

# Framing Fairness: Policy Approach for Gig Workers in India

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## ABSTRACT

In today's time, technology is changing rapidly, and because of this rapid change, there has been a shift in work concerning labour while at the same time putting workers in unstable and insecure jobs. This paper examines the challenges gig workers face, and additionally it analyzes the already established legal frameworks and the policies to address these concerns such as unregulated work conditions, lack of job security, legal ambiguity and many more. Despite the existing set of legal framework and policy analysis, methodological evaluation, and different approaches that would protect these workers from exploitation and would ensure fair and equitable treatment in the modern world, yet the unfair treatment of gig workers remains a troubling issue that requires our attention, hence this research paper seeks to address the problems faced by the them and also this study refers to real life experiences faced by the gig works in todays world. It also critiques the existing legal framework in different countries like India, European nations, and the United States. Concluding by suggesting better reforms that could provide the workers with a safer economic environment.

**Keywords:** Gig workers, Job Security, Legal framework, Policy Analysis, Workers Exploitation and Platform Economy.

## INTRODUCTION

The word gig means a temporary paid job, or traditionally, this word was used by musicians to define a performance engagement as they had no regular salary. <sup>1</sup>Now, according to section 2(35) of the Code of Social Security 2020. Gig workers are those who perform work or participate in a work arrangement and earn from such activities outside of a traditional employer-employee relationship. Gig work often involves short-term, flexible jobs, such as online delivery services (Amazon, Flipkart, Myntra, etc), food delivery partners (Zomato and Swiggy), and driving cabs (Ola, Uber). These are service-based gigs. <sup>2</sup>A survey by think tank NCAER covering workers of an app-based food delivery platform showed that an average platform worker put in 69.3 hours a week, as against 56 hours for a worker covered by the Periodic Labour Force Survey (PLFS) - which means he worked 23% extra. This finding was recently reported in the Times of India newspaper. The educational qualifications of an average gig worker are higher than those of the normal working class, but they still face many challenges. Why? Because they have no job security, and

<sup>1</sup> The Code on Social Security, 2020 (No. 36 of 2020), Ministry of Labour and Employment, [https://labour.gov.in/sites/default/files/ss\\_code\\_gazette.pdf](https://labour.gov.in/sites/default/files/ss_code_gazette.pdf)

<sup>2</sup> TNN, Food Delivery Workers Earn Lower Than Urban Peers: NCAER, The Times of India (Aug. 29, 2023), <https://timesofindia.indiatimes.com/business/india-business/more-qualified-food-delivery-workers-earn-lower-than-urban-peers-ncaer/articleshow/103151884.cms>.

thus suffer from financial crisis. The conditions of Gig workers in India is very precarious. This not only mentions workload but also the lack of proper regulations and protection in the gig economy. Furthermore, their earnings are typically ambiguous and subject to customer ratings, thus further increasing their vulnerable status. India's current policy framework does not address these challenges adequately hence, there are so many problems that remain unsolved. This paper aims to analyze fair and inclusive policy approaches that address the unique needs of gig workers in India. This question aims to offer social security, legal protection, and fair working conditions in the context of the emerging gig economy, while at the same time finding a balance between flexibility and the need for worker rights and welfare.

## LITERATURE REVIEW

India has been witnessing a rising gig economy. However, this growth has not come without challenges. Recently, protests by Blinkit workers for the demand of better social security addressed the issues faced by gig workers. Meanwhile, Zomato workers are facing challenges, such as pressure to meet delivery times, and several others. Hence, these issues highlight the urgent need to address them efficiently. These incidents state the fact that the gig economy in India fails to provide essential worker protections and rights that are required in this evolving job landscape.

<sup>3</sup>The NITI Aayog's 2022 report took an important step in discussing how gig workers in India are rapidly growing in today's world, where technology plays a crucial role. However, they are facing issues such as job security and many more. Basically, they don't have formal jobs, and they aren't well protected by Indian laws. This report talks about how there should be proper policies implemented to define the gig workers and the basis on which their jobs must be protected. <sup>4</sup>The International Labour Organization (ILO) also spoke about how gig work was an excessive global change in India, yet laws failed to provide them the stability that they require and also to solve their issues. It also discussed how workers should be allowed to keep their benefits even if they change jobs. This report also looks at how other countries are working on the gig economy.

<sup>5</sup>Fairwork India 2022 report showed how the huge companies that appoint such gig workers treat the employees, they mainly categorised them into 5 key indices to judge them: fair pay, fair working conditions, fair contracts, fair management, and fair voice for workers. In conclusion, it highlighted how large companies failed to provide basic protection for their employees. In 2023 the Niti Aayog continued its discussion on gig workers, suggesting help to improve the skills of gig workers and making sure that they are involved in society. They also stated that they must have a stable income and have a way to report if they have been treated unfairly.

## ISSUES

After analysing multiple reports and papers, it was seen that many papers have highlighted different problems, such as a lack of social security and legal protection, irregular income, unpredictable work hours, app-based rating system and how it affects them financially, algorithmic control, low wages and high workloads, data and privacy concern, gender based problems and many more. However, it doesn't suggest how policies should be made to address these issues.

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<sup>3</sup> NITI Aayog, India's Booming Gig and Platform Economy (2022), [https://www.niti.gov.in/sites/default/files/2023-02/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-02/25th_June_Final_Report_27062022.pdf).

<sup>4</sup> International Labour Organization, *Decent Work in the Platform Economy in India* (2022), <https://www.ilo.org/>.

<sup>5</sup> Fairwork India Ratings 2021: Labour Standards in the Platform Economy (2021), <https://fair.work/en/fw/publications/>

In July 2023, Rajasthan became the first Indian state to enact a law specifically aimed at safeguarding the rights and welfare of gig workers. <sup>6</sup>The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, seeks to provide social security and other benefits to individuals engaged in platform-based gig work, such as ride-hailing drivers, food delivery personnel, and other app-based service providers, while the Act is pioneering in its intent, its effectiveness has been hindered by several implementation challenges like delayed rule formation and limited registrations. <sup>7</sup>Recently, it was reported in Times of India newspaper that Zomato lost its fourth delivery boy to a road accident in seven months, raising serious concerns about safety and working conditions of gig workers. We need policies which provides full protection to these workers by giving them insurance coverage, providing support to thier families, by removing unrealistic delivery deadlines which often force drivers to speed,implementing 24/7 helplines. By these measures we can create a policy that geneunily protects the gig workers and address the core issues they face.

<sup>8</sup>since technology is rapidly growing, online platforms like websites and apps tend to bring people together by providing services. In European nations the apps such as Uber and Deliveroo are going viral, and their daily usage is rising as people are increasingly dependent on technology. But the laws fail to protect the workers who provide the service. Hence, to address the situation, the European Union introduced a new platform workers directive to improve the situation of gig workers. In April 2024, the parliament of Europe passed a new rule that protects the employment rights and prevents bogus self-employment, which additionally helps in improving the transparency of how company treats their workers and stops workers from getting exploited.

## OBJECTIVES

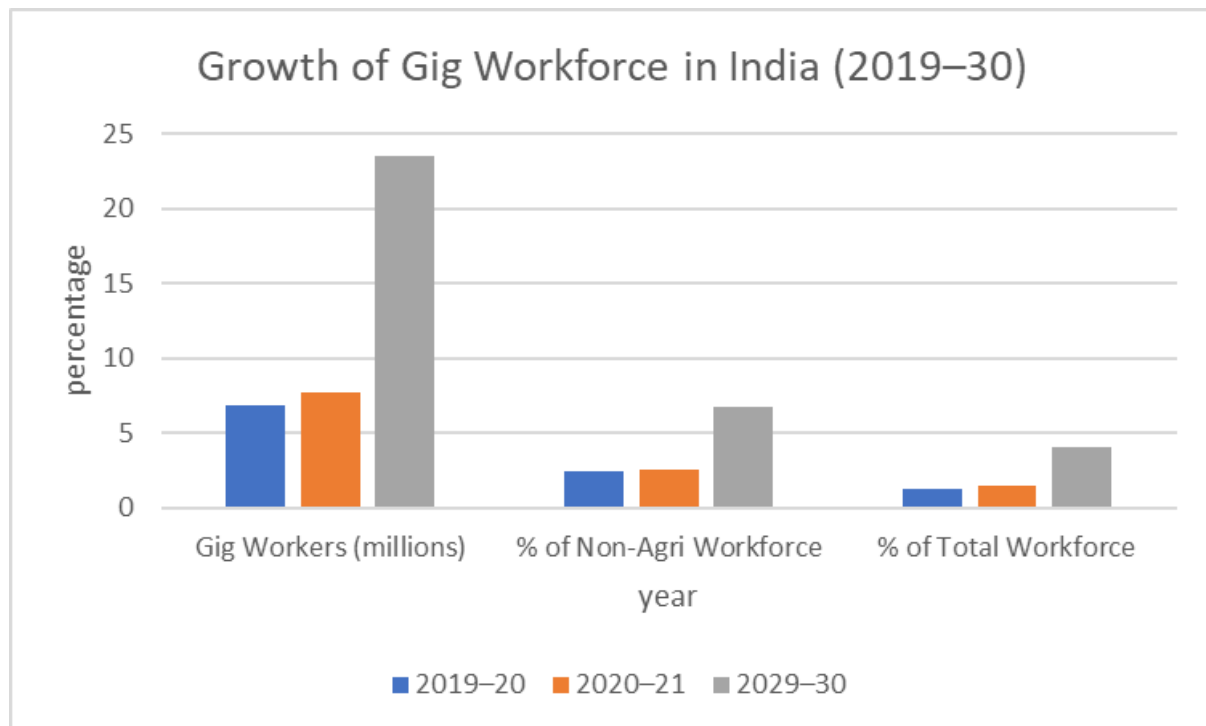
In the gig economy, companies tend to hire independent contractors as the jobs offered are temporary in such economy. In the initial days, the big companies involved informal sector workers with high earning promises. However, when the economy grew the job stability and security were in question. Despite the central government's interference, such as the Code on Social Security, 2020, which presented the welfare schemes and polices. The vagueness and ambiguity in these schemes made it outdated to address the ongoing issues. The bill makes the workers eligible for benefits such as maternity benefits, old age protection and employment injury benefits, but these benefits that are offered are not guaranteed in nature.

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<sup>6</sup> Bishen Jeswant & Luv Saggi, Rajasthan Passes Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, India Corporate Law (Aug. 30, 2023), <https://corporate.cyrilamarchandblogs.com/2023/08/rajasthan-passes-rajasthan-platform-based-gig-workers-registration-and-welfare-act-2023/>.

<sup>7</sup> TNN, Zomato Loses Fourth Boy to Crash in Seven Months, The Times of India (Nov. 22, 2019), <https://timesofindia.indiatimes.com/city/chandigarh/zomato-loses-fourth-boy-to-crash-in-7-months/articleshow/72175284.cms>

<sup>8</sup> European Parliament, *Gig Economy: How the EU Improves Platform Workers' Rights*, EUR. PARL. (Apr. 18, 2024), <https://www.europarl.europa.eu/topics/en/article/20190404STO35070/gig-economy-how-the-eu-improves-platform-workers-rights>.



<sup>9</sup>The Nitti Aayog's report has shown that the expected number of gig workers to increase to 23.5 million by 2030. there was approximately 6.8 million workers in 2019-2020, in which 2.4% in non-agriculture workers and 1.3% of all worker force, In the year 2020-21, there was a slight increase in the number of workers. This trend highlights the rapid growth of gig workers in areas like delivery and app based jobs, which are getting more popular with time and bringing an significant change in India's market.

However, It was also noticed that there is no proper data on the actual number of gig workers that exists in India, which causes many gig workers to be unnoticed and their issues being ignored. The solution suggested by the Nitti aayog was to go for conduct of survey to know the estimating count of such workers and additionally by updating the already existing government surveys like PLFS ( Periodic labour force survey) and NSS (National Sample Survey) to identify the needs and problems that are faced by the gig workers.

## METHADODOLOGY

Our research focused on the problems faced by gig workers in India and examined the legal and structural framework governing gig and platform workers in India so that they are treated fairly and equally. The research adopts a doctrinal and policy-analytical approach. It is qualitative in nature and aims to propose balanced policy reforms. The research is based on both primary and secondary sources. Primary data includes existing laws, such as the Code on Social Security, 2020 in explaining in addressing the need of gig workers, while secondary data comprises academic article, different reports, etc. we used the NITI AAYOG'S 2022 report on gig and platform workers, which incorporates survey-based empirical finding that showed the improvement in the number of gig workers by the year 2029-30. Additionally, reputed media sources such as The Times of India have been cited to show the condition of gig workers in India

<sup>9</sup> NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (June 2022), [https://www.niti.gov.in/sites/default/files/2023-02/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-02/25th_June_Final_Report_27062022.pdf)

and to show relevant case examples for a better understanding of the topic. A comparative analysis has also been done where we compared the policies of different countries like European nations and the United States and assessed their applicability in the Indian context. The chosen methodology is well suited to the objective of this research as it provides a proper structured analysis of all the sources to form a perfect solutions to support our problem which would help us to offer a reasoned and legally sound framework for developing inclusive, fair and enforceable policies that safeguards the right of gig workers while supporting the continued growth of the platform economy.

## **CONCLUSION**

With the increase of technology in the modern era, the future of society will also change. That would cause an increase in demand for gig workers. The economic market might face issues with its production. Hence, a proper implementation of policies and regulations is a must, and it should spread through awareness programmes and the need to educate the people about the same but not only for the society, but also for the workforce of the future. The required skills should be provided for the gig workers. Ensuring that the current and future generations know how to efficiently use the tools provided. Through a doctrinal and policy analysis supported by government data and different reports, it was observed that the existing policies in India for gig workers are insufficient and a need for new refined policies is must to ensure fair and sustainable growth of the platform economy which would give them legal recognition, access to social welfare schemes, minimum working conditions and a platform accountability are essential. What is now required is a paradigm shift where gig workers are also included in of formal workforce, where they are given equal recognition in labour law, not as a temporary exception but as a core component of the workforce. Only then can India ensure that its gig economy grows in a manner that is both innovative and equitable.