# Gig Workers and Their Social Security

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# **Executive Summary**

- 1. The gig economy's rapid expansion presents a critical need for enhanced social security and worker protections. Millions globally, and especially in India, operate without traditional employment benefits, facing income instability and limited legal recourse. This report examines the urgent need to bridge this gap.
- 2. Legislative efforts, like those in Rajasthan and Karnataka, are pioneering steps towards formalizing gig worker rights. These initiatives aim to establish welfare boards and registration systems, providing a framework for social security. However, challenges remain in implementation and ensuring comprehensive coverage.
- 3. Global comparisons reveal diverse regulatory approaches, highlighting the complexity of addressing gig worker issues. From the UK's worker classification rulings to the US's proposition debates and China's enforcement challenges, international experiences offer valuable insights. This report synthesizes these learnings to inform effective policy.
- 4. **India's budgetary provisions and proposed recommendations emphasize the importance of a multi-faceted approach.** This includes fostering platform growth, improving financial access, promoting skill development, ensuring social inclusion, and mandating fair payment structures. These strategies aim to create a sustainable and equitable gig economy.

#### I. Introduction

Gig work has gained momentum recently with the success of platform-based companies like Uber, Swiggy, and Urban Company. Today, thanks to the emergence of technology-enabled gig work platforms, over 200 million people are considered to be part of the gig workforce globally. Currently, India has about eight million gig workers, which is estimated to expand to 23.5 million people by 2029-30. <sup>1</sup> Personal references and offline networks have operated in India since a while. What has changed is the use of technology to match and deliver on-demand services at a large scale.

'Gig work is not a new concept in India. With its large informal economy and 'casual workers' segment, India has always had the equivalent of gig work across urban and rural areas - from temporary farm workers to daily-wage construction laborers to household help.'<sup>2</sup>

As per Niti Aayog, gig workers are those engaged in livelihoods outside the traditional employer-employee arrangement. This includes drivers, food delivery couriers, freelance writers, and other service providers. The workers can be platform based or non-platform based. Platform workers are those whose work is based on online software apps or digital platforms. Non-platform gig workers are generally casual wage workers and own account workers in the conventional sectors, working part-time or full time.

Part reason gig workers are not treated as employees is essentially because platforms' business model depends on it. Many businesses, often platform-based, sustain singularly because they are able to circumvent labor-related

<sup>&</sup>lt;sup>1</sup> Niti Aayog Policy Brief - India's Booming Gig and Platform Economy

<sup>&</sup>lt;sup>2</sup> BCG - Unlocking the Potential of the Gig Economy in India

legislation. For most companies in this segment, their competitiveness arises from their ability to evade taxes and disregard statutory provisions on minimum wages and other benefits.<sup>3</sup> Due to massic economic catastrophes like the COVID-19 Pandemic, these big platform-based companies have suffered significant losses in the past five years. Making them pay for the social security of gig workers will not only raise costs for the explicit purpose of social security but also increase cost of compliance, says Akshay Jain, partner at Saraf and Partners.

While there are some benefits to this type of on-demand work such as flexibility, greater efficiencies, and conveniences - it has also raised challenges regarding minimum wage requirements, worker protection, and consumer rights. Efforts made by governments across the world are a positive step towards the betterment of gig workers, but do not go far enough in unlocking the potential of the gig economy in India.



# II. Analysis

#### 1. Issues Faced by Gig Workers Currently

#### 1.1. Payment Per Task & Rating-Based Compensation:

Most platform-based companies operate on a pay-per-task model, meaning workers are compensated for each delivery, ride, or service completed rather than have a fixed base salary. Additionally, payment structures are often tied to performance metrics such as customer ratings, the number of completed tasks, and peak-hour demand. Concerns about work culture and job security at Zomato have been reported and in various sources leading up to August 2023. Employees have expressed feelings of stress, demanding work conditions, and a lack of support from management. To emphasize on this situation further, below is a verdict of an employee at Zomato. The person is not even the delivery boy and yet is being treated in such a brutal manner.

"Late fine after spending 10-15 hours/day at work.

This is the one that created the most outrage. Even the oldest guys were mumbling 'unfair' under their breath. Over a year ago close to a major launch, everyone started being fined Rs. 500 for every half-hour of being late past 8.30 AM. This is when every single person was working over 10 hours a day and more than half were probably averaging 15 hours a day along with frequent all-nighters. This is with NO extra compensation for over-time. I repeat, we were being fined for coming late, but not paid extra for staying

<sup>&</sup>lt;sup>3</sup> ISID - Formalising the Indian Economy on the Wings of Demonetisation, GST and Technology

insanely late. This lasted for about a month. All the fine collected was kept in a safe box and we were told it will be used for a party fund after the launch. Yes, it was in fact used for a party after the launch, except only about 8-10 of the oldest team members were invited to this private party. The worst part was everybody was mostly okay with putting in the loong extra hours without extra compensation because we were all that driven, yet this is how much we were trusted with managing our time." - Anonymous

#### 1.2. Platform-Based Payment Disparities:

There have been reports that payment structures vary depending on the device a gig worker uses. For example, workers with iPhones may receive slightly higher payments than those using Android phones. Reasons for this might include commission deductions on the company's end, algorithmic bias to assign and price tasks, and perceived economic status.

### 1.3. Lack of Standardized Pay Structure and Delayed Payments:

Gig workers generally do not have a structured payment system. They do not receive fixed wages, benefits, or job security. Even the daily wages system sometimes takes weeks to be credited, workers say. This happens due to platform processing times and length withdrawal processes, unclear commission structures, and policy inconsistencies.

#### 2. Rajasthan - the First State to Introduce a Law for Gig Workers

The state enacted the Platform Based Gig Workers (Registration and Welfare ) Act on July 24, 2023. The provisions and functions of the Board are as follows:<sup>4</sup>

- 2.1. The law established a welfare board and unique IDs for workers, and a system to monitor payments through a Central Transaction Information and Management System (CTIMS). This mechanism was to review compliance of provisions of this Act and to certify that welfare fee is being duly deducted.
- 2.2. Monitor the schemes for social security of registered platform based gig workers and provide recommendations to the State Government;
- 2.3. Ensure that platform based gig workers have access to benefits as per the schemes
- 2.4. Ensure protection of rights of platform based gig workers, under this Act
- 2.5. Engage with registered unions working with platform based gig workers and hold regular open consultations with them

The primary shortcoming of the Act arises from the definitions assigned to gig workers and aggregators within the Act, which do not categorize gig workers as employees or aggregators as employees. There is a growing global consensus that many gig workers indeed fit within the broad definitions of employees and should be entitled to all the protections provided to traditional employees. However, Rajasthan's Act sidesteps this issue by continuing to categorise the gig companies as aggregators. When gig workers are not officially recognized as employees, it raises the question of the extent to which aggregators can be held accountable.<sup>5</sup>

A gig worker registered with the Act's Welfare Board will have the opportunity to participate in all decisions made for their welfare. The kinds of social security schemes and benefits to be provided will be determined by

<sup>&</sup>lt;sup>4</sup> The Rajasthan Platform Based Gig Workers Act, 2023

<sup>&</sup>lt;sup>5</sup> Rajasthan's Gig Workers' Legislation: Paving the Way for Transformation?

the board. This was a matter of concern because studies have shown that previous welfare boards constituted for other classes of workers have shown dismal performance. So the question remained as to whether or not another board would repeat the same actions. Another issue is how benefits are distributed among gig workers. The gig economy has its flexibility to change the terms and conditions of work. Many full-time workers registered with aggregators such as Zomato, Uber, and Ola rely on them as their main source of income. While there are others who work as a gig worker for side income. So the nature of work performed by gig workers differs, and it is unclear how these differences will be reflected in the registry.<sup>6</sup>

Another uncertain aspect is whether aggregators will be willing to share their data with the central system. Given the central database system proposed in the law, the requirement to detail each transaction might make aggregators skeptical about its intent. Instead of requesting the total transaction value, the database focuses on the commissions charged for each transaction.

#### 3. The Karnataka Platform based Gig Workers (Social Security and Welfare) Bill, 2024

Following Rajasthan's initiative, the Karnataka government introduced a draft "The Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill", 2024 on June 26, 2024, aimed at protecting the rights of gig workers by implementing social security benefits.

The government passed a bill to establish Gig Workers Welfare Board whose powers and functions are as follows:<sup>7</sup>

- 3.1. Ensure registration of gig workers and aggregators operating in the State;
- 3.2. Set up a monitoring mechanism to certify that welfare fee is being duly collected;
- 3.3. Ensure implementation of general and specific social security schemes based on contributions made
- 3.4. Monitor the schemes for social security of registered platform based gig workers
- 3.5. Constitute a committee for providing the recommendations to the State Government
- 3.6. Make social security schemes for specific groups of gig workers such as women, persons with disabilities etc.

The draft includes clauses for occupational safety and health (OSH) standards that companies have to adhere to. One of the key requirements is that firms operating as food and service aggregators in the State will have to register with the State's labour department, ensuring there is no unjust dismissal of gig workers and that they are provided with dispute resolution.

While the bill introduced several effective measures, certain limitations were identified:

- The bill stipulates that the gig worker welfare fee will be levied "at such rate (percent) of the pay of the platform-based gig worker in each transaction or on the annual state-specific turnover as may be notified by the state government."
- The Rajasthan and Jharkhand models use the base of "the value of each transaction related to platform-based gig workers," and clearly state that the value of each transaction "shall not include any tax paid or payable". As is evident, the Jharkhand and Rajasthan versions neither provide a choice in tax base nor are there references to state-specific turnover limits. It may be unclear what indicates the exact pay of the gig worker in each transaction.

<sup>&</sup>lt;sup>6</sup> The Potential Downside of the Rajasthan Gig Workers Law

<sup>&</sup>lt;sup>7</sup> Karnataka Platform based Gig Workers (Social Security and Welfare) Bill, 2024

- The proposed bill fails to explain the earmarked purpose. It just states that the proceeds shall be used for the benefit of concerned workers.
- The bill simply stipulates that the earmarked fund shall be 'utilised and managed in such manner as may be prescribed', allowing for executive intervention on crucial aspects.
- The bill's financing measures for supporting labor welfare require deeper deliberation to ensure sustainability and effectiveness.

The welfare board model adopted by Karnataka provides some benefits but does not replace institutional social security, like provident fund, gratuity, or maternity benefits available to regular workers. The bill only requires weekly payments without specifying a minimum amount.

#### 4. Acts and Laws Across the World

#### 4.1. U.K.

In the European Union alone, as of 2022, there were over 500 active platforms that activate an estimated 28 million workers in a variety of tasks (European Council, 2023). As of June 2021, before recent changes in national regulations, around 90 percent of platforms classified their workers as self-employed (European Commission, 2021), with implications for access to full labour and social security protections. In the United Kingdom, gig workers are entitled to certain employment rights, though limited. The Supreme Court case Aslam and others v. Uber BV and others clarified key issues regarding gig workers. The court while delivering the judgement, considered the following elements:

- 4.1.1. Uber controls the fare structure for each trip, meaning drivers do not have the freedom to set their own prices, unlike what would be expected in a self-employed arrangement.
- 4.1.2. The terms of the contract are established by Uber, with drivers having no input or negotiation power; they are only able to accept or reject the set conditions.
- 4.1.3. Uber closely monitors drivers' performance ratings, with the authority to terminate the working relationship if a driver does not meet expectations after multiple warnings.
- 4.1.4. The Court recognized this as a clear example of subordination, a key indicator of an employment relationship.
- 4.1.5. Uber also oversees the volume of ride requests that drivers receive and may impose penalties on those who cancel too many rides.<sup>8</sup>
- 4.1.6. The UK Supreme Court ruled that Uber drivers need to be classified as workers who are entitled to minimum wage and paid leave.
- 4.1.7. This verdict helped in setting a precedent for gig economy workers, potentially leading to significant compensation and improved conditions, due to Uber's control over their work.

#### 4.2. USA

#### 4.2.1. AB 5

AB 5 is a bill the Governor signed into law in September 2019 addressing employment status when a hiring entity claims that the person it hired is an independent contractor. While AB 5 did technically go into effect in California, its effectiveness is debated, with

<sup>&</sup>lt;sup>8</sup> GIG WORKERS AND THE LABOUR LAWS: THE STRUGGLE BETWEEN FLEXIBILITY AND PROTECTION

<sup>9</sup> CIVII SDAII Y

studies showing a significant decrease in self-employment and overall employment in certain sectors, particularly the gig economy, due to the stricter worker classification rules. The law reclassified millions as employees.

#### 4.2.2. Proposition 22

Proposition 22 is a 2020 ballot measure that allowed Uber, Lyft, and other platforms to classify their workers as independent contractors rather than employees. It excluded many app-based workers from foundational labor laws, violating the California constitution. Due to this, the Alameda Superior Court of California ruled that Proposition 22 must be struck down in its entirety. After the passing of this bill, the app-based workers were stripped off their employee rights, the benefits package offered by the company. A month after this act, both DoorDash and UberEats announced price hikes, a move the workers' advocacy group Gig Workers Rising decried as a "corporate bait and switch".

#### 4.3. China

China has implemented regulations to ensure minimum wages, fair employment practices, and social insurance for gig workers. However, enforcing these regulations remains a challenge. The Labor Contract Law of the People's Republic of China mandates that all workers, including those in the gig economy, are entitled to fair wages and employment conditions. Despite this, enforcement is inconsistent. Gig workers often fall outside traditional employment models, leading to gaps in social insurance coverage. In response, the Ministry of Human Resources and Social Security (MOHRSS) launched a pilot program mandating platform companies in selected regions. Enforcing these regulations posed a challenge due to the classification of workers, regulatory oversight, and worker representation. The Delivery Knights Alliance, an informal labor organization, has advocated for better treatment of food delivery workers.

#### 5. Provisions in India's 2025-26 Budget

India's Union Budgets have progressively acknowledged the expanding gig economy, and have introduced measures to integrate gig workers into the formal economic framework and provide them with social security benefits. The 2025-26 Union Budget have the following provisions:

- 5.1. Formal Recognition and Registration:
  - The government announced plans to provide workers with identity cards and facilitate their e-Shram portal registration.
- 5.2. Healthcare Benefits:
  - Workers are set to receive insurance coverage under the Pradhan Mantri Jan Arogya Yojana, offering up to Rs.5 lakh per family per year for secondary and tertiary hospitalization.
- 5.3. Increased Budget Allocation for Labour Welfare:
- 5.4. The Ministry of Labour and Employment received an allocation of Rs.32,646 crore for the year 2025-26. This budget is intended to support various initiatives, including the Employment Generation Scheme.

#### III. Recommendations

#### 1. Catalysing Platformization: Launch a 'Platform India' Initiative

This aims to create a dedicated initiative, similar to Startup India, to foster the growth of platform-based businesses in India. The goal is to provide financial support, policy assistance, and regulatory clarity, and contribute to employment generation.

# Process for establishing the 'Platform India' initiative:

#### 1. Policy Formulation and Regulatory Framework:

A comprehensive policy framework that defines platform-based businesses, workers, and aggregators will establish legal clarity on taxation, data sharing, and labor laws. The initiative can be integrated with Startup India and Digital India to ensure smooth implementation.

#### 2. Creation of the 'Platform India' Authority:

A decided authority under the Ministry of Labor and Employment will be set up as the central regulatory body which will oversee registration, compliance, and dispute resolutions if any. The body will also be responsible for developing long-term policies.

#### 3. Registration System and Unique Worker IDs:

A National Gig Worker Registry should be developed where gig workers can register using Aadhaar- linked verification and mobile authentication. Upon registration, workers receive Unique Worker IDs (UIDs) that serve as their digital identity across all platforms.

#### 4. Centralized Transaction Management System:

A Platform Transaction Information and Management System (PTIMS) will be implemented to ensure transparency in wage payments and compliance with fair pay regulations. Aggregators will be required to report transaction details, ensuring that welfare contributions are being deducted correctly.

- 5. Social Security and Welfare Integration: Worker UIDs must be linked to EPFO, ESIC, health insurance and pension schemes to provide social security. This approach ensures that gig workers receive financial security similar to conventional employees.
- 6. Financial and Policy Support for Platforms:Registered platform businesses should receive tax incentives, startup grants, and policy assistance to encourage their growth. Additionally, a clear taxation policy should be developed specifically for platform-based businesses to streamline compliance and reduce regulatory uncertainty.
- 7. Data Privacy and Compliance Monitoring:Strong data privacy standards must be enforced to protect worker information and prevent misuse by platforms. An AI-powered issue addressing system can be implemented to resolve worker disputes efficiently.
- 8. Awareness, Training and Skill Development: The initiative should be piloted in metro cities where gig work is concentrated before expanding nationwide based on feedback and performance assessmnts.

#### Government Initiatives So Far:

1.1. The Startup India initiative (2016) has supported over 92,000 startups, many of which operate in the platform-based economy.

- 1.2. The Digital India program has focused on building digital infrastructure which has supported the rise of platforms.
- 1.3. However, there is no specific policy framework for platform-based businesses, making it challenging for them to navigate taxation and operational policies.

#### 2. Accelerating Access to Finance for Platform Workers: Enhance Access to Institutional Credit

Since platform workers often lack traditional financial records, gig workers struggle to access formal credit. This recommendation proposes designing tailored financial products, leveraging FinTech solutions, and including gig worker loans in Priority Sector Lending to improve financial access.

Government Initiatives So Far:

- 2.1. MUDRA Scheme (2015) provides collateral-free loans to small businesses and entrepreneurs, but many platform workers remain outside its coverage.
- 2.2. Jan Dhan Yojana (2014) has enabled financial inclusion with over 50 crore bank accounts opened, but access to credit is still limited.
- 2.3. The Reserve Bank of India (RBI) has started working on regulatory guidelines for digital lending to address transparency issues.

### 3. Skill Development for Platform Jobs: Promote Platform-Led Models of Skilling

Skill development advocates for partnerships between the government, platforms, and educational institutions to develop targeted skill programs. This will help gig workers gain technical and soft skills required to thrive in their economy.

Government Initiatives So Far:

- 3.1. Pradhan Mantri Kaushal Vikas Yojana (PMKVY) has trained more than 13 million youth of India, but gig economy-specific training remains minimal.
- 3.2. National Apprenticeship Promotion Scheme (NAPS) provides financial support for apprenticeships, but its reach among gig workers is low.
- 3.3. A few companies like Urban Company and Swiggy have their own internal training programs, but a wide-spread effort is required for the expanding gig working sector of India.

# 4. Enhancing Social Inclusion in the Digital Economy: Implement Gender Sensitization and Accessibility Awareness Programs

To make the digital economy more inclusive, this step calls for gender sensitization programs and accessibility initiatives for physically disabled people. This will encourage platform companies to implement policies that create a safer, more inclusive workspace for marginalized groups.

Government Initiatives So Far:

- 4.1. Beti Bachao Beti Padhao (2015) has improved educational opportunities for women, but their involvement in the gig economy remains low due to safety concerns and social barriers.
- 4.2. Maternity Benefit Act (2017) applies to conventional work sectors, but gig workers often lack such benefits.
- 4.3. The Rights of Persons with Disabilities Act (2016) mandates equal opportunities, but digital platform accessibility is still a challenge.

4.4. The Digital Saksharts Abhiyan (DISHA) has promoted digital literacy across marginalized groups, but its coverage is limited.

# 5. Extending Social Security for Gig and Platform Workers: Provide Measures for Paid Sick Leave, Health Access, and Insurance

Since most workers lack employer-provided benefits in the gig economy, this suggestion pushes for basic facilities that are often a part of the contract in the conventional job sector.

Government Initiatives So Far:

- 5.1. Code on Social Security Act 2020 includes health insurance and pension to gig workers, but has not yet been completely implemented.
- 5.2. Ayushman Bharat (PM-JAY) provides health insurance for economically weak individuals, but gig workers don't have health dedicated coverage schemes.
- 5.3. E-Shram Portal (2021) is a national database of unorganized workers, including gig workers. However, its integration with actual benefits is still ongoing.

## 6. Transparency in Payment Structures

To ensure transparency in how gig workers are paid, platforms must be mandated to disclose wage calculation formulas, including base pay, surge pricing, and deductions. Periodic audits and public reports on payment structures should be enforced to maintain fairness. Non-compliance should result in penalties to deter opaque wage practices.

Government Initiatives So Far:

- 6.1. The Consumer Protection Act (2019), which regulates digital transactions but does not explicitly cover gig worker payments.
- 6.2. The E-Shram Portal (2021) registers unorganized workers, including gig workers, but lacks specific guidelines on payment transparency.

# 7. Regulatory Oversight on Algorithmic Wages

A dedicated regulatory authority under the Ministry of Labour should be established to monitor and standardize algorithmic wage calculations. Platforms must submit their wage-setting algorithms for approval, ensuring fairness in earnings. A formal grievance redressal mechanism should be introduced to address wage-related complaints from gig workers.

Government Initiatives So Far:

- 7.1. The Code on Social Security (2020) recognizes gig workers but does not regulate algorithmic wage structures.
- 7.2. The RBI's Digital Lending Guidelines focus on transparency in fintech but do not address algorithmic pay disparities.

#### 8. Mandatory Contracts with Incentive Structures

Legally binding contracts should be mandated between gig workers and platforms, clearly defining terms related to base pay, incentives, penalties, and working conditions. The incentive structure must be transparent, outlining bonus criteria, seasonal payouts, and performance-based rewards. Government oversight should be introduced to prevent exploitative clauses and ensure fair employment terms.

#### Government Initiatives So Far:

- 8.1. The Industrial Relations Code (2020) recognizes fixed-term employment but does not mandate contracts for gig workers.
- 8.2. The Model Standing Orders for Service Sector (2021) encourages formalization of employment practices but lacks strong enforcement mechanisms.

# 9. Minimum Earning Standards & Basic Income Security

A minimum per-hour or per-task earning standard should be defined based on the local cost of living to ensure financial stability for gig workers. A government-backed emergency fund or income security scheme should be introduced, requiring platforms to contribute to welfare funds. This will ensure gig workers have a safety net during economic downturns or unexpected work disruptions.

#### Government Initiatives So Far:

- 9.1. The Code on Social Security (2020) proposes a social security fund for gig workers, but its implementation remains unclear.
- 9.2. The Ayushman Bharat (PM-JAY) scheme provides health coverage for economically weaker individuals but does not offer direct income security for gig workers.

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