

# Are Gig and Franchise Workers in need of Labour Law Protection?

## A Relational Contract Theory Assessment of their Vulnerabilities



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# Introduction

They are similarities between these 2 forms of work



Franchisee

Gig workers



Seem to be at the extreme end of the dependency

Successful

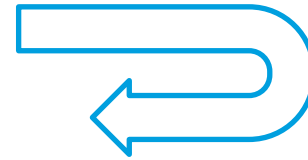
Radical fissuring

- Core of operations
- Network
- Coordinated by lead corporation
- Turnkey contract
- Technologies

Vulnerable workers

# Introduction

Going back to the purpose of labour law.



- Do these workers need labour law's protection? Are they engaged in a work relationship that leaves them vulnerable (Guy Davidov )?
- Ian MacNeil's Relational Contract Theory

**Does relational contract theory combined with classical employment vulnerability analysis provide the comprehension of franchise and platform workers' vulnerability needed to activate a labour law protection that correspond to their needs?**



# Results

- Classical analysis
- Relational analysis

1- The corporations leading the platform or franchise networks have the power to shape the parameters of their relationship with workers

**Through political influence**

**By being an invisible employer**

**By limiting access to State justice through the imposition of arbitration and mediation clauses**

# Results

2- The market failures provide opportunities for companies to use their power arbitrarily

**Workers have less market options than franchise or gig companies**

**Franchise and platform contracts are incomplete, and information is not shared symmetrically**

**These market failures, combined with the lead company's right to determine access to the network, allow them to take advantage of workers**

# Findings

- The contribution of relational analysis
- Is the creation of specific regulations or a third category for these workers a really good idea?
- The relational contract theory : other uses
- Limits of our research



Thank you for your attention!

