

Parliamentary bill on work provided through a platform

With “Uber like” internet platforms representing a rapidly growing way of economic organization, it has been suggested at the Chamber of Deputies to provide for a legal framework to regulate the working conditions of persons performing services organized by platforms in order to avoid abuses and conflicts with labour laws.

Indeed, the question of whether workers performing such services have the status of self-employed or whether they are subordinated employees is being increasingly raised.

In this context, a [bill No. 8001](#) (hereinafter "**the Bill**") on work provided through a platform has been filed on 4 May 2022 at the Chamber of Deputies with the aim of establishing a legal framework when the usual place of work is located on the national territory.

This Bill sets out the criteria for determining whether the person providing work through a platform should be considered an employee within the meaning of Article L.121-1 of the Labour Code.

The criteria currently identified in the context of this Bill are as follows:

- the platform appears on the market offering the service(s) or work(s)
- the platform sets the conditions of access to the services/work offered and ordered through it by the beneficiary(ies)
- the platform sets the conditions and/or limits of the remuneration of the services/work
- the platform receives the payment for the service/work to be rendered or rendered by the person providing a service/work through it
- the platform controls the quality of the work/service provided by the person providing a service/work through the platform
- the platform issues a classification of the persons providing a service/work through it
- the platform takes care of the exchanges between the beneficiary and the person providing a service/work through it
- the platform can decide to exclude the person providing a service/work through it and no longer grant access to the platform.

If one or more of these criteria characterizing a subordinated relationship are met, the existence of an employment contract between the platform and the service provider would be presumed. This presumption could be reversed.

Nevertheless, when at least three of the above-mentioned criteria are met, the existence of an employment contract would be established, without the possibility of proof to the contrary. The consequence would be that the protective national rules of employment law would apply, without prejudice to more favorable conventional rules for the employee.

On 4 May 2022, as part of the legislative process, the Bill has been sent to the Labour, Employment and Social Security Committee, which will examine it and report back to the Chamber, which will then proceed to the public discussion on the Bill.