

Constitutive Regulation as a Compromise for Disruptive Innovation?

The Introduction of Social Dialogue in the French Platform Economy

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Abstract

This article explores how constitutive regulation can function as a response to disruptive innovation, using the French platform regulator ARPE as a case study. While most regulatory approaches to the platform economy rely on adapting existing legal categories, ARPE introduces a novel model based on the creation of new institutional identities and behaviours. Drawing on abductive document analysis, the article examines how constitutive regulation attempts to reconcile the demands of both platform firms and workers by creating new participatory mechanisms without altering independent status of platform workers. It critically assesses the partially decommodifying ambitions of this model within the recommodifying pressures of digital capitalism and contributes to theoretical debates on the role of regulation in shaping technological and social transformation.

1. Introduction

The challenge for regulators when responding to new digital technologies is often to find a balance between the need to encourage innovation and the respect for legal principles and norms.¹ Technological innovation can challenge existing socio-economic systems, and so regulators must determine the role of the state to

¹. Sofia Ranchordas, 'Does Sharing Mean Caring: Regulating Innovation in the Sharing Economy' (2015) 16 *Minnesota Journal of Law, Science and Technology* 413.

regulate them, their attitude towards innovation, and which regulatory principles should be followed in both of these endeavours.² The rise of digital labour platforms such as Uber, Bolt and Lieferando, widely considered disruptive technologies or disruptive innovation,³ has posed a particularly significant challenge of this manner to regulators and policy-makers. This is for a variety of reasons, including intentional corporate efforts to evade regulatory regimes⁴, the significant power imbalance between Silicon Valley platforms, and the “invisibility” of platform workers when vying for regulators’ limited attention⁵. Despite these challenges, regulatory states are increasingly clarifying strategies for the regulation of digital labour platforms.

Two broad approaches to regulating digital labour platforms (DLPs) have emerged, emphasising either economic benefits based upon flexibility for employees, and autonomy for workers, or the deregulated nature of these platforms as a ‘glidepath to precarity’ and poor working conditions.⁶ The decisions about which specific regulatory issues conflict focuses upon, and various stakeholders engaged in debate on regulatory direction, lead to diverging regulatory practices for the platform economy.⁷ Approaches emphasising the economic benefit of platform firms have tended to leave the platform economy unregulated or deregulate the sectors within it falls, such as taxi services.

While many states are attempting to find a balance between supporting innovation and maintaining regulatory principles within existing institutional frameworks, some countries such as France or the United Kingdom seek to create a new regulatory systems or identities to address digital innovation. This is a form of constitutive regulation: regulation that ‘define[s] new forms of behaviour, rights, and identity’.⁸ This new regulation, focused on guiding the development of new technology to a different model of workplace relations, is of scholarly interest for the study of the tripartite relationship between the state, technology, and social development.

This article presents a single case study of the new bespoke French platform regulator, the *Autorité des relations sociales des plateformes d'emploi* (ARPE, Authority of Social Relations of Employment Platforms). It addresses the research question of how constitutive regulation shapes new behaviours, rights and identities within the emergent regulatory practices of the ARPE model and how this constitutive regulation aims for (de/re)commodification of platform labour. The empirical section uses abductive document analysis from a variety of sources, including official documents, press releases, news media, parliamentary debate transcripts, and public letters.

Believing self-employed status to be satisfactory to both the platform firms and a majority of platform workers, the ARPE model maintains this while attempting to rectify issues of exploitation and lack of social rights through new forms of regulation and social dialogue. ARPE is noteworthy in a scholarly sense for both being the first bespoke regulator for labour platforms in Europe, and also for the decision to respond to the challenges of digital innovation with the creation of new regulatory actors and institutions rather than adapting or continuing to enforce existing regulatory standards.

². Araz Taeihagh, M Ramesh and Michael Howlett, ‘Assessing the Regulatory Challenges of Emerging Disruptive Technologies’ (2021) 15 *Regulation & Governance* 1009.

³. See Rodrigo de Lacerda Carelli, Murilo Carvalho Sampaio Oliveira and Sayonara Grillo, ‘Concept and Criticism of Digital Labour Platforms’ (2021) 7 *Labour & Law Issues* C.28; Geoffrey Dudley, David Banister and Tim Schwanen, ‘The Rise of Uber and Regulating the Disruptive Innovator’ (2017) 88 *The Political Quarterly* 492; Nicholas Occhiuto, ‘Enabling Disruptive Innovations: A Comparative Case Study of Uber in New York City, Chicago and San Francisco’ (2022) 20 *Socio-Economic Review* 1881.

⁴. Shan Jiang and others, ‘On Ridesharing Competition and Accessibility: Evidence from Uber, Lyft, and Taxi’, *Proceedings of the 2018 World Wide Web Conference on World Wide Web - WWW '18* (ACM Press 2018).

⁵. Vicky Kluzik, ‘Governing Invisibility in the Platform Economy: Excavating the Logics of Platform Care’ (2022) 11 *Internet Policy Review* 1 2.

⁶. Frank Pasquale, ‘Two Narratives of Platform Capitalism Feature: Essays from the Law and Inequality Conference’ (2016) 35 *Yale Law & Policy Review* 309 314.

⁷. Kathleen Thelen, ‘Regulating Uber: The Politics of the Platform Economy in Europe and the United States’ (2018) 16 *Perspectives on Politics* 938.

⁸. David Levi-Faur, ‘Regulatory Capitalism’ in Peter Drahos (ed), *Regulatory Theory* (ANU Press 2017), 295.

The article continues with a theoretical discussion and review of extant research on constitutive regulation and technology, in general and then in the context of digital labour platforms specifically. I then introduce *ARPE* as a single case study along with research design and methods. The second part of this article then discusses *ARPE*'s regulatory practices and how constitutive regulation seeks to partially decommodify the status of platform workers – even if that leads to further challenges. I then conclude with brief remarks on *ARPE* and the use of examining constitutive regulation for the study of both regulatory innovation and regulatory capitalism.

2. Constitutive Regulation and Technology

2.1 The Regulation of Digital Labour Platforms

Platform work is, in a broad sense, simply work conducted through digital labour platforms, even if no formal employment relationship exists.⁹ Because this replacement of a formal employment system with casualised, platform-based work goes against existing (European) social and regulatory norms, regulatory space is 'ceded' through the rise of platform firms, who are able to set their own rules around commodity accumulation.¹⁰ Because of this, the platform economy has been classified as an 'emerging disruptive technology' that provides a novel regulatory challenge for inspectorates and similar government agencies.¹¹

While the platform economy is a broader phenomenon, this article specifically focuses the 'on-location'¹² variant of platform work, operates on the general formula of 'Bring X from A to B at/by timepoint t'¹³. These short tasks, or 'gigs', usually give workers small, one-off payments per task.¹⁴ Such as on rideshare or food-delivery services.

The predominant focus of some studies has been on the integration of platform work into pre-existing regulatory systems, most notably, the binary employed/self-employed system of labour governance.¹⁵ This is perhaps due to conservative approaches taken by regulators themselves, who can seek to adapt existing regulatory institutions to constrain platform firms or empower their workers within existing frameworks. Yet this is not always sufficient to understand how platform work is regulated, as in some countries, such as France, new regulatory institutions are created more than existing institutions are adapted. To be able to understand the impact of this form of regulation on platform work, and workers, it is useful to call upon the concept of 'constitutive regulation'.

2.2 Constitutive Regulation and Constitutive Rules

When discussing the constitution of social relations through this rule-making procedure, the role of technology as an internal phenomenon that both shapes and is shaped by a chosen societal project should be emphasised. As Castells notes, technology in itself does not determine societal development, but rather is part of society's ability to consciously develop in a certain direction.¹⁶ The regulation of technology is

⁹ Deborah Giustini, '“You Can Book an Interpreter the Same Way You Order Your Uber”: (Re)Interpreting Work and Digital Labour Platforms' (2024) 32 *Perspectives* 441.

¹⁰ Cristina Inversì, Tony Dundon and Lucy-Ann Buckley, 'Work in the Gig-Economy: The Role of the State and Non-State Actors Ceding and Seizing Regulatory Space' (2023) 37 *Work, Employment and Society* 1279 1288.

¹¹ Taihagh and others, (n 2).

¹² Antonio Aloisi, 'Platform Work in Europe: Lessons Learned, Legal Developments and Challenges Ahead' (2022) 13 *European Labour Law Journal* 4 6.

¹³ Hans J Pongratz, 'Plattformarbeit : Zwischenbilanz und Perspektiverweiterung' (2023) 76 *WSI-Mitteilungen* 355 357.

¹⁴ Nikos Koutsimpogiorgos and others, 'Conceptualizing the Gig Economy and Its Regulatory Problems' (2020) 12 *Policy & Internet* 525.

¹⁵ There are numerous studies on this theme; such as Delphine Defossez, 'The Employment Status of Food Delivery Riders in Europe and the UK: Self-Employed or Worker?' (2022) 29 *Maastricht Journal of European and Comparative Law* 25; Hannah Johnston and others, 'Employment Status and the On-Demand Economy: A Natural Experiment on Reclassification' (2024) 22 *Socio-Economic Review* 169.

¹⁶ Manuel Castells, *The Rise of the Network Society* (John Wiley & Sons 2010) 7.

significant as ‘prerequisites’ for the development of technology in social life, as it allows for intervention around the desired role of technology within the accumulation process.¹⁷

How the regulation of technology occurs can be analysed through the conceptual framework of constitutive regulation. As stated above, constitutive regulation relates to the capacity of the regulatory state to define new identities, rights and behaviours within social and economic life. Searle, who has developed these concepts starting in the 1950s, distinguishes between regulative rules which guide ‘antecedently existing behaviors’ and rules that ‘constitute new forms of behavior and thus regulate the very behavior that they constitute’.¹⁸ This latter category of rules, which he named constitutive rules, thus have a socially constructive role in creating new social practices.

The general format for a constitutive rule given by Searle (1995, 28) is ‘X counts as Y in context C’. There is a new identity constituted by the rule, Y, as well as a context in which it is understandable, C, and an externally existing phenomenon which gives the new identity a signified base, X. He gives the example, “Bills issued by the Bureau of Engraving and Printing (X) count as money (Y) in the United States (C)” as a simple example of how a constitutive rule functions.¹⁹ Further regulatory rules may follow, for example, that you may return damaged money in exchange for the equivalent in new bills, but that does not *create* money, it rather guides and regulates the previously-constituted social phenomenon of money. In this way constitutive rules allow for the constitution of social identities which can then be positively or negatively modified by further law, regulation, or custom.

The above example of a constitutive rule is what Roversi classifies as a ‘condition-setting constitutive rule’, as it clarifies the conditions, that is, the context C, under which a bill counts as money.²⁰ Roversi posits that there also exist two other forms of constitutive rules, the ‘consequence-setting’, and the ‘mode-setting’ constitutive rule.²¹ These are equally important for the constitution of a social phenomenon such as money (Roversi himself uses the game of chess) as they are equally necessary to constitute social behaviour. For example, a mode-setting rule such as ‘money may be exchanged for goods and services’ is necessary to constitute money in such a way which makes it socially more than a paper rectangle issued by a government agency. The constitution of objects, given it is a social constitution which cannot be extracted from the societal conditions which give the constitutive rules meaning, in this way includes not just technical but also teleological components designed to achieve certain societal ends – whether a successful game of chess or the monetary system.

This conception of constitutive rules was introduced into contemporary regulatory governance by Levi-Faur²², who contrasts constitutive regulation with two other forms of regulation, constraining regulation, and empowering regulation (see Table 1. for an overview). This requires a slight shift in terminology, given that in the context of the regulatory state even constitutive rules perform a regulatory role. This is perhaps helpful, however, as one of most prominent critiques of constitutive rules as a concept is the question of whether constitutive rules also have regulatory roles over the behaviours they constitute.²³ Moving beyond a constitutive versus regulative dichotomy to a constitutive, constraining, and empowering triple framework allows for a more nuanced understanding about how regulation – including constitutive – is able to shape the materiality of the regulatory state.

These three categories of regulation, and the social relations they shape allow the regulatory state to balance and re-balance the ‘unstable equilibrium of compromises’ the state pursues for capitalist society.²⁴ The focus here on constitutive regulation should not de-legitimise constraining or empowering regulation. These two

^{17.} Simon Schaupp, ‘Was ist Technopolitik? Aushandlungsarenen in der digitalisierten Arbeitswelt’, *Theorien des digitalen Kapitalismus* (Suhrkamp 2023) 341.

^{18.} John Searle, ‘Constitutive Rules’ (2018) 4 *Argumenta - Journal of Analytic Philosophy* 51–51.

^{19.} John Searle, *The Construction of Social Reality* (Free Press 1995) 28.

^{20.} Corrado Roversi, ‘Constitutive Rules in Context’ (2010) 96 *ARSP: Archiv für Rechts- und Sozialphilosophie* 223–230.

^{21.} Roversi (n 20) 233.

^{22.} Levi-Faur (n 8).

^{23.} Christopher Cherry, ‘Regulative Rules and Constitutive Rules’ (1973) 23 *The Philosophical Quarterly* 301; Roversi (n 20).

^{24.} Nicos Poulantzas, ‘The Capitalist State: A Reply to Miliband and Laclau’ [1976] *New Left Review* 63–71.

forms of regulation are important to stabilise and adapt the state's role within commodity accumulation, by, for example, limiting patent duration.²⁵ The unique significance, however, of constitutive regulation is that it allows the state to influence market formation and commodity accumulation in new areas by defining key identities and behaviours. The broad difference between these three categories of regulation can be seen in brief within Table 1 below.

Table 1. Three categories of regulation

	Type of Regulation	Intended Function
<i>Regulation of capitalism</i>	Constraining regulations	A set of rules which specify prohibitions or responsibilities and mandate how previously existing behaviours should occur.
	Empowering regulations	A set of rules which permit behaviours to occur and grants the rights necessary to empower relevant social actors.
<i>Regulation for capitalism</i>	Constitutive regulations	Definitions of new identities, behaviours, and categories to allow for regulated development of new areas of social relations

Constitutive regulation which defines ‘categories of eligibility and accountability’²⁶ performs a more fundamental role within regulatory governance than the previous two categories through not just modifying behaviours but setting facilitative rules for the development of social relations. Levi-Faur uses the term ‘regulation *for* capitalism’, in juxtaposition with ‘regulation *of* capitalism’ to emphasise the broader significance of constitutive regulation. Following his variegated approach, the significance of this regulation for capitalism is its ability to constitute social institutions and the social behaviours which they produce that have a certain political-economic aim in relation to commodity accumulation.

Following from this, the nature of constitutive regulation depends on its context. Constitutive regulation, like constraining and empowering regulations, can be used by policy makers to serve different political-economic aims of commodification, decommodification, and recommodification as the state seeks to maintain the equilibrium of commodity accumulation (see Table 2). Levi-Faur adapts this from Offe, who co-developed the three terms in the 1970s and 1980s as part of a broader group of regulatory and state theorists to understand the functioning of the capitalist state, particularly in the context of the significant economic and social change of the late 20th century.²⁷

Table 2. Regulatory capitalism as a variegated approach. Adapted from Levi-Faur (2017)

	Commodification	Decommodification	Re-commodification
Constitutive regulation	Regulation that defines identities, behaviours and categories to facilitate market relations	Regulation that defines identities, behaviours and categories outside of labour or capital markets	Regulation that redefines previously-existing identities, categories and behaviours and therefore redraws the boundaries between commodification and de-commodification processes.

Under processes of commodification, individuals, or the relationship between individuals, become subject to commodity relations and under decommodification, the ‘decoupling’ of social groups from market relations occurs.²⁸ This is traditionally associated with the development of capitalism, and the stage of

^{25.} Levi-Faur (n 8) 290.

^{26.} Levi-Faur (n 8) 297.

^{27.} Claude Offe, *Contradictions of the Welfare State* (Hutchinson 1984).

^{28.} Bernard Guerrien, ‘Marchandisation et théorie économique’ (2003) 34 *Actuel Marx* 121.

commodity accumulation which Marx called ‘primitive accumulation’.²⁹ Yet it is also used in a contemporary sense, as Bidet emphasizes the necessity to consistently have, under the rule of law, conditions which allow for ‘capacity to organize freely’ within market relations.³⁰ In this way, a concept created to study the rise of capitalism has been reinterpreted in a contemporary sense to investigate the marketisation of social relations.

De-commodification, as one may expect, is the opposite of commodification, and occurs when market influence is removed from social relations. While the term was originally focused on labour, its scope has been broadened to consider any process reducing the scope of the market.³¹ Within the regulatory welfare state, de-commodification occurs when ‘a service is rendered as a matter of right...without reliance on the market’.³² This is, however, not an absolute question and is typically seen as a matter of degree.³³ As Lacher and Dale note, the partial de-commodification of labour within post-war welfare states was accompanied by a deepening of commodity relations in other areas.³⁴ Within this more social capitalism, it is necessary to analyse not just whether market relations are present, but, in a more realistic sense, the extent to which relations are (not) beholden to the market.

This ‘partial’ de-commodification within a broader market system is commonly used to understand the socioeconomic effect of policies within the modern regulatory state. For example, Höpner and Waclawczyk classify the German firm-level system of social dialogue, *mitbestimmung* as ‘a special case of detail commodification’ to understand employer attitudes towards institutions of social dialogue.³⁵ Similarly, Holst and Singe note in their research on sub-contracting that high inclusivity of institutions of collective bargaining, co-determination, and labour law achieves a ‘certain de-commodification of the workforce’.³⁶ Through this approach, de-commodification is seen as the extent to which relations, and which aspects of those relations are removed from the pure realm of the market.

Re-commodification, to complete this trio of concepts, refers to the ‘administrative and political’ changes needed to ensure commodification can adopt as technological and social change renders previous commodification processes obsolete.³⁷ Specifically, it refers to change that ‘reinstates the discipline of labour market competition through....reforms to welfare states, industrial relations, or labour markets’.³⁸ Therefore, re-commodification is linked to the rise of flexibility in labour markets³⁹ as well as accompanying institutions, such as the rise in temporary contracts and the outsourcing of labour.⁴⁰ Finally, Dukelow emphasises that re-commodification also occurs ‘in-work’ with the erosion of worker protections which may limit commodification.⁴¹ In these ways, re-commodification seeks to reshape existing instruments of the

²⁹ Karl Marx, *Capital Vol I: A Critique of Political Economy* (Ben Fowkes trans, Penguin Classics 1990) 874.

³⁰ Jacques Bidet, ‘Paradoxes marxistes de la marchandise’ (2003) 34 *Actuel Marx* 11 14.

³¹ John Vail, ‘Decommodification and Egalitarian Political Economy’ (2010) 38 *Politics & Society* 310.

³² Gøsta Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Polity 1990) 21.

³³ François-Xavier Merrien, *L’État-providence* (Presses Universitaires de France 2007); Marc-Antoine Sabaté, ‘Ambivalence d’une « alternative radicale ». Le revenu de base inconditionnel entre démarchandisation et (re)marchandisation du travail’ (2023) 90 *Raisons politiques* 83.

³⁴ Hannes Lacher, ‘Embedded Liberalism, Disembedded Markets: Reconceptualising the Pax Americana’ (1999) 4 *New Political Economy* 343; Gareth Dale, ‘Social Democracy, Embeddedness and Decommodification: On the Conceptual Innovations and Intellectual Affiliations of Karl Polanyi’ (2010) 15 *New Political Economy* 369.

³⁵ Martin Höpner and Maximilian Waclawczyk, ‘Opportunismus oder Ungewissheit? Die Arbeitgeberhaltungen zum mitbestimmten Aufsichtsrat’ (2012) 19 *Industrielle Beziehungen* 314 333.

³⁶ Hajo Holst and Ingo Singe, ‘Ungleiche Parallelwelten – Zur Organisation von Arbeit in der Paketzustellung’ (2013) 6 *Arbeits- und Industriesoziologische Studien* 41 58.

³⁷ Offe (n 27) 124.

³⁸ Ian Greer, ‘Welfare Reform, Precarity and the Re-Commodification of Labour’ (2016) 30 *Work, Employment and Society* 162 165.

³⁹ See Richard Sobel, Sandrine Rousseau and Nicolas Postel, ‘La RSE : une nouvelle forme de démarchandisation?’ (2010) 45 *L’Économie politique* 83.

⁴⁰ Carlos Frade and Isabelle Darmon, ‘New Modes of Business Organization and Precarious Employment: Towards the Recommodification of Labour?’ (2005) 15 *Journal of European Social Policy* 107.

⁴¹ Fiona Dukelow, ‘Recommodification and the Welfare State in Re/Financialised Austerity Capitalism: Further Eroding Social Citizenship?’ (2021) 20 *Social Policy and Society* 125 138.

regulatory welfare state in order to ensure commodity accumulation, and through it, social or technological change can have significant indirect effect on previously existing institutions and practices.

Through the use of constitutive regulation, whether commodifying, de-commodifying, or re-commodifying, the regulatory state therefore has significant scope to guide how individuals relate to the market, and how social relations become economic in character.

2.3 Constitutive regulation and the platform economy

Given the novel nature of digital labour platforms, it can perhaps be expected that constitutive regulation can be identified as regulatory states adapt accordingly. Yet regulatory innovation is not necessarily constitutive regulation. For example, developing new enforcement methods to ensure that platform workers pay their income tax, is simply enforcement of existing regulation.⁴² Similarly, Prassl and Risak argue that tools for dealing with false self-employment already exist within regulatory systems, and therefore new constitutive regulation, even if they themselves do not use that term, is overcomplicating a situation that can be solved with existing tools.⁴³

Constitutive regulation requires the creation of identifiably new social relations as part of regulation. These can often be identified on a basic level quite easily. For example, courts in the United Kingdom (which has a common law system) have created a third category of ‘worker’ which benefit from a more limited set of employment rights in response to litigation on employment rights in the platform economy.⁴⁴ Despite originated from the judiciary, this is an example of commodifying constitutive regulation, as it creates new social categories within the labour market.

Commodification can also be quickly identified within the platform economy, particularly since the goal of platformisation is in large part the expansion of market relations.⁴⁵ Bergvall-Kåreborn and Howcroft note how digital labour platforms have created new, deregulated forms of work to create new commodified identities.⁴⁶ A similar perspective focused on food delivery platform work in Belgium is taken by Franke and Pulignano to understand how platforms extract value from their users.⁴⁷ In this way commodification does not often require active regulation, but rather acceptance of the commodifying self-regulation of platform firms.

There has also been, in more liberal-oriented market capitalist states such as the United States or Estonia, several projects of recommodifying constitutive regulation aimed at repealing labour and transport regulations as a response to the platform economy.⁴⁸ These initiatives take advantage of the social and technological change heralded by the rise of digital labour platforms to adjust the regulatory state further in favour of market relations. Re-regulation in favour of platform business models and self-employment, with repeal of other economic regulation such as taxi rules, is an indication of regulation in favour of increased marketisation, and therefore recommodification.

⁴² Indeed, the question of taxation of platform work is so varied across the European Union as it depends on the existing legal categories into which it is classified. See Katerina Pantazatou, ‘Taxation of the Sharing Economy in the European Union’ in John J Infranca, Michèle Finck and Nestor M Davidson (eds), *The Cambridge Handbook of the Law of the Sharing Economy* (Cambridge University Press 2018).

⁴³ Jeremias Prassl and Martin Risak, ‘Uber, Taskrabbit, and Co.: Platforms as Employers - Rethinking the Legal Analysis of Crowdwork’ (2015) 37 *Comparative Labor Law & Policy Journal* 619.

⁴⁴ Mark Freedland and Jeremias Prassl, ‘Employees, Workers and the “Sharing Economy” Changing Practices and Changing Concepts in The United Kingdom’ (2017) 6 *Spanish Labour Law and Employment Relations Journal* 16.

⁴⁵ Thomas Poell, David Nieborg and José van Dijck, ‘Platformisation’ (2019) 8 (4) *Internet Policy Review* 1.

⁴⁶ Birgitta Bergvall-Kåreborn and Debra Howcroft, ‘Amazon Mechanical Turk and the Commodification of Labour’ (2014) 29(3) *New Technology, Work and Employment* 213.

⁴⁷ Milena Franke and Valeria Pulignano, ‘Connecting at the Edge: Cycles of Commodification and Labour Control within Food Delivery Platform Work in Belgium’ (2023) 38(2) *New Technology, Work and Employment* 371.

⁴⁸ Emily Reid-Musson and others, ‘Occupational Safety and the City: Licensing Regulation and Deregulation in the Taxi Sector’ (2020) 75(1) *Relations industrielles / Industrial Relations* 101; Arto Lanamäki and Tauri Tuvikene, ‘Framing Digital Future: Selective Formalization and Legitimation of Ridehailing Platforms in Estonia’ (2022) 136 *Geoforum* 283.

Decommodifying constitutive regulation is the most difficult of the three forms to identify in the literature and thus to operationalise, largely because the creation of behaviours and identities partially outside market relations is anathema to the goals of platform firms. Thus it requires a strong social state that is also open to regulatory innovation. The strong social state in the Nordic countries, for example, has not really exhibited decommodifying constitutive regulation because strong unions can force platforms to comply with existing regulation.⁴⁹ The Spanish Riders' Law granting workers and unions a right to algorithmic transparency is a weak form of decommodification when coupled with existing collective bargaining⁵⁰, as it allows for easier social dialogue. Similar regulation can also be seen within the German and Norwegian social state after recent regulatory reforms.⁵¹ While not exclusive to the platform economy, limits on the capacity of algorithmic management⁵² also have an important decommodifying role here. Decommodifying *constitutive* regulation in the platform economy is somewhat rare for two reasons: it requires a strong social state to actively restrict market relations; and also for it to do so in a way which regulates new behaviours. This is why it is linked to both social dialogue/worker protection and the use of algorithms specifically.

Table 3. Constitutive regulation of digital labour platforms

	Commodification	Decommodification	Re-commodification
Constitutive regulation	Regulation that defines identities, behaviours and categories to facilitate market relations	Regulation that defines identities, behaviours and categories outside of labour or capital markets	Regulation that redefines previously-existing identities, categories and behaviours and therefore redraws the boundaries between commodification and de-commodification processes.
Examples	No regulation, support for regulatory avoidance and underregulated platform firms	Collective bargaining and works councils in the platform economy	Reclassification of platform workers from employees to self-employed workers; total deregulation of the taxi industry and reliance on self-regulation features of digital platforms

As this shows, constitutive regulation is a broad and flexible tool for regulatory states to shape (labour) market development and capital accumulation within the platform economy as they see fit. Constitutive regulation simply creates new social relations which the regulatory state can interact with. Just as the goal of regulation can often differ between sectors and states, a mix of commodifying, decommodifying, and recommodifying regulation can be used depending on how regulators and policy-makers want to shape the development of technology and the digital economy more broadly. As previously mentioned, this article focuses on how constitutive regulation specifically can be employed in the governance of digital innovation. As previously mentioned, the new French model for platform work governance is a useful case study for examining how constitutive regulation can be identified.

3. Case Study Design

As previously discussed, this paper focuses on a new French regulatory agency, *ARPE*, focused on regulating the social relations of the platform economy. As the only regulatory agency worldwide to solely focus on platform work, it has attracted both interest and some controversy due to the fact it does not grant platform workers employee status but rather seeks to better regulate them as self-employed workers. The fundamental

⁴⁹ See Anna Ilsøe and Carl Fredrik Söderqvist, 'Will There Be a Nordic Model in the Platform Economy? Evasive and Integrative Platform Strategies in Denmark and Sweden' (2023) 17 *Regulation & Governance* 608.

⁵⁰ As described by Adrián Todolí-Signes, 'Spanish Riders Law and the Right to Be Informed about the Algorithm' (2021) 12 *European Labour Law Journal* 399.

⁵¹ Virginia Doellgast, Ines Wagner and Sean O'Brady, 'Negotiating Limits on Algorithmic Management in Digitalised Services: Cases from Germany and Norway' (2023) 29(1) *Transfer: European Review of Labour and Research* 105; Anke Hassel and Didem Özkiziltan, 'Governing the Work-Related Risks of AI: Implications for the German Government and Trade Unions' (2023) 29(1) *Transfer: European Review of Labour and Research* 71.

⁵² Giovanni Gaudio, 'Algorithmic Bosses Can't Lie! How to Foster Transparency and Limit Abuses of the New Algorithmic Managers' (2021) 42 *Comparative Labor Law & Policy Journal* 707.

mechanism for this is by creating a new social dialogue between platform companies and elected representatives of platform workers.⁵³ Due to its attempt to, through regulation, create a new employment relations and labour market framework specifically for digital labour platforms and platform workers, *ARPE* can function as a critical case study, allowing scrutiny of constitutive regulation as a theoretical tool to understand how regulation seeks to (re)define and shape technology and social relations.

Within the Varieties of Capitalism (VoC) framework, France is commonly seen to not fit within the dualistic typology of liberal market economies (LMEs) and coordinated market economies (CMEs) first introduced by Hall and Soskice.⁵⁴ France is instead commonly viewed as a paradigmatic case of a ‘state-led’ or ‘state-enhanced market economy’.⁵⁵ Unlike LMEs, where coordination occurs primarily through competitive markets, or CMEs, where firms coordinate through institutionalized relationships with labor and finance actors, France has traditionally employed state-centered coordination mechanisms, such as centralized industrial policy, elite bureaucracies (e.g., the *grands corps*), and state ownership or influence in key sectors. This reliance on hierarchical coordination reflects a tradition of *dirigisme* that has shaped France’s postwar economic development.⁵⁶ Scholars have pointed out that France’s strong executive-led governance structure and reliance on discretionary state intervention have historically differentiated it from both Anglo-Saxon and corporatist models of capitalism.⁵⁷

France’s system of employment regulation and social dialogue has historically been marked by a paradox central to its state-led model: strong legal regulation of labour markets coexists with a relatively weak and fragmented structure of collective bargaining and trade unionism.⁵⁸ In the post-World War II era, the state played a central role in shaping employment relations, promoting a state-centred corporatism in which social dialogue was formally institutionalized but heavily mediated through state apparatuses.⁵⁹ Despite the presence of national-level tripartite bodies like the *Comité économique et social*, the French model was distinguished by limited union density and a pluralist union landscape, with major confederations (e.g., CGT, CFDT, FO) divided along ideological lines. As a result, collective bargaining was often highly legalistic and centralized.⁶⁰ The postwar settlement, while affirming the legitimacy of unions and collective agreements, ultimately maintained state primacy in employment regulation, with labour regulation as the chief guarantor of workers’ rights.

From the 1980s onward, however, the French model of social dialogue began to evolve in response to both domestic pressures and European integration. Economic liberalization, rising unemployment, and EU-level governance led to increasing calls for social dialogue and a more deliberative, negotiated form of policymaking involving unions and employers.⁶¹ Legal reforms, particularly the Auroux laws of 1982, expanded the role of workplace-level representation, notably through mandatory annual bargaining on pay and working conditions, and the establishment of employee representative councils (*comités d’entreprise*). In recent decades, reforms such as the 2008 Larcher law and the 2016 El Khomri law aimed to strengthen sectoral and firm-level bargaining by requiring representativity thresholds for unions and encouraging more

⁵³ Josépha Dirringer, ‘Des Droits Collectifs En Trompe-l’œil Pour Les Travailleurs de Plateforme:’ (2022) 105 *La Revue de l’Ires* 13.

⁵⁴ Peter Hall and David Soskice, *Varieties of Capitalism* (Oxford University Press 2001).

⁵⁵ Vivien Schmidt, ‘French Capitalism transformed, yet Still a Third Variety of Capitalism’ (2003) 32 *Economy and Society* 526; Henry Rothstein and others, ‘Varieties of Risk Regulation in Europe: Coordination, Complementarity and Occupational Safety in Capitalist Welfare States’ (2019) 17 *Socio-Economic Review* 993.

⁵⁶ Matthieu Ansaloni and Andy Smith, ‘The Neo-Dirigiste Production of French Capitalism since 1980: The View from Three Major Industries’ (2018) 16 *French Politics* 154.

⁵⁷ Ben Clift and Sean and McDaniel, ‘Capitalist Convergence? European (Dis?)Integration and the Post-Crash Restructuring of French and European Capitalisms’ (2021) 26(1) *New Political Economy* 1.

⁵⁸ Udo Rehfeldt, ‘Industrial Relations in France: From the Underdevelopment of Collective Bargaining to the Failure of Neocorporatist Concertation’ (2018) 40 *Employee Relations* 617.

⁵⁹ Chris Howell, *Regulating Labor: The State and Industrial Relations Reform in Postwar France* (Princeton University Press 1992).

⁶⁰ Lucio Baccaro and Chris Howell, ‘A Common Neoliberal Trajectory: The Transformation of Industrial Relations in Advanced Capitalism’ (2011) 39 *Politics & Society* 521.

⁶¹ Bruno Palier and Kathleen Thelen, ‘Institutionalizing Dualism: Complementarities and Change in France and Germany’ (2010) 38 *Politics & Society* 119.

flexible negotiations over working time and employment terms.⁶² Nevertheless, social dialogue in France remains marked by asymmetrical power relations, a strong legal framework, and a continuing reliance on the state as an arbiter.⁶³ This historical path dependency helps explain the reliance on state-led institutions for governance of work and employment.

In their research into French regulatory responses of disruptive digital technologies in the financial sector (FinTech), Campbell-Verduyn and Lenglet note the emergence of a ‘more direct digital *dirigisme*’ where the regulatory state preserves its leading role through new digitally-focused practices alongside traditional regulatory methods to ensure satisfactory conditions within the sector.⁶⁴ While the regulatory model of financial markets is not directly comparable to that of work and employment, this highlights the potential of the French regulatory state and its notable role in steering economic activity, for understanding constitutive regulation as a contemporary governance practice.

4. Research Design

This research features an abductive thematic analysis of documents relating to ARPE’s regulatory activities.⁶⁵ Documents were collected through searches on NexusUni (formerly LexusNexus), the official website of ARPE, arpe.gouv.fr, the French legislation portal, LegiFrance, legifrance.gouv.fr and the Open Data portal of the French National Assembly, data.assemblee-nationale.fr. Seven categories of documents were used: newspaper articles, longform media interviews, press releases, website pages, ministerial reports, National Assembly debate records, and strategic documents with a total number of 50, divided by category according to Table 4. A full list of all sources used can be found in the Appendix.

Table 4. Number of Documents by Category

Category of Document	Number Included in Analysis
Social Dialogue Accord	10
Official Document	3
National Assembly Debate Transcript	5
Open Letter	2
News Article	11
Press Release	6
Report	3
Webpage	5
<i>Total</i>	50

These categories of document are useful for a study of (constitutive) regulation and regulatory innovation because they either directly address new regulation and the motivations behind it, such as ministerial reports, debate transcripts or longform interviews, or provide important context to this, such as newspaper articles. Since constitutive regulation focuses on creating new social relations, the motives behind regulation and the broader social context are particularly relevant to understanding its functions.

^{62.} Jeremy F Lane, ‘From “Moule” to “Modulation”: Logics of Deleuzian “Control” in Recent Reforms to French Labour Law’ (2018) 26 *Modern & Contemporary France* 245.

^{63.} Élodie Béthoux and Arnaud Mias, ‘How Does State-Led Decentralization Affect Workplace Employment Relations? The French Case in a Comparative Perspective’ (2021) 27 *European Journal of Industrial Relations* 5.

^{64.} Malcolm Campbell-Verduyn and Marc Lenglet, ‘RegTech Governing Fintech in France?: The Persistence of Digital Dirigisme’, *The Routledge International Handbook of Public Administration and Digital Governance* (Routledge 2024) 255.

^{65.} Interviews with state officials as well as with representatives of platform firms and workers were also planned but were unable to be carried out due to organisational limitations.

On NexusUni, LegiFrance, and the Open Data portal, documents were found using both 'l'ARPE' and 'L'Autorité des relations sociales des plateformes d'emploi' as search terms. For the first two, this was performed using the website search functions. Due to the data format of the minutes of the French National Assembly, data for the 15th convocation (21 June 2017 – 21 June 2022) and 16th convocation (22 June 2022 – present) were downloaded as a complete record. Using Microsoft PowerShell, an open-source scripting language, the dataset was searched for the inclusion of the string 'l'ARPE' alongside the full name of the agency. The name of the agency can be used as a signpost to find specific debates as the name was determined before debate began. The relevant transcripts found aligned with expectations based on the number and date of issue of regulations requiring parliamentary debate.

4.1 Data Analysis

Following abductive coding methods, coding was conducted in two phases. The initial set of codes were created in a deductive manner based on the theoretical framework for this study. Three codes were used to identify text relating to practices and examples of constitutive commodifying regulation, constitutive decommodifying regulation, and constitutive re-commodifying regulation. Coding guidelines were established based upon theoretical definitions of the terms and observations of these three forms of regulation found in previous literature, as outlined earlier in the article.

The second phase of coding was conducted in an inductive manner with codes focusing on specific constitutive aspects of the regulation, shaped by knowledge of the data set. An inductive approach to this was necessary, as the specific identities, behaviours or categories created by constitutive regulation cannot be deduced from an ideal type of constitutive regulation, but rather, originate from a specific social context which a piece of regulation should address. The primary code of constitutive regulation had three subcodes, focusing on platform workers, platform firms, and the regulatory model as a whole. These in turn had two sub-sub-codes each, who classifies as a platform worker, the rights afforded to platform workers; what classifies as a platform firm, the responsibilities given to platform firms; and the role of the regulator, and market formation through regulation.

5. Results and Discussion

To answer the research question of this article, which has two main aspects, the findings of the document analysis are presented in two parts. First, it is necessary to determine whether constitutive regulation occurs, and the identities or processes it creates. Secondly, this constitutive regulation, to the extent it occurs, must be critically analysed in the context of French capitalist governance to determine the direction in which these newly-constituted regulatory practices may impact commodity accumulation.

This research indicates that constitutive regulation can be seen as the basis of the ARPE regulatory model, as it involves establishing a new governance institution in the social dialogue between platform firms and representatives of independent platform workers. The procedures to do so, as well as the identities which empower actors to participate, are created through constitutive regulation. Two of these identities, the platform firm and the platform worker, are naturally the most prominent.

5.1 Platform Firm

The 'first' category ARPE has created and continues to shape through constitutive regulation is the platform firm. This is crucial for ARPE's regulatory mandate, as defining 'platform firm' is necessary to enable regulation within the platform economy. This must first establish when a company qualifies as a platform firm. For ARPE, this is done through the 'sector of activity', with only two sectors falling under its mandate: 'driving a private hire car' and 'delivery of products by a two- or three-wheeled vehicle, motorised or not' (13). This condition-setting regulation determines eligibility for classification as a platform firm. As a result, regulation is limited to these sectors, even if digital labour platforms exist in many other sectors.

Further constitutive regulation is needed to enact regulation—this is consequence-setting constitutive regulation, as it imposes effects for being a platform firm. One clear example is a dedicated tax: 'financing

of [ARPE] is ensured by a tax paid by the platforms, the rate, base and capping of which are set by the budget' (R1). This tax did not exist prior to ARPE's categorisation and thus is a regulatory creation.

This, once established, requires further constraining regulation 'to identify the platforms likely to enter into the system and take steps to ensure they apply the [applicable] provisions' (W3). While this relates to the functioning of an identity created through constitutive regulation, the enforcement of this regulation and its extension to new firms has no further constitutive function

5.2 Platform Workers

Due to the model of regulation adopted by ARPE and the French government more broadly, constitutive regulation plays a less central role in defining the category of 'platform worker' than might be expected. Instead, the constituted identity of platform worker *representative* becomes significant. This is largely explained by the motivations underpinning ARPE's regulatory model. As one minister stated during a parliamentary debate on the new system, 'it is possible to improve the working conditions of platform workers without regulating their [employment] status' (A2). Thus, the ARPE model legitimates the independent status already created by constitutive regulation conducted by under-regulated platform firms, and seeks primarily to use empowering regulation to improve working conditions of independent platform workers.

Based on this, the regulatory approach taken by ARPE is kept simple: individuals are considered platform workers if they are an 'independent worker practicing in the ride hire or product delivery sectors' (P2). This definition is functionally subordinate to the previously established category of platform firms and reflects ARPE's desire to preserve existing labour models in the platform economy (F1; F2; I1; I3). Because of this, the ARPE model has drawn harsh critique from the trade union movement, and especially its left wing (I4; L2; Ng; N10; N11). One leading unionist rejected the idea that ARPE aims to improve the status of platform workers entirely, perceiving of ARPE as a "tool for the capitalists and for the government to impose a new status, a third [independent] status" (I4). The tensions this decision created are worth further discussion later when the position of ARPE's constitutive regulation within French governance traditions is considered.

Worker or unionist critiques of the model should not be taken to assume, however, that no new identities or rights are created through constitutive regulation. Central to ARPE's objective to 'set up and bring to life' social dialogue in the platform economy (I3) is a different kind of constitutive regulation, one focused on enabling new forms of collective representation and engagement. To do this, ARPE must establish regulatory conditions that support the emergence of representative structures among a highly individualised workforce. In practice, this is achieved through mode-setting constitutive regulation: platform workers may elect their representatives via a voting process, provided they have worked using a recognised platform at least five times (P2). This regulatory innovation has already led to two rounds of elections of platform worker representatives in both the rideshare and delivery sectors.

However, these elections have also revealed some of the difficulties constitutive regulation can encounter when attempting to reshape social practices. Participation in the first round of elections was extremely low, with only 4% of rideshare and 2% of delivery platform workers voting. The director-general of ARPE acknowledged this limitation, noting that 'the culture of social dialogue among independent workers is not as natural as for employees' (I3). In the second election which took place in 2024, however, nearly 20% of rideshare workers and 4% of delivery platform workers participated (P6). This suggests that constitutive regulation is able to create new identities and behaviours that receive (partial) uptake by the affected individuals themselves.

ARPE's model represents a distinctive, if controversial, approach to regulating platform work by setting aside questions of employment status in favour of improving working conditions through new mechanisms. This strategy requires a carefully constructed framework of constitutive regulation that establishes a parallel system of rights, entitlements, and organisational practices. Within this, the mode- and consequence-setting aspects of constitutive regulation are especially important, as this creates the possibility for new behaviours which allow the core of ARPE's regulatory framework – social dialogue – to function.

5.3 Social Dialogue

The creation of social dialogue is the third major form of constitutive regulation evident in *ARPE*'s regulatory work. Its significance lies in enabling the negotiation of improved pay and working conditions for platform workers, even though they remain self-employed. This regulatory balancing act—between fostering flexibility and securing protections—stems from the state's dual objective to 'foster a dynamic sector while strengthening the rights of mobility platform workers' (P4).

While this model may appear to mimic traditional regulatory institutions, it is in fact a regulatory innovation adapted to the platform economy. As *ARPE* explains, 'this model of social dialogue, while it has points in common with that organized in professional sectors for the benefit of French employees, has its own corpus of *sui generis* rules' (W2). The constitutive regulation here does not simply transplant existing models but intentionally reworks them to fit a context where standard employment relations are absent. This is the core of the *ARPE* governance model – *how* institutions of labour governance based on social dialogue can be made to function with actors who are explicitly excluded by the same regulation from the typical participants.

In line with existing social dialogue traditions, *ARPE* adopts a facilitative role. As its first president puts it, 'it is the representative organizations that will negotiate the agreements and their content. Our mission will consist of support or assistance, particularly technical' (I1). While *ARPE* does not control the content of negotiations, its influence lies in the earlier phase: constituting the behavioural and institutional conditions that allow meaningful dialogue to occur.

This takes the form of mode-setting constitutive regulation, which structures how dialogue should happen. Since the actors—platform firms and worker representatives—are already defined, regulation focuses on enabling engagement between them. One example is the rule imposing 'the obligation to engage in negotiations every year at sector level on at least one of the following themes' (R2). These provisions aim not to redefine the identities of participants, but to establish behavioural patterns and obligations that give structure to interaction.

In a theoretical sense, it is possible to identify *ARPE*'s constitutive regulation here as having a decommodifying function. The regulatory model partially lifts platform labour out of a market-dominated framework, where work is mediated only through apps and user agreements, and (re)introduces it to a social dialogue process of regulation that has been able to reach agreements on topics such as income (A3; A5; A9), anti-discrimination (A4) and autonomy (A9). Yet as *ARPE* themselves notes, socio-economic conditions for platform workers in France are getting worse (D3), drawing *ARPE* into the ire of frustrated platform workers (N11). In the 2024 elections for worker representatives, the most seats were won by unions calling for full employment status (N10) – in other words, the abolition of the *ARPE* regulatory model itself.

This hostility to the *ARPE* regulatory model is openly acknowledged by worker representatives. The secretary general of *FO-INV*, the largest union in the 2024 representative election 'celebrated' the results by proclaiming, 'I am very happy, but the Authority [*ARPE*] must still be dissolved'. (N10). After the election, unions on the left openly proclaimed their disappointment with lack of progress on negotiations, writing to the Minister of Labour to request intervention into the process (L2).

The general disillusionment amongst the social partners is acknowledged by *ARPE* itself, with its second president, Michel Yahiel, noting in a 2025 interview that finding a compromise between platform firms who would prefer an entirely unregulated system and workers seeking full employee status was the challenging yet urgent priority to ensure the continuance of the *ARPE* regulatory model. In Yahiel's words, 'if you stop peddling, the bike falls' and the newly-constituted regulatory model collapses. (I5) Clearly, the *ARPE* model is under a lot of pressure from the actors it supposedly could bring into the system through constitutive regulation.

This dilemma highlights part of the challenge with the French government's use of constitutive regulation to attempt to find a new regulatory path for the platform economy. The use of constitutive regulation attempts to reconcile the positions of large, often American platform firms who openly prefer independent status for

platform workers with the desire for social rights and an amelioration of working conditions for platform workers by simply ignoring what they actually call for – employment status.

6. Conclusion

This article examines how the French regulatory state uses constitutive regulation to shape a new regulatory model for the platform economy, creating new identities for social partners alongside regulatory processes for social dialogue which by their own admission seek to improve social rights for platform workers while conceding independent status as platform firms desire. While the French regulatory system has, at least within the VoC tradition, a reputation for shallow engagement of social partners, the consequence of this regulatory hesitancy has been increasing worker frustration and protest against ARPE and the French state alongside the platform firms, while failing to significantly engage platform firms in social dialogue processes.

At its core, the challenge of the ARPE model seems to be the choice to seek to rectify the poor working conditions offered by platform firms rejecting preexisting regulatory norms by conceding the nature of the regulatory basis to these firms. Because of this, ARPE attempts to partially decommodify platform work while still accepting its re-commodification. While traditional constraining regulation would undoubtedly lead to other political challenges of enforcement, the choice of constitutive regulation ultimately endorsed platform firms' desire to re-commodify and further exploit labour, and has led to further impasse between social partners.

These choices around whether to partake in constitutive regulation, and how new regulatory institutions should be constituted, are therefore significant for regulatory governance when responding to new, disruptive phenomena such as digital platforms. The identities and behaviours which are created through constitutive regulation determine the subsequent regulation as they determine re-commodification and decommodification in a fundamental way that limits the possibilities for later constraining or empowering regulation in a traditional sense.

This research was limited by extreme difficulties achieving interviews, which were initially sought with representatives from ARPE itself alongside both platform worker and firm representatives. No responsive communication could be made with relevant platform firms, and only one trade union for platform workers responded to requests for interviews. While contact with ARPE representatives was already established in 2023, no interviews were managed to be scheduled. While the document analysis is able to provide a comprehensive understanding of ARPE's regulatory model, it is unfortunately to miss the subjective perspectives of the parties affected by this constitutive regulation.

Future research in this area could, given the relatively rarity of regulatory responses to platform work based upon constitutive regulation, comparatively analyse both constitutive and traditional responses based upon empowering or constraining regulation, to explore how different approaches are either re- or decommodificatory and the different effects on the socio-economic conditions of platform work these approaches take. Within France however, future research will likely need to observe how the ARPE model responds to and withstands pressures which challenge the basis of its constitutive regulation. This includes not just internal criticism from social partners, but also external pressure from the EU Platform Work Directive, which rejects an independent status as a regulatory basis for most platform work.

6.1 Acknowledgements

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Appendix One:

Tables

Code	Document Type	Year	French Title	English Translation
A1	Agreement	2023	Accord encadrant les modalités de rupture des relations commerciales entre les travailleurs indépendants et les plateformes de mise en relation	Agreement governing the terms of termination of business relations between self-employed workers and matching platforms
A2	Agreement	2023	Accord collectif de méthode sur l'organisation des négociations collectives dans le secteur de la livraison de marchandises au moyen d'un véhicule à deux ou trois roues, motorisé ou non	Collective procedural agreement on the organization of collective bargaining in the goods delivery sector using two- or three-wheeled vehicles, motorized or not
A3	Agreement	2023	Accord instaurant une garantie minimale de revenus pour les livreurs indépendants utilisant une plateforme de mise en relation	Agreement establishing a minimum income guarantee for self-employed delivery workers using a matching platform
A4	Agreement	2024	Accord visant à lutter contre toute forme de discrimination sur les plateformes de mise en relation	Agreement aimed at combating all forms of discrimination on matching platforms
A5	Agreement	2023	Accord du 18 janvier 2023 créant un revenu minimal par course dans le secteur des plateformes VTC	Agreement of January 18, 2023 establishing a minimum income per ride in the VTC platform sector
A6	Agreement	2023	Accord du 18 janvier 2023 relatif à la méthode et aux moyens de la négociation dans le secteur des plateformes VTC	Agreement of January 18, 2023 on the method and means of negotiation in the rideshare platform sector
A7	Agreement	2023	Accord du 19 septembre 2023 relatif à la transparence du fonctionnement des centrales de réservation de VTC et aux conditions de suspension et résiliation des services de mise en relation	Agreement of September 19, 2023 on the transparency of the operation of VTC booking platforms and the conditions for suspension and termination of matching services
A8	Agreement	2023	Accord du 19 décembre 2023 pour l'amélioration des revenus des chauffeurs VTC indépendants ayant recours à une plateforme de mise en relation	Agreement of December 19, 2023 to improve the incomes of self-employed VTC drivers using a matching platform
A9	Agreement	2023	Accord du 19 décembre 2023 renforçant la liberté de choix de leurs courses par les chauffeurs VTC ayant recours à une plateforme de mise en relation	Agreement of December 19, 2023 strengthening the freedom of choice of rides by VTC drivers using a matching platform
A10	Agreement	2025	Les accords relatif à l'accord du 19 décembre 2023 renforçant la liberté de choix de leurs courses par les chauffeurs VTC ayant recours à une plateforme de mise en relation	The agreements relating to the agreement of December 19, 2023 strengthening the freedom of choice of their journeys by VTC drivers using a connection platform
D1	Document	2023	Orientations stratégiques 2023 - 2024	
D2	Document	2025	Point 6 : orientations stratégiques de l'ARPE 2025 - 2028	Item 6: Strategic orientations of ARPE 2025 - 2028
D3	Document	2025	Revenus et temps de travail : Analyse de l'activité des livreurs des plateformes de mobilité	Income and working time: Analysis of the activity of mobility platform couriers
F1	Assembly debate	2021	Ratification de l'ordonnance relative aux modalités de représentation des travailleurs indépendants recourant aux plateformes (Séance 6)	Ratification of the ordinance on the modalities of representation of self-employed workers using platforms (Session 6)

Code	Document Type	Year	French Title	English Translation
F2	Assembly debate	2021	Ratification de l'ordonnance relative aux modalités de représentation des travailleurs indépendants recourant aux plateformes (Séance 7)	Ratification of the ordinance on the modalities of representation of self-employed workers using platforms (Session 7)
F3	Assembly debate	2022	Projet de loi de finances pour 2022 (Séance 60)	
F4	Assembly debate	2022	Projet de loi de finances pour 2022 (Séance 95)	Finance Bill for 2022 (Session 95)
F5	Assembly debate	2022	Modalités de représentation des travailleurs indépendants recourant aux plateformes (Séance 135)	Modalities of representation of self-employed workers using platforms (Session 135)
I1	Interview	2022	Interview Guide de Joël BLONDEL, Directeur général de l'ARPE	Interview Guide with Joël BLONDEL, Director General of ARPE
I2	Interview	2023	Plateformes numériques : "L'Arpe a travaillé à la construction d'un terrain fertile à la négociation"	Digital platforms: "ARPE has worked to create fertile ground for negotiation"
I3	Interview	2023	Dialogue social et travailleurs indépendants	Social dialogue and self-employed workers
I4	Interview	2023	N/A	The national riders' strike in France is bad news for Uber Eats and for Emmanuel Macron: Interview with CGT's Ludo Rioux - Brave New Europe
I5	Interview	2025	Travailleurs des plateformes : ARPE, directive UE et entretien avec Michel Yahiel	Platform workers: ARPE, EU directive and interview with Michel Yahiel
L1	Letter	2024	N/A	[Letter to the Minister of Labour, Health and Solidarity, 7 October 2024]
L2	Letter	2025	Préavis de mobilisation du 30 avril 2025 - Appel à la responsabilité	Mobilization notice of April 30, 2025 – Call to responsibility
N1	News article	2021	Le gouvernement annonce la création de l'Autorité des relations sociales des plateformes d'emploi	The government announces the creation of the Authority for Social Relations of Employment Platforms
N2	News article	2021	M. Bruno METTLING, ancien directeur des ressources humaines d'Orange, devrait présider la nouvelle Autorité des relations sociales des plateformes d'emploi-ARPE dont la direction générale pourrait être confiée à M. Joël BLONDEL, inspecteur général des affaires sociales, président de l'IRA de Nantes	Mr. Bruno METTLING, former HR Director at Orange, is expected to chair the new Authority for Social Relations of Employment Platforms (ARPE), whose general management could be entrusted to Mr. Joël BLONDEL, Inspector General of Social Affairs and President of the IRA in Nantes
N3	News article	2022	Plateformes / élections professionnelles: Le Parlement a adopté définitivement mercredi soir, via un ultime vote de l'Assemblée puis du Sénat, le projet de loi ratifiant l'ordonnance prévoyant l'organisation	Platforms / professional elections: Parliament definitively adopted on Wednesday evening, through a final vote in the Assembly and then the Senate, the bill ratifying the ordinance providing for the organisation
N4	News article	2022	Un livreur sans papiers, membre d'une instance représentative, "déconnecté" par Uber Eats	An undocumented delivery worker, member of a representative body, "disconnected" by Uber Eats
N5	News article	2022	Des "convergences" entre représentants des plateformes et livreurs sur le futur dialogue social	"Convergences" between platform representatives and delivery workers on the future of social dialogue
N6	News article	2023	VTC : le tarif minimum d'une course passera à 7,65 euros hors commissions en 2023	Rideshare: the minimum fare per ride will rise to €7.65 before commissions in 2023
N7	News article	2023	Ces livreurs luttent contre l'ubérisation	These couriers are fighting against Uberization
N8	News article	2023	Dialogue social des plateformes : des «convergences» entre employeurs et livreurs	Platform social dialogue: "convergences" between employers and delivery workers

Code	Document Type	Year	French Title	English Translation
N9	News article	2024	Uber : l'élection des représentants des travailleurs est-elle une mascarade ?	Uber: Is the election of worker representatives a sham?
N10	News article	2024	Les travailleurs des plateformes votent pour la présomption de salariat	Self-employed mobility platform workers will be able to appoint their representatives in 2022
N11	News article	2025	Manifestation de chauffeurs VTC soumis à la précarité : «J'ai fini par dormir sur un matelas dans ma voiture»	Protest by VTC drivers facing precarious employment: "I ended up sleeping on a mattress in my car"
P1	Press release	2021	Les travailleurs indépendants des plateformes de mobilité pourront désigner leurs représentants en 2022	Self-employed workers on mobility platforms will be able to appoint their representatives in 2022
P2	Press release	2021	La France renforce les droits des travailleurs indépendants des plateformes	France strengthens the rights of self-employed platform workers
P2	Press release	2022	Première élection pour désigner les représentants des travailleurs des plateformes : le vote est ouvert !	First election to appoint platform workers' representatives: voting is open!
P3	Press release	2022	Lancement du dialogue social : l'ARPE a organisé hier la première réunion de négociation collective du secteur des VTC	Launch of social dialogue: ARPE organized yesterday the first collective bargaining meeting in the rideshare sector
P4	Press release	2023	Dialogue social dans le secteur des plateformes de livraison	Social dialogue in the delivery platform sector
P5	Press release	2023	Dialogue social dans le secteur des VTC	Social dialogue in the rideshare sector
P6	Press release	2024	Résultats des scrutins pour désigner les représentants des chauffeurs VTC et des livreurs indépendants - Autorité des Relations sociales des Plateformes d'Emploi	Results of the votes to designate VTC drivers and independent couriers' representatives – Authority for Social Relations of Employment Platforms
R1	Report (Ministerial)	2021	Rapport au Président de la République relatif à l'ordonnance n° 2021-484 du 21 avril 2021 relative aux modalités de représentation des travailleurs indépendants recourant pour leur activité aux plateformes et aux conditions d'exercice de cette représentation	Report to the President of the Republic on Ordinance No. 2021-484 of April 21, 2021 on the representation modalities of self-employed platform workers and the conditions for exercising this representation
R2	Report (Ministerial)	2022	Rapport au Président de la République relatif à l'ordonnance n° 2022-492 du 6 avril 2022 renforçant l'autonomie des travailleurs indépendants des plateformes de mobilité, portant organisation du dialogue social de secteur et complétant les missions de l'Autorité des relations sociales des plateformes d'emploi	Report to the President of the Republic on Ordinance No. 2022-492 of April 6, 2022 strengthening the autonomy of mobility platform workers, organizing sectoral social dialogue and expanding the ARPE's missions
R3	Report (Agency)	2025	Avis 25-A-03 du 21 janvier 2025	Opinion 25-A-03 of January 21, 2025
W1	Website page	2023	Les missions	Missions
W2	Website page	2023	Le dialogue social dans le secteur des plateformes	Social dialogue in the platform sector
W3	Website page	2023	Les orientations stratégiques	Strategic Orientations
W4	Website page	2025 (accessed)	La médiation	Mediation
W5	Website page	2025	Consultée pour la première fois à la demande de l'Autorité des relations sociales des plateformes d'emploi, l'Autorité de la concurrence rend un avis réservé sur un accord collectif signé dans le secteur des VTC et recommande de réaliser une étude d'impact avant d'homologuer cet accord	Consulted for the first time at the request of the Employment Platforms Social Relations Authority, the Competition Authority issues a reserved opinion on a collective agreement signed in the VTC sector and recommends carrying out an impact study before approving this agreement.



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