

Original Article

Regulatory Challenges in Gig Works – Policy Perspectives on Gig Worker Welfare

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The emerging technological advancements in marketing platforms are marking its impact on Indian Economy through task based, sharing and access economy where independent freelancers functions as the main source. Though this new form of implication boosts economic growth, there are arguments that question the future of the people involved in such economy and considered something as like an underlying component. The Concept of Gig Economy and the Gig Workers are considered as one of the most discussed topics in Indian Economic System during current decades. It is estimated that by 2025 the Gig Job will reach a milestone of Three Fifty Million. Though the platform is thriving, the base level workers are still struggling to trust their future as a Gig Worker. Considering the poor income of Service based Gigs and some Knowledge based Gigs, this paper aims at analyzing the issues of Gig workers and the risk of insecurity towards their profession. This work is based on systematic literature review and hence it focuses on synthesizing existing knowledge and identifying trends, patterns and gaps. The discussions and findings were projecting the necessity of implementing the essential beneficial schemes that include insurance, pension scheme etc. It could be also understood that the traditional wage schemes for full-time employees will not be applicable for the Gig Workers. The paper concludes by insisting on the amendments in the current wage system and recognizing them as the employees, for availing benefits.

Keywords: Gig Economy, Gig Workers, Social Security, Gig Jobs

Introduction

Gig Workers are those who accomplish the work within a stipulated or extended duration but under non-standard work arrangement (Haini Tayal, 2022)¹. According to the New Labour Code of 2019, the Gig workers are the people who were the part of the work arrangement but their earnings will not be through any form of traditional Employee-Employer Relationship (Malavika Rajkumar, 2022)². Moreover the type of employment is a non-standard form and the job offered to the workers are considered to be conditional and not permanent (Kalleberg, 2000)³. But Banik (2020)⁴ favored the Gig Jobs by stating that the Gig workers were able to earn additional income and the working schedule so convenient as the Gig workers choose their flexible timings. The author also added that more female Gig workers are contributing the Gig Economy. Rupa Biswas & Debduutta Dey (2023)⁵ highlighted the statement of Huang (2017)⁶ mentioning that the income generation varies from the characteristic or regular employees since the standard pay scheme and stable work environment are not possible for the Gig Workers. Differentiating Gig Workers from Platform Workers is something the way they approach clients and Employers. Gayatri Rao et.al (2023)⁷ differentiated Gig Workers as Platform Workers and Non Platform Workers in which the digital platforms or online portals helps in the functioning of platform workers, whereas, Non platform workers creates their own platform or direct contacts.



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Victor G. Devinatz (2019)⁸ statements were cited by Ulka Bhattacharyya & Soumya Jha (2022)⁹ highlighting the emergence of Gig platforms as a result of financial crisis 2008 during its aftermath. Recent decades visualized the growth of technological advancement in all the sectors and since the companies are in demand for inculcating newer strategies to compete in the labour market. Such scenario leads the global and domestic companies to depend on freelancers and task based workers which obviously created the way for Gig works (Weil, 2019)¹⁰. Altogether, Gig Economy could be defined as the income source for the individuals who negotiate with their target customers based on the task to be done as a whole or in divided terms through digital platforms (Brinkley, 2016)¹¹. The main problem faced by the Gig workers is that they were not coming under the group “employees”. This may be due to the terms they are noted or identified like “free lancers”, “Independent Workers” etc. This also becomes a reason for not able to avail security benefits as an employee globally (Uma Rani et.al, 2021)¹². Devika Gopan. B & K.R Nisha (2022)¹³ highlighted the points of Goyal (2020)¹⁴ that stated Gig Works and Gig Workers as temporarily working people who were engaged with the short term contract. Hence, the employment status of the Gig workers are not assured by any of the companies and the social security of the Gig workers remains as the question mark in the global Labour Market. This paper tries to identify the issues among the Gig Workers in attaining the employee status to claim their social security. It is a collective review of articles and research papers that focuses on the social security and welfare of the Gig Workers. The major objectives of the paper is to examine the status of the Social Security for Gig Workers and to understand the essence of Social Security Code 2020.

2. Research Methodology

The paper is based on secondary data from various sources and hence the analysis is non-empirical. It is based on systematic literature review and hence it focused on synthesizing existing knowledge and identifying trends, patterns and gaps. Academic databases like Scopus, Google Scholar, Web of Science etc has been utilized as credible sources. Legislative acts on social security and labor department reports were taken as references. Studies published within last 15 years were also referred for effective outcomes. The study is limited to the availability of data within the specific period of time.

3. Review of Literature

Suresh Chand Aggarwal (2023)¹⁵ in his paper titled “Gig workers in India: An Overview”, mentioned about the emergence of Gig Economy in India. The author also stated that the Gig economy is familiar and largely occupied by the Blue Collars than the White Collars in which Project Consultants, Web and Software Designers and Developers are included. Since the core concept of Gig Economy is flexibility and Independence, people who are already working with a low income prefers to undertake Gig Jobs as well.

Mahesh Koolwal & Manju Koolwal (2021)¹⁶ in their paper titled “Social Security Code 2020 Right to Social Security”, analyzed the International Laws and how it has been inculcated with the Social Security Code 2020. The authors also depicted the fact that assuring the Social Security Benefits for the Gig Labours are their basic rights which also the human rights, which the preamble and directive principle stated in Indian Constitution

Stewart, A & Standford J. (2017)¹⁷ in the paper titled “Regulating work in the gig economy: What are the options?” listed out the necessary obligations that must be consider while enacting labour welfare laws. The authors also insisted on defining the term employment in which unorganized sector workers also has to be included. The definition of the term “employer” also has to be defined for better clarifications. For making the labour codes effective, the policy makers must be innovative and determined towards justice.

4. Social Security Code 2020

An article from the website lakshmisri.com by Lakshmikumaran Sridharan attorneys (2020)¹⁸ in the title “Code on Social Security, 2020 – An overview” clearly pictured the aim of enacting the Social Security Code 2020. The article stated that code was framed by considering and consolidating the essential laws that deals with the social security of the workers from organised, unorganized and other sectors thereby integrating the significant provisions from the previous enactments that includes the Unorganised Workers’ Social Security Act, 2008. The article also explains the funds for different schemes, which may be applicable for the Gig and Platform Workers. It has been specified that the contribution by the aggregators towards the scheme can be from the minimum of one percent to the maximum of two percent of the annual turnover and the scheme can be funded through the Corporate Social Responsibility. In addition, the Code also suggests the central Government in providing Employees’ State Insurance Corporation.

Vikram Shroff (2023)¹⁹ also emphasized the point that the code enabled the Central Government to prepare beneficiary schemes towards, maternity, health, accident insurance etc. However, here the author raises the question that the code has mentioned the term “Aggregator”, by which who will be considered as the “Aggregator” according to the code. As per the author, the term aggregator could be defined or understood as the Market and Intermediaries. Here, the role of third parties, who are actually mediating the Gig Workers and the end customers (the clients of the aggregators or Third Parties) are not well specified in the Code. Hence, the author suggests that there must be clear definition on the term Aggregator that has to include third parties too. This will create clarity about the contributors and the body, which should hold the accountability of funding the welfare and security schemes for the Gig Workers.

Suresh Nadagoudar & Rajashree Patil (2021)²⁰ analyzed the Social Security Code 2020 through their research Article, in which the authors discussed the evolution and the emergence of the Social Code 2020, alongside with the perceptual views from various sources. The authors mentioned the fact that the term “Gig Worker” was first time added to the Code, which is replacing the Code 2019. It was also noted that the term “Gig Labourers” were used the very first time in Labour Law. Hence, the Social Security Code 2020 has been considered one of the most significant Code in the history Gig Economy and Gig Workers. The authors also tried to picture the responsibilities of the Contract Employer and the Principal Employer who will be liable for the funding the beneficial schemes as per the Code. According to the authors, Social Security Code 2020 provides Social Security benefits to the Gig workers despite of the mode of employment like permanent, contract, unconventional employment etc. It was also highlighted that the previous labour legislations have not offered any funded scheme for the Gig worker and other unorganized employees. The Social Security Code specifies the right for the Gig Workers to avail such welfare programmes that includes Insurances and Skill Up-Gradations.

5. Challenges for Gig Workers

Tejaswini Sugumaran & Abirami Vishwanathan (2023)²¹ focused on addressing the problems of the Gig Workers based on their career growth. It is evident that the Gig workers will be stagnated in their current level in their platform. There are risk of their job in the particular field might get superseded and the workers will not be able to gain opportunities to development a skill in new Jobs or platform. Due to the instability in demand for a particular task or product, the Gig workers might lose income and opportunities will be minimized. Moreover, the negotiation opportunities are considerably less when compared with the employers and other sector employees towards the management or the clients. The regulatory bodies and the legal status of the Gig workers are not well defined and there is always a fluctuation in the norms based on the employment status of the Gig Workers (Vikas Kumar Jaiswal and Ashish Kant Chaudhari, 2023)²². Saraswathi C (2023)²³ also mentioned about the non-availability of promotions and career growth for the Gig Workers in their field. The authors also pointed out the risk of payments cancellation from the clients if the task assigned was not satisfied by the Gig or platform workers.

Bobby Jacob and Mohsin Shaikh (2021)²⁴ classified the Gig workers based on their skill level and wages, thereby stating the risks in their jobs. The authors mentioned the pathetic conditions of the gig workers and their dependency towards the aggregators for their wages, which has no assurance of equality for the task done. When experts and professional platform workers or freelancers, negotiate and demand their charges, the low skilled and medium wage Gig workers have to struggle for their payments to be approved by the aggregators or the clients. Similarly, the chances of exploitation are more from the aggregators and even in certain cases from the users too. Aditi Mishra and Suyog Ghosh Dastidar (2023)²⁵ also mentioned similar issue like unsecured job culture, lack of employee benefits and other common issues. In addition, the authors highlighted the domination of the tech platform to which the Gig workers are associated, noting the points of Haini Tayal (2022)²⁶ and Neelam Kshatriya & Daisy Kurien (2022)²⁷. The freedom for negotiation is highly impossible with majority of the tech platform. The basic rights for the fair pay are not applicable for the Gig workers, since the policies of the platforms are framed in favour of the clients and the aggregators, but not for the Gig workers. Many articles discussed the common, but most sensitive issue of the Gig Workers that, the employers or the Aggregators do not recognized them as the employees. Hence, this situation ends in the denial of social security benefits for them. Since there are more concerns arising in understanding the codes, the platform companies are facing issues in following the Social Security Code 2020.

6. Measures to safeguard the basic needs of Gig Workers in India

NITI Aayog report on India’s Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work, which was published in June 2022²⁸, suggested RAISE Framework on Social Security Code 2020. The term RAISE stands as an abbreviation for the suggested in the framework. The framework suggested the government bodies to recognize the system to be accessed for equitable schemes, allowing creative financial progressions, incorporating the welfare of platform workers while framing schemes, supporting the Gig workers to be enrolled in government schemes and ensuring that the beneficiaries are able to attain the benefits of the schemes.

The Rajasthan state government becomes the predecessor for implementing the law for the Gig and platform workers in India by enforcing Platform Based Gig Workers (Registration and Welfare) Act on July 24, 2023. This law will observe the payment system for Gig workers in the state through a centralized monitoring system. Under the law, a regulatory board has been created for the Gig Workers and monitors the regulations through providing Unique ID for the Gig workers. Taking this initiation as the reference, the state government of Karnataka also framed a law, which is expected to be enacted within a short duration. In addition, Life Insurance of two lakh rupees and Accident Insurance of two lakh rupees was announced in the Budget speech for 2023-2024 by Mr. Siddaramaiah, Chief Minister of Karnataka (Vallari Sanzgiri, 2023)³⁰.

Rajput and Rajan (2023)³¹ elaborated the benefits of e-Shram portal which issues e-Shram or Shramik card which mainly intended in monitoring the database of the unorganized workers throughout the nation. It aims at offering the Social Security Benefits for the Gig workers and other unorganized workers that has been mentioned in the Social

Security Code 2020. Moreover, the Government of India has made the enrolment and eligibility criteria simpler for easy accessibility. The card has lifetime validity for the users' beneficial entitlements.

The preamble of the G20 Nation Leaders Declaration assured in its "Preparing for its future work" that a decent working condition and a liberal social security will be provided by the member nations of G20 for Gig workers (G20 New Delhi Leaders' Declaration, 2023)³². A paper was prepared in the name "Providing adequate and sustainable social protection for workers in the gig and platform economy" (2023)³³ that has been presented in the first meeting of Employment Working Group under the Indian presidency. The paper depicted the labour protection for platform and gig workers, highlighting the G20 Policy Options for Adapting Social Protection to Reflect the Changing Patterns of Work (2020). Safeguarding the employment, ensuring the health and safety measures, regulating the working hours and satisfied pay scale are the significant points mentioned in the G20 Policy options in 2020.

The state government of Karnataka has published the Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill on June 29, 2024. During enforcement, this bill could be considered as the "Right-based bill" and the significant point in the bill is that the aggregator cannot terminate the Gig worker without issuing a prior notice of 14 days with a proper reason (Shilpa Elizabeth, 2024)³⁴.

Even though the Gig workers are recognized in the Social Security code 2020 as employees, very few companies functioning in India like FlipKart, Urban Company and Big Basket have formulated policies aiming to ensure that the Gig workers are able to gain minimum wage on hourly basis (Deepika and Madhusoodhan, 2022)³⁵. Vijeta Banwari (2018)³⁶ cited the article of Tyagi and Akanksha (2017)³⁷, emphasizing the contribution of 'Skill India' programme, developed by the Government of India. Training programmes organised through the Skill India programme will be helpful for the low skilled Gig Workers to upgrade themselves for the current market expectations. Rupa Biswas and Debdutta Dey (2023)³⁸ insisted on the importance of the functional trade union for Gig Workers. The authors also mentioned about the All India Gig Workers Union (AIGWU), which is formed during the year 2020 as the result of wage reduction for the Gig workers from food delivery companies. Apart from the AIGWU, there are also other trade unions functioning for the Gig and Platform workers like Indian Federation of App-based Transport Workers (IFAT), Karnataka App Based Drivers union, Telangana Gig & Platform workers union, Rajasthan Gig & App Based workers union etc.

Discussion

The rise of the gig economy has transformed the global workforce, offering flexibility and autonomy to millions of workers. However, it has also highlighted significant gaps in traditional social security and welfare systems, which were designed primarily for full-time employees in structured industries. Gig workers often lack access to essential benefits such as health insurance, retirement plans, unemployment compensation, and paid leave, leaving them vulnerable to economic instability. This disparity raises critical questions about how to adapt existing policies to ensure fair protection for gig workers while preserving the flexibility that attracts many to this form of employment. Exploring innovative approaches, such as portable benefits, universal basic income, or restructured tax frameworks, could pave the way for a more inclusive and equitable social safety net.

Conclusion

The technical advancements, Support from the end users etc has brought the drastic rise in the contribution towards nation's economy from the Gig Platforms. Nevertheless, the living condition and career opportunities of the Gig and Platform workers has no assurance towards any positive progression. It is not about skilling or up skilling based on the technological advancement; it is all about the recognition the system gives to the Gig and Platform workers for their survival. Since every worker in all the sectors requires Social Security, Gig workers also have the primary rights to claim their recognition "Employees" for availing the Social Security Benefits. It is also the joint accountability of the government bodies, aggregators, third parties and clients in asserting the rights of the Gig and Platform workers. Since the Gig Economy has its significant contribution towards the national economy, the government has to be more conscious in empowering the Gig Workers and Platform Workers through affirming their Social Security benefits.

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