutional Council's censor on social responsibility charters, the *Uber* decision of the Court of Cassation and the health crisis due to Covid-19 have strengthened the feeling that work on platform workers' conditions should be continued.

Convinced that **the development of digital work platforms is a social phenomenon**, which can be a source of great hope for employment and social progress, but also a vector of new forms of precariousness at work, **members of the CNNum have taken up the question of labour in the era of digital platforms.**

CNNum members have adopted a pragmatic approach based on real needs in formulating their recommendations. The Council hit the ground to meet **with platform workers as well as collectives and unions.** The members would like to thank all those who have particularly supported them in this process: the National Agency for the Improvement of Working Conditions (ANACT), the Collectif des Livreurs Autonomes de Paris (CLAP), the SCP-VTC union, Sharers & Workers, the European Trade Union Institute (ETUI), Heetch, Uber, the Association of Platforms of Self-Employed (*Association des plateformes d'indépendants*), the Self-Employment Observatory (*Observatoire du travail indépendant*), the National Federation of Auto-Entrepreneurs (FNAE), the Union for the Collection of Social Security Contributions and Family Allowances (URSSAF), the Directorate General of Enterprises (DGE), the General Inspectorate of Social Affairs (Igas), and many others.

The first part of the report maps the controversies and issues related to the emergence of digital labour platforms. This work relies on an in-depth review of state-of-the-art academic literature. It is divided into three parts: a description of the issues related to the development of digital labour platforms, a state of the controversy on the legal status of workers and an analysis of collective mobilizations on the platforms.

On the basis of this work, members of the French Digital Council make fifteen recommendations, detailed in the second part of the report. Several principles guided their reflection:

1. **A sense of urgency.** The debate on platform work has been going on for too long while **certain facts require rapid responses**, as the health crisis linked to Covid-19 has forcefully reminded us. Thus, the CNNum wishes to propose **operational measures that can be rapidly activated.**

⁹ In French, loi d'Orientation des mobilités.

2. *A spirit of construction.* Divided into short, medium and long term axes, the CNum's recommendations are addressed to **public authorities as well as platforms, workers and consumers.**
3. *A spirit of balance.* The members of the CNum observe that leaving the organisation of the market between workers and platforms in an equitable manner to an "invisible hand" has proven so far unsuccessful: **digital platforms, as new dimensions of labour, must be regulated.** It is also in the platforms' interest to result in a dynamic and precise regulation that should allow them to continue their activity. Relations between workers and platforms are currently unbalanced in favour of the latter. Platform work regulation must **aim to restore conditions of equity.**
4. *A spirit of trust.* CNum members have confidence in the capability of platforms, citizen-users, workers and institutions to take up the proposals that are presented here. This is why they wished to focus on **empowerment tools**, such as **better information** or **greater transparency, for the benefit of all.**

1/ What are the issues at stake in the work of the platforms?

Digital labour platforms are at the origin of many changes, as much in terms of employment and autonomy as in economic and competitive, technological or digital terms.

Digital labour platforms have an ambivalent relationship to employment and the desire for worker autonomy. Their business model is partly based on a legal construction that turns their workers into self-employed. In this model, workers bear the economic risks and costs. In this respect, platforms are part of a larger aspiration for freedom, autonomy and emancipation in the workplace, which relies on self-employment and entrepreneurship tropes.



I'm not the kind of person who clicks on every ad, but it had "attractive income" and "be your own boss" written on it, it looked really easy. I actually thought it would be cool."

A worker

However, the state of knowledge about workers, their profiles and aspirations makes it possible to qualify that assertion. Platform workers today tend to become more professional, as they tend to increasingly rely on their platform activity as their main source of income. In some cases, their formal self-employment contract masks the existence of a link of subordination with their principal. **Misclassifications are at the origin of a new precariousness by complicating access to social rights and protection.**



From there, I'm my own boss, but the matchmaking platform decides for us. Other platforms don't decide for users, like Airbnb."

A worker



If you want a divorce, become Uber driver! ”

A worker

Nevertheless, digital labour platforms offer extraordinary opportunities for growth. Their organizational model offers the possibility of correcting certain dysfunctions of the market, by reducing transaction costs or information asymmetries. However, the business model of labour platforms renews regulatory issues, among which the difficulty of legally characterizing their nature. Should they be regarded as service operators or pure digital intermediation services, as they claim? Digital labour platforms are raising new competition issues. They benefit from network effects resulting from their positions as intermediaries in multi-faceted markets, which are a factor of increased market concentration.

A comprehensive understanding of digital labour platforms must necessarily take into account the intrinsically digital nature of their operation. Like the majority of companies in the digital economy, they are based on massive and continuous data collection, algorithmic workers control, and constant rating of their performances. **Digital intermediation, although it allows unprecedented agility and responsiveness, is also the source of novel suffering at work.** Platform work puts into question traditional frontiers, such as that between private and professional life or between work and leisure.



The problem is that these companies are registered as digital, like Airbnb. Except that today, we have applications that decide on the pricing of drivers when they are not transport professionals and when they do not control their costs. ”

An expert

2/ What legal status(es) for platform workers?

The ambivalence of labour relations has given rise to a lively debate, which continues to this day, over the legal status of platform workers. Three scenarios are examined in the French context: the adoption of a third status, self-employed status and reclassification as employees.

It is tempting to end the debate between self-employment and employment by creating an intermediate legal category. This idea is not new, but has so far been rejected in France. It is now experiencing a renaissance, as some claim that a third status would be particularly well suited to the needs of the platform economy. Looking at examples in the United Kingdom, Italy and Spain, however, the report states that the implementation of third status in these countries is far from conclusive. They seem to have had effects that run counter to the initially pursued aims of legal clarification and simplification. The report notes, however, that recent legislative dispositions have contributed, in France, to the development of a de facto third status. Members of the french digital Council are convinced that the organisational and economic model of the platforms is likely to become more widespread in the future. Current platformisation of work is a major upheaval.

However, it should not call into question the dichotomy between the status of self-employed and that of employees. **The CNNum therefore rejects the creation of a third status, which is considered to be a false good idea that does not provide a lasting solution. Two options then arise: the requalification of workers by the judges in the event that the platforms would derogate from labour law and the evolution of the guarantees and protections attached to the status of self-employed persons.** These two approaches are complementary.

The profiles of the self-employed have considerably changed since the 1980s. Formerly traders, craftsmen or farmers, they are now more and more numerous to work as graphic designers, developers or web editors. Some of these new self-employed workers enjoy greater autonomy, while others find themselves projected into new forms of subordination. This change is giving rise to new demands in terms of income, social protection and access to housing.



We you add the cost of acquiring the vehicle, fuel, insurance, commission, etc. and then having to bear the cost of social protection, there is not much left.”

An expert



When you're sick, you have to put things in place so you don't get stressed out on top of being sick. For pensions too, we have to do something! ”

A worker

Excerpt from the report

Platform workers during the Covid-19 crisis

❖ How the health crisis revealed the limits of platform workers' status

In these extraordinary circumstances, the digital economy in the broad sense, and digital labour platforms in particular, have been particularly mobilised (e-commerce) and impacted (catering). The self-employed workers on these platforms were very much affected and have seen their income fall significantly. The virus has revealed in a blatant manner the need for protection of these workers, for example in the event of contamination by Covid-19. Moreover, the fact that the platforms have no legal obligations to guarantee the safety of these workers cannot fail to raise questions in these times of serious health crisis. For example, "contactless delivery" has been criticised by workers and collectives, who have denounced the lack of masks and protections.

❖ A loss of activity that severely affects workers' incomes

For some workers, the administrative prohibitions related to containment have led to an abrupt cessation of activity, and therefore of remuneration. This is the case for extras in the hotel industry (Brigad) or catering activities (Meet My Mama, Chefing). The lack of protection (such as short-time working) has also had a perverse effect on other workers, such as delivery personnel. Confinement has led to an explosion in the demand for delivery of goods (e-commerce) or food (groceries, restaurants). At the same time, workers were encouraged to continue their activities to maintain an income.

❖ An increased risk of exposure to the virus

When they are self-employed, these workers have no right to withdraw, no sick leave nor insurance for occupational diseases and accidents at work, which may encourage them to continue their activity even if they have symptoms, which may in turn expose them further to the virus.

Certain activities are particularly concerned, without necessarily being accompanied by adequate protection. This is the case for deliverers who bring food to the elderly unable to go out, to people confined because they have been affected by the disease, to the most vulnerable people who no longer dare to leave their homes. This also applies to VTC drivers who are making up for the reduction in public transport. Finally, several platform workers are offering their services on an *ad hoc* basis to companies and individuals in need during this exceptional period: shelving missions in supermarkets (StaffMe), babysitting (Yoopies), etc.

❖ Worker protection depends on the goodwill of the platforms

Many platforms have announced that they are doing everything possible to reassure and protect their customers. To support their workers, delivery platforms and the French Government have, for example, developed instructions for "contactless" delivery (respect for barrier gestures and safety distances in restaurants and at customers' homes, frequent cleaning of delivery equipment, etc.)¹⁰. On the other hand, it seems that very little medical equipment (masks, gloves, disinfectant, etc.) has been provided to these workers. Finally, some delivery platforms had announced the relaxation of their algorithmic management systems, allowing

¹⁰ MINISTÈRE DE L'ÉCONOMIE, DES FINANCES, DE L'ACTION ET DES COMPTES PUBLICS. « COVID-19: Guide des précautions sanitaires à respecter dans le cadre de la livraison de repas à domicile ». 15 mars 2020.

riders to refuse errands or to disconnect, without this impacting their statistics or the allocation of errands. However, on the Facebook groups of riders consulted by the CNNum, the latter complained that this announcement was not respected and was detrimental to the errands and *shifts* allocated to them.

For their part, Uber announced that their coronavirus-affected workers would be compensated for 14 days on the basis of income received during the last two weeks¹¹. Deliveroo riders will be compensated in the same way, but with a fixed maximum daily allowance of 30 euros and a waiting period of one week¹². However, this aid will only be paid if the test is positive for the virus. Thus, simple symptoms of the disease will not be sufficient. However, as the tests are limited and reserved for people who are frail or at risk, who show signs of seriousness or who have been in contact with a person who has tested positive for the virus, many workers who have not been tested will not be able to benefit from the aid.

Finally, the State has put in place a series of measures designed to provide financial support to the self-employed workers whose activity is endangered by the health crisis. A Solidarity Fund of one billion euros for very small businesses, micro-entrepreneurs and the self-employed workers has been created to enable the payment of aid of 1,500 euros from 31 March and upon simple declaration to Bercy, in the event of administrative closure or sharp downturn in the activity - i.e. a turnover in April 2020 of less than 50% of the turnover in April 2019 or of the average monthly turnover for the year 2019. This aid may be supplemented by the Regions up to 5,000 euros for the companies most in difficulty.

Many paths, such as training, better information sharing or collective mobilization, can be explored to let these workers become genuine entrepreneurs. Design tools could also be used to put workers at the centre of user experience and thus foster a more ethical and virtuous platform model.



All tech companies make consequentialist ethical choices: the priority is fundraising. Accessibility, attention, etc. come second. "

An expert



For me, the algorithm is the machine that kills everyone. "

A worker

With recent court decisions, platform workers reclassification as employees is more than ever part of the horizon of possibilities. In countries all over the world, judges find that the elements characterizing the subordination of workers to a company are present on some platforms, including the most emblematic ones. The report examines the arguments of both sides. For some, traditional employment is an outdated model, incompatible both with the quest for autonomy in work and with the search for a profitable economic model. For others, the relationship of

¹¹ GARCIN-BERSON, Wladimir. « Uber va indemniser ses chauffeurs et livreurs atteints du coronavirus ». *Le Figaro*. 7 mars 2020.

¹² GROB, Sébastien. « Coronavirus : malgré des précautions sanitaires défailtantes, les affaires tournent toujours pour Deliveroo et Uber Eats ». *Marianne*. 19 mars 2020.

subordination does exist, only it has taken the face of new technologies. In this respect, one needs to stress that the reclassification issue is first and foremost a legal question. In the same way that there is no standard profile of platform workers, there are a myriad of digital labour platforms. Indeed, labour platforms differ according to their business model, some of them intermediating asynchronous activities, for instance, while others organise real-time task allocation. Platform involvement in the services and the functioning of the algorithms will thus differ according to these models. **Members of the Council therefore believe that platforms respectful of our laws and our social model should be encouraged:** they are de facto a new face of the world of work and an undeniable source of jobs in the digital age. **As in any state governed by the rule of law, it will be up to the judges to sanction platforms that refuse to comply with the rules of labour law, but we cannot stigmatize or condemn platforms simply because they exist.**

As formidable sources of employment, developing innovative services for their clients, platforms remain nonetheless opaque as to the conditions under which they employ their employees. It is therefore essential to increase information about these platforms in order to empower their consumers and raise public awareness of their social impact. **To this end, the Council recommends the adoption, as soon as possible, of a "DIGISCORE" on all websites, mobile applications and other user interfaces.** Based on the model of the nutriscore in the agri-food sector¹³, the DIGISCORE, which will be easy to read and clearly identifiable, will be designed to raise awareness among citizens who are consumers of platforms, by giving them a clear indication of compliance with several social criteria.

3/ What social dialogue between workers and platforms?

Faced with these observations, social dialogue appears to be a promising path of regulation.

The positions taken by the Council in 2019 called, in particular, for the implementation of a balanced and transparent social dialogue on digital work platforms. Subsequently, this proposal was included in Article 48 of the Mobility Orientation Act on 24 December 2019. **The "États généraux des nouvelles régulations du numérique" (General assembly on new digital regulations)¹⁴, as well as the hearings and fieldwork, showed that this regulatory approach is widely supported by various stakeholders.**



Today, there is a very strong brotherhood among the riders. Nevertheless, collective mobilization must be created. It already exist in companies. The employees have almost nothing to do, it's the CGT, FO, etc. which do it for them. It's not the same thing with riders. It's up to us to create the collective, to join a union, to take the necessary steps. No one is there to represent us. If it already existed, it would be easier to simply join them. In fact, when we talk, we realize that we all have the same demands, but we can't make our voices heard because it's up to us to do so and to create this cohesion. "

¹³ The form this mechanism could take is detailed in Part II "Recommendations" of the report.

¹⁴ CONSEIL NATIONAL DU NUMÉRIQUE. "La protection des travailleurs des plateformes". Synthèse des états généraux des nouvelles régulations du numérique. May 2020 (in French).

The aim of reaching negotiated solutions between workers and platforms is of course shared by CNum, but **achieving this will take time**. Indeed, the development of digital labour platforms is marked by numerous social conflicts, which the report analyses in a section devoted to collective mobilisations. **Social dialogue actors are still going through a structuration process**, on both sides, even if the situation has greatly improved in recent times.



We tell the driver, "try to mobilize yourself and so on." But the driver, he is riddled with debts, he cannot afford not to work, he is slowly dying and he would rather work than die right away."

A worker



The workers are no longer listened to at all by the unions...My favourite thing is the fieldwork, even if talking to riders in the street is very time-consuming."

A worker representative

Members of the CNum observe that, **today, social dialogue cannot be implemented serenely, with a balance of power such that it prevents the conditions for a real exchange**. Workers and platforms have a relationship of mistrust that suggests that constructive negotiations would not be successful in the immediate future.



That's really the problem: you never know whether the information given is true or false, whether you're going to be entitled to something or not, and so on. Normally, there are collective agreements, there is a right, it is written down, and that puts an end to doubt. Here, everything is unclear. ...] We always question what this company is telling us, and that is a source of anxiety for us as workers. Even clients are increasingly critical of false advertising.

The worst thing is, they always get away with it. That's why I wish they'd fall: this injustice, it horrifies me."

A worker

In this regard, **social dialogue cannot and must not be reduced to mere consultations driven by platforms**. The conditions for balance between both parties, enabling them to negotiate, must be met; and it is the role of the State to ensure this balance. To this end, members of the Council recommend organising, as soon as possible, a consultation over several months bringing together all the players who would like to be involved in the co-construction of solutions, and creating an Observatory of the platforms with the aim of providing a neutral forum for consultation between the social dialogue stakeholders.

Excerpt from the report

The CLAP, from the collective to the union?¹⁵

The Collective of Autonomous Riders in Paris (*Collectif des Livreurs Autonomes de Paris*, CLAP) was founded on February 14, 2017, following a new tariff modification of the Uber Eats platform. Since its foundation, the CLAP has been in contact with the CGT¹⁶, without this being conclusive. During March, riders mobilisations were organised simultaneously in several French cities, such as Lyon and Bordeaux. At that time, there was a great deal of mistrust towards the traditional trade unions and political parties, as one of the founders of the collective admitted: *"Trade unions and politicians took the floor, but the workers expressed quite a lot of mistrust and went off to hold a wild demonstration."*

During 2017, numerous mobilisations took place in several major European cities, and riders collectives emerged throughout France.

The CLAP line reflects the debates on platform work: the collective has thus seen its positions gradually evolve on the relationship to traditional trade unions or the status of platform workers. However, its demands focus primarily on **improving the working conditions** of delivery workers, mainly on **health and safety** at work and on remuneration.

"What I want is to talk about Franck and Karim, about Mourad who has just lost the use of his legs," explained another CLAP member during the hearing.

The **insurances put in** place by the platforms following the adoption of the El Khomri Law are thus denounced as being far too weak and not very protective of the workers, given the dangerousness of their profession.

With regards to **remuneration**, the CLAP is mobilised whenever the platforms announce a change in tariffs. However, working time, overstaffing, hourly rates rather piecework rates the return of the *shifts* (schedules defined at the beginning of the week), or the accounting of grey time and waiting times in the calculation of remuneration are also part of their demands.

The CLAP also **defends individual cases** before the platforms, particularly in cases of abusive disconnections or statistical reductions disputed by the worker.

According to the hearings conducted by the CNNum, the CLAP is not systematically at the origin of the mobilizations. In the case of the demonstrations and restaurant blockages organized in the summer of 2019, its members told us that they served as media relays, more than real organizers: overwhelmed by the rate changes and the withdrawal of the *shifts*, other workers would have spontaneously mobilized. The CLAP provides, in these cases, organizational support by sharing its experience (*"for the restaurant blockages, we were inspired by Marseille in 2017"*) and coordination with collectives in other French cities: Bordeaux, Nantes, Lille, Besançon, Toulouse, Nice...

Since its creation in 2017, **the CLAP has in fact gradually begun to fulfil the same functions as a traditional union:** support for delivery personnel, information (for example in the event of a change in the platforms' pricing policy), mobilization, various collective actions and media relay.

Beyond the question of platform workers status and social dialogue, **members of the french digital Council also formulate a set of recommendations aimed at accompanying, on the longer term, the development of this new form of work.**

¹⁵ This case study is drawn from hearings conducted by the CNNum between April 2019 and March 2020.

¹⁶ One of the main trade unions in France.

Indeed, platform work is a factor of a **broader transformation of the labour market** that should be anticipated, in order to best protect workers and our social model. More broadly, members of the CNNum recommend that the **status and protections of self-employed workers be reviewed** in order to secure the trajectories of these new workers whose social model is inherited from the post-war period. The Council also advocates the launch of a "**Citizen's Labour Convention**" in order to collectively reflect on the place of work in society in the light of the development of self-employment and atypical work. Moreover, the intrinsically digital nature (massive data collection, use of algorithms in managerial decision-making, etc.) of these entities makes it necessary to redefine certain aspects of the regulations in force and to consider the creation of new standards to better protect the digital rights and freedoms of workers. Similarly, **digital work tools are not neutral. They must be designed in a loyal and responsible manner, in accordance with our social model.**

RECOMMENDATION SUMMARY

Axis I - Responding concretely to emergencies. Short-term measures

1. **Make it mandatory to display a platform-related DIGIScore** (from A to E) **on all media interacting with consumers**, allowing both consumers and workers to access information on the platform and its behaviour in a simple and clear manner. Workers and consumers could thus be encouraged to sign up on well-rated platforms and leave the others behind. It could also encourage platforms to change their behaviour in order to move towards a better rating.
2. **Ensure equal working conditions for platform workers** in terms of remuneration, working hours and health and safety at work.
3. **Launch a consultation for social dialogue on platforms** bringing together all the concerned actors, first and foremost workers and workers' collectives, in the broadest possible way, with the aim of negotiating the electoral protocol. It should bring these partners together at regular intervals in order to bring the negotiations to a successful conclusion within six months after the fact-finding mission's conclusions being handed over.
4. **Establish a balanced and transparent social dialogue on digital labour platforms and extending whistleblower protections to platform workers.** Furthermore, elections of representatives should take place at the sectoral level and not on a platform-by-platform basis. At the level of each platform, the CNNum recommends to set up a committee of stakeholders to negotiate all the conditions relating to the digital intermediation nature of the platform (data portability, explicability of algorithms, platform design, etc.). Finally, civic tech tools could be mobilised to facilitate social dialogue, in particular, relations between workers and trade unions.

5. **Create a Social Observatory of the platforms** aiming at creating the conditions for social dialogue on the platforms thanks to a better knowledge regarding labour platforms and constituting a forum for reflection and consultation on this new way of distributing work.

Axis II - Sustainably improving platform work. Medium-term measures

6. **Extend trade union protections and industry bargaining agreements to the self-employed workers**, in the case of platforms operating in pre-existing sectors where collective agreements are already in force, and allowing trade unions and platform workers collectives to participate in the negotiation of further industry agreements and collective agreements in the sector.
7. **Strengthen the fight against misclassification, undeclared work and illegal employment** by increasing the human and financial resources of the control and recovery administrations and, in particular, by developing digital tools (datamining) for the detection of concealed and illegal work.
8. **Strengthen the transparency of the platforms** by extending the obligations to inform workers, for example in the event of changes to the general terms and conditions of use, and by setting up an internal mediator in all platforms.
9. **Financially support platform cooperativism by dedicating 20 million from the Investment for the Future Programme¹⁷** to support, at both national and local levels, these actors in order to ensure a fair remuneration and representation of workers in the collaborative economy.
10. **Involve local and regional authorities in the supervision of digital work platforms** to combat the real and symbolic territorial divide between metropolitan centres and rural territories by, for example, allowing local and regional authorities to introduce a pre-market licence allowing to operate, or by creating Public Interest Groups¹⁸ in rural territories on the model of digital labour platforms, but managed by local authorities, to operate certain public service activities (e.g. services for the elderly).

Axis III – Working differently in the 21st century. Long-term measures

11. **Review the status and protections of self-employed workers** by aligning the level of social protection for self-employed workers with that of employees, by

¹⁷ In French, Programme d'Investissement d'Avenir (PIA).

¹⁸ In French, Groupement d'Intérêt Public (GIP).

extending the conditions of access to unemployment insurance for self-employed workers, by extending the conditions of access to the Visale housing guarantee for self-employed workers over 30 years of age or by recasting the status of micro-enterprise so as to limit windfall effects. Make the right to collective bargaining effective for self-employed workers and relaunching work on the single status of workers¹⁹.

12. **Protect workers' digital rights and freedoms** by changing the legal definition of the workplace or establishment to take account of the emergence of new digital or virtual workplaces, by strengthening provisions on privacy protection in employment relationships, portability of personal data, explainability of algorithms and the prohibition of algorithmic discrimination. Support research projects on "collective data rights" in the context of labour relations that allow collective rights to be granted to a group, e.g. workers' unions.
13. **Promote fair and responsible approaches to the design of digital work tools** by training designers in ethical issues and more specifically in labour law and by promoting platforms using tools that are free of misleading and/or dangerous designs thanks to labelling approaches such as DIGISCOPE.
14. **Train social partners on the challenges of the digital transformation of work.** This concerns, on the one hand, all workers' representatives (trade unions, collectives in the field...) which must be trained in platform economy and digital issues, such as the notions of nudge, algorithmic management, misleading designs, data portability, GDPR. And, on the other hand, field collectives must be trained in social dialogue, labour law and commercial law. Similarly, platform representatives must be trained in social dialogue and collective bargaining. Finally, labour administrations and other supervisory administrations must be trained in platform economy and digital issues.
15. **Launch a "Citizens' Convention on Work" modelled on the Citizens' Convention on Climate Change** with the aim of mobilising good will to reflect collectively on the status of work in society, on the opportunity of a single status for workers, or on the transformation of salaried employment. Following the example of the Citizens' Climate Convention, the Government could undertake to take up the proposals put forward in this framework.

¹⁹ In French, statut unique de l'actif.

COMPOSITION OF THE FRENCH DIGITAL COUNCIL

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ABOUT THE FRENCH DIGITAL COUNCIL

The French Digital Council is a French independent advisory commission created on 29 April 2011 by the French presidential decree n°2011-476. It was reorganized and expanded by another French presidential decree on 13 December 2012, to expand its spectrum of actions to all the questions set up by the development of the digital in society and economy. The Council issues independent opinions and recommendations on any question relating to the impact of digital technologies on economy and society. The government can consult the Council on new legislation or draft regulations. The Council's thirty members come from across the digital spectrum, and include researchers and activists. The Council organises public consultations at both local and national level, and is in constant contact with France's digital ecosystem, including elected officials, members of civil society, researchers, digital experts, entrepreneurs and professional organisations.

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