

Contributed by Yohan Taillandier :

The Status of Uberized Workers

What can the European Union do to ensure that digital platforms assume their responsibilities as employers?

The current problem of uberized delivery men is a lack of recognition of their salary status. This is the main cause that prevents delivery personnel from benefiting from better working conditions.

In Europe, the status of the uberized deliverers working with digital platforms differs from one country to another. But the demonstrations of European delivery drivers are based on the same observation of exploitation and working conditions in constant decline. This is a source of uncertainty as to the applicable rights and rules, and this situation makes the visibility of the protection of the deliverymen complex.

It is important to note that uberization is tending to develop over entire sectors of the economy such as plumbing, electricity, and so on.

This difference in recognition also applies nationally. We can see a great discrepancy between the legislative and judicial powers. In France, Uber delivery drivers work as auto-entrepreneurs with the platforms, whereas on March 4, 2020, the Court of Cassation validated the requalification between Uber and one of its drivers as an employment contract.

This auto-entrepreneur status allows platforms to restrict the price of labor by bypassing the wage model. It is not they, but the auto-entrepreneurs who contribute to social rights such as unemployment insurance or work accidents. However, these employees are not completely independent, because their work is subject to the presence of a bond of subordination. The platform decides on the remuneration (price fixed in advance) and the organization of work via the application and its algorithm. In addition, the disconnection of an employee is possible at any time at the discretion of the platform.

This imperfect situation of dependent self-entrepreneurship from which the platforms benefit, prevents delivery personnel from benefiting from the same rights as employees.

The reality of a delivery man's work and the conditions under which he actually works must now bring him under the aegis of the Labor Code and the Social Security Code, and he must be defined as a *worker who does not have full control over his activity, knowing that someone else is benefiting from his work.* *

It is up to the digital platforms and not to the State to contribute to give the best rights to the deliverers. They are a source of employment, especially for young people who have failed at school, who live in difficult neighborhoods or who have no diploma. But these platforms now have too much power and there is no social dialogue possible. It is therefore necessary from now on to protect these delivery drivers from digital platforms, as Spain has done by recognizing the status of delivery drivers as employees via the Spanish Supreme Court.

The State must require digital platforms to cover certain costs and social contributions for self-employed people who use this service (unemployment insurance, training, health and safety protection).

Access to social protection and access to collective bargaining and representation must be imposed on the platforms.

Finally, it is high time to work on the transparency of the algorithms used by digital platforms.

* Orientation document of the 52nd Confederal Congress of the CGT.

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