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Invisible Labour and Digital Exploitation: A Critical Legal Inquiry into Gig Work in India

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Abstract
Platforms like Ola, Swiggy, Urban Company, and Zomato have propelled the gig economy's explosive growth in India, generating flexible job options while also masking the insecure and unseen labor that gig workers must perform. Every "delivered in 10 minutes" pledge belies the reality of algorithmic control, unstable economies, and a dearth of legal protections. Using legal, technological, and socioeconomic perspectives, this article critically examines the nature of "invisible labor"—labor that is unpaid, uncompensated, or ignored—in India's gig economy. The study investigates how microtasks like waiting time, app toggling, customer interaction, and order reallocation are crucial but underpaid aspects of gig work using empirical data, platform policies, and labor law frameworks. It examines how mental exhaustion, unstable income, and digital alienation are caused by such invisible labor. The new labor laws in India, especially the 2020 Code on Social Security and its provisions for platform workers, are given special consideration. Through a careful analysis of current case law, secondary evidence including stakeholder interviews, and cross-border comparisons, the study makes the case for gig workers to be reclassified as "employees" with full benefits. Stronger data responsibility from gig platforms, algorithmic transparency, and legal reform are all suggested.

Keywords: Gig economy, invisible labour, digital exploitation, Indian labour law, algorithmic control, platform workers, labour rights.

INTRODUCTION

Over the past ten years, India's gig economy has grown significantly because to online marketplaces like Zomato, Swiggy, Uber, Ola, and Urban Company. The gig economy, which is defined by freelance work, on-demand services, and short-term contracts, has changed conventional job structures. Over 7.7 million people were employed in India as gig workers as of 2023, and by 2030, that number is expected to rise to over 23.5 million. While many people, especially young people and migrants, benefit from the flexibility and income opportunities it provides, it also blurs the boundaries between employment and entrepreneurship, putting workers at risk both legally and financially.

The idea of "invisible labor"—a type of labor that goes unacknowledged, unrecorded, and unpaid—emerges in this setting. Invisible labor in India's gig economy can take many different forms, such as navigating between platforms, answering client complaints, handling app bugs, waiting for orders while signed into apps, and experiencing emotional exhaustion. Gig workers are essentially invisible in labor metrics and legal protection frameworks since their tasks, despite being essential to service delivery, are not included in official work hours or pay systems. Autonomy and equity are further undermined by the

commodification of labor through algorithmic management, in which applications control workflows, ratings, and incentives. Even though they are referred to as "partners," gig workers frequently work under similar circumstances to dependent employment but lack the privileges and perks that go along with it.
This paper seeks to explore and critically assess the legal dimensions of invisible labour in India's gig economy. The key research questions guiding this inquiry are:

1. What constitutes invisible labour in Indian gig work, and how is it experienced by workers across platforms?
2. How does current Indian labour law—particularly the Code on Social Security, 2020—conceptualize and address the rights of gig workers, including their invisible contributions?
3. What legal reforms and policy measures are necessary to recognize and compensate invisible labour within the gig economy framework?

Through a multidisciplinary approach combining legal analysis, policy review, and empirical observations, this research aims to uncover the gaps in current regulatory frameworks and propose actionable recommendations to safeguard the rights of platform-based gig workers in India.

The Growth of India's Gig Economy

The gig economy, which is defined by task-based, temporary, and on-demand employment mediated through digital platforms, represents a dramatic shift in the nature of labor in India. India's workforce has historically employed informal and casual labor, but the gig economy of today is unique because of its reliance on mobile technology, algorithmic management, and worldwide service standards. The emergence of businesses like Ola (established in 2010), Uber (entered India in 2013), Zomato (started as a food aggregator in 2008, shifting to delivery by 2015), and Swiggy (formed in 2014) represents the formalization of gig work in a digitally regulated environment.
These platforms function as middlemen between customers and service providers, such as drivers, food delivery drivers, or beauty technicians. Large pools of adaptable, easily accessible employees who are motivated by dynamic pricing, ratings, and performance bonuses constitute the foundation of the company's primary business model. As customers sought contactless services and millions of workers—particularly those who lost formal employment—entered the gig economy out of need, the pandemic years (2020–2022) further accelerated platform growth.
India's gig worker population is representative of a wide range of socioeconomic backgrounds. A 2022 NITI Aayog research states that the average gig worker is between the ages of 18 and 35, and that over 90% of gig workers are men in the delivery and ride-hailing industries. The majority of workers have at least a secondary education, and more and more recent graduates are turning to gig work because the official sector isn't offering them steady jobs. Although they are still a minority, a parallel class of professional gig workers, including digital freelancers, tutors, and designers, has formed within urban centers, even if the urban poor still dominate gig employment in delivery and transportation.
Women make up a tiny but increasing portion of the gig economy, especially in fields like beauty and domestic services (e.g., Urban Company). However, their involvement is restricted by particular obstacles like safety concerns, prejudice on the platform, and additional unpaid care obligations. The growth of gig work is directly associated with the widespread use of smartphones and low-cost data plans, particularly after Reliance Jio's 2016 introduction. Millions of Indians can now download platform apps, get order alerts, and use GPS to find their location—all crucial aspects of gig work—thanks to the country's inexpensive internet connection. Accessibility among non-English speaking groups has been further

expanded by the emergence of vernacular digital platforms.
Furthermore, e-KYC, digital payments, and employee onboarding have all been made easier by the Aadhaar digital identity system, which is connected to bank accounts and mobile numbers. However, there are certain drawbacks to this digital integration. Many gig workers use subpar cell phones with limited features, experience app crashes, and lack the technical literacy to challenge unfair salary deductions or algorithmic choices. Additionally, a persistent reliance on digital surveillance and app notifications leads to psychological stress, which adds to the unseen cost of gig labor.
The emergence of the gig economy in India is therefore a complicated combination of precarity and opportunity, providing job flexibility but enclosing systemic vulnerabilities through socioeconomic, legal, and technological variables. The amount of this work that is still unseen and unpaid under the current frameworks will be examined in the next section.

Interpretation, Types, and Effects of Invisible Labor

In the gig economy of India, "invisible labor" refers to labor that is necessary for providing services but is not acknowledged, documented, or paid by the employer or platform. Gig workers frequently engage in this type of labor, but it is not included in wage computations, time-tracking software, or regulatory safeguards. Platform capitalism, in which exploitation is ingrained in the framework of algorithmic management and control is conducted digitally, is characterized by invisible labor.
Kinds of Invisible Labor
A prevalent example of invisible labor is the amount of time spent on the app without any orders. Gig workers only get paid for the time they spend completing real tasks, but they are sometimes obliged to be online for extended periods of time in order to qualify for incentives. A food delivery employee might, for instance, spend four hours online but only get paid for two orders that are completed; the other two hours of waiting are unpaid.
Another type is customer coordination, which includes things like calling the customer to ask for directions, dealing with complaints, and waiting for food to be prepared at the restaurant—all of which take a lot of time and mental effort but are not included in wage calculations. Other forms of gig work include switching between platforms, monitoring peak hours, and charging phones or cars—all of which are essential to gig work but do not fall under the platform's official definition of "work time."
Stress and Emotional Work
Emotional labor is another term for invisible labor; it is the effort to remain composed, courteous, and professional when interacting with clients in spite of exhaustion, abuse, or difficult circumstances. Because their customer reviews have a direct impact on future employment prospects and bonuses, employees are expected to greet, smile, and serve with courtesy. Unpredictable job schedules, physical strain, ongoing digital monitoring, and financial insecurity all contribute to emotional weariness.
Feelings of helplessness, anxiety, and fatigue are frequently brought on by the pressure to maintain high ratings. Employees who receive low ratings or false complaints, which may lead to suspension or salary reduction, have few, if any, options. Lack of established grievance redressal procedures or psychological support services further aggravates mental health difficulties.
Unnoticeable Algorithmic Control
The invisible labor that comes from algorithmic management is arguably the most abstract yet significant. Gig workers are managed by opaque algorithms that decide task distribution, delivery schedules, rewards, fines, and deactivations rather than by human supervisors. Employees have no say in how the system

assesses or compensates them, and these choices are rarely open.

Gamification elements like badges, "level-ups," and streak bonuses encourage a competitive workplace atmosphere by incentivizing employees to put in extra effort for meager rewards. The appearance of autonomy conceals the reality that software, which frequently puts customer happiness ahead of worker welfare, is in charge of gig workers all the time. In this sense, accountability is avoided while control is delegated to technology.

Marxist and Feminist Viewpoints

The invisibilization of care and emotional labor, which are typically conducted by women and not included in wage structures, has long been emphasized by feminist theorists. This concept applies to both male and female workers in the gig economy, whose unpaid labor—such as communication, presentation, and emotional resilience—is essential yet underappreciated. Women gig workers, in particular, bear the dual strain of providing unpaid domestic care at home and performing unseen labor on the platform.

According to Marxist theory, invisible labor is a type of surplus value extraction in which platforms make the most money from both paid and unpaid labor. Gig platforms externalize expenses and transfer the load to workers by disguising necessary duties as optional or incidental. Workers' structural alienation from the results of their labor, their working circumstances, and the means of production—in this case, the digital infrastructure—is exacerbated by this devaluation of labor.

Invisible labour is thus not incidental but **foundational to the functioning of India's gig economy**. Recognizing and addressing its many forms—temporal, emotional, algorithmic—is critical to any conversation about legal protection, social security, and equitable work in the platform era.

Legal Analysis: Platform Work and Indian Labor Codes

The main purpose of India's old labor laws was to regulate official employer-employee relations. As the gig economy has grown, the current legal system has not been able to adapt to the new job dynamics brought about by digital platforms. Because they are not strictly categorized as independent contractors or employees, gig workers fall into a legal limbo. This section discusses pertinent developments in international jurisprudence and critically examines how Indian labor law treats (or fails to address) the legal rights of gig workers, particularly with relation to invisible labor.

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The 2020 Social Security Code: Specifying Platform and Gig Workers

The first law in India to acknowledge the phrases gig worker and platform worker is the Code on Social Security, 2020 (CSS). A gig worker is someone who earns money outside of the conventional employer-employee relationship, according to Section 2(35). According to Section 2(61), a platform worker is a person who uses online platforms to provide particular services.

While this legal recognition is a positive step, it is largely symbolic in practice. The Code provides for the creation of welfare schemes for gig and platform workers—such as health benefits, insurance, and old-age protection—but these are discretionary, loosely defined, and dependent on state or central government initiatives. Furthermore, these workers remain excluded from core protections such as minimum wage laws, employment injury benefits, maternity benefits, and protection from arbitrary termination.

The CSS does **not classify platform workers as employees**, thereby excluding them from the ambit of other critical labour legislations like the Industrial Disputes Act (1947), the Employees' Provident Fund Act (1952), and the Employees' State Insurance Act (1948).

Employee Classification Flaws

The majority of gig marketplaces, such as Swiggy, Zomato, Ola, and Urban Company, purposefully use contractual wording that refers to employees as independent service providers or partners. These platforms transfer risks, expenses, and duties to the employees by avoiding the establishment of any official employment connection.

This classification enables businesses to:

- Deny continuity of service or employment security.
- Steer clear of gratuities and provident fund (PF) payments.
- Avoid the Minimum Wages Act's requirements.
- Avoid taking responsibility for occupational illnesses or injuries at work.

Such misclassification is not specific to India; rather, it is a widespread tactic used worldwide to lower labor expenses and boost business profits. The submissive and dependent nature of the relationship is concealed by the use of terminology like "partner" or "freelancer," where platforms use opaque algorithms to govern labor distribution, ratings, punishments, and compensation.

Absence of Coverage Because the ID Act, EPF, and ESI rely on a limited definition of "employee" or "workman," India's main labor laws do not provide gig workers with protections. For instance:

- Gig workers are not considered "workmen" under the Industrial Disputes Act of 1947, which guarantees dispute resolution procedures and protects workers from wrongful termination.
- Freelance or gig-based work is not covered by the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, which requires retirement benefits for paid workers in scheduled businesses.
- The 1948 Employees' State Insurance Act provides maternity, disability, and health insurance to salaried workers making less than a specific amount; gig workers are once more excluded because of classification.

Because of the legal void surrounding their job status, platform workers are not entitled for benefits, even in cases when they make indirect contributions to these systems (such as through taxes).

Trends in Indian and Comparative Judiciary Practices

Indian courts have taken a while to weigh in on the gig worker classification dispute. Although there have been a few rare cases where workers have voiced disagreements, no significant Indian ruling has yet to determine whether platform workers are eligible for employee status.

A crucial precedent, on the other hand, is set by the United Kingdom Supreme Court's historic ruling in Uber BV v. Aslam [2021] UKSC 5. The court decided that Uber drivers are employees under UK law, not independent contractors, and are therefore entitled to paid holidays, minimum wages, and rest periods. According to the ruling:

- Uber controlled key aspects of the work (pricing, contracts, allocation of rides).
- Drivers had little autonomy in how they performed their tasks.
- The contractual classification by Uber did not reflect the economic reality of the relationship.

This judgment sets a persuasive precedent for other jurisdictions, including India, where platform companies exert similar levels of control over gig workers.

- Restrictions on Aggregators' Service Agreements

In India, gig platforms mainly rely on non-negotiable, unilateral terms of service that employees must agree to before being onboarded. These documents frequently:
Deny responsibility for harm, lost profits, or app malfunctions.

- Have the authority to deactivate accounts for any reason.
- Refuse to allow employees to organize into collectives or unions.
- Don't provide a way to contest unjust treatment or automatic judgment.

Workers are deprived of fundamental rights and the power disparity is further cemented by such standard form contracts. Transparency and due process are also compromised because they do not reveal how algorithms decide rankings, incentives, or penalties.
Although gig work has been partially recognized by the Code on Social Security, 2020, India's labor laws are still largely unprepared to handle the realities of digital work, especially the unpaid and covert nature of invisible labor. Important safeguards afforded to employees in the formal sector are still not available to gig workers. The gig economy will continue to function at the expense of workers' economic security, health, and dignity until changes are made to broaden the legal definition of "employee" and require platforms to be accountable.

Case Studies and Field Information

In India, recent qualitative research and interviews with gig workers, such as those published by AICCTU, SEWA, and academic studies (Nigam et al., 2025), consistently show patterns of powerlessness, invisibilized work, and economic insecurity.
According to an interview by Nigam et al. (2025), a Delhi Swiggy delivery person revealed: "I work eight to ten hours a day, but I only get paid for two or three deliveries." I have to call clients, handle cancellations, and wait in the sweltering heat. This does not qualify as work.
Workers at the Urban Company, particularly women, reported emotional stress and insecurity. One beauty service provider said: "They can rate me poorly if I am late, but I get no support if a customer misbehaves. I do everything the app asks, but one mistake and they cut my bonus." This experience is an example of wage theft, where workers are underpaid for essential but "invisible" tasks like waiting, traveling to pick-up points, and resolving app issues.
Additionally, field reports reveal algorithmic deactivations, late payments, and a dearth of grievance redressal procedures. The majority of employees are not aware of the rationale for changes to incentive structures, app penalties, or order allocation.
Experiences that are gendered are very sharp. Sexual harassment, safety issues during night hours, and juggling unpaid household chores with platform jobs are among the issues that female employees report. Additionally, individuals experience prejudice from apps, such as worse algorithmic rankings if they turn down too many jobs because of family responsibilities.

Comparative Structure

Many authorities throughout the world have started to expand labor protections and reclassify gig workers. In the UK, Uber drivers were given the status of "workers" rather than independent contractors by the Uber BV v. Aslam [2021] UKSC 5 verdict, which gave them the right to minimum wage, holiday pay, and rest periods. Control, reliance, and the absence of negotiation in Uber's service agreement were highlighted by the court.
In 2021, a law was proposed by the European Union that would require platforms to assume a work

connection if specific control criteria—such as monitoring, fixed pay, and scheduling restrictions—are met. Additionally, it requires algorithmic transparency.
Initially, California's Assembly Bill 5 (AB5) mandated that Uber and Lyft classify its drivers as employees. Proposition 22 spurred a nationwide discussion on labor classification even if it overturned several aspects. Cooperatives and unions are essential. The AICCTU and SEWA in India have aided gig workers in their quest for social security, recognition, and equitable compensation. Cooperatives such as Up&Go (US) and CoopCycle (France) provide worker-owned alternatives to extractive platform models on a global scale.

RECOMMENDATIONS

Proposed are the following legislative and policy measures to guarantee equity in India's gig economy:

- In labor law, redefine "worker" as: To establish a definition that encompasses platform workers, app-based service providers, and dependent contractors, Indian labor rules should be amended.
- Wages for Invisible Labor Mandate: Wait times, customer service, and underpaid logistics should all be covered by the fees that platforms must pay. In accordance with the UK example, this may be enforced by requiring a minimum guaranteed hourly wage for logged-in time.
- Right to Algorithmic Fairness and Explanation: Employees ought to be able to understand how platforms use incentives, allocate work, and enforce penalties. In order to do this, the right to explanation under AI-driven decision systems must be legally recognized.

CONCLUSION

This study examined the crucial problem of invisible labor in India's gig economy, identifying its various manifestations—such as algorithmic subordination, emotional labor, and unpaid waiting—and examining the legal loophole that allows for this kind of abuse. Even though gig work offers freedom and financial rewards, it is nevertheless dangerous and mostly covered by current labor regulations in India.
Although the Code on Social Security, 2020 makes an effort to address platform employment, gig workers are not covered by important welfare laws due to its narrow reach and non-binding provisions. When compared to proactive rulings outside (such as Uber v. Aslam), the Indian judiciary's silence highlights the urgent need for reform.
The paper urges a thorough revision of legal definitions, the inclusion of invisible labor in pay calculations, and the use of social, technological, and legislative tools to impose platform accountability. Recognizing algorithmic injustice and implementing gender-sensitive regulations are equally important.
The tech-law interface, algorithmic governance regulatory tools, ethical AI in work platforms, and the establishment of worker-owned digital cooperatives should be the main areas of future research. India's gig economy can only deliver on its promise of empowering people without exploitation if it is governed by an inclusive, rights-based legislative framework.

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