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

- Seem to be at the extreme end of the dependency
- Successful
- Radical fissuring
  - Core of operations
  - Network
  - Coordinated by lead corporation
  - Turnkey contract
  - Technologies

Gig workers

- Vulnerable workers

They are similarities between these 2 forms of work.
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?
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!