La Kanzlei

Digital platforms: 2 to 0 for the employees!

Arbeitsrecht



Uber will have to rethink his business model in France: Following the Supreme Court ruling in November on the bicycle couriers of a food delivery service, the Paris Court of Appeal has now ruled that Uber riders (so-called partner riders) are also employees.

The independence was not recognized, because

- the partner driver had no opportunity to build up his own customer base;
- he was not allowed to set the prices freely, they were set by Uber;
  he could not freely determine the conditions for the performance of his activity, these were determined exclusively by Uber.

The partner-driver is to be considered as an employee for the judges of the Court of Appeal of Paris, since he carried out his activity in a relationship of subordination, which is proven by the following facts:

- The partner driver was bound by instructions and had to follow the GPS instructions of the App, as well as various instructions of conduct (for example, the prohibition to talk with the passengers about politics or religion, or the obligation to wait up to ten minutes for the passengers);
- had the authority (for example through the geolocation system) to control the fulfilment of the commands and instructions;
- and Uber had the possibility to sanction the driver in case of a performance defect.

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