



France : general overview

I-Wire
Milan
2016

Recent evolutions of self-employment in France

- 2,8 millions persons engaged in a self-employed activity
- An increase of 26% between 2006 and 2011, especially in some high qualified services : management, consulting, design, computing, artistic and recreational activities
- The quantified success of the auto-entrepreneur status : 1 million persons in 2015, among them 619 000 report positive revenues.

Independent workers : some features

- Higher inequalities than among the employees in the private sector
- Work conditions : autonomy, long duration of work, uncertainty on the revenue ; otherwise, conditions close to those of salaried workers belonging to the same social group
- The independent workers generally began their working life as employees
- Importance of the family environment
- Pluriactivity is a rather common phenomenon among independent workers

Legal framework

- No positive definition of independent workers
- Subordination is the major criterion to classify a work relationship as a salaried one
- The subordination is assessed by the judge, based on the effective authority of the employer in the work's implementation
- Specific arrangements for several occupations, such as artists, journalists, homeworkers, sales representatives, aso. (book 7).
- The presumption of independent work (Madelin)

Auto-entrepreneurs, hybrid status and assimilated salaries

- 2008 : the auto-entrepreneur = a simplified regime for micro-enterprises (tax and social contributions). About 1 million persons.
- 2014 : the salaried-entrepreneurs are independent in their activity but employed by a Business and Employment Cooperative. About 10 000 persons.
- 2015 : the “wage portage” concerns only skilled employees with a high level of autonomy. Less than 50 000 persons.

Poorly regulated new forms of work

- Nomadic working : still a few agreements on nomadic working
- Job sharing : no specific legal rules
- Crowd workers : French hesitations. The Labanne judgment (2000). The El Khomri Law (2016) : some obligations of platforms towards the independent workers
- Co-working : a simple contract for services

The situation of the self-workers

- A specific social security scheme
- A trend of harmonisation of the basic coverage but no coverage for accident in the workplace and unemployment
- A continuous extension of the general scheme (assimilated salaries), based on two criteria : economic dependency and business creation
- A strong contestation of the RSI among the independent workers

Key elements of the national debate

Options	Problems
To maintain the distinction between employment and independent work, while broadening the scope of salaried work and improving transition security	Which limits to the broadening? How to finance the extension of unemployment insurance? Which distinction between professionals and amateurs?
To create a third status for the economically dependent self-employed	How to specify the thresholds for economic dependency and avoid the threshold effects? Which contribution of the contractors? Which consequences for other workers?
To go beyond the distinction between employment and independent work, while establishing a unique worker's status	How to specify the different stages of protection? Which perimeter of professional activity? Which level of universal protection?

Operating logics	Examples	Worker's identity	Aims and claims
Business logic	UPA, UAE, SDI	Very small business	Defence of the micro-enterprises
Union logic (traditional or expanded)	CGT Spectacles CCF (deliverers of Ile de France)	Worker in the performing arts Disguised employee	Defence of a specific regime Reclassification as an employment contract
Pooling of resources and mutual aid	BEC (business employment cooperatives)	Salaried entrepreneur	Access to social rights beyond legal subordination, promotion of collective entrepreneurship
Professional logic	SYFCI (Union of independent consultant-trainer)	Autonomous professional	Promotion and defence of the profession.

Proposals of case studies

- Business and Employment cooperatives
- Les Incorrigibles (sharing and mutual aid between information professionals)
- A federation of auto-entrepreneurs
- La Briche (association of plastic artists, auto-entrepreneurs or members of the Maison des artistes) ?
- GESCOMP (a cooperative of taxi drivers) or CAPA-VTC (a Uber drivers' association)?