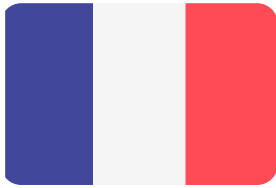


NEW FORMS OF WORK AND PLATFORM WORK

Case study: France

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Classification of platform workers and social protection

In recent years, France adopted an approach that allowed to improve working conditions and social protection of self-employed platform workers without reclassifying them as employees. While in 2020 the highest court in France – the Court of Cassation – recognised Uber drivers as employees,¹ the overall focus of policy initiatives in France has been on ensuring that platform workers are granted adequate social protection regardless of their employment status.

Overall, initiatives aimed at improving the social protection of platform workers are part of the French government's wider efforts to extend social protection to the self-employed. In January 2020, the social security system for self-employed workers was merged with the general social security system. Currently, the protection of self-employed workers is similar to that of employees, with a few exceptions, such as the lack of unemployment benefits for the former.²

Over the recent years, a number of laws that specifically regulate the working conditions and social protection rights of platform workers emerged in France. Moreover, several collective agreements in the ride-hailing sector were signed determining freedom to choose routes and establishing minimum payments per ride.³ Below we overview the main French laws related to platform workers.

Law no. 2016-1088 (8 August 2016) relating to work, the modernisation of social dialogue and the security of career paths

This law, also known as **Loi travail** or **El Khomri law**, introduced a wide array of amendments in the area of employment legislation.⁴ In relation to platform work, the law provided a legal definition of “electronic platforms” and introduced several improvements targeted at self-employed workers who use digital platforms to perform their professional activities.⁵

¹ See the explanation of the ruling [here](#).

² See [here](#).

³ See [here](#) and [here](#).

⁴ LOI n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels. Available [here](#). This law has a broad scope: it introduced reforms related to a variety of labour issues such as overtime payments, dismissal rules, economic redundancies, youth guarantee, and platform workers.

⁵ Eurofound (2021). France: Law 2016-1088 (Initiative), Record number 3029, Platform Economy Database, Dublin. Available [here](#).

Box 1. Definition of an electronic platform

A company, regardless of its place of establishment, which, in its capacity as a platform operator, puts people in contact electronically with a view to the sale of a good, the provision of a service or the exchange or sharing of a good or service, shall provide information at the time of each transaction on the tax and social security obligations incumbent on people who carry out commercial transactions through its intermediary. It provides them with an electronic link to the websites of the relevant authorities to enable them to comply with these obligations, where applicable.⁶

This law, adopted already in 2016, made France **the first EU Member State** to provide collective bargaining rights to platform workers.⁷ Following the law, self-employed platform workers received a right to **form and join a trade union**, to exercise **collective bargaining** and to **strike**.⁸ Moreover, self-employed platform workers were granted additional **social security and professional development rights** if they fulfill certain criteria. Namely, the law covers those platform workers who earned at least 13% of the annual social security ceiling (6,028 EUR in 2024⁹) through platforms.¹⁰ For such workers, platforms must cover the costs of health insurance against occupational accidents and diseases.¹¹ Furthermore, to address the challenge of professional development of platform workers, the law obliges platforms to provide **professional certification of experience** that workers gained while working on platforms (“the validation of academic credit due to work experience”).¹² Remarkably, platforms must also reimburse the costs of **professional training** to workers at their request.¹³

Law no. 2019-1428 (24 December 2019) on mobility orientation

This law, also known as **the LOM law** or **Mobility law**, introduces a range of reforms in the area of transportation and mobility, making it greener and more accessible. With regard to platform workers, it introduces two key provisions:

- **the right to refuse** assignments on platforms without facing penalties;
- **the right to disconnect** by choosing work and rest periods, ensuring no contractual termination for exercising these rights.¹⁴

Furthermore, platforms were given the option to adopt social charters “as a part of their social responsibility towards workers”.¹⁵ The idea behind such charters was that platforms could voluntarily commit to enhancing working conditions and social protection of platform workers and establish that the workers are not in a subordinate relation with the platform. However, later the French Constitutional Court stated that employment status should not be defined by individual charters and

⁶ In accordance with the amended Tax Code. Available [here](#).

⁷ EU-OSHA (2022). Policy case study. France: lessons from the legislative framework on digital platform work. Available [here](#).

⁸ Eurofound (2021). France: Law 2016-1088 (Initiative), Record number 3029, Platform Economy Database, Dublin. Available [here](#).

⁹ Calculated based on <https://www.service-public.fr/entreprendre/actualites/A17115?lang=en>

¹⁰ Eurofound (2021). France: Law 2016-1088 (Initiative), Record number 3029, Platform Economy Database, Dublin. Available [here](#).

¹¹ The law applies to all platforms that operate in France, whether they are established in France or abroad. Starting from 2019, each platform has an obligation to register with a French identification number.

¹² Eurofound (2021), France: Law 2016-1088 (Initiative), Record number 3029, Platform Economy Database, Dublin. Available [here](#).

¹³ In France, the contribution for professional training is paid by employers and self-employed workers. More general information about his contribution can be found [here](#).

¹⁴ LOI n° 2019-1428 du 24 décembre 2019 d'orientation des mobilités. Available [here](#).

¹⁵ EU-OSHA (2022). Policy case study. France: lessons from the legislative framework on digital platform work. Available [here](#).

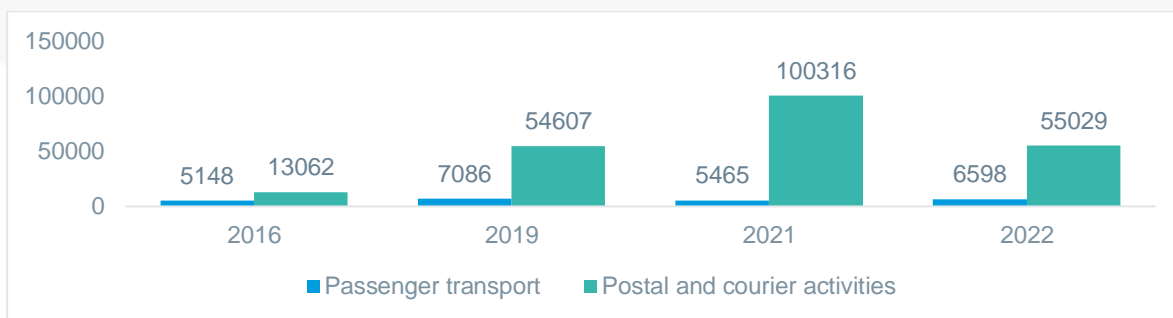
annulled the provision that would ensure that platforms would not be presumed to have an employment relationship with the workers.¹⁶ Consequently, no charters were established as after the abolition of the key provision, platforms lacked incentives to do so.¹⁷

Law no. 2018-898 (23 October 2018) on the fight against fraud¹⁸

This law amends the tax code to better combat fraud and undeclared work and mandates **information requirements for platforms**.¹⁹ One of the main problems that policymakers face in regulating platform economy is the lack of reliable information on platform workers, and this law has a potential to bridge this gap. It serves as a mechanism to keep track of the number of platform workers on specific platforms. The law requires platforms to share with the tax authorities the data on the number and the sum of transactions made by platform workers over the past year. Moreover, platforms must inform workers of their tax and social security obligations and provide links to administrative websites with relevant information.²⁰

To track the number of platform workers, another administrative mechanism is used. On-location platform workers in France usually register as **micro-entrepreneurs** with a specific activity code (e.g. transportation or delivery).²¹ This data helps the French government to indirectly track the approximate number of drivers and couriers working through platforms, as it can be assumed that most micro-entrepreneurs in the sector work through platforms, according to the French Senate report.²² Below we present data on the number of registered micro-entrepreneurs in the past years.

Figure 1. The number of registered micro-entrepreneurs in the transport sector



Source: Based on the data provided by the Ministry of Ecological Transition and Territorial Cohesion of France (2024). Key transport figures - 2024 Edition, Demographics of transportation companies. Available [here](#).

Ordinance no. 2021-484 of 21 April 2021 to establish representation for platform workers²³

The purpose of this Ordinance is to promote collective bargaining and to create representation for platform workers in France, beginning at the sector level (first for ride-hailing and delivery) and then moving to the platform level. It lays out terms and conditions for workers representation and

¹⁶ See [here](#).

¹⁷ EU-OSHA (2022). Policy case study. France: lessons from the legislative framework on digital platform work. Available [here](#).

¹⁸ LOI n° 2018-898 du 23 octobre 2018 relative à la lutte contre la fraude. Available [here](#).

¹⁹ Eurofound (2021), French Law no. 2018-898 of 23 October 2018 (Initiative), Record number 3026, Platform Economy Database, Dublin. Available [here](#).

²⁰ Eurofound (2021), French Law no. 2018-898 of 23 October 2018 (Initiative), Record number 3026, Platform Economy Database, Dublin. Available [here](#).

²¹ European Commission, Directorate-General for Employment, Social Affairs and Inclusion, Barcevičius, E., Gineikytė-Kanclerė, V., Klimavičiūtė, L. (2021). Study to support the impact assessment of an EU initiative to improve the working conditions in platform work: final report, Publications Office of the European Union.

²² Forissier, M., Fournier C. & Puissat, F. (2020) Travailleurs des plateformes : au-delà de la question du statut, quelles protections? French Senate Report. Available [here](#).

²³ 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. Available [here](#).

establishes the Employment Platforms Social Relations Authority (Autorité des relations sociales des plateformes d'emploi, ARPE), financed by a tax paid by platforms. This body oversees the election and training of platform workers' representatives, facilitates social dialogue, resolves disputes, and collects and analyses data provided by platforms.²⁴

²⁴ Eurofound (2021), Ordinance No. 2021-484 of 21 April 2021 to establish representation for platform workers (Initiative), Record number 2458, Platform Economy Database, Dublin. Available [here](#).