

SELF-EMPLOYED WORKERS: CALIFORNIA REFORMING, FRANCE FUMBLING

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Labor, Employment and Workplace Safety Alert

In light of the decision rendered by the California State Senate misclassifying self-employed workers of ride-sharing services as employees of these platforms, Christine Artus, a French labor law partner at the Paris office of K&L Gates, warns about France's delay in legislating on this economic model, which is subject to many controversies.

California, the cradle of "uberization," experienced unprecedented turmoil on September 11, 2019, when the state senate voted for the end of the independent status of platform drivers for ride-sharing services. As of January 2020, these companies' workers will be able to benefit from better protection and from a minimum wage. This reclassification of self-employed workers into employees could be extended to other U.S. states and, therefore, lead to the redefinition of these platforms' business model all around the world.

On this matter, France is far behind schedule. For the past 10 years, disintermediated working platforms have been spreading in France — they even were the battle horse of Emmanuel Macron during his presidential campaign. However, the business model of such platforms quickly showed its limits. Complaints and demonstrations, among other things, had workers claiming that they were subject to a subordination link and were not being covered by social security. They claimed that their working conditions were the same as those of employees, without being granted the benefits of such status.

As a result of these events in France, a draft bill recently emerged aiming at regulating the relationship between transport platforms and their workers through the implementation of an optional policy and training for platform workers. This draft bill is merely a drop in the ocean compared to the decision of the California State Senate. French legislators are still reluctant to challenge the status of independent workers and seek to satisfy unhappy workers without harming an economic model that has had a real impact on the number of job seekers — which is quite a big challenge.

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