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THE IMPACT OF THE GIG ECONOMY ON LABOUR LAWS AND SOCIAL PROTECTION IN INDIA

Simrandeep Kaur

BBA LLB Hons

AMITY University Noida

ABSTRACT

The term gig relates to the labours outside of the traditional employee and employer relationship, it's a slang term which means a temporary job or a job for particular period of time. This includes contractual employees, project-based workers, freelancers and short term-based workers. With today's digitalization there is increase in demand of mobile workforce where employees can choose temporary jobs around the globe and can find suitable candidate without any geographical limitation for each job. Without being on companies' payroll, the gig workers confer the services like accountant, tutor, e-commerce site's delivery agents, service provider, artist and anyone who come into contractual obligation with a company. They are found across every industry.

The employers in gig economy provide flexibility in work life, balance in work and lifestyle and freedom to choose the gigs and profiles they are interested in where one after the other the gig employees are provided with little or no health or retirement benefits, tax complexities and non-remunerated business expenses also it saves company resources like office space, training programme and company benefits. There is a thin difference between people who work voluntarily and one who are taken advantage by an employer in a contractual agreement.

NITI Aayog had evaluated around 47% of the gig work is in medium skilled jobs, about 22% in high skilled and about 31% in low skilled jobs on a study "India's Booming Gig and Platform Economy" the trending example of the gig workers are the startups like Swiggy, Zomato, Ola and Uber. These startups are the main source of providing gig workers in Indian economy. In research studies by Boston Consulting Group (BCG) have indicated that participation in the gig economy is higher in developing countries (5-12%) versus developed economies (1-4 percent). Abundance of these jobs are in kind of job with limited-income such as ridesharing, delivery person, wellness, caretakers and microtasks.

The paper discusses various notion relating to social rights and protection related to gig workers. Also, in this paper we will analyze the legal frame work of gig workers around the globe. The rise in change of traditional workers to the gig workers create the need for proper legislative rights and authority to hear the problems and provide the solution for the gig workers with the dynamic change in the world. On one side the employers of online platform companies like Amazone, Flipkart, Swiggy and Zomato are in benefits, as they can easily appoint, transfer or dismiss the gig workers as per to their wish on the other hand, gig workers are in drawback as they are not considered permanent employees like any other employees under Indian contract act nor they are provided with any benefits like any other permanent employees in a company. Hence this paper discusses various variability of the gig workers in today's world.

THE IMPACT OF THE GIG ECONOMY ON LABOUR LAWS **AND SOCIAL PROTECTION IN INDIA**

1. INTRODUCTION

The hypothesis of people investing their time and skills in online trading platform where they work and provide services to the third person for example delivery services, cab services, beauty and other services. The UK Government in the year 2017 focused on concept by Matthew Taylor, independent review of modern working practices. This concept includes those workers who are affected from one sided flexibility, this flexibility is based on contractual terms or benefits of working arrangement by employer but these all charged at the expense of the workers example job insecurity and not providing health and accident insurance and absence of workers rights. The paper discusses the issues of employment status and absence of rights of workers in gig economy. Firstly, the working condition and poor pay is the main concern during 2017 in gig economy. For instance, the quarter of workers above age twenty-five are reported below NMW also in a report of Wood etal, 2023, more than 52% of gig workers are earning below NMW in 2017. This shows that the pay of gig workers is not provided equal to the work and time spend by them in platform business. The workers are not provided with equal pay this unequal pay is equal to the amount of time and money spend by unemployed person in search for job. The Oxford Internet Institute in its fair work project in which the issues of most of the platform workers are highlighted where they face no proper working condition and absence of social protections. The UK's five principle on digital platform is challenged here the principles were, fair representation, fair pay, fair contracts, fair management and fair condition etc.

The research of gig workers experiences in today's digital labour platform has both pluses and minuses of work. Many workers favour the gig economy for their flexibility in work and many workers disfavor because of low pay and lack of social security. Recent survey shows the experience of worker in gig work have greater autonomy compared to the other work with having similar skills and jobs in person or remote area. A survey shows that he gigs work are performed by those individuals who want to take time off so that they can deal with personal or family matters and can decide the time of their work, this also include the quantity and

quality of task performed by them. Another report had also mentioned the students and individuals who want to focus in their education and career with side income in gig economy. For instance, like, more than 70% of delivery and uber eat drivers have another significant responsibility like studying, looking after family or looking for more better jobs. In another report of Berger et al, 2019 their administrative report shows the satisfaction of private hire drivers than any other workers, which further shows their hierarchy in preference like level of satisfaction in job and the autonomy that the platform offers. For example, Uber drivers who value flexibility one of the main reasons to join Uber company where on the other hand some driver reported higher level of anxiety, low level of job satisfaction and low social protection in job.

The people with disabilities also prefer to work under online gig platform to generate income. The platform gives greater control to gig workers of how and when task should be performed. The flexibility to manage work hours reduce the negative impact and low work condition fatigue and the stress upon the health (Harpur and Black,2020). The migrate people are also benefited from this gig work, as the online digital platform have no barrier of jurisdiction to work, through online platform provide simple interview procedure and with low educational skill one can able to work in online app companies. Looking above discussed examples this is understood that they gig economy platform provide greater flexibility in work without any jurisdiction of location but it also raised concern for low social protection and low wages in job.

2. LEGAL PERSPECTIVE OF GIG WORKERS IN INDIA WITH COMPARATIVE ANALYSIS WITH FOREIGN COUNTRIES AND CHALLENGES FACED

A probing picture of the emerging gig economy might narrate a busy street in a major Indian city with variety of individuals engaged in gig work activities. We might have noticed people on one side of the street on cabs waiting for their next customer for ride share online where on the other side of the street the food delivery workers on two-wheelers, delivering food to their customers. In the foreground there might be a young freelancer working from home through their laptop taking advantage of flexible work environment on the other hand from background there will be people at large e-commerce warehouse working as sorting packages and preparing them for delivery. Another examples of gig workers are the graphic design, content writing or virtual assistant services. This diversification of gig work in India depicts the opportunities and challenges offered to the people in India, to ensure their rights are not violated in the modern era there is need of legal framework to protect the rights of the gig workers.

¹“Even though the gig economy is just beginning in India, the rapid growth of gig economy is just beginning in India but still this is evident. A report says, there is a possibility of 350 million gig jobs in India by 2025. The government in labour laws should take special care of the interests of gig workers in India.”

¹ Laws in India for Gig or Temporary Workers, Indian Law Offices LLP

Gig economy workers are the trending face of employment sector in India. At the time of covid pandemic this class of gig workers financially suffered a huge loss but at later stage become more aware of their legal rights and regulations. According to a survey 90% of gig workers have lost their emolument due to the impact of covid pandemic. However, surety given by many economic experts that after the pandemic period there is an uplift in the number of jobs in India. A 2017 Ernst & Young study on the “future of jobs in India” found that 24% of the world’s gig workers came from India.

According to a legal framework of gig economy in India there is no particular legislation provided to safeguard the interest of gig workers in India. However, there are some laws that work in the entrust of specific components of gig workers. The Code on Social Security (2020) is the only code that provide protection to unorganized employees, platform workers and gig workers. The code introduced by The Ministry of Labour and Employment, for the first time this code brings the range of labour laws to gig workers in India. It includes provision for life insurance, disability insurance, old age security, education and health insurance. It also covers provident fund schemes, accident benefits and several other benefits for gig workers in India economy.

The concept “employee” is defined under several different legislation, the Code on Social Security also defined the definition of employees in three different aspects, i.e. “gig worker”, “platform workers” and “unorganized worker” as per section 2(35), 2(61), 2(86) respectively, although this code excludes gig workers from the social security legislation’s rules on salaries, workplace safety or labour relations. The Central Government under the code provided different social security funds for gig workers for which it is necessary for each and every gig employer to contribute 1-2% of their annual turnover to the fund used for the benefits of the gig worker under the schemes. To avail the mentioned benefits under the scheme the registration of all gig workers is compulsory. Social security code provides multiple benefits to gig worker but they are not enough to safeguard their interest fully. To safeguard the interest of the gig workers the code also constitutes the National Social Security Board by the Central Government so that they can keep track of schemes under the code. The capacity to create legally recognized unions, a national minimum wage that applies to all jobs, and job security are all requirements for gig workers. However, its aberrant that the code is providing the life insurance and gratuity to gig workers but not giving importance to minimum wages or workplace safety. The code recognises ‘gig worker’ including ‘platform worker’. A person who performs or participate in a work arrangement and earn from such activities outside of a traditional employer- employee relationship are gig workers, and a work arrangement outside of a traditional employer-employee relationship I which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services” in exchange for payment are platform workers.

Employer-employee relation and gig economy

In India, a contract of employment defines contractual obligation between employer and employee where they decide the type of work to be done, salary of employee, working hours and other terms and conditions. With addition to this it was expected from employer a secure and healthy environment at workplace. There is a thin line between an independent contractor and an employee which questions the fundamental idea of term employment contract in a gig economy. This distinction is important because this defines the labour laws which applies to gig workers and the responsibility of the employer towards gig workers in terms of income, working condition, dispute resolution of employer-employee and social security of gig workers.

To identify whether a person is an employee or an independent contractor there is a need to evaluate the employer's level control and the parties' intentions. These assessment figure out things like contract's title, the authority to hire and fire, the ownership of equipment, and the establishment of norms and standards. The Supreme Court of India had assessed the concept employee and an independent contractor in several cases one of them is the case of Dharangadhara Chemical Works v. State of Saurashtra in this court held that the terms "workman" and "independent contractor" are not identical which means the task are completed by the workman directly allotted to them where on the other hand independent contractors hire others to complete the task allotted to them. In addition to this in case of Balwant Rai Saluja v. Air India Ltd. the apex court provided with the 'relevant factors' which are the guidelines to be considered while determining the existence of an employer-employee relationship would include (i) who assign the employees; (ii) who pays the remuneration; (iii) who has the authority to discharge; (iv) who can take disciplinary action; (v) superintendence, i.e. whether there exists complete control and supervision."

Another concern is raised regarding the employment status and rights of gig workers. Mainly three type of employment status are there:

- a) Self-employed: - the individual here has one or two employment rights separated from right to health and safety in working environment addition with caveats like whistleblowing or discrimination at work place in some cases.
- b) Employee: - the individual with status of employee in a company is rewarded with greater level of benefits like employment protection and rights, including right to not unfairly dismiss during employment, addition to this maternity, paternity leave and statutory redundancy pay.
- c) Worker: - workers are not qualified for any of these above but they do have right to be paid under the Minimum Wage Act and National Living Wage, right to daily and weekly rest breaks and protection from discrimination at work place.

Workers are categorised on the nature of their employment, relationship with employer and contract of employment with company. It depends on range of factors like are they worker can get substituted, how much the platform has control on worker or the skill of employment worker possess or not.

The workers working under gig economy have traditionally categorised as self-employed. However, from past few years the case laws shows that gig workers are misclassified as self-employed and are actually

workers. In one of the cases in 2021 an appeal is rejected in Supreme Court by Uber and ruled that the drivers are workers not self-employed as the platform companies claimed in their case, and hence have access to the NMW and paid holidays. The judgement was a cue to companies so that they can provide proper rights to worker for the work they performed for companies.

TREND IN SELF-EMPLOYMENT IN THE UK

Following the financial crisis of 2008 in UK, a significant rise seen in the self-employment of workers. One of the defining characteristics of the UK's economic recovery is seen with the rise in self-employment during the period 2008-2015 by ONS. This rise is also seen as addition to the trend started in the early 2000s. The self-employed was at peak during pandemic period about 5 million before falling to 4 million in 2021 but it does not affect the gig economy as slightly change is seen during 2023 about 4.2 million.

REDUCTION IN SELF-EMPLOYMENT

During the pandemic period there was a large increase in gig workers shifts from self-employment to employee's category but without classifying job. This bring change in the mind of the individuals whether they were self-employed or not. But this create uncertainty among people because employees were rewarded with different rights and schemes where self-employee are not. Hence to protect themselves and to remain in secure place worker put themselves under employee's category and not under self-employed category.

Another reason of reduction of self-employment is the off-payroll. To stop self-employee contractors working as 'disguised employees', off-payroll is designed to put to stop the working of 'disguised employees' another term of self-employed, through taxing them at a rate similar to employment and contractors doesn't come with in the definition of HMRC's also get affected from this. One of the rulings of supreme court also mentioned that the companies should categorise the people as workers who are working for them not as self-employed.

INTERNATIONAL PERSPECTIVE

According to a study by the McKinsey Global Institute, approximately 20-30% of the working-age population in the United States and the European Union are engaged in some form of independent work².

The gig economy concept is familiar to developed nations such as the United States and European Union, where part-time workers or independent contractors are engaged to do a particular task. When the terms of employment, such as working hours, holidays, workdays and working organisation, are decided by the worker, that work is called gig work. Most of the digital platforms that provide temporary employment engage with gig workers. The European Union has issued directions that aim to provide minimum rights to workers and increase transparency in working conditions who complete 3 hrs/week or 12 hrs/4 week on average and are not self-employed. The directive was mainly issued to curb the practice of declaring bogus

² McKinsey Global Institute. Independent work: Choice, necessity, and the gig economy available at; c2016. <https://www.mckinsey.com/featuredinsights/employment-and-growth/independent-workchoice-necessity-and-the-gig-economy> (last visited on 15/02/2024).

self-employed status even though the worker fulfils all the required conditions of the employer employee relationship to bypass the fiscal and legal obligations of the employer. The directive also promotes measures that reduce abusive practices against workers. The California Supreme Court, USA, in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*, has settled some concepts relating to gig workers. Dynamex was a courier delivery service company which employed several workers. The company changed the status of its workers from employee status to independent contractor status, which helped the company to bypass wage orders and labour rules of the Industrial Welfare Commission. The welfare commissions rules mainly focused on extending welfare benefits such as regulating working hours, minimum wages and working conditions of the employee. A former Dynamex employee filed the case for violating and bypassing the rules of the Industrial Welfare Commission. The court upheld the petitioner's contentions and laid down the 'ABC' test to identify and differentiate between employees and independent contractors. The test made it an employer's duty to prove whether workers were independent contractors or employees. In 2022, the U.S. Department of Labour developed a proposal called Fair Labour Standards Act (FLSA), enabling gig workers to get employee status quickly. Under this proposed act, the Companies would be required to extend all the benefits of an employee to gig workers. In China, the Covid pandemic had an adverse effect on gig workers, especially food delivery workers. The gig workers were considered self-employed but were provided with some benefits. The benefits were extended during the pandemic to help the gig workers, leading to government agencies passing guidelines to improve and protect the workplace's working conditions, wages and safety. In South Asia, the lack of job security and poor working conditions led to 1/3rd of the gig workers quitting within a year of joining gig work. Another reason for quitting employment is that workers take up gig work when searching for employment and need a source of income to survive. 34% of Pakistan's gig workers and 24% of India's gig workers have university-level employment, and more than 30% of the gig employees plan to quit gig work in the first month of employment.³ The Singapore government developed a regulatory framework to protect gig workers by providing health insurance, pension and work injury compensation. Some countries like Spain, France and Switzerland have made providing gig workers with employee status compulsory. Countries like Brazil and Australia have considered gig workers to be independent contractors.

OLD GIG ECONOMY ESTIMATE OF UK

As we have discussed earlier that gig economy have vast range of categories of work for workers, hence it creates a wide range of estimate of gig workers. The previous report of CIPD research for the year 2017 conducted with 2000 employees, they found that about 1.3 million of people had done some kind of gig work in last year. Another research was conducted for the Department for BEIS in 2017, about 2.8 million people out of 2,184 people in Great Britian had worked in the gig economy in last 12 months.

The research by TUC in 2021 says that around 14.7% of worker is working at least once in a week as gig worker in England and Wales. Later StandOut CV calculated the estimation in the size of gig economy which would increase from 7.25 million in 2023 to 14.86 million in 2026. In an Understanding Society Survey by

Charlton-Czaplicki and Hukal in year 2022 it was estimated that 1.4% of adults which means approximately 750,000 adults in UK make a living from the gig economy.

NEW GIG ECONOMY ESTIMATE OF UK

The latest gig economy estimate of UK is based on the experimental questions by LFS from January to March 2022. The LFS mentioned before is the greatest representative household study in the UK. The chief question in the above-mentioned experiment that from past three-months what has people done to earn money for example using online platforms or third-party website or apps? the said question is similar to the 2017 YouGov survey but still there is a difference in survey, like difference in time frame survey conducted during the period of January-March 2022 shows the seasonality of gig work as gig work were more famous during summer as compared to the survey conducted during period of October-December 2021 in winters, another difference is that the workers working as gig worker are self not aware of the gig economy from the past surveys it was concluded.

The mentioned estimate for the month January- March by the Labour Force Survey 2022 is shown below in fig.3, the estimate shows the 79,561 individuals from 362,36 household from which 1.4% of the total employment is made from gig economy by gig workers in UK. The analyses of the estimate were the most accurate one because of the size and sturdy of the sample.

Fig 1. UK estimate of gig workers.



Information from Labour Force Survey, Jan-March 2022

Drivers and Riders in UK

It's a common perception that the gig workers mostly include cab drivers or food delivery guys, but it's wrong. Drivers and delivery guys are a small part of the gig economy. The perception is made because of the visible appearance of these workers on streets and roads, but there are even other workers who don't appear in front but are part of gig workers like tutors, accountants, part-time professors or project managers.

Another example of the above analysis is, in the UK there are around 82,649 food delivery guys which only make a fifth of the economy or 52,898 online platform or private cab drivers which make only one in ten workers in the gig economy. On the other hand, around 246,417 people, a quarter of a million, take services like web development, legal services, online health checkups or translation services which are last called desk-based services and around 92,663 of people take cleaning, baby sitting, manual tasks, plumbing or electrical services in the gig economy. These workers are over half of the part of the gig economy in the UK. The below table gives more crystal views of the type of gig workers in the UK's gig economy.

Table 1: Types of gig workers in UK's gig economy

Type of gig work (people can be in multiple categories)	Definition	Count	% of gig workers
Private / online Drivers	People pay for travelling in your vehicles, example taxi, cab etc.	52,898	11%
Food delivery drivers	Delivering drinks and food from restaurants or outlets to customer	82,649	18%
Couriers	Providing courier services from one place or country to another	56,433	12%
Manual personal services	Plumbing or electrical services, cleaning or decorating services, baby sitting or dog walking	92,663	20%
Desk-based services	Tutor, translator, accountant, legal or admin adviser and web or software developer services.	246,417	53%

Source: Labour Force Survey, Jan-March 2022

CAN GIG ECONOMY BE MAIN SOURCE OF INCOME?

The question arises that can the gig economy be the main source of income, if yes then for whom?

The gig economy has a vast variety of work in it and to have numerous experiences. Some people do gig work for their side work as a hobby or to make extra income, but there are people who do gig work as their main source of income and rely on such jobs. To determine the relevancy of gig work as the main source of income, the following analysis was made in LFS during its experiment of three months as follows:

“Working as a gig worker through an online platform, website or as a delivery guy, the money you earned from the past three months has been your main source of income or not?”

The experiment showed that around 93,898 of people that represents 20.3% of total population are working as gig worker of any kind of job under gig economy as their main source of income.

The categories of gig worker working as main source of income:

- ❖ 36% of people working as courier delivery or taxi/cab drivers
- ❖ 30% of food deliver workers
- ❖ 17% of desk-based workers
- ❖ 16% of manual personal services providers

This indicate that transport service provider having greater source of income under gig economy. The research conducted from Public First, it mentioned further that drivers working as gig worker through Uber Eats app, generate income as their only source of income.

The findings from my UK research report shows that smaller unit of gig worker work under gig economy under total UK work force, which again represents 1.4% that it is half a million of people working as a gig worker under UK workforce. The paper also shows that most of the people prefer to work in gig economy as it allows them to achieve their financial goals in short-period and boost their financial condition and fulfil financial responsibility like looking after family, paying education fees or health pays etc., it further shows that only a minority of gig workers rely on gig work as their main source of income, which means minority of gig workers are financially dependent on gig work.

CHALLENGES FACED BY GIG WORKERS

As it was already mentioned that gig workers find their rights only in The Code on Social Security 2020, as a result of which they remain excluded from vital benefits. The shield offered by other laws instance like occupational safety, benefits like health and accident at work place, overtime payor minimum wage rate. But these schemes lack to create legally recognised unions because of which they did not access a national minimum wage that applies to all forms of employment.

The statement “even the proposed law does not guarantee minimum wages for gig workers.” was mentioned by Pooja Ramchandani, partner at Shardul Amarchand Mangaldas and Co.

The wages code defines “Minimum wages, which broadly defines and elaborate it and is presently governed by the Minimum Wages Act. Furthermore, the Wages Code protects those workers or labours who fall within the definition of old traditional employer-employee relationship. As this moment of time, there is nothing to protect the rights of gig workers under minimum wage unless and until one can prove that the gig worker is actually an employee and that could be an obstacle to prove because their arrangements are arrange in such a way to ensure that one stays outside an employer-employee relationship”, she explains.

Not only this due to non- traditional nature of their work, gig workers also remain excluded from dispute resolution redressal mechanism under The Industrial Dispute Act, 1947, they could not get any remedies against their employers from grievance hurt. Gig workers also do not have the right to collective bargaining

which is new fundamental principle of modern labour law pivotal to safeguard the rights of workers given the bargaining power to employers and employees.

In a 'Blinkit- Gig workers' controversy the recognition for the rights of gig workers became more crucial. Blinkit provide wide range of services like delivering products, food, groceries, medicines and documents to customers across India. But this wide range of services did not provide good pay to their workers.

Other challenges faced by gig workers is that they are taken for granted by the employers of a company. The company's employer already has employees for the working their inner operation they gig workers are just another option for them and because of their bargaining power the gig workers end up meeting unlimited workload, low wages, no social security and absence dispute resolution authority for them. The Indian Federation of App-based Transport Workers (IFAT) filed a petition before the Supreme Court in the year 2021, July. In the petition they mentioned that cluster of Zomato, Ola and Uber violated their rights. They further mentioned the rights infringed by these platforms were rights against exploitation, right to equality and freedom under the Indian constitution. A survey was conducted in six cities involving 2128 respondents by the IFAT and the Transport Workers' Federation finding the average time spent by taxi drivers in a day it comes out to be 16 to 20 hours a day, the other 89.8% respondent says that they get less than six hours of sleep not only this because of this long working hours and no sleep they had to also face other health issues like neck pain, backaches, constipation and liver disease. But they did not get enough pay for their work also they are not provided with health or accidental insurance like any other multinational permanent employees, not only this they are not even paid for extra expenses during work like rise in price of fuel or excess luggage loads over vehicles. Hence this shows the need for proper legislative framework for gig workers the absence of the wage and working hours rights give the employers of online platform to exploit the rights of the gig workers. These shades show the absence of government awareness to gig workers' rights, the experience of gig workers across the different parts of the cities in India might be different most of the problem faced by the unemployed gig workers are the same as discussed is the same.

With increase in population there is high demand for jobs are the globe, but these jobs are hard to come over 1.4 billion of individuals with a median age around 28 years are searching for jobs. According to PLFS of the year 2021-2022 the unemployment rate remains immobile at 8.8% and there no change has seen since 2017. It is no wonder because there is lack of technical education and professional skills among young workers. This led to alternative solution which is gig work for such people because of which they come under gig workers or platform labour category. A report of 2020 shows that 7.7 million of mankind depend on gig work which will increased to 23.5 million by 2030.

The trend of gig workers is quite noticeable in India also for which there is need for government intercession to endorse their labour practices. The Rajasthan government validated the Rajasthan Platform Based Gig

Workers (Registration and Welfare) Bill, 2023. The bill defines the collector as ‘digital mediator...and includes other entities as well who coordinate with another mediator.

3. THE GROWTH OF GIG ECONOMY IN DIGITAL ERA AND INTRODUCTION TO DECENT WORK

The growth of the gig economy in the digital era has been remarkable, driven by several factors such as technological advancements, changing work preferences, and the rise of digital platforms. With the proliferation of smartphones and internet connectivity, individuals can easily access gig opportunities through various online platforms and apps. The gig economy offers flexibility and autonomy, allowing workers to choose when, where, and how much they want to work. This flexibility appeals to a wide range of people, including students, freelancers, stay-at-home parents, and retirees, who seek additional income or a more flexible work-life balance. Digital platforms have played a pivotal role in facilitating gig work, connecting individuals with clients or customers seeking various services such as ridesharing, food delivery, freelance work, and short-term rentals. These platforms provide a convenient and efficient way for gig workers to find gigs and for consumers to access services on-demand.

However, the gig economy also raises concerns regarding labour rights, job security, and income stability. Gig workers often lack traditional employment benefits such as health insurance, retirement plans, and job protections. Additionally, income can be unpredictable, as gig workers may face periods of high demand followed by lulls in work opportunities.

As the gig economy continues to expand, policymakers, businesses, and workers are grappling with the need to address these challenges while harnessing the opportunities presented by this evolving labour market. This includes exploring ways to provide greater protections and benefits for gig workers while promoting innovation and economic growth in the digital era. In India, the gig economy is primarily driven by sectors such as ride-hailing, food delivery, and e-commerce, which have witnessed explosive growth in the past few years.

Evolution of the Digital worker Platforms in the World

Digital era platform seen to be existed since early 2000s but due to globalization their use has grown rapidly in recent years. The advancement of digital technology had also increased the demand for on-demand labour. The evolution of digital labour platforms is classified into three main stages: -

- I. first-stage (2000-2010)
- II. second-stage (2010-2015)
- III. third-stage (2015 onwards)

In the first stage of the digital worker platforms, companies which connect people to short-term based jobs were Mechanical Turk and Task Rabbit, these platforms helped labour to work with flexibility and to connect with employers looking for specific skill and tasks. But low wages and lack of labour protection is a great set back in this era. In the second stage of digital worker platform, the demand for labour specialized in specific task increased like Uber, Rapido and Ola which focused on connecting drivers with passengers. However, they also offer huge flexibility in work and allow them to work on demand, but they also lack job security and low wages. In the third stage of digital worker platforms, platforms like Freelancer and Upwork emerged. They offer more specialized skills and services also called mature stage of digital worker platform. This stage provides greater protection to workers and offer dispute resolution method to labours. This platform provides wide range of services like content writing, graphic design and web development.

Evolution of digital gig-worker platform in India

Digital gig worker platforms in India had gone through various stages of transformation over the years. These platforms have distorted the working of traditional labour markets in India by creating new opportunities for jobs and income generation. However, there are also criticized for their low wages, lack of dispute resolution methods, poor working conditions and lack of rules and regulations for safety of the workers.

The platforms like Naukri.com and Monster.com had emerged in the early 2000s which connect the job seekers with the job providers. However, with the arrival of gig work force and arise of the sharing economy, a new breed of digital workforce emerged in India.

In the past few years India have seen the growth in gig workers through different channels, digital platform is one of them which connect to the various gig work such as food deliver, cab driver and freelance work. Uber and Ola are the most popular gig work platforms in India, it shares over 35% market in the ride-sharing industry. Zomato and Swiggy are the other popular platform for food delivery, and Upwork and Freelancer for freelance work. According to the report of ILO the platform was considerate in the period of pandemic COVID-19 as it provided relief to the people who lost their jobs during the pandemic. The pandemic has also increased the growth of digital labour platform due to the lockdown situation and work from home but it also led to precarity and vulnerability among gig workers.

In the labour market of India, a significant growth in digital platform we have witness from the above examples. It is mentioned in the book “The Sharing Economy” by author Arun Sundararajan ‘After China, India has the second highest number of gig workers in the world.’ These platforms discussed above have revolutionized the way of living life style of people from ordering food to clothes or transporting goods or services and all these are done with the help of gig workers, hence these platforms had not only eased the life of the consumers but also provided jobs and incomes to the labours.

Overall, these digital platforms had provided both positive and negative impact in the economy of India. But it is also the responsibility of the policymakers and the government to find out the challenges and opportunity presented with the digital gig-workers platforms to ensure the development of economy and society.

LEGAL RECOGNITION OF DIGITAL LABOUR

The rights of digital labour are not recognised in one frame-work of law but in different laws according to the nature of work and the jurisdiction in question, in India and around the world. Below we have overviewed of how Digital gig worker platform are legally recognized in India and globally.

India

In India the rights and securities of gig workers varies from the nature and status of the work. The workers who are classified as employees are covered under labour laws such as the Employees Provident Fund, the Miscellaneous Provisions Act, the Minimum Wages Act and the Industrial Dispute Act. But these laws don't cover independent contractors or self-employed because of which they have limited legal protection. To resolve this issue the new labour code, the Code on Social Security, introduced by the Indian parliament. This code aims to provide benefits to all class of workers including those in the gig economy.

Globally

In other countries the digital platform is classified under different laws like India. Some countries are using the existing labours laws, whereas others are establishing new specific laws and regulations for the gig economy. For instance, the European Union in 2021 introduced the Platform Work Regulation where they set up minimum standards for platform workers, such as access to transparent, predictable and training working conditions and social protection. In United States, under federal laws platform workers are classified as independent contractors which simply means displacement and the need for retraining and upskilling programs. In another example where government had explored policies that can help workers passage to new jobs in the face of computerization. The European Union has called for the creation of a European fund for Just Transition to support workers affected by the transition to a low-carbon economy and rise of digital technologies.

Comprehending the softening of laws and change in technology

With the rise of technology in the developing country like India, modification in the laws and regulation for the betterment of the society is also required. For the advancements of the laws, there are some examples of laws that have been modified or need to be modified in India due to rapidly change in the technology.

- The Copyright Act, 1957: This act provide protection to artists or creators of original works such as books, music and films. The act needs to be modified to protect the copyright owner from the rise in digital cribbing, for this the Indian government had introduced the Copyright Amendment Bill in the year 2021 56, which seeks to bring act in correspondence with the international laws and providing better protection to the original creators.

- The IT Act, 2000: In today's modern world where most of the transactions are online and people are dependent on electronic form of transaction, to ensure the security and confidentiality of data the IT Act was initiated to provide a legal framework for electronic transactions. The rise of social media and online platform had led to issue like cyberbullying, online defamation and revenge porn. The Personal Data Protection Bill, 2019 was introduced by the government to regulate the use of personal data and prevent its misuse.
- The Motor Vehicles Act, 1988: With the growth of electronic and autonomous vehicles there is need for upgradation of the act to deal with these new technologies, the Motor Vehicles Act regulates the use of motor vehicles on Indian road. For instance, the Act needs to define the liability of manufacturers in case of accidents involving autonomous vehicles.
- The IPC, 1860: The IPC is a broad-based code that defines various crimes and their punishment. The growth in technologies had led to increase in cybercrimes like cyberstalking, cyberterrorism and impersonation. Hence, there is need to modified the IPC code to deal with the new forms of crime and ensure that the hackers are punished accordingly.

The above examples show the parallelism of changes required in laws which need to be updated because of rise in technology and same goes for the labour laws for gig workers.

CROSS ROAD OF TECHNOLOGY AND GIG-ECONOMY

The intersection of technology and gig workers have been a matter of discussion in recent years. The Labours Laws traditionally focused on protecting the rights of workers working in traditional method of workplace but with the change in technology had brought rise in gig economy in Indian labour market. The digital labour market had provided the numerous opportunities to people in work arrangement that suits their needs, but these opportunities also led question on labour laws as how the labour laws shall be applied on gig workers. As a case in point, should gig workers be considered employees or independent contractors? This question is the centre subject of debate among numerous lawsuits. The increase use of Automation at workplace led to increase use of technology to perform task where human input is minimized, this led to efficiency and reduce costs but also led to job loss and displacement for workers. The labour laws need to be updated for not only traditional workers but also for gig workers to ensure automation does not led to unemployment for individuals in India.

Another reason for recognition of regulation is the Remote Work. The COVID-19 pandemic has accelerated the trend of remote work as it led to work from home for many employees. There are many advantages to remote work but it also led to disadvantages like overtime pay, workplace safety and workers' compensation. Hence question raised how the labour laws should be applied to the remote workers. As technology continues to upgrade there will be more challenges and opportunities that needed to be discussed in the upcoming years.

FROM COMPUTERISED TO DECENT WORK

The ILO defined the concept decent work. It refers to the work that is fair, respectful to human rights, secure, safe and full of dignity. Decent work generates opportunities for personal growth and development, social protection and integration, and the participation in decision making. In the post-pandemic period of covid-19 in India led to the urgent need of legal rights for online gig workers. the below bar-graph shows the recovery of economic growth in the year 2023, in terms of gross domestic product per capita to the level of the pre-pandemic period. The automation and other digital transformations led to job polarization which in further cause loss to middle-skilled work. The job polarization refers to a situation where the demand for middle-skill jobs decline compare to the high and low skill jobs in a labour market. (Kuriakose & Iyer, 2020) In the informal sector the opportunities for the employees remains precarious. For instance, in one of the reports of ILO, 2019 it is mentioned that despite of having a high weekly work week of 50 hrs, 77% of the workers in India are in vulnerable state.

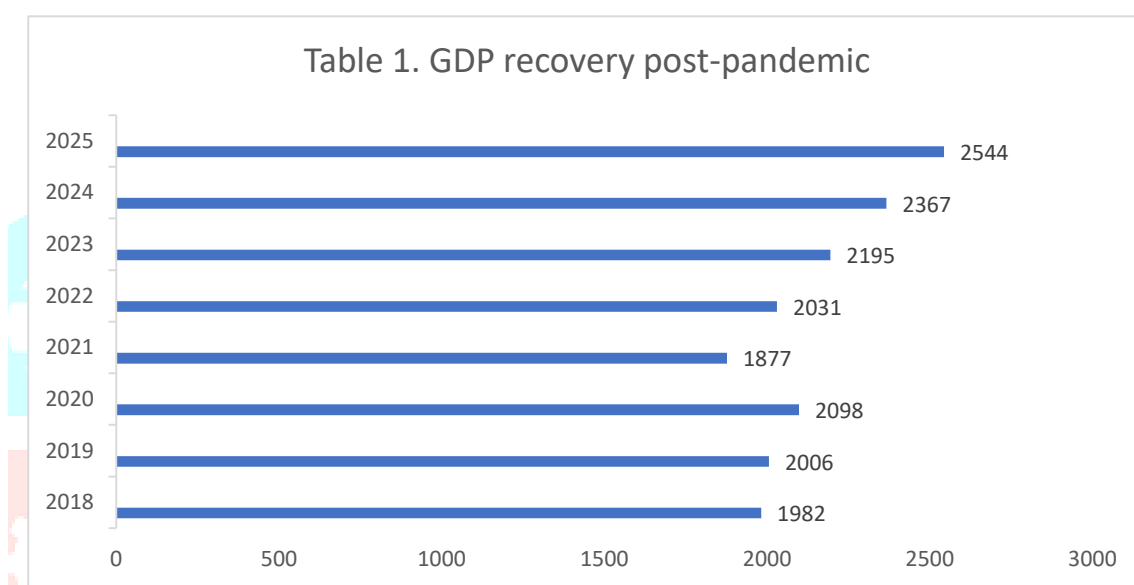


Fig no.2. Information from BCG & Michael and Susan Dell Foundation (2021)

From the past few years India had started seeing the future of gig economy as a portal of economic growth and development in employment sector. This rise in the gig economy is possible only through the digital era, the Ministry of Electronics and Information Technology ascertain a revenue of \$1 trillion and 65 million jobs by 2025 through digital economy as source of economic growth and secure employment for low, semi and high skilled workers. Digital platform is a common set of tools which helps to match the demand and supply of the consumers and suppliers in a market. In the report of ILO,2019 over 15 million freelance services will be provided through digital platform in India. In the below table, digital platform is going to transform the jobs into gig work in the industrial sector which will led to generate across 90 million of jobs. Most of the work on digital platform is based on the gig work that involve temporary jobs and discrete tasks. The below figure shows the miscellaneous jobs are performed by the gig workers online which shows the diverse skills and socio-economic factors they have but the need for labour rights for online gig work is clearly visible.

The below fig. represents the gig- economy workers identified through their skills.

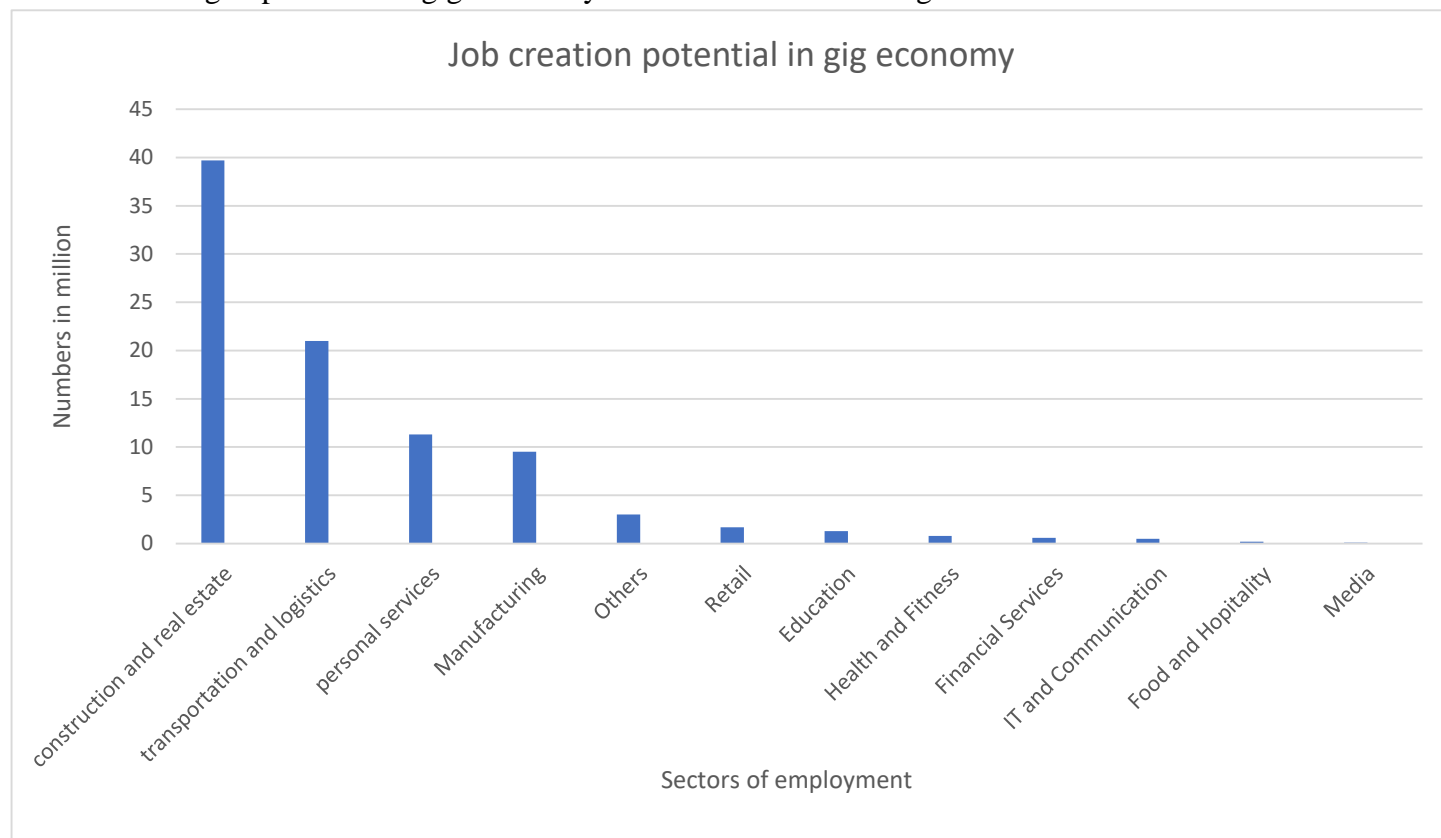


Fig.3. Information from BCG & Michael and Susan Dell Foundation (2021)

CONSTITUENT OF DECENT WORK

The paper elucidates the composition decent work agenda as proposed by the ILO, 2013. Decent work identifies as a work which is productive in nature, provides fair income with security, gives social protection to workers, safeguard the basic rights and interest of the workers, prospect for personal development through equal opportunity and treatment and gives the opportunity of being heard (ILO,2013). In this frame work of decent work agenda the paper has identified four main elements, which were job creation, right at work, social protection and social dialogue. The hypothesis behind discussing the component of decent work is to analyse the guiding principle could be set up to cover the loopholes in the set of rules provided for the protection of the gig workers with the emerging trend of online gig worker platforms. Also, how this trend can help to accelerate the route for poverty alleviation and economic growth in a country. At the end how this concept allows the interoperability across the countries and adapting of the good practices by the sectors with flexibility.

- **JOB CREATION**

Job Creation guarantees that no person should be prevented from work in their desire line due to lack of employment opportunities. It is a process of generating income-employment opportunities that is sustainable and secure to all (ILO,2013). Job creation cover wide geographical area from rural and urban sphere and comprehensive demographic profiles such as youth and women vary from

educational and skill levels of works. For sustainable economic growth for country and individual employment opportunity is must but this also subject to many challenges for example job polarization, automation, climate change and financial crises. Through the expansion of digital economy more employment is generated in India from its demographic dividends (GOI,2021). In the report of ILO,2021 it is highlighted that India is the largest supplier of platform workers with 20% of the global share. The major issue India is facing is that this online gig workers are working in low-skilled jobs both in the out sourced and non-outsourced types of work. In the out sourced types of work Indian workers are mostly found in the clerical work that are prone to automation such as data entry and general professional services in software and multimedia offered from the developed countries where on the other side non-outsourced workers are mostly engaged in taxi driving and delivery services.

In comparison to other countries the share of women in Indian labour market this comparatively low whether it is online work platform or female dominated sectors like writing and translation (ILO,2021). To overcome the above-mentioned barriers government must focus on reskilling and upskilling gig workers and specifically focus on targeting group of workers such as women if they want digital platform to continue as equitable source of well-paid jobs and income. Job creation is an important pillar of decent work, to maintain the position public dialogue is needed between the government and the worker organization to maintain the demand and supply of the rights and responsibility between the both in addition with the civil society organization.

- **RIGHTS AT WORK**

The right at work place refers to the non-discrimination working environment, just and favourable working condition, adequate rest, holidays and eight-hour days. These rights of workers are prevented under the labours laws that determines safe and healthy working condition ranging factors from remuneration, working time to physical and mental condition of workers in the working environment at workplace (ILO,2013). The gig-work platform provides flexible work time, on-demand work supply that impact wages, work organization, working time and life balance. The revealing of data in online gig-work platform leads to privacy issues, data ownership and consent issues to the dimension of right to work.

The finance minister of India in the Union Budget of 2021, talk over the pathway by which minimum wages were to be set for online gig workers in discussion with the Employee State Insurance Corporation (Nanda,2021). Due to the absence of data policy of workers on national level digital platform companies could not keep the record of storage, ownership and existence of unilateral workers, however the state's attempt to establish a centralized data collection system but the process is still in doubt. According to the perspective of European Union's General Data Protection Regulation, the institutional structures involving ingrained in labour laws, data rights and judicial interpretation helps in instituting a worker friendly data regime (Kuriakose & Iyer, 2021). However,

in India, rather than having an agglomerate set of workers data, a combine structure having democratic and decentralized management of workers' collectives' data is explored.

Data rights have a great effect on other rights of workers at work example wages earned, today the payment of online gig workers depends on the customer rating of the worker and algorithmic aggregation, which are not transferable in nature and beyond their control and negotiation (Kauntia,2020). There is a need for a clear policy which describes the type of data permissible to be collected, stored, used and transferred by online platform.

- **SOCIAL PROTECTION FLOOR**

The third element 'social protection floor' guarantees that all workers should have access to benefits such as health care, pension, parental leave and others. It set up a minimum social security aimed at preventing or alleviating poverty, vulnerability and social exclusion (ILO,2013). A country in its national security protection floor must involve four set of security over the life cycle of workers such as basic income security (involving education, nutrition and other necessity services), access to haleness including maternity care, basic income security to persons in the active working age but unable to work due to unemployment, disability, sickness and maternity and basic income security for older peoples (ILO,2013). The sustainable development goals of alleviating poverty, economic growth, universal growth and decent work is achieved from the social protection floor. The maternity care, access to child care, elderly care and nutrition directly or indirectly depend on women, hence it shows that social protection floor is disproportionately has gendered dimension. It should be noted that social protection floor is guided, designed and monitored under the process of social dialogue to clinch the democratic participation of relevant stakeholders.

For the first time in the labour laws of India the social security code 2020 brings equal right to workers as of employees and opening the door for formal worker rights. The companies providing employment to gig workers need to contribute 1-2% of their annual turnover or 5% of wages, whichever is lower to the social security fund set up by government. The responsibility for social protection of workers is split between the platform companies and union government but there is no clarity between the delivery of duties due to the dubiety of the ALL-INDIA Gig Workers' Union's (AIGWU), a formal memorandum is submitted by the coordination committee where universal social protection floor that clearly laid out the responsibility of employers towards social security contribution to the Ministry of Labour and Employment in 2020. Albeit enough initiatives have taken by the government in providing social protection to the workers still there is need to look into online women gig workers and their matters and the need for additional benefits such as sick pay and parental benefits.

- **SOCIAL DIALOGUE**

The social dialogue gives workers liberty to exercise their workplace with democracy. The trade and worker union plays a great role in providing proper work condition and develop felicitous worker

policies that fulfil their welfare. The main element in social dialogue is the negotiation that range from exchanging an information to discussion on issues of common interest. Social Dialogue fulfils the SDGs (Sustainable Development Agendas) 2030, where full recognition and observance of labour rights, accountable institutions, rule of law and decision making at all levels are part of it. The social dialogue can take the shape of informal configuration or form formal institutionalized process involving multilateral relation between worker and management in addition to the triadic relations where the government is also involved as the third stakeholder. The government role in this is to allocate budget, communicating the institutions and setting up GRM at subsequent stages to resolve issues between the management and workers. The foundation of social dialogue is depended upon the freedom of association, collective bargaining rights to both parties and presence of independent employees' organization with technical capacity to undertake the process as well as historical and socio-cultural factors have a great impact on the institution of social dialogue.

The social dialogue has to face direct challenges while coordinating with the India's online gig workers for instance like forming employees' organization where workers are classified as independent contractors, and remain fragmented but the truancy of well-defined work site and working hours led to difficulty in forming employees' organization. The covid-19 pandemic brought restriction and barriers in communication between the workers but the online platform of gig workers brought resilience and tenacity in their work. For instance, during the time of covid-19 workers used social media platform such as WhatsApp groups as a joint space to discuss issues faced by workers during the pandemic.

The online gig workers have classified two organization under a well-defined agenda marking the beginning of informal social dialogue. The first one is AIGWU (All India Gig Workers' Union), an unregistered umbrella organisation of platform and gig workers where they get together and come into unsolicited protest of workers to collectivize their demands, raise awareness and form strategic allies among others. The four-pronged discussed above shows the decent work agenda which helps to create a labour rights framework for online workers. The above agenda not only talk about social protection of workers but also focuses on rights of workers at work place, the paper also discuss about social dialogue of workers through labour trade union and dispute redressal forum through work union and negotiation, job creation is one of the reasons of the above discuss agenda to create more and more employment opportunities for workers in the gig economy.

CHALLENGES FACED IN DIGITAL ERA

Usually, workers face problems like salary shortfall, income fluctuation, access to credit and lack of health and life insurance, the one and the same situation is in the case of gig workers. Moreover, particular problem faced by the online platform workers is the quality of internet services, job insecurity and the contractual agreement between the online platform owner and the worker being considered other than one of employment. The challenges faced in gig economy is the concept of employment contract, hazy difference

between an independent contractor and an employee. The difference is gigantic important because it defines the type of labour laws applied to gig workers, also it highlights the obligation of employers toward gig workers regarding wages, working condition, social security and resolving conflict arising at workplace. India has a specific approach for brining workers with in their ambit. For instance, there must exist an “employment relationship” between the company and the worker, the concept was introduced in the 20th century with regard to the old model factory, which is inconsistent with today’s gig work trend. We have already discussed that gig work is originally based on small task and jobs which is done during free hours and for extra income. But talking about India there is a little difference between full-time employment and gig work. The reason of the difference is, as most of the gig economy workers work the same 7-8 hours daily as a full-time employee still, they are denied welfare benefits which are given to labourers because of the benefits offer to them like flexible working hours, holidays and both online-offline working platforms. This flexible working hours and other benefits to gig worker helps the company to divagate them from the definition of employees determine in the labour laws and they fail to come under the rules and regulation of the labour laws. We could not easily characterize gig worker as an employee or an independent contractor for this certain thing needed to keep in mind for example, if we term gig worker as an employee companies would face overburden with expenses like penalties, taxes and back-waging leading to company’s operating cost further led to an unsustainable economic model. On the other side, if we term as gig workers as independent contractors then there will be continue labour exploitation by denying fundamental labour rights to its employees.

The online platform companies have regarded their gig workers as their ‘partners’ in work. Justice Chandrachud raised their concern by saying that “Their contractual relationship along with app-based workers does not go hand in hand with traditional way of employment, and the disaggregated creation of app-based work makes it strenuous for platform to collective bargaining.”

The lack of job security is the main problem faced by the gig workers. Gig workers face job insecurity because there are assigned on temporary workforce and not as contractual labour with fixed salary and employee benefits. We have already discussed the examples of gig work like Rapido, Ola, Uber and delivery workers like in food Zomato and Swiggy and goods services like Amazon and Flipkart etc. The workers fall in this category are not regular employees as they don’t have work obligation towards the hiring company.

The traditional method of employment includes the contractual obligation on both the parts of employment, fixed working hours, paid leaves, holidays, dispute resolution rights of employer and employees and social welfare benefits to the employees. But all the above stated rights are not provided to the gig workers due to modern method of employment which further led to job insecurity, lack of retirement benefits, denied sickness and paternity benefits and unstable income. Therefore, gig economy challenges the assumption of the employment contract, blurring difference between employee and an independent contractor. This difference is of huge importance because it determines which labour laws apply to gig workers and it highlights the employer’s obligation toward gig workers’ rights.

The Social security code guarantees the right of the workers in India but this would not be enough in case of the gig workers. For gig workers a legally recognised unions, job stability and a national minimum wage that

applies to all employment is must. Furthermore, there is also need of recognised unions so that their remuneration can be decided through collective bargaining rather than only based on the demands of the leaders.

4. EVALUATING THE POSITION OF GIG WORKERS?

The altercation on whether a gig worker should be considered as an employee or an independent contractor has to be evaluated to develop their status in India and worldwide. The Indian judiciary had played a significant role in answering the above question which had not only benefited the gig workers but also antithesis to employers. Why is this important to answer this question had already highlighted in this paper, as discussed already, this concern to the labour laws that apply to only ‘employees’ of an organisation which do not involve gig workers. Even after having the laws like Unorganised Workers’ Social Security Act, 2008 for unorganised sector that protect the rights of home-based workers and self-employed workers by providing them various welfare schemes, these laws are not adapted to the gig worker trend. Our judicial system has developed multiple tests to determine the difference between an independent contractor and a worker. The test mostly focuses on the extent of authority by employers and the common intentions of the involved parties. These evaluations are accepted globally and might involve more assessment like work method, contract titles, equipment ownership, hiring or firing authority and establishing rules and regulations. Due to idiosyncratic nature of the gig work led to varying interpretations regarding the classification of gig-workers as employees or independent contractors, even if applied to identical situations. This disparity arises due to the exhibit traits correlated link with both traditional employees and independent contractors.³

ALGORITHMIC MANAGEMENT

The concept of ‘gig’ trend in India, where workers receive piece rate emoluments, absence of social security and clamber together a patchwork of jobs for multiple employers led up to platform economy. Where they should safely reside in their place and lookafter their health, the gig workers are working out not only for themselves but for other individuals who are in need for medical treatment or facing scarcity of food and other basic needs.

These mentioned assessments are associated with the informal workers in an organization in the context of human resource management. However, from past few decades the development in the ‘technology platform’ and rise in the ‘gig economy’ model led to comprehensive changes in the employment sector of India. But this transformation has brought elation and concern in the economy, the former one fill the pages of business outlooks, advisory report and guidelines documents, where on the other hand, the latter one dominates critical

³ Labour Law and the Gig Economy: Towards a Hybrid Model of Employment - Indianola. (2022, December 25). Indianola. <https://indiacorplaw.in/2022/12/labour-law-and-the-gig-economy-towards-a-hybrid-model-of-employment.html>

social science scholarship. The development of the employment sector needed to be examined more closely and careful attention needs to be paid due to the introduction of gig economy through digital technology so that the platform works more efficiently and effectively such as the app, mobile phones and the online transaction etc. Now days we have seen the digital platform services ranges from deliver services to dog-sitter has boost the shift to 'tilt' systems of production and distribution of goods and services and provided the flexible working hours to the labours engaged in these services. In one of the theses of Huws 2014 she named the labour regime as 'logged labour' due to the growth of platform mediated business and the labour underpinning this industry. Further, she mentioned that the labours are logged in three particular ways, firstly their work are divided into smaller portions, assessment to measurement and quantification; secondly, they are closely supervised by the clients and platforms because of their 'logged statuses and lastly labours have to be continuously 'logged-in' to receive work from the platform work. Thus, understanding the modes of 'algorithmic management' under digital mediation of work defines, how the platform work is different from the set of traditional work and on which the informal sector worker has to depend upon to sustain their lives.

The digital generation of data is the new capitalist in the development of the economy. The enlightening article of Doorn and Badger (2020) where they discussed the sources of value for 'technology platforms. In this article they highlighted how value is extracted from the undervalued labour by the platform-based employers also from the 'data assets' produced by workers. The data assets and algorithmic metrics are continuously produced by workers when they 'accept' tasks and log their 'pickup', 'arrival', 'drop-off' and so on. These assets are utilized by companies to increase their work operation, extricate maximum work from labours, and enhance their valuation among investors who invest their money in their start-up plans. The digital management technique is also required to supervise the control over workers to extract the maximum value from them, but in face-to-face management algorithm management control is rarely observed. The algorithm work management restricts the control of workers over their own workload and working time, also they enhance the company's ability to manage workers at arm's length.

There is no specific agency to record the complaints of customers and deliveries workers nor a human manager to resolve their problems. Hence, labour agency is challenged under platform work of gig workers. The lacking of direct work provider, common area of work and minimum wage rate reduces the resistance of labours and led to longer-collective organizing. During the time of pandemic algorithm management come to lot of use. To remain attractive to the investors the workers are observed to enhance surveillance as platform companies trying to convince high level hygiene customers to sell their services. To convince the customers for selling their services to them great importance given to the update of the temperatures of the delivery person and chefs cooking food to the when delivery worker had last sanitized their hands, also glint given on the masks compulsorily wore by the delivery workers or not. The contact-free deliveries were requested by the customers for which the Aarogya Setu app was introduced by government which is well appreciated by the customers, where they could trace the delivery workers through contact-tracing app, which is also mandatory for workers during the time of pandemic but the same is not compulsory for the customers. The above typify are used to convenience the customers to increase the working operation and distribute the

services and on the other hand maintaining the safety of workers who were projected as direct vectors of infection. There is no doubt that digital gig workers platform was significantly increased during the pandemic, delivery workers had reduced the role of (dis)intermediaries not only this the long-lasting inequities of caste, gender and class of Nair is reduced with development of the gig economy in India. such (dis)intermediation rendered work to the workers from the platform and enable to maintain distance from each other, further algorithm management tools to take more acute form by regularly uploading their newfangled selfies with masks, details of their body temperature and sanitization but their own complaints and request for immediate help frequently left answered. During the time of pandemic, due to government rules and regulations on social distancing workers found platform employment harder to reach than ever, because the platform companies like Ola, Rapido, Zomato and Swiggy laid off their physical delivery staff and moved most of their operation online. Google forms and chat option are used in place of call functions and complaints of workers were remained unanswered for weeks which further led to a state of confusion between frustrated gig workers whom to approach as platform offices were stayed closed throughout this time. As the pandemic accelerated platforms company moved online and found an opportunity to trim down their staff to lower the cost of operation of their company and remain in company's bottom line. Not only this companies ruthlessly started cutting rates of remuneration and incentives of workers during pandemic, and withdrawn certain bounces on which the workers were heavily depended. But the option 'tip' workers were also introduced by these platforms to encourage customers to tip and motive to work their delivery workers during pandemic. While on the other hand some platforms worker seriously under threat due to job loss, withdrawal of incentives, rate cuts and irregular work pattern, addition to this the health worries related coronavirus is also a great danger faced by them. The praises for these 'hunger worriers' and 'superheroes' reman unabated on the social media sites of the platforms.

The level of exploitation faced by the workers during the time of pandemic did not go answered, many cities in India witnessed protests by the gig workers instance like cab drivers, app-based delivery workers and beauty workers, this protests by the workers are noticed globally especially across Asia, Africa and Latin America. The labour politics is also come to seen along with this protest.

SOCIAL SECURITY AND WORKERS RESISTANCE TOWARD DOUBLE MANAGEMENT

As we have discussed above the exploitation faced by the gig workers from the platform employers during the pandemic, but these experienced circumstances are not as a unique rupture in labour condition but is the continuation of social and extraction exploitation. These unvarying states of affairs have two aspects; first the lack of labour protection went before pandemic and secondly the continuation challenges in work management of platform workers before the pandemic which increased during the pandemic. The legal classification of workers as 'independent contractor' and 'partners' restricted their rights as employees of mediating platforms. Therefore, this labour is highly leveraged as they only receive money for the task performed by them and not the other social and protection rights as employees of formal sector. However, with the expansion of gig economy the rights of gig workers are defined more explicitly and elaborately

which in turn brought changes in the legislature by introducing social security codes to the gig workers in the economy.

The Karl Polanyi's theory in 2001 introduced the concept of 'double movement' which had slower the process of social protection. On the basis of his dissection on sixteenth-century 'poor laws' of England, he argued that when there is withdrawal of production regime unsustainably then there is demand from workers clamour from the state for social protection. When there is paucity in worker's wages from the capitalist then state has to come with alternative solution for the social protection of the workers. Typically, these measures led to necessity of rules and regulation for social welfare benefits pertaining to unemployment, old age pension and work-injury compensation which in turn raised the workplace-based labour standards. Following this, Agarwal in 2006 examine a recent shift in the demand-making strategies of informal workers in India, rather than better wages and treatment from the companies they are now seeking 'welfare' from the state. He stated in the documents that the workers demand is more articulated around welfare and housing need like education, health and maternity benefits and he further stated that different welfare boards for different occupation of workers is an optimism way of evolving relation between labour and state.

The question arise how one can identify welfare landscape for platform labour force in India. The Social Security Code 2020, is one of the attempts by Ministry of Law and Justice where 'gig' and 'platform' are recognised as a different bunch of workers and to bring them under the provision of social protection. The aim of this provision is to provide health schemes, accident and disability compensation, life insurance and old age protection to the informal labour class workers along with this a National Social Security Board is established to make sure that the schemes and regulation of the benefit of gig workers are implemented properly. Even after the establishment of such muscular scheme, the Social Security Code falls short in providing adequate protection to informal workers, who constitute **91% of the workforce**, still the Indian government never fall apart in providing equal rights to the gig workers as that of permanent employees, for instance like, The Rajasthan state Government is the first example who passed the 'the Rajasthan Platform-Based Gig Workers' in India. The continue lobbying efforts by gig-workers and labour's unions, this bill is borrowed from the old establishing laws for the workers of the unorganised sector but there is also addition of the progressive clauses in these laws for instance like worker's right to registration with the Board irrespective disregarding the fact how long the worker has been working with the platform companies. Another important question arises whether the government is able to establish the platform and gig worker's board across the states or they will control another course for their forerunner in other sectors or they will provide meaning social protection to their registered employees.

The pundit of India's recent labour reform announced recent policies of being more protective of capital rather than protective of workers, for instance like, the sole motive of welfare is to include every aspect for development of workers rather than just focusing on issues of low wages and the redistribution of surplus. In 2020 Medappaet likewise said that social security code provides basic need provision to gig workers but fails to focus on long-waiting demands like low pay, intense workload and wellbeing associated with platform workers. The Babu Mathew a notable legal scholar and trade unionist, in his latest interview mentioned the

code's provision for labours' social security as 'marginal' at best, the government formulated 'schemes' for these measures and do not guarantee any 'statutory' social security protections that official employees are entitled to claim as right. With the development of gig economy and considering the workers 'outside a traditional employer-employees relationship' and seeing platforms as mere 'intercessor' rather than employers. The Indian lawmakers are endorsing suitable claims which are put forward by platform business and such claims are supported in different part of the world.

Surely, the measures highlighted in Social Security Code in India have preternatural likeness of the Uber campaigned for the 'third-way' solution which guarantees some social security measures while refusing to promise substantive labour rights to workers. For instance, like, In California there was a campaign held by uber and other digital labour platforms for a statewide referendum on Proposition 22 where platform workers of employee status and its associated protections are undress for example work-injury compensation, paid sick leave and minimum wage guarantee. The Proposition 22 was successfully submitted before voters as a pro-worker referendum that regulated digital labour platform while introducing partly new benefits like health insurance stipend but they fail to safeguard basic rights and protections.

In the meantime, due to the absence of more substantive labour right, the universal experience of platform worker of India they had to approach the informal sector source during the pandemic to safeguard their interest. During the period of lockdown app-based workers or drivers and personalized services provider example hand-picked professionals for various home and beauty need like UrbanClap, show their work disappear but on the other hand food delivery workers were consider 'essential workers' who risk the life to meet the demand for their services. Even before the covid-19 pandemic period workers relied upon different 'off-platform' informal networks to enable their work this includes kinsfolk, fellow workmates, moneylenders and neighbours. Their financial and non-financial support helped them to easy their uneven earning patterns and to service debts incurred to take up the job in the first place. The borrowings from financial sector taken by the workers like beauty and spa workers borrowing money to purchase beauty product and vehicles like car and motor bike purchased by the cab drivers and delivery workers.

At the time of covid-19 people in India had witness the situation where most of the workers migrated back to their village and small town from big cities like Mumbai and Delhi. This is situation arise as a result of lockdown in the country. As we know that gig workers are short term-based and project-based workers, the announcement of lockdown in country create insecurities in the mind of workers with regard to the no-work and lack of money. Here, the informal networks of support played a key role in making social relation among the migrated workers where they can come together and discuss the issues relating the work opportunities from employers, notification in benefits of labours by government and condition of platform companies. Not only this with others kin they could also find alternative source of income and even can take in temporary basis agriculture work. But this support does not accessible to workers all the time because of numerous factors like the sources like electronic medium or digital medium are reachable to their area or place they are residing or the quality of relationship they had maintain with other members platform members and community members. Further to this, the workers are also benefited from mutual among co-workers and

welfare social protection provided by the local trade union. Collectively, this backing support help the gig workers to sustain their life and household responsibility through this pandemic at the same time brace up the reproduction of the platforms themselves.

Undeniably, the covid-19 situation exposed the more general contradiction that was the reduction in socially valuable and productive labour. This essential or key workers are the nurses, cleaners, transport and logistics worker, who entitle life and social reproduction for others and also afford to shield at home. As many of the essential workers choose to shield themselves at home with their family, the need for platform workers arises in many parts of the world as key workers ensuring that the individuals continue to get access food, groceries, medicines and other basic needs to sustain their life. Although, continuously ignoring the health risks and connected tragedy causing to workers during the covid-19 pandemic, platform companies continue to expand into new business areas, growing service delivery and tying with government presenting themselves as helpers and providers of critical infrastructure during the pandemic.

As the workers providing these essential services the real 'infrastructure labour' identity remain hidden as these services are neglected by both the platforms. The government had also taken enough initiative to encourage the workers like hand-clapping and vessel-banging. That's why the paper pin out the issues into feminist analysis social reproductive labour in a number of ways, firstly composition of support that workers relied on to enable their own public communication as social reproduction, secondly it inspects how social reproductive all important both shaped and limited labours resistance and at the end it display how capital reproduced by taking out the value from unpaid or low-paid labour during the pandemic that worker engaged to survive.

In addition to this the gig workers also linked themselves to the trade union and other labour union which are also called the grassroots labour organization to deploy collectively in the framework of social protection and equal rights as labour. The organization like IFAT (Indian Federation of App-based Transport) and other organization were set up at local and state level for mutual support and consensus to gather the workers for strike or protects against the declining pay rates, incentives and functioned as sources. During the time of pandemic, the platform economy from every part of the world show saw impetuous outburst of protests, continuous support from collective workers and workers opposition were barriers to achieve this sector. The questions are also highlighted in the collective action in Hyderabad among Swiggy delivery workers the one is the voluntarily walkout and the other jointly planned strike. So, its concluded that there are variety of factors that come as barrier in the development of trade unionization among platform workers, where one relates to the nature and other relate to the structure characteristics of the platform model itself. There are many actions were taken by government in the interest of the gig workers still due to the numerous obstacles in the platform economy workers continue to chose alternative route to mobilize their rights and make sure their voice is being heard.

LIABILITY AND RESPONSIBILITY IN GIG ECONOMY

With the rise of gig economy, a question arises regarding to the responsibility as well liability of gig economy in India. This responsibility and liability lie between the workers, platform companies or employers and customers. Another question is coming in mind is how such responsibility and liability is allocated among them and how to manage such legal challenges among such intermediaries in the gig economy. In some cases, gig workers are considered independent contractor because of which they are solely liable for any liability on their part which had arisen during work. However, in case of platform employers on certain parts of employment the companies are responsible for the action on the part of the worker during working hours. This shows the safety and security for their customers and workers by platform companies. For instance, like, under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, to ensure the safety and security of the users the gig workers must have measures in place another example Consumer Protection Act it makes sure that the services provided to clients are provided with reasonable care and safety.

Apart from the above responsibility and liability above mentioned the gig economy also has to face challenges, one of the legal challenges faced is calculating the extent of responsibility of gig platform companies for the action of their workers. For instance, like harm is caused to a customer due to the action of the worker during working hours then in such case the company would be liable despite of the fact that the company is not directly involved, still the company will be liable for the action of their workers. The point also raises that this responsibility should be appropriately distributed between the platform-based companies and platform-based workers.

Further question raised is determining the regulation appropriately of gig companies. The regulations are important for safety and security of customers who take services from gig workers and for gig workers who provide services under platform-based companies, but excess regulation may become a barrier to innovative ideas and development for gig economy. Therefore, it is necessary to make a balance between the innovation and regulation for the growth of the gig economy of any country.

The assignment of responsibility and liability in gig economy is a compound issue which requires a careful view on it. Where on one hand gig labour on some cases were considered contractor employees and also have to bear the responsibility solely for any liability arose at work place and on the other hand, platform-based companies at certain level for ensuring the safety and comfortability of their clients who provide money to them bear the responsibility on the part of their workers at work place. Hence proper legislation is required in labour law to maintain the balance of responsibility and liability between workers and platform companies.

ISSUES FACED BY GIG ECONOMY

The issues are quietly discussed in the paper and the reflection of these issues shows the loopholes in the so-called legislative framework of the laws which not only guarantees the right of the workers but also make assure that their rights will not be infringe by the employers or companies. But as it was already discussed that gig workers find their rights only in The Code on Social Security 2020, as a result of which they remain excluded from vital benefits. The shield offered by other laws instance like occupational safety, benefits like health and accident at work place, overtime payor minimum wage rate. But these schemes lack to create legally recognised unions because of which they did not access a national minimum wage that applies to all forms of employment.

The statement “even the proposed law does not guarantee minimum wages for gig workers.” was mentioned by Pooja Ramchandani, partner at Shardul Amarchand Mangaldas and Co.

The wages code defines “Minimum wages, which broadly defines and elaborate it and is presently governed by the Minimum Wages Act. Furthermore, the Wages Code protects those workers or labours who fall within the definition of old traditional employer-employee relationship. As this moment of time, there is nothing to protect the rights of gig workers under minimum wage unless and until one can prove that the gig worker is actually an employee and that could be an obstacle to prove because their arrangements are arrange in such a way to ensure that one stays outside an employer-employee relationship”, she explains.

Not only this due to non- traditional nature of their work, gig workers also remain excluded from dispute resolution redressal mechanism under The Industrial Dispute Act, 1947, they could not get any remedies against their employers from grievance hurt. Gig workers also do not have the right to collective bargaining which is new fundamental principle of modern labour law pivotal to safeguard the rights of workers given the bargaining power to employers and employees.

In a ‘Blinkit- Gig workers’ controversy the recognition for the rights of gig workers became more crucial. Blinkit provide wide range of services like delivering products, food, groceries, medicines and documents to customers across India. But this wide range of services did not provide good pay to their workers.

Other challenges faced by gig workers is that they are taken for granted by the employers of a company. The company’s employer already has employees for the working their inner operation they gig workers are just another option for them and because of their bargaining power the gig workers end up meeting unlimited workload, low wages, no social security and absence dispute resolution authority for them. The Indian Federation of App-based Transport Workers (IFAT) filed a petition before the Supreme Court in the year 2021, July. In the petition they mentioned that cluster of Zomato, Ola and Uber violated their rights. They further mentioned the rights infringed by these platforms were rights against exploitation, right to equality and freedom under the Indian constitution. A survey was conducted in six cities involving 2128 respondents by the IFAT and the Transport Workers’ Federation finding the average time spent by taxi drivers in a day it comes out to be 16 to 20 hours a day, the other 89.8% respondent says that they get less than six hours of sleep not only this because of this long working hours and no sleep they had to also face other health issues

like neck pain, backaches, constipation and liver disease. But they did not get enough pay for their work also they are not provided with health or accidental insurance like any other multinational permanent employees, not only this they are not even paid for extra expenses during work like rise in price of fuel or excess luggage loads over vehicles. Hence this shows the need for proper legislative framework for gig workers the absence of they wage and working hours rights give the employers of online platform to exploit the rights of the gig workers. These shades show the absence of government awareness to gig workers rights, the experience of gig workers across the different parts of the cities in India might be different most of the problem faced by the unemployed gig workers are the same as discussed is the same.

OTHER POINTS OF DISCUSSION UNDER GIG ECONOMY

The strike by gig workers is another major issue faced by the platform companies and employers. For instance, like in Hyderabad to mobilize the efforts by food delivery guys a strike held by the gig workers. M. Sajjad Hussain had mentioned the two story in his article “Learning to strike in Gig Economy”, where platform-based gig workers in Hyderabad put a strike, the reason of the strike was that the workers of the Hyderabad platform are organizing protest because they were separated structurally into competition with each other. It is also mentioned in the same mentioned article of Hussain that how the infrastructure of digital app-based work creates barriers to mass mobilization. It has also mentioned the examples of social medial platform like Twitter, WhatsApp and Facebook, which helps to create networks of support and create a rally of workers for strike and protests when needed. Although Hyderabad strike was a big failure as it could not prevent the cuts to pay and incentive structures but it did bring light to the working conditions of workers and made a prove to workers that if they want, they can put pressure on the different platform companies by shut off during strike periods in small level or by bespeaking in front of known restaurant through occupyinf key space physically in greater level.

Therefore, Hussain’s contribution highlights that the even the biggest labour regime is not in postion to silent the voice of workers due to the collective mobilization of labour force in each part of the country and world. Even though India had also seen many strikes and protests from this collective labour force but the demand for certain dispute redressal form and proper working environment remains uncertain.

Another article “The Political Economy of Gig Work in the Pandemic” by the author Gayatri Nair, where the platform companies through his nature of employment cataloging refuse to recognize the capital and labour relationships. The relation is facused on food delivery workers, spa workers and taxi or cab-based workers mostly working under National Capital Region. Nair’s spotlighted that the resistant relation between labour and capital structures the platform labour regime, to prove this they mentioned the example that even after recognizing the fact of essential of work during the pandemic era the workers still treated as pull-out. To reduce such capital-labour relation, they further define experience faced by the workers due to change in policy of platforms during pandemic, individually and collectively, toward the clients, also pandemic did not break the existing relation but force the labour to limit their rights and power and expanded the power of the capital.

Furthermore, the informality of the labour adds more conditions and problem to the gig economy. For example, the informal or platform-based workers focus their rights in social protection but forget to formalize their labour rights. The question must come whether social protection leads to double movement to protect the worker in crises, the above article mentioned the failure of the limited state of social welfare responses to address unfavourable labour condition and continue ingrained absence of labour rights.

The Nair's article further mentioned the power of inequality among platforms and workers on the basis of caste, gender and class in beauty labours. These disparities were faced during physical encounters of the worker and consumer for instance like during intimate session of the beauty worker with their customer. The consumer comfort zone and safety create difficulty for workers to due to this disparity, also the ratings by the clients cover the workers' pay and allocation by following the hierarchical relations between workers and platforms and clients.

NITI Aayog had evaluated around 47% of the gig work is in medium skilled jobs, about 22% in high skilled and about 31% in low skilled jobs on a study "**India's Booming Gig and Platform Economy**" the trending example of the gig workers are the startups like Swiggy, Zomato, Ola and Uber. These startups are the main source of providing gig workers in Indian economy⁴ In research studies by Boston Consulting Group (BCG) have indicated that participation in the gig economy is higher in developing countries (5-12%) versus developed economies (1-4 percent). Abundance of these jobs are in kind of job with limited-income such as ridesharing, delivery person, wellness, caretakers and microtasks.

The Supreme Court of India had assessed the concept employee and an independent contractor in several cases one of them is the case of Dharangadhara Chemical Works v. State of Saurashtra in this court held that the terms "workman" and "independent contractor" are not identical which means the task are completed by the workman directly allotted to them where on the other hand independent contractors hire others to complete the task allotted to them. In addition to this in case of Balwant Rai Saluja v. Air India Ltd. the apex court provided with the 'relevant factors' which are the guidelines to be considered while determining the existence of an employer-employee relationship would include (i) who assign the employees; (ii) who pays the remuneration; (iii) who has the authority to discharge; (iv) who can take disciplinary action; (v) superintendence, i.e. whether there exists complete control and supervision."

The Karl Polanyi's theory in 2001 introduced the concept of 'double movement' which had slower the process of social protection. On the basis of his dissection on sixteenth-century 'poor laws' of England, he argued that when there is withdrawal of production regime unsustainably then there is demand from workers clamour from the state for social protection. When there is paucity in worker's wages from the capitalist then state has to come with alternative solution for the social protection of the workers. Typically, these measures led to necessity of rules and regulation for social welfare benefits pertaining to unemployment, old age pension and work-injury compensation which in turn raised the workplace-based labour standards. Following

this, Agarwal in 2006 examine a recent shift in the demand-making strategies of informal workers in India, rather than better wages and treatment from the companies they are now seeking 'welfare' from the state. He stated in the documents that the workers demand is more articulated around welfare and housing need like education, health and maternity benefits and he further stated that different welfare boards for different occupation of workers is an optimism way of evolving relation between labour and state.

The pundit of India's recent labour reform announced recent policies of being more protective of capital rather than protective of workers, for instance like, the sole motive of welfare is to include every aspect for development of workers rather than just focusing on issues of low wages and the redistribution of surplus. In 2020 Medappaet likewise said that social security code provides basic need provision to gig workers but fails to focus on long-waiting demands like low pay, intense workload and wellbeing associated with platform workers. The Babu Mathew a notable legal scholar and trade unionist, in his latest interview mentioned the code's provision for labours' social security as 'marginal' at best, the government formulated 'schemes' for these measures and do not guarantee any 'statutory' social security protections that official employees are entitled to claim as right. With the development of gig economy and considering the workers 'outside a traditional employer-employees relationship' and seeing platforms as mere 'intercessor' rather than employers. The Indian lawmakers are endorsing suitable claims which are put forward by platform business and such claims are supported in different part of the world.

The intersection of technology and gig workers have been a matter of discussion in recent years. The Labours Laws traditionally focused on protecting the rights of workers working in traditional method of workplace but with the change in technology had brought rise in gig economy in Indian labour market. The digital labour market had provided the numerous opportunities to people in work arrangement that suits their needs, but these opportunities also led question on labour laws as how the labour laws shall be applied on gig workers. As a case in point, should gig workers be considered employees or independent contractors? This question is the centre subject of debate among numerous lawsuits. The increase use of Automation at workplace led to increase use of technology to perform task where human input is minimized, this led to efficiency and reduce costs but also led to job loss and displacement for workers. The labour laws need to be updated for not only traditional workers but also for gig workers to ensure automation does not led to unemployment for individuals in India.

In India, a contract of employment defines contractual obligation between employer and employee where they decide the type of work to be done, salary of employee, working hours and other terms and conditions. With addition to this it was expected from employer a secure and healthy environment at workplace. There is a thin line between an independent contractor and an employee which questions the fundamental idea of term employment contract in a gig economy. This distinction is important because this defines the labour laws which applies to gig workers and the responsibility of the employer towards gig workers in terms of income, working condition, dispute resolution of employer-employee and social security of gig workers.

To identify whether a person is an employee or an independent contractor there is a need to evaluate the employer's level control and the parties' intentions. These assessment figure out things like contract's title, the authority to hire and fire, the ownership of equipment, and the establishment of norms and standards. The Supreme Court of India had assessed the concept employee and an independent contractor in several cases one of them is the case of Dharangadhara Chemical Works v. State of Saurashtra in this court held that the terms "workman" and "independent contractor" are not identical which means the task are completed by the workman directly allotted to them where on the other hand independent contractors hire others to complete the task allotted to them. In addition to this in case of Balwant Rai Saluja v. Air India Ltd. the apex court provided with the 'relevant factors' which are the guidelines to be considered while determining the existence of an employer-employee relationship would include (i) who assign the employees; (ii) who pays the remuneration; (iii) who has the authority to discharge; (iv) who can take disciplinary action; (v) superintendence, i.e. whether there exists complete control and supervision."

The employers in gig economy provide flexibility in work life, balance in work and lifestyle and freedom to choose the gigs and profiles they are interested in where one after the other the gig employees are provided with little or no health or retirement benefits, tax complexities and non-remunerated business expenses also it saves company resources like office space, training programme and company benefits. There is a thin difference between people who work voluntarily and one who are taken advantage by an employer in a contractual agreement.

5. CONCLUSION

The objective of this paper is to spotlight deceptive observation and exploitation that platform workers were subjected to this time but also unpack the ways in which workers were activating diverse sources of social support and were organizing collectively through strikes and protest. From the end of this paper the writer concludes significant development have seen with the emergence of the concept gig economy in the traditional employment sector in India, where the technology is playing the crucial role with this development. Where on one hand the gig economy brings various advantages to the workers with great flexibility in work it has also arose numerous concerns related to the existing labour rights and social protection to the labours.

These fens to equal opportunity to work or pay indicates that policy makers should focus on creating new opportunity with good-quality and flexible employment conditions across the economy as a part of reinvigorate industrial strategy. This focus would help ensure gig workers to work out of choice and not because they did not fit under any suitable employment as permanent employees. The another step the policy maker can take is to amend or give more clarification to the word "WORKER" which is already mentioned that employer misunderstood the word worker and did not give importance to their rights which further led to work exploitation. This clarification will give more strength and power to workers around the globe, and it will welcome more rights to gig workers in gig economy. The labour market

enforcement is also a main concern to look upon for worker so that exploitation at work place and unfair treatment by employers could be stop.

The exposure of digital platform brought severe impact in labours law in India, the rise in technology and gig workers has led to new challenges that require modern solution. In some other countries these challenges are address by initiating new legislation for instance like California's AB5 law defines the gig workers as ordinary employees and entitled to labour protection, also they are entitled to social protection and benefits that comes under employee definition and not term as independent contractor. The law focuses on issue where gig workers misclassified as contractor and make sure that they receive adequate right. The law also has the three-part test also known as the "ABC test" in which one classifies as an independent contractor, the test includes following condition: -

- I. With the connection of the performance of the work, the worker is not under any control and direction of hiring entity, under both circumstances as performance of work or in facts.
- II. The performance of work is outside the normal course of hiring entity's work
- III. As the hire entity independently engaged in establish trade, business or occupation same as the worker engaged in such established entity in an ordinarily way.

If the person does not fall under the above three category, then the individual considers as employee and then they are entitled to labour protections for instance like overtime pay, insurance health and accidental, minimum wage and worker compensation.

Uber, Lyft and DoorDash are greatly impacted from this AB5 law, where they had classified there workers as independent contractor previously but after the enactment of the law these companies has faced many legal challenges like protests from workers and debate from the labour advocate who wants to give social and legal right to gig workers as of employees under labour laws.

Though the AB5 law of California provide right to gig workers but at the same time exempted the app-based delivery or ride-hail, and led them to continue to classify the entity of independent contractors. Hence it shows that the AB5 law is limited and does not apply to other category of gig workers. But still this law led to several questions and prompted other countries to think about the need for social and legal protection of gig workers. The following questions are raised were, up to what status of protection should be provided to workers, under which jurisdiction it should be mentioned and what level it should be extended national or globally. All these has been discussed in the above chapters of this paper with comparative study on gig workers in an economy.

The findings from my UK research report which has mentioned above shows that smaller unit of gig worker work under gig economy under total UK work force, which again represents 1.4% that it is half a million of people working as a gig worker under UK workforce. The paper also shows that most of the people prefer to work in gig economy as it allows them to achieve their financial goals in short-period and boost their financial condition and fulfil financial responsibility like looking after family, paying education fees or health pays etc., it further shows that only a minority of gig workers rely on gig work

as their main source of income, which means minority of gig workers are financially dependent on gig work.

Some of the social security protection provisions to informal workers have been pulled to the gig workers which have been discussed already in the above chapters. This tweak is necessary for the working of the economy because the ratio of employees to gig workers is of 1:20, this shows the rapid rise in gig workers in an economy of the country India. But this tweak must be based in the connection with the welfare schemes of the unorganised sector. For instance, like PM-Jan Arogya Yojana where the individual having two, three and four-wheels are excluded automatically and no consideration given to such individuals. Along with this the government also requires to point up by creating a balance for gig workers concerning the benefits for regular and contractual workers.

Moving forward to the amendments to labour laws it becomes difficult for policymakers to continue collaborate with stakeholders like labour, employers and digital companies to ensure that the laws are adopted with dynamic changes in environment of works. This requires a collective approach that balances the interest of all parties involved in the employment sector, fairness in work and fundamental principles of social justice. In short, the change in technology and in labour laws is a complex and ongoing issue that requires continued attention and modern solutions. With joint action of the policymakers and stakeholders can lead to a better working environment with equal protection of laws and rights of gig workers that benefit in every stage of individual under gig workers policy.

The main conclusion of this paper is the introduction of the new concept decent work, this agenda introduces four components for online gig workers under their framework of labour rights. The foremost component of this concept is job creation that involves the access to skill building and digital technology. The second component of the decent work is right at work which further includes three types of rights- the working environment applied to formal work, right to negotiate amount informal worker and safe working condition negotiation example is minimum wage rate in an economy and lastly is the insertion of the amended rights for privacy, ownership and security of the data of the workers which they provide to online platform while working there. The third component includes the social protection which further involves the benefits which should be offered to the workers like insurance and pension. The last component is the social dialogue which includes participation of number of stakeholders like employer, labour agency, government and other social security societies.

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