



International
Labour
Organization

► Expansion of the Gig and Platform Economy in India

Opportunities for Employer and Business Member Organizations



▶ **Expansion of the Gig and Platform Economy in India**

Opportunities for Employer and Business Member Organizations

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► List of abbreviations

AIGWU	All India Gig Workers Union
AIMO	All India Manufacturers Organisation
AIOE	All India Organisation of Employers
ASSOCHAM	Associated Chambers of Commerce and Industry of India
BACCO	Bangladesh Association of Contact Center and Outsourcing
BASIS	Bangladesh Association of Software and Information Services
BRICS	Brazil Russia India China South Africa
CII	Confederation of Indian Industry
CITU	Centre of Indian Trade Unions
CMIE	Centre for Monitoring Indian Economy
DCCI	Dhaka Chamber of Commerce and Industry
E- CAB	E-Commerce Association of Bangladesh
EBMOs	Employers and Business Members Organization
EFC	Employers' Federation of Ceylon (EFC)
EFI	Employers' Federation of India
FATIMA	Federation of All India Textile Manufacturers' Associations
FICCI	Federation of Indian Chambers of Commerce and Industry
GDP	Gross Domestic Product
IFAT	Indian Federation of App Based Transport Workers
IOE	International Organisation of Employers
ITC	Industrial Tripartite Committees

ITU	International Telecommunication Union
OLI	Online Labour Index
OSH	Occupational Safety and Health
PIL	Public Interest Litigation
POSH	Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
PSU	Public Sector Undertakings
SAFE	South Asia Forum of Employers
SCOPE	Standing Conference of Public Enterprises
SIAM	Society of Indian Automobile Manufacturers
TGI	Taskmo Gig Index

► Foreword

Work arrangement practices across the world have changed dramatically in the last two decades. The digital labour platforms have opened new opportunities for jobs and services. Digital transformation is affecting how we work, socialize, and create economic value. The COVID-19 pandemic enhanced the importance of digital platforms.

Several studies and reports have been published on the gig and platform economy. In 2021, the International Labour Organization conducted a study on the role of digital platforms in transforming the world of work which revealed their exponential growth, peculiarities, and challenges in the context of conditions of work and the lack of regulatory frameworks.

Employers and Business Member Organizations (EBMOs) across the world have traditionally responded to issues relating to employment within a regulated framework. Today, the emerging digital platforms and the gig economy have brought about significant and complex changes in the “working landscape” which countries are trying to understand. We cannot ignore the reality that this economy is bound to grow as the economy gets more digitalized and more people look for alternative sources of income, while new types of consumer activities emerge.

It is against this background and context that ILO’s Bureau for Employers’ Activities (ACTEMP) collaborated with the Council of Indian Employers (CIE) to undertake a study in 2022 on this economy focusing primarily on the following aspects:

- Dynamics due to COVID-19: Has there been an expansion?
- Implications on the traditional employment relationship: Has it changed? In this context, it is interesting to note the Uber vs Aslam Supreme Court judgement in the United Kingdom of Great Britain and Northern Ireland which held that Uber drivers were “dependent contractors” entitled to certain benefits but not all benefits of “employees”.
- Policy responses and directions
- Implications and opportunities for EBMOs

I am delighted to give this message as the Council of Indian Employers launches the findings of the national report in India.

While no official estimates on the total number of gig and platform workers in the economy exist, industry estimates point towards a large pool of such workers - roughly 17 million or more. Besides blue-collar work, Indian gig-workers occupy largest market share in software development and technology occupying 55 per cent of the global market share.

According to the NITI Aayog report on India’s booming gig and platform economy, the gig workforce is expected to expand to 2.35 crore (23.5 million) workers by 2029-30. The gig workers are expected to form 6.7 per cent of the non-agricultural workforce or 4.1 per cent of the total livelihood in India by 2029-30.

As we all know, India has taken the lead in granting coverage for gig and platform workers in respect of social protection. This has been a huge step in the right direction. The Code envisages ‘platform work’ as work arrangements outside the traditional employment relationship. It acknowledges the need for social security benefits to reach all workers. Extending social protection to these self-employed workers is a clear demonstration of how India has expanded the ambit of some of the components of social justice beyond the traditional employment relationship.

We are confident that the All India Organisation of Employers (AIOE) and Employers' Federation of India (EFI) will take the lead and commence discussions with platforms and other stakeholders in to determine the modalities that need to be worked out.

There is much to be done to ensure that digital labour platforms are best positioned to provide decent work opportunities, foster the growth of sustainable enterprises, and contribute towards the achievement of the Sustainable Development Goals.

As the 113th International Labour Conference discusses decent work in the platform economy in 2025, it is hoped that during the intervening period, the social partners will engage in national/regional conversations/studies that would help identify the nuances of this fast-emerging economy and formulate suitable guidelines that may help make a considered decision on standard setting.

Moving forward, in India, what is needed is a collective, integrated approach by platforms, EBMOs, trade unions and other stake holders to commence a conversation.

I convey my best wishes for the launch of the national report on the expansion of gig and platform workers in India and opportunities for EBMOs and trust that it will be the beginning of a fruitful integrated approach on the part of all stakeholders in the gig and platform economy.

Deborah France Massin

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Decent Work Team for South Asia and
Country Office for India

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All the responsibility for the resulting text is solely the authors.

Executive summary

The COVID-19 pandemic has significantly disrupted both the Indian economy and its labour market. The pandemic has not only caused a setback in India's economic growth, but also contributed to the expansion of the vulnerabilities and precarity of the Indian workforce. The International Labour Organization estimates that globally, employment losses in 2020 amounted to an unprecedented 114 million jobs relative to 2019. In India, more than 40 million jobs were lost during April 2020 alone.¹ However, amidst such conditions, the pandemic period also witnessed, by some measures, the expansion of the gig and platform economy in many parts of the world, including India. India's share of the global online worker population monitored by the Online Labour Index (OLI) 2020 has grown from 25 per cent in 2017 to 33 per cent in 2021.²

It is in this context the report examines the emerging employment relationships and the conditions of work within the platform economy, along with the role that Employers and Business Members Organizations can play, in conjunction with platform companies, workers and governments in improving labour conditions for a fairer and just platform economy. The gig economy, generally understood, is a labour market which features short-term, temporary work, characterized by independent contracting that happens through, via, and on digital platforms. During the COVID-19 pandemic, the gig economy witnessed both the expansion and contraction of services. While at the height of the pandemic, some gigs came to a complete halt such as ride-hailing, care-work or household work, others have thrived – such as in the case of delivery workers, online freelancing jobs, white collar, design, digital marketing among others.

Further, during the COVID-19 pandemic, the absence of social security, falling incomes from gigs due to rising platform commissions and increase in the number of dependants have made life difficult for many gig workers.

In this report, we examine the various facets of the life of a platform worker and examine the various steps and measures that EBMOs and their social partners can take in order to achieve fair and just working conditions for platform workers and contribute to a thriving platform economy in India. Thus, this study aims to facilitate experts' and stakeholders' collaboration with EBMOs for designing policies and action for supporting a better and more resilient labour market in India, while centering workers' wellbeing and decent working conditions. The study enquires into the changes in the gig and platform economy as a result of the pandemic and examines the future trajectories of the gig economy in India. By applying a mixed methods approach, the study centres on the experiences and working conditions of platform workers in India.

While the gig economy is often touted as the next frontier of organizing work and labour in the digital economy, and an opportunity for aspirational economic growth, especially for the young population of India, this report finds that there is a great diversity amongst gig workers – not only in terms of age, but also in how they approach their work within the gig economy and their respective grievances. For instance, for many workers, especially those who joined the platform economy during the pandemic, gig work is often their primary and sole source of income. Similarly, even as a major bottleneck surrounding the inclusion of gig workers in social

1 Ankur Bhardwaj, "COVID-19 and Jobs: The Salaried, Younger Workers and Women Suffered More," Down To Earth, 30 September 2021

2 Fabian Stephany, Otto Kässi, Uma Rani & Vili Lehdonvirta, (2021), "Online Labour Index 2020: New ways to measure the world's remote freelancing market. Big Data & Society", accessed 20 October 2022

safety net programmes centres around the issue of the inclusion/exclusion of gig workers within the traditional employer-employee relation, the report also highlights the needs of those who indeed view themselves as self-employed entrepreneurs, who seek equitable terms of commissions and interests with platform companies.

The needs of vulnerable sections amongst gig workers such as women, specially-abled workers, also need due consideration. For instance, female respondents in this study have noted that they often face discrimination in terms of the number of service requests they receive as opposed to their male counterparts. Thus, the report highlights the need to take cognizance of the intersectional diversity of gig workers, their motivations to join the gig economy, the costs which they have to bear for a decent income and their respective grievances. The findings of this study show the various types of workers and working arrangements within the gig economy – which need a clear and deeper understanding of each element of the work arrangements and practices in the gig economy.

Further, as the regulatory landscape and thinking on the various aspects of worker welfare within the platform economy is still nascent and developing in India, the report calls for a greater role of institutions such as EBMOs in shaping social dialogue and organizing institutional efforts to address the challenges posed by the gig and platform economy. As well-established institutional actors that are central to tripartite dialogues on industrial relations in India, EBMOs today face a new challenge in adapting to the needs of the platform economy, particularly in recruiting platform companies and adding to the social dialogue on the various issues within the platform economy. While digital technologies radically restructure the nature of the firm and the nature of work, employer associations have been slow to service and adapt to the platform economy – employers' organizations are largely absent in their involvement with the gig economy and platform companies.

In order to stay relevant, and contribute to a fair working environment and growth of the platform economy, EBMOs must break out of the traditional mould of thinking about their mandate and focus attention on the growing needs of the platform economy. In particular,

this report suggests that EBMOs need to break out of the traditional mandate of operating within the employer-employee framework to consider moving into broader work relationship advisory services. Further, it suggests that EBMOs extend their services such as HR management, skills training, etc. to the platform economy and undertake research and outreach programmes to better capture the needs of the growing platform economy.

Institutionally, EBMOs will have to adapt to the fast-changing landscape of the digital economy, which includes gig and platform models of doing business. As even traditional businesses and industrial relations come under the impact of the digital economy and adopt platform-like characteristics, there is an opportunity for EBMOs to bring about institutional changes in their modes of working, membership structure and outreach mechanisms. EBMOs can also restructure their membership categories to reflect the hybridization of sectoral classifications within the gig economy.

Effective tripartite social dialogue between governments, employers and workers is the foundation for sound industrial and labour policies in India. While multiple worker's unions for gig workers have mushroomed in India, there has been no indication of platforms joining employer associations or existing chambers of commerce. There is a need to reimagine and develop new frameworks for facilitating dialogue between various social partners in the gig economy. A new agenda for social dialogue must also push the envelope towards collaborative engagements where governments, employers' organizations, platform companies, and workers' organizations come together to tackle the major challenges of the gig economy and reap the benefits of doing so. The agenda for social dialogue and tripartite engagements between various stakeholders in the gig economy must account for issues such as employment relationship and worker classification, social protection for workers, decent wages, working conditions and skilling, dispute resolution and representation, as well as, issues concerning data rights and protection.

Social partners within the gig and platform economy must come together for dialogue at representative forums on the above issues, in order to fully reap the benefits of an expanding platform economy in India.



1

Introduction

► 1.1 COVID-19, gig economy and labour markets

The impact of the COVID-19 pandemic has largely been disruptive on the Indian economy and its labour markets. The pandemic not only led to a steep decline in India's economic growth but also led to widespread unemployment and widening social inequalities. While India had already been on a trend of increased informalization of its workforce, the job and income losses as a result of the pandemic further exacerbated the growing informalization of labour.³ One of the key features of the pandemic has been the asymmetry of economic shocks across different sectors and population groups, particularly in the case of young workers and women.⁴ During the lockdowns, nearly 90 per cent of Indian gig workers have lost income and were concerned about their financial future.⁵

It is in this context that the nature and role of the growing gig economy in India becomes important. The gig economy, simply put, is "a labour market that is characterized by independent contracting that happens through, via, and on digital platforms."⁶ It is characterized by short-term, temporary work, and could either be geographically tethered work or cloud-based work. During COVID-19, the platform economy received widespread attention for its apparent resilience to the economic shocks of the pandemic.⁷

The pandemic highlighted the diversity of services within the platform economy and the uneven impact of the COVID-19 containment measures on them. While some services such as ride hailing, care-work or household work came to a halt, others thrived. There has been a boost in delivery services (food, medicines, essentials), with bigger platforms diversifying into new service areas (e.g., Uber Eats in India). Platforms providing gig-work in white-collar jobs have also reported an upswing in the level of demand for designers, content writers and digital marketers compared to pre-COVID levels. Research utilizing data from Online Labour Index (OLI), Oxford University also reported a positive correlation between COVID-19 and gig work, with the increase in the number of average daily tasks/jobs posted and filled on the platform economy.⁸ India's share of the global online worker population monitored by the OLI 2020 has grown from 25 per cent in 2017 to 33 per cent.⁹

While the Indian economy is yet to recover to pre-pandemic levels of growth, several recent reports have indicated an expansion of the gig economy in India, and the NITI Aayog in its latest report on the potential of the gig economy has further accentuated the sector's future role as key driver of post-pandemic recovery.¹⁰ Data from the Centre for Monitoring Indian Economy (CMIE) comparing the total employment levels between January 2020 and January 2022, found that the recovery in job losses has been relatively slow and employment in the Indian labour market still remains below the pre-pandemic levels by 7.8 million. The CMIE also suggests that the lack of stable and salaried employment opportunities

3 Praveen Jha & Manish Kumar, "Labour in India and the COVID-19 Pandemic", *The Indian Economic Journal*, 68(3) (2020): 417-437.

4 PTI, "COVID-19 Pandemic Increasing Disparities, Social Fragmentation; Threatening Economy, Geopolitical Stability: WEF Study" *The Hindu.*, 19 January 2021.

5 Flourish Ventures, "The Digital Hustle: Gig Worker Financial Lives Under Pressure", September 2020

6 Jamie Woodcock, & Mark Graham, *The gig economy. A critical introduction* (Cambridge: Polity, 2019)

7 Laura Forman, "For Food Delivery, Covid-19 Was a Sugar High", *The Wall Street Journal*, 30 April 2021

8 Uma Rani & Rishab Kumar, "Platform work and the COVID-19 pandemic", *The Indian Journal of Labour Economics*, 63(1) (2020): 163-171.

9 Fabian Stephany, Otto Kässi, Uma Rani, & Vili Lehdonvirta (2021), "Online Labour Index 2020: New ways to measure the world's remote freelancing market. *Big Data & Society*", accessed 20 October 2022

10 NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, 2022.

has resulted in a rise of self-employment in the economy, which explains why platform work has grown at a much faster pace than ever before from the onset of the COVID-19 pandemic.¹¹ As per the CMIE, employment in the category of self-employed entrepreneur has been rising. In 2016, they accounted for 62 per cent of all types of entrepreneurs. This proportion rose to about 73 per cent from 2017 through 2019. Then, in 2020, it shot up to 77 per cent. And in 2021, till August, its share has inched up further to 80 per cent.¹² Similarly, the NITI Aayog also notes that, gig work is expanding in all sectors in India – the retail sector saw an increase of 1.5 million workers 2011-12 to 2019-20, the transport sector 0.8 million, manufacturing sector 0.4 million. In the education sector, the expansion was from INR 66,000 to more than INR 100,000 by 2019-20.¹³

In developing countries like India, platform work is often seen as a way for workers to get at least some form of a regular income in the absence of other opportunities. Workers see platform apps as a more attractive way to earn a living due to comparatively high-earning opportunities and a dearth of decent work opportunities in low-skill and unorganized sectors. But this perspective obfuscates the modalities by which platforms can impact working conditions and the wider urban informal economy. Platform scholars, activists and unionists have long argued that gig work is not really as flexible and empowering as platform companies portray; this is especially true in countries such as India, where low-skill platform work is a workers' primary employment.

Emerging literature on the platform economy points out that platform companies routinely used their control over pricing to bypass norms

and laws set in the countries they work in.¹⁴ The platform architecture, network effects, and platforms' business models enable companies to dominate and monopolize markets; platforms can exploit workers (or service providers) and users by limiting their bargaining power and agency, and unfairly distributing reward and risk across the digital platform.¹⁵ In India, where there is already a large, pre-existing informal labour economy and little in the way of labour protection policies for gig workers, the future for many gig and platform-based workers appears precarious.

However, despite growing concerns regarding the exploitation of gig workers, and an expansion in their precarity during the pandemic, the gig economy in general has received limited regulatory attention. While digital technologies radically restructure the nature of the firm and the nature of work, both trade unions and employer associations have been slow to service and adapt to the platform economy. On one hand, trade unions - even though highly vocal about the working conditions and lack of social security amongst gig workers - are drawing limited participation from gig workers themselves, on the other hand, employers' organizations are largely absent in their involvement with gig economy and platform companies. The ILO's Global Commission on the Future of Work calls for the 'development of an international governance system for digital labour platforms (and their clients) to respect certain minimum rights and protections'.¹⁶ In this respect, the proliferation of digitally-facilitated online and location-based work should be a key area where domestic and international EBMOs can play a core leadership and educational role.

¹¹ Deloitte, *An analysis of India's labour market*, 2022

¹² Also see, CMIE Unemployment, 2021

¹³ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, 2022.

¹⁴ Aditi Surie, "On-Demand Platforms and Pricing: How Platforms can Impact the Informal Urban Economy, Evidence from Bengaluru, India", *Work Organisation, Labour & Globalisation*. Vol. 14(1) :83-100

¹⁵ Sangeet Paul Choudary, *The Architecture of Digital Labour Platforms: Policy Recommendations on Platform Design for Worker Well-Being* (ILO, 2018)

¹⁶ ILO, *Policy Responses to New Forms of Work: International Governance of Digital Labour Platforms*, 2019

This study aims to facilitate experts and stakeholders' collaboration with EBMOs for designing policies and action for supporting a better and more resilient labour market in India, while centering workers' well-being and decent working conditions. The study enquires into the changes in the gig and platform economy as a result of the pandemic and examines the future trajectories of the gig economy in India. By applying a mixed methods approach, the study centres on the experiences and working conditions of platform workers in India.

► 1.2. Gig economy in India: An overview of market and policy

Conceptual markers

The gig economy is characterized by the re-emergence of task-based, piece-work or gigs. Temporary short-term contracts, and independent assignments with flexible work timings are characteristic features of gig work mediated through digital labour platforms. Digital platforms provide opportunities for buyers and sellers of services and goods to connect online, irrespective of their physical distance.

A common feature of all digital labour platforms is that 'they offer tools to bring together the supply of, and demand for, labour, 'acting as digital mediators between service providers and the service requesters.¹⁷ While in some cases, platforms simply become new intermediaries for existing services. In others, they facilitate new

jobs and skills.¹⁸ The gig economy has reshaped existing service delivery channels through the adoption of digital technology, by providing flexibility, and by minimizing information asymmetry between clients and workers.

Woodcock and Graham, define the 'gig economy' as 'labour markets that are characterized by independent contracting that happens through, via, and on digital platforms. The work that is offered is contingent: casual and non-permanent work. It may have variable hours and little job security, involve payment on a piece-work basis, and lack any options for career development. This relationship is sometimes termed 'independent contracting', 'freelancing' or 'temporary work'. Distinctions are often made between two broad types of work in the gig economy - geographically tethered work and cloud work. While geographically tethered work, i.e., work that requires the presence of workers in particular geographical locations predates the emergence of digital platforms, cloud-work is a distinct category of platform mediated work within the gig economy involving short-duration jobs that could be performed from anywhere geographically with an internet connection.

Woodcock and Graham further divide jobs in the gig economy into: (i) jobs where workers are visible, e.g., food delivery or taxi workers; (ii) jobs that continue to be invisible, e.g., home-cleaning services, that are 'hidden behind the closed doors of the household'.¹⁹

The ILO also bifurcates digital labour into 'platforms where work is outsourced through an open call to a geographically dispersed crowd ("crowd-work"), and location-based applications (apps) which allocate work to individuals in a specific geographical area, typically to perform local, service-oriented tasks such as driving, running errands or cleaning houses.'

17 Mark Graham, & Jamie Woodcock, (2018) "Towards a Fairer Platform Economy: Introducing the Fairwork Foundation". *Alternate Routes*, 29, (2018): 242-253.

18 Steven Vallas, & Juliet B. Schor, "What do Platforms Do? Understanding the Gig Economy", *Annual Review of Sociology*, 46 (2020): 273-294.

19 Jamie Woodcock, & Mark Graham, *The gig economy. A critical introduction* (Cambridge: Polity, 2019)

Within the platform economy, one of the most contested claims is whether platforms qualify as employers.²⁰ Often, platforms do not have the status of employers, and the people working through platforms are not considered employees of a platform employer.²¹ The absence of various rights, social securities and legal regulations also makes it difficult to establish a traditional employer-employee relationship within the platform economy. The architecture, or business model design, of digital labour platforms has important consequences for workers, affecting whether they are empowered or exploited on the platform. The business model and design choices of digital labour platforms with attributes such as – the centralization of power, policies to retain consumers and workers and monitoring and reward systems – can either hamper or contribute to worker well-being.²²

Key trends

- Platforms have scaled most rapidly in fast-growing emerging markets like India, where the pace of urbanization is supported by substantial informal economies²³ and “rising middle-class consumption demands are matched by an aspirational class of workers who provide those wide-ranging services.”²⁴
- The overall labour participation in the gig economy is higher in emerging economies ranging from 5 to 12 per cent in comparison

to developed countries varying between 1 to 4 per cent.²⁵ At 20 per cent of the global share of platform workers, India has the largest supply of platform workers in the world.²⁶ As per the India Staffing Federation report (2019), India is the fifth largest in flexi-staffing globally, after the United States of America, China, Brazil and Japan.

- A recent study by the skills and employment vertical at NITI Aayog estimates that between 2020 and 2021, there were around 77 lakh (7.7 million) workers engaged in the gig economy in India.
- The gig workforce is expected to expand to 2.35 crore (23.5 million) workers by 2029-30 and gig workers are expected to form 6.7 per cent of the non-agricultural workforce or 4.1 per cent of the total livelihood in India by 2029-30.
- Not only is the workforce participation expected to increase, but the expansion of gig work is also projected to take place across diverse sectors in India – in transport, retail, sales, insurance and finance, manufacturing, etc.²⁷ In the last couple of years, India has seen massive growth and diversification across delivery, e-commerce, and local ride-hailing platforms, plus platforms emerging in a wider variety of sectors including personal and home.²⁸

20 Brishen Rogers, “Employment Rights in the Platform Economy: Getting Back to Basics”. *Harv. L. & Pol’y Rev*, 10 (2016): 479.

21 Valerio De Stefano Iida Durri, Charalampos Stylogiannis & Mathias Wouters “*Platform Work and the Employment Relationship*”, ILO Working Paper No. 27, 2021.²² Woodcock, Jamie, and Mark Graham. (2019) “The gig economy.” A critical introduction. Cambridge: Polity.

22 Sangeet Paul Choudary, *The Architecture of Digital Labour Platforms: Policy Recommendations on Platform Design for Worker Well-Being* (ILO, 2018).

23 Aditi Surie, “On-Demand Platforms and Pricing: How Platforms can Impact the Informal Urban Economy, Evidence from Bengaluru, India”, Work Organisation, Labour & Globalisation. Vol. 14(1) :83-100.

24 Gayatri Murthy & Rani Deshpande, “How Can Financial Services Support Platform Work? Insights from Five Emerging Markets”, Focus Note, Washington, D.C.: CGAP, 2022.

25 Bashir Ahmad Joo & Sana Shawl, “*COVID-19 Pandemic and the Rising Gig Economy: An Emerging Perspective*” *Global Economics Science*, 2(3) (2021): 16–23.

26 International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*, ILO, 2021.

27 NITI Aayog, *India’s Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, 2022.

28 Gayatri Murthy & Rani Deshpande, “How Can Financial Services Support Platform Work? Insights from Five Emerging Markets”, Focus Note, Washington, D.C.: CGAP, 2022.

- The platform economy has the potential to create up to 90 million jobs and add up to 1.25 per cent to India's Gross Domestic Product in the long run.²⁹ As per the NITI Aayog, the concentration of workers in medium skills is gradually declining and that of the low-skilled and high-skilled is increasing. It may be expected that while the domination of medium skills would continue till 2030, gig work with other skills will emerge.
- Youth participation (age group of 16 to 23 years) in the gig economy has increased 8-fold between 2019 and 2022.³⁰
- An industry report that surveyed over 4,000 gig workers from platforms such as Swiggy, Zomato, Uber, Ola, UrbanClap, and Amazon, found that these platforms are increasingly becoming the source of first jobs for undergraduates, and 51 per cent of those surveyed were under the age of 30. Over 52 per cent of gig workers or contract employees felt that their work environment makes it challenging for them to upskill or find new job opportunities, and very few had plans for shifting jobs in the future.³¹
- Women's participation in the gig economy is also expected to rise – as per the NITI Aayog, there is an emerging positive trend that suggests women are more likely to take up platform jobs after their education and marriage.³²

Legal and regulatory landscape for platform and gig work

Gig and platform work, being a relatively new phenomenon in the world of work, suffers from the lack of well-developed policy, legislation and regulatory frameworks in India. However, recent developments – such as the passing of the Code on Social Security, 2020 and NITI Aayog report on the potential of the gig economy – points to the emergence of initial regulatory and policy thinking on the issues of labour protection, social security and employment conditions in the gig and platform economy.

The Code on Social Security, 2020 which has been framed as key government response to the needs of gig and platform workforce in India within the context of the COVID-19 pandemic, was enacted to replace nine social security laws: the Employees' Provident Funds and Miscellaneous Provisions Act, 1952; the Employees' State Insurance Act, 1948; the Employees' Compensation Act, 1923; the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959; the Maternity Benefit Act, 1961; the Payment of Gratuity Act, 1972; the Cine-workers Welfare Fund Act, 1981; the Building and Other Construction Workers' Welfare Cess Act, 1996 and the Unorganised Workers Social Security Act, 2008.³³ The Code universalizes social security coverage for those working in the unorganized sector, such as migrant workers, gig

29 Rajah Augustinraj, Vikash Jain & Seema Bansal, "Unlocking the Potential of the Gig Economy in India", Boston Consulting Firm, 2021.

30 Prachi Verma, "Gig Economy: Youth Participation in Gig Economy Increases 8-fold: Taskmo Report", The Economic Times, 16 August 2022.

31 IANS, "1 In 2 Indian Gig Workers Finds It Difficult to Upskill, Find New Job", Business Insider India."

32 NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, 2022.

33 V.V. Giri National Labour Institute, FAQ on the Code of Social Security, 2020

workers and platform workers.³⁴ Along with the Code, the Government of India has also launched an online portal – e-shram – for registration of all informal and gig workers, in order to receive benefits under the Code.³⁵ While the Code is a step forward in the direction of providing social security benefits for gig and platform workers, it has been criticized as not being enough due to the exclusion of any reference to gig/platform workers in other labour laws and policies in India.³⁶

The current policy discourse on gig and platform workers in India, places them outside of a traditional employer-employee relationship – as a result of which, gig workers cannot claim benefits such as minimum wages, hours of work, overtime, leave, etc. as compared to most traditional long-term employees.³⁷ The Code on Social Security, 2020 defines the gig worker as “a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationships”. As per the Code, a platform worker means “a person engaged in or undertaking platform work”. Platform work refers to “a work arrangement outside of a traditional employer-employee relationship in which organizations or individuals use an online platform to access other organizations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the central government, in exchange for payment”.³⁸ Critics of the Code have argued that it fails to take into account the question of working hours

and wages which are very intrinsic to the gig economy.³⁹

Currently, Indian labour and employment laws recognize three main categories of employees: government employees, employees in government-controlled corporate bodies known as Public Sector Undertakings (PSUs) and private sector employees who may be managerial staff or workmen. All of the above employees are ensured certain working conditions, such as minimum wages under the Minimum Wages Act, 1948, a set number of hours of work, compensation for termination, etc.

Since gig workers in India lack the ‘employee’ status under Indian law, it has resulted in several consequences, such as an inability to form unions to represent their interests, exploitative contracts, etc. The applicability of certain laws to gig workers, such as the Contract Labour (Regulation and Abolition) Act, 1970 (which regulates engagement of contract labour in India, including work done through third-party contractors), and the Employment Compensation Act, 1923 (which mandates that the employers pay compensation for accidents arising out of and in the course of employment) are yet to be decided.⁴⁰ Further, there is also an absence of any tripartite dialogue between the government, employer’s organizations and worker’s unions in the context of the gig economy. Thus, overall, the legal and regulatory landscape on platform work in India continues to be at a nascent and developing stage.

34 Abhishek Sekharan, “India’s Gig Workers: Overworked and Underpaid”, Times of India, 22 March 2022.

35 The Hindu, “Portal Launched to Register Unorganised Workers”, , 26 August. 2021

36 Sneha Vishakha, “Covid-19 Calls for Re-Thinking Social Security for India’s Platform Workers.” Vidhi Centre for Legal Policy, 2020.

37 PTI, “Gig Economy Gains Ground as COVID-19 Disrupts Job Landscape” , The News Minute. 19 October 2020.

38 The Gazette of India, Code on Social Security, 2020.

39 Sneha Vishakha, “Covid-19 Calls for Re-Thinking Social Security for India’s Platform Workers.” Vidhi Centre for Legal Policy, 2020

40 Malavika Rajkumar, “The Law for Gig-Workers in India” Nyaaya, 21 March 2022.

► 1.3. Research objectives, questions and methodology

The primary objectives of this study are to examine the following:

- The expansion and the future trajectories of platform work in India;

- The emerging employment relationships as a result of the expansion of platform work during the pandemic;
- The policy responses from the Indian government and platform companies and;
- The relevance and purpose of EBMOs for platform companies and worker wellbeing in general.

The core research questions that this study undertakes are:

Research Areas	Key Questions
Dynamics due to COVID-19	Has gig work and platform work expanded in India during the COVID-19 pandemic? If so, what have been the key drivers of change?
Employment relationships	How have employment relationships changed as a result of the likely expansion in gig work during the pandemic?
Policy responses and directions	<p>What have been governments’ policy responses to gig economy and platform work during the COVID-19 pandemic?</p> <p>To what extent do these address the core concerns and issues associated with labour precarity and rights?</p> <p>What are the likely directions for gig economy and platform work in the next five years, likely policy responses, and implications for employers?</p>
Implications and opportunities for EBMOs	<p>What are gig and platform work players' perspectives of the relevance and purpose of EBMOs for them?</p> <p>What implications do these have for EBMOs in terms of segments to serve and services to offer?</p> <p>What opportunities will EBMOs have to offer a new service model?</p> <p>What is holding back EBMOs in developing offerings to platform economy actors?</p> <p>What are the key considerations characterizing these segments that EBMOs need to be mindful of?</p>

The study has followed a mixed research methodology approach. The research is based on a combination of desk research, including a secondary data and literature review and analysis; survey of 56 platform workers; additional in-depth semi-structured interviews with 22 platform workers; and 14 in-depth interviews with EMBO personnel, platform executives and experts. Primary data has been collected from two groups of stakeholders: platform workers and platform stakeholders, i.e., experts, platform executives and EBMO personnel.

The data from platform workers has been collected in two stages. In the first stage, a survey-based structured interviews with 56 workers from various platforms were conducted. In the second stage, follow-ups in the form of in-depth interviews were conducted with 22 workers from the pool of 56, based on willingness to participate. The sampling for both worker interviews and the stakeholder interviews was based on purposive sampling.

The study faced limitations due to the lack of response from a few stakeholders, such as platform executives, and government officials.

Another challenge was verifying quantitative inputs from platform worker interviewees, such as income data, which could contain discrepancies due to self-reporting. To address these limitations, the study utilized secondary data sources to supplement self-reported data from platform workers. Additionally, gaps in understanding government and platform companies' viewpoints were addressed by referencing official government documents, publications, and media reports where applicable.

Organization of the report

The report is organized into three subsequent chapters. While chapter 2 examines the life, motivations and key challenges faced by workers in the platform economy, chapter 3 examines the role that employers and business organizations can play in tackling some of these challenges.

Finally, chapter 4 discusses the agenda for social dialogue in the form of five key issues that must constitute a starting point for tripartite dialogue between social partners within the gig and platform economy in India.



2

Platform workers in India

Digital labour platforms have become a common feature of everyday life, and particularly, with the COVID-19 pandemic, the role of platforms in providing essential services and infrastructure, has made them all the more visible. It is critical to recognize the economic and social value of platform labour and platform workers in providing essential facilities and services as was evident during COVID-19.

The COVID-19 pandemic brought about several changes to the way we work – during the height of the pandemic, as most offices shifted to online work, even regular work started to resemble gig work, and gig workers, who were previously invisible, came to be recognized for the essential character of their services during the pandemic. Across the world, and in India as well, platform-based transportation and delivery workers played a critical role during the pandemic – seen as essential services, delivering food, groceries, medicines, etc. as people were confined to their homes. Many of these gigs were considered “essential work,” and the rules of lockdowns in many states classified gig workers as essential workers.⁴¹ Several platforms such as Swiggy, Zomato pivoted to delivering groceries and medicines; ride hailing platforms such as Ola also launched emergency cab services for medical emergencies and frontline health workers.⁴²

However, the pandemic also highlighted the severe vulnerabilities to which platform workers were exposed. While platform companies launched several measures such as temperature checks and contactless delivery to assure

customers, such ‘safety’ measures were always couched in the form of what was safe for the customer and not the platform worker. Thus, during the COVID-19 pandemic, “whenever the platform talked about their services being safe, they meant it in the context of users and not in relation to service providers”.⁴³ In the meantime, many workers engaged in location based platforms were at risk as they could not always ensure social distancing, nor were they provided any safety or sanitization gear.⁴⁴ Even as several platforms instituted insurance policies and extended loans for platform workers,⁴⁵ platforms also cut base pay for workers.⁴⁶ Platform companies in many instances also required that workers to mandatorily use the Aarogya Setu app, as well as share their body temperatures in violation of their right to privacy and self-determination.⁴⁷

While platform workers provided essential services during the pandemic, a majority of them faced unfair working conditions, often working in situations that posed a risk to their own health. One of the biggest impacts of the pandemic was the loss of livelihood and income for many. At the height of the pandemic, many platform and gig workers were forced to quit their jobs or witnessed dramatic decreases in their incomes – between May 2020 and July 2020, platforms such as Swiggy, Zomato, Ola, Uber and Airbnb terminated the employment of between 13 to 25 per cent of their workforce.⁴⁸ Thus, in many ways, the COVID-19 pandemic strongly highlights the need to re-think conditions of work and social security for the gig and platform economy.

41 Rashmi Rajput, “E-commerce Delivery Services Excluded from Curfew Restrictions in Maharashtra”, *The Economic Times*, 25 March 2020.

42 Also see ‘Ola Emergency’ launched in Bengaluru for essential medical trips in partnership with Ministry of Health, KA.

43 Gayatri Nair “TIF- The Gig Economy in the Pandemic,” *India Forum*, 5 June 2020.

44 Bhumika Khatri, “Ola, Uber Drivers Protest Over Lack of PPEs, Hygiene Support.” *Inc42 Media*, 12 June 2020.

45 Staff Writer “The Personal and Social Risks That India’s Food Delivery Workers Are Taking During COVID-19.” *The Wire*.

46 Apoorva Mittal, & Digbijay Mishra. “Food Delivery Workers Protest ‘exploitation’ on Twitter; Companies Deny Charges” *The Economic Times*, 4 August 2021.

47 Akshay Deshmane, “Zomato Is Violating Workers’ Rights by Forcing Them to Use Aarogya Setu | *HuffPost Business*.” *HuffPost*, 29 April 2020.

48 Shipra Behera, “Gig Work and Platforms During the COVID-19 Pandemic in India”, *Economic and Political Weekly*, 11 November 2020.

In this chapter, we examine the life of platform workers and their experiences during the pandemic and after. The key questions this chapter poses are whether gig and platform work has expanded in India after the COVID-19 pandemic and if so, what have been the key drivers of change? Second, we examine employment relationships between platforms and gig workers?

► 2.1 Size of platform labour

As per current estimates, the gig economy in India employs anywhere between 8 to 18 million workers and is projected to grow to almost 90 million jobs by the end of the decade.⁴⁹ Not only is the gig economy expected to boom in the near future, but also gig work in India has been steadily expanding, even prior to the COVID-19 pandemic. As per figures, from the NITI Aayog's report on the gig economy demonstrate, there has been a steady expansion of gig work from 2011-12 to 2019-20 – with an increase in the share of gig workers in total workers, from 0.54 per cent in 2011-12 to 1.33 per cent in 2019-20.⁵⁰

The COVID-19 pandemic provided a boost to gig economy by not only providing it visibility and mainstreaming it, but also by contributing a sizeable pool of unemployment/laid-off workers willing to work gigs to keep financially afloat. In spite of layoffs in some segments of platform work, platforms also rushed to meet new demands by increasing hiring. The level of contraction or expansion of various types of gig work depended largely on the nature

of the services – thus while ride-hailing and transportation work platforms such as Uber and Ola had suffered, delivery and e-commerce platforms such as Amazon, Grofers, etc. not only expanded their operations, but also created more jobs.⁵¹ Over a third of the gig-workers we interviewed joined platform work after April 2020, owing largely to the absence of job opportunities and low barriers to entry offered by the platform economy.

There was also a boost in online web-based work, such as freelancing and software programming, during the pandemic. In India, researchers have found that both online work demand and labour supply increased in April 2020, after a slight decline during mid-March. The increase in the demand for online labour was largely driven by software development and technology. Additionally, there was also a rise in professional services, and sales and marketing activities as well as creative media and clerical activities. It is possible that with the decline in revenues many companies in India are looking at online labour platforms as a substitute for on-site work.⁵²

Reports by Boston Consulting Group (BCG) suggests that India's gig economy is ready to expand across several verticals of the economy – “with four largest industry sectors, i.e., Construction, Manufacturing, Retail, and Transportation and Logistics alone accounting for over 70 million of the potentially ‘gigable’ jobs” in the future.⁵³ A study by the Brazil, Russia, India, China and South Africa (BRICS) Employment Group, 2021 finds that the number of platforms has grown from 19 to 127 in the past decade, and represents 16 per cent of the platforms operating around the world in 2021. Within BRICS countries, the concentration of platforms is the highest in India, and the sectors in which they are most concentrated include the delivery sector,

49 Boston Consulting Group, *Unlocking the Potential of the Gig Economy in India*, Michael & Susan Dell Foundation, 2021.

50 NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, 2022.

51 Ahmad, Samreen, “Amazon Creating 50,000 Temporary Jobs to Meet Covid-Led Surge in Demand” *Business Standard*, 22 May 2020.

52 Uma Rani & Rishab Kumar, “Platform work and the COVID-19 pandemic”, *The Indian Journal of Labour Economics*, 63(1) (2020): 163–171.

53 Boston Consulting Group, *Unlocking the Potential of the Gig Economy in India*, Michael & Susan Dell Foundation, 2021.

followed by online web-based platforms and the taxi sector.⁵⁴ Besides these verticals, platform companies in a number of other segments such as hospitality, e-commerce, logistics, hyperlocal delivery, etc. New platform jobs for blue-collar work have also sprung up in India – providing numerous services from housekeeping to accountants to waiters.⁵⁵

Cities such as Hyderabad 45 per cent, Mumbai 45.45 per cent, Delhi 32 per cent, Bangalore 25 per cent, and Chennai 23.4 per cent have witnessed maximum growth of the gig economy, and demand across Tier 2 cities such as Indore 59 per cent, Bhopal 22.4 per cent and Pune 20 per cent have also risen equally. Similarly, Tier 3 markets as well, Shivamogga 10 per cent, Vadodara 11.11 per cent, and Hubballi 11.11 per cent have shown moderate hiring demand for gig workers.⁵⁶

Even as the platform economy gets poised to catalyse economic growth and boost employment levels in the country, life in the platform economy for many workers continues to be precarious, without adequate economic and social security. In the following sections, we examine the various aspects of the life of a platform worker – their motivations, concerns about their employment relationships, incomes, their efforts towards collectivization and future plans.

► 2.2 Demographic profile of the platform worker

Sangita, age 37, works as an Uber driver in Mumbai. Prior to her joining the platform, she ran a small gift shop along with her mother – however, four years ago her mother fell ill, and

with it financial constraints arising within the household required Sangita to shut shop and look for other forms of work. With loans from friends and family and a little of her own savings, Sangita bought a car to start working as a driver on Uber. She earned about INR 20,000 per month on an average, working 50–60 hours a week. While her income was not always consistent, she was able to keep afloat and save some amount of her earnings. As the pandemic and lockdown hit, both her working hours and income dramatically decreased. Viewing platform work as only a temporary measure, she yearns for a day when she has enough money to re-open her shop.

At the age of 10, Dinesh was diagnosed with vitiligo. Due to his condition, he faced a lot of bullying and criticism from people and found most workplaces to be difficult. Prior to working as a delivery boy, Dinesh worked as a waiter at a hotel and would often be mocked for his condition. He decided that perhaps ‘app work’ would be better. What pains Dinesh, more than the low income and high commissions charged by delivery platforms is the fact that in spite of being termed as a ‘delivery partner’, there is no dignity and equality in the employment relationship with the company.

Suraj, age 30, hails from Pune and has a university degree. He used to work as a sales executive for a retail brand in Mumbai. Having lost his job during the pandemic, he turned to working for delivery platform Borzo – a courier delivery app. While he is largely satisfied with the income he earns, he does not prefer his current working conditions and its flexibility and would rather go back to a desk job with fixed timings.

The above vignettes represent diverse demographics, motivations and relations that each platform worker might hold to platform work. Although research suggests that youth participation is what drives the platform economy,⁵⁷ there is a wide diversity amongst

54 NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work, 2022.

55 Kishore Beniwal, “Top 25 Job Portals to Hire Blue-Collar Employees in India” YourStory.com, 13 February

56 “Gig Economy Expands in Tier 2, Tier 3 Cities- the New Indian Express” The New Indian Express, 31 October 2022.

57 Prachi Verma, “Gig Economy: Youth Participation in Gig Economy Increases 8-fold: Taskmo Report” The Economic Times, 16 August 2022

platform workers. For instance, in our dataset, platform workers ranged from an age of 18 years and fresh out of college to workers who were 58 years old. Most workers are often the primary breadwinners and have several dependants on their income. Platform work for most is not part time, nor is it casual work – flexible and remote – rather it is their main source of life and livelihood. Thus, broadly, platforms attract workers of various social backgrounds.

Within this population, a majority of the workers surveyed are male, which reflects the gender skew in the gig economy as well as in the employment market in general.⁵⁸ According to the Taskmo Gig Index (TGI) currently women's participation in the gig economy is around 28 per cent in India.⁵⁹ Even though the gig economy offers greater flexibility and autonomy to women, it has not succeeded in increasing the overall labour force participation rate of women in India, which is one of the lowest in the world.⁶⁰ Across the world, the app-based taxi and delivery sectors are found to be largely male-dominated. Due to lesser representation of women in the gig, male centric norms are often imposed – for instance, a respondent in our study noted how they had to repeatedly go on strike in order to finally get a platform to stop sharing their phone numbers with customers. Research has also found that most women engaged in online work are often those who have shifted out of formal employment and engage on online platforms in order to balance paid work with reproductive labour.⁶¹ The need to balance care work with other kinds of work has only been exacerbated with the COVID-19 pandemic, as women were increasingly and disproportionately over-burdened with care labour. Not only were women one of the hardest

hit groups during the pandemic, shouldering the worst of the employment crisis, but women's employment is also yet to reach pre-pandemic levels in many countries.⁶²

In terms of educational qualifications, a majority of the workers reported holding a university degree, while a smaller segment reported completing up to secondary school education. Workers with graduate degrees want other jobs but started working for platforms due to a lack of opportunities for better work. Further, workers with higher degrees often move towards cloud-work, such as in the creative industries, remote tutoring space, and these workers are often university students/undergraduates and work on the platform part-time.

► 2.3 Motivation to join gig economy

Motivations are as diverse as the workers themselves. For many it's the only long term and long livelihood opportunities. For others it's to supplement other sources of income or a stopgap measure.

The prospect of higher pay, increased flexibility, and autonomy in their ways of working encourages workers to join the gig economy. In terms of their previous job(s), most workers we interviewed had salaried jobs, working as security guards, hotel staff, sales executives, private drivers, including ambulance, school bus, auto and private taxi driver, clerks and junior

58 According to the Union Budget 2022, the overall workforce participation rate in India is 20.3 per cent, of which 18.2 per cent is in urban India presently. The female labour participation rate in India was at 19 per cent in 2020 from over 26 per cent in 2005. See, Yadav, Pooja. "Explained: Why Indian Women's Workforce Participation Is Still Considerably Low." India Times, 17 July 2022.

59 Web Desk. "Despite Rise in Gig Economy, Women's Participation Still Less Than 30 per cent", India Today." India Today, 8 August 2022.

60 Ria Kasliwal, "Gender and the Gig Economy: A Qualitative Study of Gig Platforms for Women Workers," Observer Research Foundation, Issue Brief No. 359, 2020.

61 Aneja, Urvashi, "Pathways to improving women's access to work and wellbeing through online work", 2021.

62 International Labour Office and Employment, Labour Markets and Youth Branch, "An Uneven and Gender-Unequal COVID-19 Recovery: Update on Gender and Employment Trends 2021.

engineers. However, they either quit their jobs due to low pay and long working hours or were laid-off. Alongside unemployment and layoff-related reasons, the initial entry point to gig work is often the need for supplementary income, or part-time work, however the so-called 'gig work' takes on the demands of a 'full-time' job, with over 80 per cent of respondents relying on platform jobs as their sole source of income. Moreover, a third of the workers surveyed reported an increase in the number of dependants due to the COVID-19 pandemic in their respective households.

The biggest draw to platform work is of course the possibility of much higher wages/earnings and the systemization of work, daily or weekly payments directly into the accounts. E.g., cab drivers on various apps tend to earn higher wages than non-platform drivers. Payments correspond to not the number of hours but rather the number of trips they make plus incentives for work during peak hours, etc. However, incomes have been plummeting for many workers, who complain of increasing commission charges and withdrawal of incentives by various platform companies.⁶³

Platform work is mostly attractive to workers who are already in the informal economy. In India, close to 81 per cent of all employed persons derive their income by working in the informal sector,⁶⁴ and the share of contract workers in total employment has also increased sharply from 15.5 per cent in 2000-01 to 27.9 per cent in 2015-16, while the share of directly hired workers fell from 61.2 per cent to 50.4 per cent over the same period.⁶⁵ Platform-induced reliability of digital payments is often seen as a step towards 'formalization' by workers who join platform labour from similar jobs. However, due to the absence of a legal recognition of platform work, and the absence of contracts for workers, the gig economy further entrenches the informalization of labour.

For many workers it removes middlemen and intermediaries, e.g., small manpower companies and small businesses.

However, many have complained that wages have come down since they first started working on the apps as subsidies and incentives change overtime. Both location-based and online workers suggested that a critical aspect of gig work was its low barrier to entry – in terms of skills and educational qualifications offered by platform work. Almost all workers stated that it was easy for them to sign up onto their platforms, with some starting work immediately, whereas others within a span of two to three months.

The ability to use the internet and mobile phone applications in general provided workers with the confidence to join platform work, with some relying on friends and family for guidance to navigate the apps in the initial stage.

► 2.4 Earnings, finances, expenses

Earnings

Most workers have experienced a reduction in their earnings over time on various platforms. While in 2020, loss of earnings can be largely attributed to the pandemic and the lockdowns, in the subsequent years, Indian platform workers' earnings have been declining also due to increasing platform commissions and fuel costs.⁶⁶ In April 2022, several Uber and Ola drivers went on strikes in the face of rising fuel prices, demanding an increase in fares.⁶⁷ The decrease in earnings is part of a longer-term trend of decline.

63 Yuvraj Malik Chakraborty, "Ola, Uber Taxi Drivers Protest Suspension of Incentives", Mint, 10 February 2017.

64 Staff Writer, "Nearly 81 per cent of the Employed in India Are in the Informal Sector: ILO", The Wire, 4 May 2018.

65 Radhicka Kapoor & PP Krishna Iyer, "Facts and Myths on Rise of Contract Labour" The Hindu- Business, 18 March 2019.

66 Fairwork India Ratings 2021: Labour Standards in the Platform Economy

67 PTI, "Fuel Price Hike: Auto, Taxi Unions Strike in Delhi; Ola, Uber Inflate Fares" Outlook India, 18 April. 2022.

In 2017, Uber drivers went on a strike because of a decrease in earnings compared to 2015 level.⁶⁸ However, only some platforms – Flipkart, Urban Company, Swiggy – have been committed to ensuring minimum wage after accounting for work-related costs for all their gig workers.⁶⁹

For many workers platforms do offer higher earning and learning opportunities than other types of blue-collar work in the formal or informal sector. According to Ola Mobility platform drivers earn 25 per cent more than non-platform drivers in terms of hourly earnings. 57 per cent of platform drivers in the study are reported to earn up to INR 1,000 per day and remaining 43 per cent earn more than INR 1,000 per day.⁷⁰ While the Ola Mobility Institute reports that drivers still make more money on the platform than driving privately, with rising inflation and costs of living, such pay may not necessarily cover all their needs. Further, drivers still need to work an average of 50–60 hours per week in order to make basic pay.

Entry costs/asset utilization

Platforms are also shifting the responsibility of investing in capital assets and operational costs to the workers, which makes platforms asset-light while at the same time transferring the financial risks to the workers. Despite the low barrier to entry in terms of skill, the majority of workers required an initial investment in the form of vehicles, mobile phones and other essentials for work. Workers in the food and beverage delivery industry require a two-wheeler and an internet-enabled smartphone; major metropolitan centres across Delhi are also providing citizens with urban infrastructures like electric bike-stands that further ease the barrier to entry for logistics and delivery gigs. However, obligating workers to invest in a certain kind of equipment can rack up initial costs, making it difficult for some of them to join the platform at all, especially due to the absence of alternative financing options. Workers in location-based platforms are

particularly affected by this: ride-hailing drivers, delivery workers and domestic service providers all struggle with asset-based debt.

Aside from initial investment, there are also daily recurring expenses, in the form of fuel, internet services and other supplies (e.g., cleaning supplies). Most of the financing for the initial investment has been met through loans from family, friends or personal savings, with most workers (10 out of 56) not relying on formal institutional credit. Others have bought vehicles on loans and struggle to pay them off because of diminishing and variable income.

Commission and incentives

Digital platforms are also changing the way workers access the labour market. In most cases, workers have to pay to work either through a commission or a fee to the platforms, and usually, these fees are determined unilaterally by the platforms. The decisions to hike commissions or reduce incentives are not transparent to workers and often without any prior notification.⁷¹

► 2.5 Employment relation

Frequently referred to as ‘independent contractors’, ‘partners’, ‘delivery executives’, etc., most platform workers exist within a digitally and market-mediated “open employment” relationship with platform companies. Market mediated open employment relationships are those that rely on market mechanisms for determining job outcomes and either lack or “are associated with relatively weak labour market institutions, standards and regulations”.⁷² Such relations are increasingly the norm in the platform

68 Aditi Shah, “Uber, Ola Drivers Strike in India, Demanding Higher Fares”, Reuters, 22 October 2018

69 Fairwork India Ratings 2021: Labour Standards in the Platform Economy

70 Ola Mobility Institute, Unlocking Jobs in the Platform Economy: Propelling India’s Post-Covid Recovery, 2021

71 Yuvraj Malik Chakraborty, “Ola, Uber Taxi Drivers Protest Suspension of Incentives”, Mint, 10 February 2017.

72 Alex J. Wood, Mark Graham, Vili Lehdonvirta & Isis Hjorth, Good Gig, Bad Gig: Autonomy and Algorithmic control in the Global Gig Economy, *Work, Employment and Society*, 33(1)(2018): 56–75.

economy and can be contrasted to employment relationships that are strongly characterized by well-built institutional support and regulatory policies.

While earlier literature on digitalization, the platform economy and development outcomes in developing economies anticipated a prospective formalization effect through the expansion of the platform workforce⁷³ – nearly all of the workers we interviewed shared that there was a lack of a clear, comprehensive and written work contract between them and their platform “employers.” Absence of a written contract between platforms and gig-workers is common in the platform economy in India, leading to bureaucratic hiccups for the platforms and lack of role clarity among both the platforms, as well as the workers. This usually takes the form of ambiguity among workers in terms of who to contact for a diverse set of concerns during their day-to-day working. Several workers noted that they either seek help from friends or look up solutions to their technical issues online – while some platforms do have support teams which workers can contact – these are mostly in place for cases of emergency. Most workers reported that they contacted the customer care number for their platforms for assistance.

However, 18 out of 56 respondents self-described as employees of the platforms, while 35 described as self-employed. The majority of workers, 71.4 per cent of workers, reported that they receive no additional allowances or fringe benefits from the platforms – aside from fuel allowance in some cases (which were reportedly nominal and inconsistent) and medical insurance.

While the jobs under the gig economy offer greater flexibility to workers, giving them the autonomy to log in and out as they wish, however, workers still need to work long hours if they wish to make ‘decent’ money – working an average of 50.7 hours a week. The average income of a worker is around INR 26,000 per month.⁷⁴ In several instances, workers in the delivery and transport segment reported having to ride 90 to 120 kms per day in order to make decent pay.

One of the key grievances which a majority of workers, particularly those who identify as self-employed, have about their working conditions is the increasing commission charged by platform companies. Most workers reported a jump in commission from 10 per cent earlier to between 25-30 per cent commission charged on all gigs, along with taxes. Nearly all workers saw no way of addressing these grievances, as a majority of them reported not having contacted management even once during their entire tenure of working for a platform; one worker noted that when they protested against the pay and incentive structure, the management’s stance was that “there’s no use (...in protesting)” and the matter did not travel any further. All 22 workers in our in-depth interviews reported that there was an absolute lack of managerial support and “there’s actually nobody to answer our questions. They communicate only offers/incentives and customer redressal”. A large majority of workers felt that platform companies respond more diligently to customers’ issues with a particular gig, and complained of companies favouring “customers’ side”, “believing them” over the workers. The lack of support experienced by workers, was put forward by one worker succinctly as “I am on my own in this job. All the risks are mine but the profits are of the company.”

Platform management and working conditions

Although the platform gig-workers we spoke to found it necessary to spend initial capital on procuring work related equipment, as they received next to no work-related training. A majority of the workers we interviewed shared that they received no digital-skills training or general task-related upskilling outside of their initial onboarding procedures (except workers on home service platforms, i.e., Urban Company).

Platforms are also transforming the world of work through algorithmic management practices. Algorithmic management of workers can create conditions of domination, and it has increased the number of ways, and frequency with which,

73 Boston Consulting Group, *Unlocking the Potential of the Gig Economy in India*, Michael & Susan Dell Foundation, 2021.

74 See, Live mint, “Only 22 per cent of Gig Workers in India Primary Earners”, Mint, 7 July 2022.

workers can be interfered with. Several workers in our study noted how they do not refuse orders or customers (except under emergency conditions) on their platform, as even one refusal can have an immediate effect of reducing their ratings, which makes it harder for them to get the next gig. Platform companies that rate a worker's performance, thus, exercise a new form of control and domination over the worker. While workers may be free to decline a gig or decide their work timings on paper, however, the fact that their decisions adversely affect their ratings, often in an ambiguous manner (workers are not sure about all the parameters that affects their ratings), results in a loss of actual control over the conditions of their work.

In most cases, when ratings are low, workers are automatically deactivated from the platform without any explanation. Besides a clear form of control, algorithms are also far from neutral-coded by human programmers and based on a set of human norms and instructions, bias can easily feed into the system. This can result in discriminatory practices. For instance, female platform workers in our survey have complained of not receiving as many orders as their male counterparts.

► 2.6 Collective bargaining and unionization

Digitally mediated relationships in the platform economy have a weakening effect on collective bargaining and traditional forms of unionization. The geographical dispersion of workers, absence of a shared workplace and the non-cooperative nature of work hampers the motivation of workers to collectivize and encourages workers to compete rather than cooperate. Further, the varied perceptions of workers regarding their

occupational, legal and socio-economic identities also impact their collectivization potential – as workers self-identify as independent agents and micro-entrepreneurs, many strive towards maximizing income over collective efforts and social solidarity in improving employment conditions. For instance, very few workers in our study are part of any unions or associations for collective bargaining.

However, despite the relatively low rates of labour participation, in recent years, a few vocal and highly visible gig workers unions have emerged in India. The All India Gig Workers Union (AIGWU) is a trade union federation of platform economy workers affiliated to the Centre of Indian Trade Unions (CITU). AIGWU was founded in August 2020 during protests of Swiggy workers against a pay reduction; the protests began organically. In December 2020, AIGWU and other Indian trade unions, including the Indian Federation of App-based Transport Workers, called on the Ministry of Labour to not exempt gig companies from contributions to state social security. In October 2021, AIGWU reacted positively to a push by the Indian government to reclassify gig work as employment.⁷⁵ Similarly, the Indian Federation of App Based Transport Workers (IFAT), has been representing app-based transport and delivery workers. A number of small worker's organizations are affiliated to IFAT, and in recent times they have pushed for workers safety, welfare board, insurance and employee classification of workers.⁷⁶

Digital and social media platforms have facilitated some collectivization – both the AIGWU and IFAT have active X (Twitter) accounts, Facebook and WhatsApp groups. Workers in our survey reported that one of the main reasons they unionized was largely to receive support with regard to work issues – e.g., filing papers in case of police issue, discussion of problems related to work, and financial support during emergencies such as COVID-19, etc. Female workers especially relied on union-managed WhatsApp groups for

⁷⁵ Platform Workers' Concerns with the Draft Code on Social Security Rules, 2020 – Joint Submission to Public Consultation, see, <https://itforchange.net/platform-workers-concerns-draft-code-on-social-security-rules-2020-joint-submission>

⁷⁶ Rohitha Naraharisetty, "Gig and Delivery Workers Approach Supreme Court Seeking Social Security", The Swaddle, 22 September 2021.

female Uber drivers where they discuss their problems and share their live location, as well as medical and financial issues.

While the role of unions and collective bargaining in transport workers in the gig economy has received significant media attention in recent times, our research highlights that some workers are also wary of joining unions, due to the adversarial relations between unions and platform companies. On the other hand, factors such as the same caste or similar socio-economic status have also impacted a worker's propensity to join a union. For instance, a worker mentioned the composition of the union he was a part of was largely composed of a single caste-group, which offered a sense of unity amongst them.

Further, across the board in our survey, workers also had little to no knowledge of EBMOs and their role in the ecosystem.

► 2.7 Road ahead

Despite their grievances, only a small minority of workers reported their desire to leave gig work and seek out other employment opportunities. 41 out of 56 respondents reported that they would continue working as gig workers.

A 2021 study conducted by Fairwork on the working conditions within the platform economy in India, evaluated platforms on a range of parameters such as fair pay, working conditions,

contracts, management and representation. None of the platforms studied scored more than seven out of the maximum of ten points, and no platform scored basic points across the five principles. In terms of fair pay, the report found out that overall pay for workers have been declining with the onset of the pandemic, and only a handful of platforms instituted any kind of hourly local minimum wage factoring in their work-related costs, as well as income lost due to the lockdowns. Similarly, only a few platforms have modified employment contracts to reduce the asymmetry in liabilities between gig workers and platforms. Despite the growth in workers' unions in the gig economy, the study also highlighted that platforms were unwilling to recognize a collective body of workers.⁷⁷

Our study highlights the asymmetric relations of power and control between workers and platform companies. Not only are workers operating under conditions of uncertainty and ambivalence regarding their legal status and the absence of safety nets, there has also been a gradual pullback of the incentive structure and income levels of workers which had motivated them to join the platform economy in the first place. Further, the issue of women workers, differently abled workers are often over-looked in a largely male-dominated space that characterizes the present platform economy. Overall, the present working conditions, pay structures, management and grievance redressal mechanisms for workers leaves much to be desired and there is a long road ahead in terms of ensuring fair working conditions for gig and platform workers in India.

⁷⁷ Fairwork India Ratings 2021: Labour Standards in the Platform Economy



3

Role of EBMOs

The current policy and regulatory landscape in India do not fully take into account the needs of the platform economy and its workers. In the given context, the role of social partners such as workers unions and employers' organizations become extremely crucial in guiding policy conversations on the gig economy. In this chapter, we examine the role of employers and business organizations in India (EBMOs), and the various opportunities and challenges that EBMOs face in addressing the concerns of the gig economy.

Employers' associations are representative voluntary organizations – led by elected leaders and managed by professional managers with a permanent staff – which specialize in collective bargaining and in the aggregation, definition, processing and promotion in the political arena of the collective interests and goals of the business class.⁷⁸ Organizations that deal exclusively with product market issues (such as trade policy, business regulations and infrastructure) are often referred to as “trade associations”, while those focusing on labour market and employment relations are known as “employers' associations”. However, many EBMOs nowadays are mixed organizations with a broad mandate covering both product and labour market issues. They seek to create the conditions for business success by influencing the policy and regulatory environment through advocacy and social dialogue. Additionally, with the changing world of work, EBMOs today face the challenge to remain relevant and sensitive to the needs of their members, by providing new value propositions to platform companies.

► 3.1 Mapping EBMOs in India: Historical antecedents and present workings

There are a number of well-established employers organizations in India – many with historic antecedents in India's colonial past. Some of the first employers and business associations (EBMOs) were established in the textile industry during colonial rule. In 1885, the first chamber of commerce, known as the native Merchant Chamber of Commerce of Coconada, was set up in the year of establishment of the Indian National Congress. While chambers of commerce were established by the British to preserve business interests in the first half of the nineteenth century, Indian business houses established their own associations during the latter part of the century.

In 1927, the Indian businessmen, majorly supporters of Swadeshi movement, organized a central body of the Chambers of Commerce and Trade Associations of Indian business, known as Federation of Indian Chambers of Commerce and Industry (FICCI). It speaks directly or indirectly for 100,000 business units — small, medium and large— employing around 10 million people. In 1932, the All India Organisation of Employers (AIOE), headquartered in New Delhi, was formed as an employers' organization affiliate of FICCI.⁷⁹ Following this, another central organization of

⁷⁸ A. Martinelli, *Employers' Associations*, 2001

⁷⁹ See, <https://aioe.in/>. Last accessed 1 November 2022.

employers – Employers’ Federation of India (EFI)—with its headquarters at Bombay was established by Associated Chambers of Commerce and Industry of India (ASSOCHAM) in 1933.⁸⁰ In India, generally business and employers’ organizations have maintained a difference in mandate – with business organizations handling ‘government lobbying and economic issues, whereas employers organizations handled labour policy and issues’.

Post independence, India has enacted a number of labour policy legislations for industrial workers and the number of employers’ associations in India, proliferated.⁸¹ In order to bring them together into an apex body, the Council of Indian Employers was finally established. The Council of Indian Employers is the umbrella organization of three employers’ bodies: All India Organisation of Employers (AIOE), Employers’ Federation of India (EFI) and Standing Conference of Public Enterprises (SCOPE). Besides these, there are also other EBMOs, such as the Confederation of Indian Industry (CII), the All India Manufacturers’ Organisation (AIMO), Society of Indian Automobile Manufacturers (SIAM), Federation of All India Textile Manufacturers’ Associations (FAITMA) – some of which operate at a federal level but are sector-oriented. For instance, the All India Manufacturers’ Organisation is one of the 12 government recognized employers’ organizations in India for tripartite dialogues.⁸²

There are a number of major roles which employers’ associations perform in the labour market. Most organizations perform multiple functions on labour market matters – ranging from industrial relations, skills training, information sharing, consultancy services to lobbying and representation. The main aims and objectives of all EOs are similar though they may vary to some extent in matters of detail. The organizational structure, membership also

vary between EBMOs. In the following section, we discuss the three federal level employers’ organizations in India which together constitute the CIE and their stated aims and objectives.

► 3.2. The Council of Indian Employers and its constituents: Key features

Council of Indian Employers (CIE)

- The main objective in setting up the CIE was to ensure closer cooperation and coordination between the two bodies (AIOE and EFI), which together represent the interests of large-scale industry in India. In 1973, the Standing Conference of Public Enterprises (SCOPE) joined the CIE. With its headquarters in the office of the AIOE in Delhi, the CIE consists of an equal number of representatives of the AIOE, EFI and SCOPE.

The main objectives and functions of the CIE are as follows:⁸³

- To discuss the general problems confronting Indian employers, with particular reference to matters coming up before the International Labour Organization (ILO) conferences and various industrial committees, and to formulate the policy and attitude of Indian employers in the matter of collaboration with employers of other countries.

80 K.C. Alexander, “Employers’ Organisations in India”, *Economic and Political Weekly*, (1972) M37–M41.

81 C.V Ratnam, “Tripartism and Structural changes: The case of India”, *Indian Journal of Industrial Relations*, (1996): 346–377.

82 Also see, <https://www.aimotnsb.com/>. Last accessed: 31 October 2022

83 S. Roy Chowdhury, “Employers’ Associations in India: Responses to Economic Liberalization”, *Employers’ Associations in Asia*, (2017): 162–182

- ▶ To furnish and exchange information on problems relating to industrial relations with employers of other countries.
- ▶ To maintain close contacts with the International Organization of Employers (IOE) with a view to studying international trends in employer– employee relations and to keep the two parties informed of such matters.
- ▶ To select the personnel for the Indian employers’ delegations to the various conferences and committees of the ILO.

The CIE represents the interests of large-scale industry and Indian employers at the International Council of Employers and at the ILO.

All India Organisation of Employers (AIOE)

The All India Organisation of Employers (AIOE) is an allied body of FICCI and serves as a platform for Indian employers to deliberate with the government on labour and social policies to promote business and trade. Its primary objectives are:⁸⁴

- ▶ To take all steps which may be necessary for promoting, supporting, or opposing legislative and other measures affecting or likely to affect directly or indirectly, industry, trade and commerce in general;
- ▶ To take all possible steps for counteracting activities inimical to industry, trade and commerce of the country;
- ▶ To promote and protect the interests of employers engaged in industry, trade and commerce in India;
- ▶ To encourage the formation of EOs and to foster cooperation between EOs in India and abroad;
- ▶ To nominate delegates and advisers, etc., representing Indian employers at the International Labour Conference, International

Chamber of Commerce, and other conferences and committees affecting the interests of trade, commerce and industry, whether as employers or otherwise;

- ▶ To promote and support all well-considered schemes for the general upliftment of labour and to take all steps to establish harmonious relations between capital and labour;
- ▶ To educate the public with regard to the character, scope, importance and needs of industry, trade and commerce represented by the members.

The rules and regulations of the AIOE support both trade-related activities as well, as well as influencing labour policy and legislation.

Employers’ Federation of India (EFI)

The Employers’ Federation of India represents the employers’ concerns and views at various tripartite fora of the Ministry of Labour, such as Standing Labour Committee, Indian Labour Conference and other industry committees and sub-committees at state and national levels. The Federation is a key constituent of the Council of Indian Employers (CIE), along with the All India Organisations of Employers (AIOE) and Standing Conference of Public Enterprise (SCOPE). The Federation represents Indian employers at the international level as a member of South Asian Forum of Employers (SAFE) and the International Organization of Employers (IOE).

The main objectives of the EFI, as embodied in its constitution, are as follows:⁸⁵

- ▶ To protect, promote and champion the legitimate interest of employers;
- ▶ To promote a labour ecosystem that is competitive, fair and inclusive;
- ▶ To advise employers on key issues in labour matters and to assist them in the settlement of labour disputes;

⁸⁴ B.D. Singh, Industrial relations and labour laws, (Excel Books, 2008)

⁸⁵ Also, see, Employer’s Federation of India: Objectives and Functions

- ▶ To promote harmonious relations between Management and Labour and initiate and support productivity improvement schemes;
- ▶ To promote social dialogue;
- ▶ To collect and disseminate information affecting employers and to provide need-based services to employers in people management areas;
- ▶ To advise on key issues in human resource management;
- ▶ To initiate measures that sustain and promote harmony, peace and wellness in society;
- ▶ To support members in meeting corporate social responsibilities (CSR);
- ▶ To help members in getting their problems redressed with relevant government authorities at the State and Central Level;
- ▶ To provide user friendly need-based services to the employer fraternity.

SCOPE (Standing Conference of Public Enterprises)

SCOPE is the only employers' organization representing the interest of public sector enterprises in India. Its broad aims are to help improve the performance of the public sector enterprises.

Membership and Finance: The AIOE has three categories of members: individual (enterprise) and association (group of enterprises) and corporate membership.⁸⁶ EFI also has a provision for honorary membership whereby individuals with special skills or experience, such as legal luminaries or professionals are co-opted to serve on various committees of the federation. Majority of the income for these EBMOs is derived from subscriptions. Membership in EBMOs is open to both private and public-sector enterprises, however, SCOPE remains an EO exclusively for the public sector.

Mandate and services: Services offered by EBMOs fall within a few broad buckets:

- ▶ Representation of employers in tripartite fora of Labour Ministry committees, international organizations (ILO) and Trade Union representatives;
- ▶ Advisory on employee relations;
- ▶ Information dissemination on policy and legislative matters;
- ▶ Training initiatives on human resource & employee relations;
- ▶ Research on labour related matters.

The main functions of EBMOs in the field of labour are:⁸⁷

- ▶ **Communication:** The employers' associations keep their members informed of all new labour legislations, changes in labour policy, important court decisions on labour matters, obligations accepted at the national level, proceedings of important tripartite deliberations.
- ▶ **Advisory functions:** They provide legal and procedural counsel to their affiliates when such advice is sought. Some employers' organizations also provide expert advisory services on labour issues for their members;
- ▶ **Educational efforts:** They organize seminars, conferences and training programmes at different levels to discuss important issues in the labour management relations.
- ▶ **Undertaking social responsibilities:** They as well discharge certain social responsibilities which includes participating in national plans for economic development, eliciting responsive cooperation from the unions in improving levels of production and productivity, pursuing policies that are conducive to the development of industry and the economy, adopting neighbourhood, social development schemes, etc.

⁸⁶ B.D. Singh, *Industrial relations and labour laws*, (Excel Books, 2008)

⁸⁷ A. Verma & S. Sundar (2020), "Employment relations in India", *International and Comparative Employment Relations*, Routledge (2020): 316-340

- **Representational functions:** They are represented on various committees, wage boards, etc. set up by the government from time to time and place before these bodies the point of view of employers. They have also set up special committees of their own to study particular problems.

► 3.3. EBMOs and the platform economy

While cognizant of broad aims and perspectives of EBMOs, it is also important to recognize that their strategies (such as the level of involvement in industrial relations and skill formation) and structure (level of organization at the national, local and industry levels) of employers and employers' associations depends to a large extent on the nature and form of product and labour markets, and the regulatory mechanisms that exist in the various economies.⁸⁸

The burgeoning platform economy posits several new challenges for employers' organizations, governments as well as collective bargaining associations such as labour unions. The new forms of organizing work and supply of labour in the market as introduced by the platform economy has put into question existing legal frameworks for classifying employment relationships.⁸⁹ New models of organizing work and employment relationships in the context of the platform economy beside shifts the expectations that workers have from their companies – many workers who view themselves as self-employed seek a relationship of equal partnership between themselves and platform companies in their

incentive and pay structure rather than a salary.

The current legal environment in India in terms of Code on Social Security, 2020 defines the gig worker as “a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationships”.⁹⁰ However, both civil society and academic scholarship have argued against such a characterization, noting that while platform-based work can encompass genuine self-employment, there are also pervasive ‘disguised employment relationships’.⁹¹ Recently, in several jurisdictions across the world, courts have expressly ruled on the matter – arguing that platform workers are employees, since they do not have control of where or how they work. This sets a precedent for those seeking more rights for workers in the gig economy in India and all over the world.

Similar litigations have been pursued in India as well, however, they have remained unresolved. In 2017, the Delhi Commercial Drivers Union filed a suit against Uber and Ola, claiming drivers were being exploited by the two companies. They asked the Delhi High Court to rule on whether they were contractors or employees. The court sought responses from Uber and Ola on whether their drivers fit the definition of ‘workmen’ under Indian law and were thus eligible for benefits under labour laws. However, the case was later withdrawn and the employment status of gig workers remains unresolved.⁹²

The current policy and regulatory landscape of India does not support the application of existing industrial and labour policies to gig and platform workers. Current labour legislation in India is primarily focused on a very small proportion of the workforce engaged in the formal sector – while the informal workforce, close to 90 per cent of the total workforce, remains outside their purview.⁹³

88 S. Roy Chowdhury, “Employers’ Associations in India: Responses to Economic Liberalization”, *Employers’ Associations in Asia*, (2017): 162–182

89 Elena Gramano, “Digitalisation and Work: Challenges from the Platform-Economy”, *Contemporary Social Science*, 15(4) (2020): 476–488.

90 The Gazette of India, Code on Social Security, 2020. See, https://labour.gov.in/sites/default/files/SS_Code_Gazette.pdf

91 Nallinaksh Pant, “India’s Gig Economy to Expand to 2.35 Crore Workers by 2029-30: Niti Aayog” *NewsClick*, 1 July 2022.

92 Zaheer Merchant, “Drivers on the Storm,” *The Economic Times*, 20 March 2021

93 Santosh Mehrotra, “Informal Employment Trends in the Indian Economy: Persistent Informality, but Growing Positive Development”, ILO Employment Working Paper No.254, 2019

The digital restructuring of the economy through platformization is accompanied by increasing informalization. In the absence of employer-employee status in the gig economy, as one respondent pointed out, EBMOs do not think their mandate extends to the platform economy. To a certain extent, it is also perceived that platform companies do not want to take on the role of employers or take on complete accountability for platform workers or the work being done. Therefore, as the respondent goes on to argue, the direction of change needs to come from a legal and governmental stand-point first, in clarifying employer-employee status of platform companies and gig workers. However, given employers' organizations' previously held stance on the increasing use of contract labour in India, and advocacy for flexibility in labour engagement without undue hardship to labour, makes them an important voice in the tripartite dialogue for worker's welfare within the platform economy. Further, the fact that the platform economy is increasing in both scope and size, and the growing number of platforms operating in India across various segments, is bound to create new issues pertaining to working conditions and business models of platform companies. The important role of EBMOs in helping platform companies and workers navigate emergent issues must be stressed.

Over the past decade, the increasing use of contract labour in India, as well as the growing informalization of the economy, which only seems to be bolstered even further with the rise of gig and platform working models, serves as a potential threat to the relevance of EBMOs. The fragmentation of the traditional employer-employee model of work, not only affects the definition of workers but also employers, and as such diminishes the role that EBMOs would have otherwise played. The ambiguity associated with categorical definitions of employer-employee is therefore a challenge. The key question that

arises then is whether EBMOs also need to adapt and change in order to service the platform economy?

Further, one of the most important roles of EBMOs is engagement in social dialogue and providing representation at tripartite committees formed by the Government. The decision to constitute Industrial Tripartite Committees (ITCs) in India was the outcome of tripartite deliberation at the Indian Labour Conference in 1944 over demarcation of general subjects discussed at the ILC and their relevance to different industries. Following the procedure adopted by the ILO, the Government of India has set up Industrial Tripartite Committees for different industries. The functions of the Industrial Tripartite Committees are to study and discuss problems in the labour field within specific industries and to bring about deeper understanding between the parties in order to reach a workable solution that are agreeable to all parties concerned.⁹⁴

However, any discussion on the question of the relevance of EBMOs in relation to the platform economy in India, must contend with the fact that tripartite negotiations on devising labour and industrial policies for platform workers are entirely absent in India. Sectoral divisions, which are usually the standard for the formation of tripartite committees, may hinder the inclusion of platform economy-related committees in the future. While it has become commonplace for the gig and platform economy to be treated as a sector in itself, however, it involves various traditional and emerging sectors within the economy—from transportation, to e-commerce to blue-collar work. The ambiguity associated with categorical classifications of workers as employers/independent contractors also extends itself to sectoral classification. For instance, Uber, a ride-hailing company for a long time, claimed that it is a technology platform, not a transportation company.⁹⁵

94 See <https://labour.gov.in/industrialrelations/industrial-tripartite-committees>

95 Joel Rosenblatt, "Uber's Future May Depend on Convincing the World Drivers Aren't Part of Its 'Core Business'", Time, 12 September 2019.

► 3.4. Way forward

EBMOs have an important role in the context of the platform economy, as they provide the leadership necessary to facilitate social dialogue on the working conditions and economic and labour policies needed to create sustainable and balanced growth with social security for platforms and platform workers. Further, with the gig and platform economy emerging as a key driver of the future, shaping people's access and operations on the labour market, EBMOs can no longer afford to stay out of the conversation.

There are four key areas, where EBMOs can engage in order to improve their own outreach and capabilities, as well as render valuable service in shaping a fairer and more equitable platform economy. These four areas include:

1. Shaping tripartite dialogue on labour issues in the platform economy;
2. Service expansion by EBMOs to incorporate new and emerging platform companies;
3. Institutional Reforms in line with the needs of the platform economy;
4. Future-oriented research and policy action.

Shaping tripartite dialogue on labour issues in the platform economy

EBMOs are an important component of tripartite relations, along with government and trade unions. While in recent times, various trade unions have been vocal about platform work and its associated issues, particularly in the context of COVID-19 and after, EBMOs and platform companies continue to largely operate in silos.

While low visibility of EBMOs could be cited as a reason for their inability to draw membership from platform companies, the fact that many platform companies also do not position themselves as employers adds to the difficulty of recruiting platform companies as members.

In order to strengthen tripartite dialogue between governments, platform unions and EBMOs on worker well-being in the platform economy, it is essential that EBMOs recruit platform companies as members. Aside from engaging in tripartite dialogue, EBMOs can in addition take up bipartite consultations between platform companies and trade unions on social issues, health and safety aspects of companies' operations and help negotiate collective agreements between platform companies and trade unions.

It is also necessary for EBMOs to break out of the employer silo, and traditional mandate of operating within the employer-employee framework to consider moving into broader work relationship advisory services. With the emergence of new forms of work arrangements within the gig economy, there is an opportunity for EBMOs to provide frameworks for new models of employment relationships. For instance, the judgement of the United Kingdom of Great Britain and Northern Ireland Supreme Court in *Uber vs Aslam*, held that the Uber workers were "dependant contractors" who were eligible for a limited number of benefits guaranteed under the law to 'workers'.⁹⁶ Several workers in the survey preferred to be seen as entrepreneurs or self-employed –in such a context, workers' grievances pertained less to the issue of inclusion within traditional employee status and had more to do with the type of 'partnership' that platform companies offered to them with respect to commissions. In such cases workers seek out non-traditional forms of employment contracts, fairer and more favourable terms regarding working hours and commissions and incentives.

⁹⁶ Ravi Peiris, *Ramifications of the UK Supreme Court judgement in Uber BV v. Aslam and Others*, 2021 Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---act_emp/documents/newsitem/wcms_814852.pdf

Services expansion by EBMOs to incorporate new and emerging platform companies

Platform companies, to a large degree, are unaware of or do not find much utility in the types of services provided by EBMOs currently. Given the distinct nature of platform companies' relations with the various gig workers and service providers on their platforms, platform companies have largely stayed away from the traditional industrial relations space. The possible strategies through which EBMOs could extend their services to platform companies are:

- Understand the needs and challenges of the platform companies;
- Exercise their advisory function in providing legal and other employment-related services as well as guidance on labour welfare to platform companies;
- Provide human resource management training and allied services.

Despite the absence of clear employment contracts, platform companies 'design and implement a variety of human resource management (HRM) activities including performance management with requesters, appraising gig worker performance, job design when workers are provided with prescribed ways to work and restricted levels of autonomy'. EBMOs in India, which provide HR management services and worker satisfaction audits stand to serve immense benefit to platform companies. Further, even in platform companies, there are different classifications of workers – first, a small group of formal workers whom they regard as “employees”, secondly, there are service partners such as delivery workers whom they regard as independent contractors and finally, there are third party contracted workers who are mainly blue-collar workers hired from different manpower suppliers. In the case of the first and the third type of workers, EBMOs are already well-versed in the provision of services to companies, as this fall within the traditional employee relationships.

In many countries, platform companies often outsource training sessions for gig workers to labour unions, however, researchers in India have found limited engagement of trade unions with the skills agenda. Thus, there is an opportunity for EBMOs to fill the gap in skilling and training of gig and platform workers. For instance, EBMOs could conduct workshops or seminars for gig workers in order to provide skills training and advice on general issues that they may come across during their work. EBMOs must account for the non-traditional needs of platform companies and diversify their services in order to provide services that are relevant for platform companies. For this, EBMOs could initiate consultations with platform companies through focus group discussions and one-on-one interviews in order to tailor their services.

Institutional reforms in line with the needs of the platform economy

Institutionally, EBMOs will have to adapt to the fast-changing landscape of the digital economy, which includes gig and platform models of doing business. As even traditional businesses and industrial relations come under the impact of the digital economy and adopt platform-like characteristics, there is an opportunity for EBMOs to bring about institutional changes in their modes of working, membership structure and outreach mechanisms.

One of the significant ways in which EBMOs can adapt to the platform economy is by restructuring membership categories to reflect the hybridization of sectoral classifications.

Businesses within the platform economy often do not neatly box into existing sectoral classifications due to their role as service aggregators. For instance, while Uber is generally thought to be a transportation company, they often self-classify as a technology company. Besides Uber, several other platform companies that operate as aggregators often provide a range of services – for instance, Fiverr, is a global marketplace connecting freelancers and businesses for


digital services for 500+ categories of work, thus obfuscating existing classifications. Moreover, it would be beneficial for EBMOs to select an officer within their organization who specializes in technology businesses and who could focus solely on liaison and service delivery for platform companies.

Future-oriented research

In order to service the platform economy and keep with the changing nature of industrial labour relations, EBMOs will have to adopt a future-oriented outlook. The platform economy

poses a relatively new mode of organization of work and labour. The absence of adequate data and research into the workings of platform companies in India means that EBMOs must invest in future-oriented research to anticipate the own requirements of the platform economy.

The growing precarity and vulnerability of gig and platform workers, lack of fair working conditions and the absence of social security for most gig workers, will require platform companies, EBMOs, governments and workers' organizations to work closely together to find alternative pathways and solutions to these problems.



4

Agenda for social dialogue

Effective tripartite social dialogue between governments, employers and workers is critical to resolve the regulatory challenges posed by the platform economy and shape inclusive growth, social justice and sustainable businesses and enterprises. In recent years, lawmakers, unions and gig workers – both in India and elsewhere, have repeatedly raised questions on the nature of gig workers' employment status, labour conditions and social security.⁹⁷ Since the pandemic, there has been increasing pressure on both governments and platform companies to recognize and address the labour concerns related to gig workers.⁹⁸ There is an urgent need for negotiation, consultation and information exchange between governments, employers and workers/worker organizations.

While multiple worker's unions for gig workers have mushroomed in India,⁹⁹ such as the All India Gig Workers Union (AIGWU), App Drivers & Couriers Union (ADCU), Telangana Gig and Platform Workers' Union (TGPWU), etc., there has been no indication of platforms joining employer associations or existing chambers of commerce. There is a need to reimagine and develop new frameworks for facilitating dialogue between various social partners in the gig economy. A new agenda for social dialogue must push the envelope towards collaborative engagements where governments, employers' organizations, platform companies and workers organizations come together to tackle the major challenges of the gig economy and reap the benefits of doing so.

Definitive steps towards social dialogue and collaborative problem-solving for the gig economy are already underway in several jurisdictions across the world. For instance, in Spain this year, a new law known as the "*Riders Law*" *Ley rider*, which presumes an employment

contract between the worker and the platform, has been passed, in large part, due to the collaborative efforts of the most representative trade unions and employer's organizations in the country.¹⁰⁰ In 2022, the United Kingdom Supreme Court recognized Uber drivers as dependent contractors, thereby opening the pathway for them to receive certain worker benefits under British laws, without detracting from the fact that they were self-employed.¹⁰¹

In a similar vein, social dialogues in India need to collectively address various issues related to gig workers, ranging from employment relationship/worker classification to social protection to decent earnings/wages and working conditions, among others. EBMOs and governments alike should also keep in mind the evolving conditions of work arrangements within the platform economy, rather than prescribe solutions that flow from a traditionally oriented framework of thinking regarding employment and employer-employee relationships. The findings of this study have shown that there are various types of workers and working arrangements within the gig economy – these nuances need a clear and deeper understanding of each element of the work arrangement practise in the gig economy before making any conclusions. For instance, employers cannot be blind to the reality that in certain cases there would be an employment relationship, similarly, trade unions need to accept that there are some workers who do not have employers or wish to seek an employment relationship in all cases. Besides, the governments need to make sure that all workers are provided social security in line with national needs and capacities. As the gig economy is likely to become a major component of India's post-pandemic growth trajectory, it is essential that all stakeholders push towards a fairer, safer and more inclusive transition to platform work.

97 Samanwaya Rautray, "Supreme Court PIL: Supreme Court Issues Notice to Centre on PIL Seeking Social Security for Gig Workers", *The Economic Times*, 14 December 2021.

98 Arnav Chandrashekhar, "Gig Workers Flag Concerns: Lack of Incentives, Insurance, Insufficient Backing from Employers | Cities News", *The Indian Express*, 13 August 2022.

99 Ulka Bhattacharya, "How Trade Unions Recharged for the Gig Economy", *The Hindu Business Line*, 28 October 2021.

100 Luz Rodríguez, "First Collective Agreement for Platform Workers in Spain & Ndash" *Social Europe*, 13 January 2022.

101 Jason Moyer-Lee, "UK Supreme Court's Uber Decision Is a Victory for All Gig Workers", *Al Jazeera*, 25 February 2021.

Five points on the agenda for social dialogue

1. Classification of platform workers, contracts and employment relations

In recent years, workers unions, academicians, civil society organizations have prompted a resolution to the question of the employment status of gig workers. In 2017, the Delhi Commercial Drivers Union filed a writ petition in the Delhi High Court alleging exploitation and claiming Ola and Uber drivers to be employees. Similarly, in 2021, the Indian Federation of App-Based Transport Workers (IFAT) filed a public interest litigation (PIL) in the Supreme Court, seeking worker protections for delivery and app-based transport workers.¹⁰² Resolving the legal ambiguities on gig workers' employment status has become a first step in ensuring worker rights and the provision of legal protections to gig and platform workers. While these issues remain unresolved in India, in several jurisdictions across the world, there is now an increasing recognition of employee status of platform workers.

While platforms companies have repeatedly stressed their non-employer status, platforms actually exercise a large degree of control over workers. Unlike self-employed workers, platform workers are unable to negotiate rates and conditions. It needs to be recognized that the degree of control may vary from platform to platform. In this regard, a varied typology of employment status for platform workers has been adopted, ranging from – independent contractors, to dependent contractors to employees. However, the question of employment status continues to remain a crucial bottleneck in bringing platforms and gig workers under the regulatory scanner of labour laws, which will go a long way in making platform workers visible and provide for fairer conditions of work.

2. Social protection of workers

The Code on Social Security, 2020 has been a welcome move in the direction of providing social welfare coverage in India as the Code defines platform work and the platform worker for the first time.¹⁰³ However, one of the key contentions with the Code is it places gig workers outside of the traditional employer-employee status, thereby obfuscating the power asymmetries between platform companies and workers. This poses an obstacle to the ability of workers to receive employment benefits such as maternity benefits, sick leaves, etc.

As noted in the previous chapters, many platform workers look to gig and platform work as their primary source of income, for themselves as well as their dependants. Especially during COVID-19, workers have not only lost income, but have also witnessed an increase in the number of dependants in their families. Within this context, the provision of social security is crucial, and needs further dialogue with the workers unions and employers' organizations to provide a representative resolution to the issue. For instance, the Code is silent on the degree of platform or aggregator contributions to any social welfare schemes for gig and platform workers, as well as, the criteria for exemption of certain aggregators from contributions to platform workers' social security.¹⁰⁴

3. Working conditions, wages and skilling

Working conditions for most platform workers continue to be abysmal – as noted previously, many have to work 50–60 hours per week and in case of delivery workers ride 90–120 kms per day in order to make sufficient pay. Workers also have very little control over turning down particular gigs, as their incentives suffer due to cancellation. Further, algorithmic decisions taken by platforms regarding which gigs show up on the

102 Soni Yatti, "Indian Federation of App-based Transport Workers Files PIL Seeking Social Security Benefits", The Hindu Business Line, 22 September 2021.

103 Abhishek Sekharan, "India's Gig Workers: Overworked and Underpaid." Times of India, 22 March 2022.

104 Platform Workers' Concerns with the Draft Code on Social Security Rules, 2020 – Joint Submission to Public Consultation, see, <https://itforchange.net/platform-workers-concerns-draft-code-on-social-security-rules-2020-joint-submission>

worker's apps, reduction in ratings and ranking within performance indices of workers as well as suspension of workers, lack transparency for the workers.

While the law in many jurisdictions has taken cognizance of the subjection of workers to algorithmic decision-making processes and the power exercised by platform companies over workers' decisions on the platforms, as indicative of an employment contract between the two parties,¹⁰⁵ in India, there is yet to be a discussion on matters of algorithmic control and abysmal working conditions of gig and platform workers. Besides the Social Security Code 2020, gig workers are not covered under the ambit of current labour laws. The Occupational Health, Safety, and Working Conditions Code (2020) does not apply to gig workers, nor does the Wage Code (2019), that entitles workers to a minimum wage. Existing workplace legislation – namely, the Sexual Harassment of Women at Workplace Act, 2013 (POSH Act) and the Maternity Benefit Act, 1961 also do not apply to gig workers due to their strict brackets of “employers”, “employees” and “workplaces”.¹⁰⁶

Besides the legal lacunae, workers in addition face skill gaps due to the absence of training to perform well within the platform economy. Social dialogue on platform work therefore must also account for the labour conditions of workers as well as take proactive steps in meeting the skill requirements of workers and the platform economy in general.

4. Representation and dispute resolution

As noted, there has been an increase in the organization and collectivization efforts amongst workers, however, there has been no indication from platforms on working with either workers unions or employers' organizations. In the longer run this promotes better social dialogue, improves

industrial relations and increases productivity and is critical for the future of the platform economy. Representation and collaborative dispute resolution is a critical feature of sound industrial relations and must receive high priority amongst platform companies, which has been lacking thus far.

5. Data protection

Finally, the question of data protection of workers and their right to privacy continues to loom large over the algorithmic decision-making processes of platform companies. While data rights have not been high on the agenda of gig workers unions in India as yet, however, workers are cognizant of the need to protect their data and privacy from platform companies as well as customers. For instance, female workers in our study have voiced their concerns regarding their phone numbers being shared with customers. The unilateral and opaque decisions made by platform companies (often algorithmically mediated) on how to collect, store and share personal data of workers with others, in the absence of a national data protection legislation, further entrenches the power asymmetries between workers and platforms.

In the absence of transparency and accountability of platform companies' data policies, some workers globally have taken to solutions such as building a data trust, monitored by an independent third party, that can request, access and collect data about workers from platform companies. The UK based Worker Info Exchange, facilitates workers ability to access data collected about them to allow them to negotiate with their employees.¹⁰⁷

Social partners within the gig and platform economy must come together for dialogue at representative forums on the above issues, in order to fully reap the benefits of an expanding platform economy in India.

105 Luz Rodríguez, “First Collective Agreement for Platform Workers in Spain & Ndash” Social Europe, 13 January 2022.

106 Shweta Velayudhan, “Women Participation in Gig Economy: Why Urban Company's Suit Against Protests by Its 'Partners' Calls for Legal Intervention”, The Leaflet, 5 January 2022.

107 Laurie Clarke, Laurie, “Data Is the Next Frontier in the Fight for Gig Workers' Rights”, *Tech Monitor*, 22 March 2021.



5

Briefing note for employer organizations

Expansion of platform-based gig worker in South Asia:
Implications for EBMOs in Bangladesh, India and Sri Lanka

Employer and Business Member Organizations (EBMOs) play a crucial role in representing and supporting its members through policy interventions with the government and other stakeholders, on key labour and social issues, particularly in the context of the ever-evolving world of work. While EBMOs typically work with traditional sectors and employment relationships, the evolving world of work is bringing forth new and different types of work and working relationships that go beyond what EBMOs have usually engaged with or that do not necessarily fall within an employment relationship. The rise of platform-based gig work, and the platform economy writ large, has been one such defining trend. Platform-based gig work is widely prevalent in South Asia and has challenged EBMOs to think about their contemporary role in this context. In the countries that the study focused on – Bangladesh, India and Sri Lanka – we find that EBMOs need to evolve in order to meet the demands of the platform economy and must restructure their current service offerings to address the needs of its existing as well as potential members who engage in the platform economy. The study focused on the key EBMOs in each country (see Box 1) and through surveys and interviews provides insight into a few key messages and takeaways for EBMOs to consider. These are discussed below.

Key takeaway 1: EBMOs need to take specific steps to recognize and attract membership among platform companies

The studies show that while there is evidence of platform company membership in these EBMOs to a certain degree, most platform companies that exist in the countries are at present not members of EBMOs. In some cases, we find that platform companies are averse to joining as members as there is a perception of limited relevance of the EBMO's services to them. Moreover, the study finds that EBMOs in all three countries do not have a separate category of membership for platform companies. Often EBMOs in South Asia tend to group them under general categories like 'Information Technology'. Understanding that platform companies may not neatly fall into existing sectoral/industry classifications is a first step in introducing membership opportunities for platform companies and addressing the dynamic needs of the platform economy. While there is no restriction to platform companies in becoming members of EBMOs under existing categories, these categories often do not accurately represent the platform companies, who would most likely belong to more than one category. EBMOs must recognize that while platform

► Box 1: EBMOs focused on in the country studies

The country study for India focused on the Council of Indian Employers, which acts as the umbrella organization of three federal level Employers Organizations – namely, the (1) All India Organisation of Employers (AIOE); (2) Employers' Federation of India (EFI) and (3) Standing Conference of Public Enterprises (SCOPE). The country study for Bangladesh focused

on four key EBMOs including (1) Bangladesh Association of Contact Center and Outsourcing (BACCO); (2) Dhaka Chamber of Commerce and Industry (DCCI); (3) e-Commerce Association of Bangladesh (e-CAB) and (4) Bangladesh Association of Software and Information Services (BASIS). The Sri Lanka country study focused on the single nationally representative Employer Organization known as the Employers' Federation of Ceylon (EFC).

companies may give rise to a sector of its own, such a sector may also involve various traditional and emerging sectors. Thus, EBMOs need to adjust their membership databases and improve the classification of platform companies.

In both India and Sri Lanka, there is low visibility of the EBMOs in the platform economy space which also could be a reason for the limited platform company membership in these countries. It could also be due to platform companies' aversion to recognizing themselves as employers. EBMOs must provide platform companies with a new value proposition that is not based on an assumption that platform companies are employers in the traditional sense. EBMOs must understand that, regardless of the discussion on the employment relationship of gig workers and the platform companies, the platform companies also have traditional workers in their organizations (like Human Resources, legal, admin, finance and other permanent internal staff). Thus, assuming that platform companies are merely 'independent contractors' for gig workers and that, there is little which EBMOs can do, is both a fallacy and a missed opportunity for EBMOs to take cognizance of the numerous services that platform companies as members can be offered. EBMOs must capitalize on its convening power, advocacy and ability to provide representation for platform companies.

To provide bespoke services and communicate service offerings in a targeted manner, EBMOs in South Asia need to work on correctly recognizing, classifying and targeting platform companies for membership. This is an essential prerequisite in building and improving service offerings for them.

Key takeaway 2: The services rendered by EBMOs need to evolve and become more relevant to platform companies

Once correctly recognized and classified, EBMOs must conduct a 'rapid needs assessment' among platform companies in the country, to understand in detail their emerging needs and potential value propositions. While the present country studies do provide an initial understanding of this based on the survey and in-depth interviews, a specific

investigation by the EBMOs themselves, will not only reveal detailed insights but will also present an important opportunity for EBMO officers to talk and listen to platform company executives. Based on this 'rapid needs assessment', EBMOs must look to restructure service offerings that cater to those needs.

Encouragingly, we find that some existing services offered by EBMOs could be of relevance and use to platform companies as well. EBMOs should look at their existing suite of service offerings, alongside the findings from the needs assessment, and quickly identify existing services that could (with any adjustments) be offered to platform companies. For instance, we believe that EBMOs engagements in the Occupational Safety and Health (OSH) space could be one such opportunity. While EBMOs in Bangladesh and Sri Lanka provide some support to their members in this regard, extending such services (for instance, training, awareness and audits) to platform companies (and, by extension, to gig workers) is both necessary and useful. Further, as EBMOs have the potential to influence policymakers by collective representation, and as there exists a need for both policy and regulatory reforms, EBMOs could, as a starting point, ascertain the reforms that may be needed and formulate a strategy on how they could lobby for it.

Additionally, EBMOs could also look to support cloud-based gig workers (viewing them as 'self-employed'), by providing general guidance on typical issues faced when engaging with online platforms for work – for instance, issues surrounding contracts and dispute resolution.

Key takeaway 3: EBMOs can play a role in convening and shaping national debates on the new social contract, and be an informed partner in policy issues on the platform economy and gig work

New forms of work, as seen in the case of the platform economy, present a challenge to the conventional ideas surrounding employment relations and their classification. This is an opportunity for EBMOs – with their considerable convening power – to be involved in tripartite

social dialogue on matters concerning worker welfare in the platform economy. EBMOs in South Asia must assume a key role in shaping and facilitating the national discourse around employment relations in the platform economy – an aspect that is lacking today, unlike in some advanced economies, where this has progressed substantially.

The fragmentation of the employer-employee relationship in recent years has made it especially challenging for EBMOs to remain relevant, given that their mandate generally only extends to ‘employers’. One of the key challenges facing EBMOs in all three countries, therefore, is the increasing informalization of labour (i.e., through platformization) and the difficulties in the classification of gig workers. While the classification of gig workers as either ‘independent contractors’ or ‘employees’ may vary based on the circumstances of the case, EBMOs can provide a valuable service in terms of understanding the nature of gig worker-platform company relationships and relevant legal implications. EBMOs can, therefore, play an important advisory role for platform companies, under a special membership category that does not classify them as employers.

There also seems to be a considerable level of uncertainty as regards the legal status of gig workers and their relationship with platform companies. EBMOs have a unique opportunity to engage with such platform companies and facilitate a better understanding of the worker-platform company relationship, through their own legal expertise and research. Given that

tripartite discourse on labour policies affecting platform companies and gig workers is largely absent in all three countries, EBMOs can play a critical role in mainstreaming policy discussions on gig work. These discussions can address gaps in the legal and policy frameworks on gig work.

Key takeaway 4: Relook at the EBMOs’ mandates and institutional structure

EBMOs would need to consider minor adjustments to their staffing structure, to develop specialized understanding and competence on platform economy (and the digital economy writ large). Assigning a dedicated resource person or small team to specifically explore opportunities in, and targeted engagement with, platform companies may be necessary, given that they operate differently and have unique needs. Expecting general officers to cleverly engage with these new economy businesses may be inadequate.

Overall, EBMOs will need to reexamine their mandates and assess whether they are limited in their ability to engage in these new ways. Interviews with EBMOs in all three countries indicated that they do recognize the economic contribution made by gig workers and platform companies, but the primary mandates of the organization were in promoting and protecting the interests of employers. EBMOs would need to look beyond this, to play a role in and be relevant for the evolving world of work in the platform economy.

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