



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 5 AND ISSUE 4 OF 2025

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 4 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-4-of-2025/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



ILE Publication House is the  
**India's Largest  
Scholarly Publisher**

© Institute of Legal Education

**Copyright Disclaimer:** All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

## A CRITICAL STUDY ON THE CHALLENGES FACED BY GIG WORKERS

**AUTHOR** – J.CALEB MANOAH, STUDENT AT THE TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY, SCHOOL OF EXCELLENCE IN LAW

**BEST CITATION** – J.CALEB MANOAH, A CRITICAL STUDY ON THE CHALLENGES FACED BY GIG WORKERS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (4) OF 2025, PG. 842-847, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT:

The gig economy, which is characterized by independent contracting, freelance work, and temporary contracts, has significantly expanded in the worldwide labor market during the past 20 years. Gig workers operate independently of traditional full-time employment, gaining flexibility but occasionally losing out on perks like healthcare, retirement plans, and job security. The different types of gig work, its drivers, the impact of technology, and the implications for both employers and employees are all examined in this study on the development of the gig economy. Issues faced by gig workers, including unstable economies, a lack of adequate legal protections, and the uncertainty surrounding employer-employee relationships, will be covered in the examination. The study will examine global responses, legislative trends, and the trajectory of gig work in light of political shifts and technological advancements.

Keywords: Gig workers, Labour, Global, Employee

### INTRODUCTION:

Due mostly to globalization, technological advancements, and changing labor market dynamics, the nature of employment has undergone significant change in recent decades. One notable change has been the rise of the gig economy, which challenges traditional employment paradigms while offering workers a great deal of independence. Digital platforms like Uber, Airbnb, Upwork, and TaskRabbit facilitate temporary, task-oriented employment, which is known as gig work. This research will provide a thorough analysis of the gig economy, beginning with its historical origins and the factors driving its growth. We will look at gig employment's benefits and drawbacks from the perspectives of workers, businesses, and legislators. In the following paper, the effects of gig work on labor laws, social protections, and economic inequality will be discussed, along with potential adjustments

and advancements that could have an impact on the gig economy in the next decades.

### Review of the Literature:

#### Historical Context and Development of the Gig Economy :

#### Origins of Gig Employment :

The concept of gig labour is not entirely new; independent contracting, temporary work, and freelance employment have existed for thousands of years. As online platforms made it easier for workers to connect with temporary employment possibilities in a more structured and scalable way, the term "gig economy" gained prominence in the early years of the twenty-first century. Originally used to refer to musicians and performers doing temporary work, the term "gig" has since expanded to encompass a variety of labor agreements in several industries.

## **Expansion of the Gig Economy**

### **The proliferation of the gig economy has been driven by many factors:**

**Technological Advancements:** People looking for temporary work now have unprecedented access, and businesses can now access global labor pools thanks to the growth of digital platforms, smartphone applications, and online marketplaces. The source and utilization of labor have been revolutionized by platforms such as Uber and Lyft for ride-sharing, Upwork and Fiverr for freelancing, and TaskRabbit for various jobs.

**Changing Workforce Preferences:** A sizable portion of workers, especially millennials and Generation Z, prefer working with flexibility and autonomy. Working independently, setting your own hours, and avoiding the rules of traditional 9–5 work are all made possible by the gig economy.

**Economic Imperative:** Gig labour is no longer an option for many workers, but rather a necessity. Many have been forced to seek gig labour as a source of income when full-time employment is scarce or unavailable due to economic downturns like the COVID-19 pandemic and the 2008 financial crisis.

### **Implications of the COVID-19:**

Epidemic due to the COVID-19 pandemic, the gig economy grew more quickly as millions of people were laid off and looked for new sources of income. Gig platforms saw a sharp rise in demand, especially in e-commerce and delivery services. The health risks, erratic income, and lack of benefits like sick leave and health insurance made gig workers even more vulnerable during the pandemic.

### **Types of Gig Work Jobs:**

In the gig economy range from low-skilled, task-oriented labor to high-skilled professional services. The main types of gig labor are categorized in this section along with examples for each.

**Services On Demand:** On-demand service platforms connect customers with employees who offer timely or nearly immediate services. Examples include:

**Ride-sharing:** Businesses like Uber and Lyft connect drivers with passengers in need of transportation.

**Delivery Services:** Food, groceries, and a variety of other goods may be delivered thanks to platforms like DoorDash, Postmates, and Uber Eats.

**Personal Services:** Websites like TaskRabbit connect employees with individuals in need of assistance with household tasks like moving, cleaning, or assembling furniture.

**Contractual and Freelance Work:** Independent professionals who offer their services on a project or task basis are referred to as freelancers. Illustrations include: On websites like Upwork, Fiverr, and Freelancer, freelancers offer creative and digital skills like writing, graphic design, web development, and digital marketing. Professional services and consulting: Highly qualified experts, including management consultants, solutionContractual and Freelance Work Independent professionals who offer their services on a project or task basis are referred to as freelancers. Illustrations include: On websites like Upwork, Fiverr, and Freelancer, freelancers offer creative and digital skills like writing, graphic design, web development, and digital marketing. Consulting and Professional Services: Instead of working full-time, highly qualified specialists like software engineers, management consultants, and legal advisers frequently operate on contract with many clients.

### **Factors Influencing the Gig Economy:**

A number of technological, societal, and economic factors have contributed to the gig economy's rapid growth. The primary causes of the rise in gig work are examined in this section.

### **Technological advancements:**

Connectivity on the Go: Instantaneous, location-specific job matching has been made possible by the widespread use of smartphones and mobile applications, allowing employees to accept jobs while they're on the go.

Systems for Digital Payments: Payment processes have been optimized by digital platforms, enabling quick and safe transactions between employees and clients.

Algorithms and artificial intelligence: In order to match workers with tasks based on geography, availability, and skill set, platforms frequently employ AI-driven algorithms, which increases efficiency.

### **Globalisation and Labour Market Adaptability:**

Businesses may now access a global talent pool thanks to globalization, which lowers labor costs by contracting out work to gig workers in nations with strong economies. As a result, businesses may expand quickly and adapt to changes in the market without having to deal with the long-term commitments associated with full-time employees.

### **Alteration of Employee Preferences:**

The modern worker is increasingly prioritizing independence, flexibility, and work-life balance. Because it allows people to select their own schedules and projects that align with their interests and skills, the gig economy offers a strong alternative to traditional work.

### **Economic Imperative and Employment Displacement:**

For several employees, the gig economy serves as a reaction to economic instability and job loss. Recessions, technological shocks, and structural transformations in sectors like manufacturing and retail have diminished the availability of steady, full-time employment, compelling many to seek gig labour out of need.

### **Obstacles Encountered by Gig Workers:**

The gig economy provides flexibility and autonomy; nonetheless, it poses considerable issues for workers, especially in terms of income volatility, absence of benefits, and restricted legal safeguards. This section analyses the main issues encountered by gig workers.

### **Income Fluctuation and Economic Uncertainty**

:

The lack of steady income is one of the main challenges faced by gig workers. Gig workers receive fluctuating income because they are paid on a task-by-task or project-by-project basis, unlike regular employees. Additionally, when assignments are unavailable, gig workers frequently experience periods of idleness, which increases income volatility.

### **Absence of Social Protections and Benefits:**

Since most gig workers are classified as independent contractors, they are not entitled to the benefits and protections that full-time employees enjoy, such as: Because they frequently do not have access to employer-sponsored health insurance, gig workers are vulnerable to high medical costs.

Retirement Benefits: Gig workers must rely on personal savings for retirement in the absence of employer-sponsored retirement plans like 401(k)s or pensions, which is further challenging by the erratic nature of gig income.

Unemployment Insurance: Because gig workers are categorized as independent contractors rather than employees, they frequently aren't eligible for unemployment insurance, which leaves them without a safety net when they're unemployed.

### **Employment Insecurity and Absence of Career Advancement:**

Due to the fact that their employment is contingent upon the availability of projects or assignments, gig workers are inherently unstable. Gig workers do not have long-term contracts or guaranteed hours as regular employees do, and they have little protection if

they are "deactivated" or taken off platforms at any time. Additionally, gig labor sometimes lacks clear career advancement, which makes it more difficult for employees to develop their talents and grow in their careers.

#### **Legal Ambiguities and Misclassification:**

In the gig economy, classifying people as independent contractors rather than employees is a serious problem. This distinction has significant implications for labour rights because independent contractors are not entitled to the same legal protections as employees, such as minimum wage laws, overtime pay, and rights to collective bargaining. This designation, according to many gig workers and labour activists, frequently amounts to worker misclassification, intended to reduce labour costs and circumvent labour laws.

#### **Exploitation and Power Disparities:**

The power imbalances that exist between gig workers and the platforms they rely on for work can lead to exploitation. Platforms frequently set the parameters of engagement—such as pay scales, working conditions, and performance standards—without much employee participation. As a result, gig workers may have less negotiating leverage and experience unfair orThe power imbalances that exist between gig workers and the platforms they rely on for work can lead to exploitation. Platforms frequently set the parameters of engagement—such as pay scales, working conditions, and performance standards—without much employee participation. Gig workers may therefore have less negotiating leverage and be subject to unfair or exploitative practices, such as low pay, high commissions, or strict deactivation policies.

#### **Legal Frameworks and Regulatory:**

Reactions Governments and lawmakers throughout the world have found it difficult to enact laws governing gig employment and protecting gig workers' rights as the gig economy has grown. This section looks at the

various ways that the gig economy is regulated and the challenges of creating appropriate legal frameworks.

#### **Legal Status and Worker Classification:**

Regarding the regulation of the gig economy, the classification of gig workers as independent contractors or employees is a highly contentious topic. This classification has been challenged in a number of well-known court cases, which contend that gig workers must be considered employees with the associated labour rights.

#### **California Assembly Bill 5 (AB5) :**

A landmark law passed in California in 2019, aims to reclassify many gig workers as employees rather than independent contractors. A three-part "ABC test" was developed by AB5 to determine if a person is an independent contractor or an employee. The ABC test states that an individual is not considered an employee until the hiring organization can demonstrate that: The employee works independently of the hirer's supervision and direction about the task's performance. (a) The worker performs duties that are not normally performed by the hiring organization. (a) The employee frequently works for a self-established business, trade, or profession. Despite its goal of protecting gig workers' rights, AB5 caused a lot of controversy and opposition from companies that provide gig employment, like Uber and Lyft, who claimed that the law would reduce worker flexibility and threaten their business models. Proposition 22, which was approved by California voters in 2020, freed delivery and ride-sharing services from AB5's requirements while offering gig workers limited benefits including health insurance and medical stipends.

#### **Regulations of the European Union (EU):**

The European Union has taken action to protect gig workers' rights. The EU passed the Directive on Transparent and Predictable Working Conditions in 2019 with the goal of improving gig workers' working conditions by ensuring that

they are fully informed about their rights and responsibilities. Furthermore, a number of EU nations, such as Spain and the Netherlands, have passed or proposed legislation to reclassify gig workers as employees or grant them labour rights.

### **Minimum Wage and Compensation Safeguards:**

Several countries have taken steps to ensure fair compensation for gig workers in response to concerns about wage theft and insufficient compensation in the gig economy. In 2018, New York City's Taxi and Limousine Commission (TLC) imposed a minimum pay requirement for ride-sharing drivers, requiring them to receive at least \$17.22 per hour after expenses. Legislation to establish a minimum level of compensation for gig workers has been considered by some municipalities and governments.

### **Collective Negotiation and Labour Organisation:**

Due to the dispersed nature of freelance labor and their classification as independent contractors, gig workers have always faced difficulties with collective bargaining and worker organization. Considerable efforts have been made to better organize gig workers and advance better working conditions. In a number of cases, gig workers have formed worker cooperatives or unions to bargain with platforms for more pay, benefits, and employment stability. In order to protest salary cuts and poor working conditions, gig workers in the UK successfully organized a strike against Uber Eats and Deliveroo in 2020.

### **The Prospects of Gig Employment:**

The Potential for Gig Work It is anticipated that the gig economy will continue to expand and change over the next years due to advancements in technology, shifting labor markets, and evolving legal frameworks. This section looks at important trends and potential developments that could affect gig work in the future.

### **Technological Advancement and the Ascendance of Artificial Intelligence :**

Automation and artificial intelligence (AI) will become increasingly important in the gig economy as these technologies advance. AI-powered solutions could increase productivity by reducing administrative workloads, improving user experience, and matching staff with tasks. However, AI poses challenges for gig workers since it may automate some job types, reducing the need for human labor in industries like data entry, customer service, and transportation.

### **Globalisation and the Gig Economy:**

Due to cross-border interactions between clients and employees through digital platforms, the gig economy is inherently global. People in low-income countries may have more possibilities to interact with global labour markets as a result of the gig economy's spread into emerging economies. However, because gig platforms may take advantage of lower labor costs and laxer labour rules in developing nations, globalization raises concerns about labor exploitation.

### **The Future of Work-Life Integration and Employee Autonomy:**

When compared to traditional employment, gig workers have an unmatched level of freedom and flexibility. Organizations and governments may need to reassess their work structures in order to accommodate the growing number of employees who choose flexible work arrangements. A hybrid paradigm for gig labor may be part of the future, allowing people to explore flexible job opportunities while keeping the security and safeguards of regular work.

### **Conclusion:**

The emergence of the gig economy signifies a significant transformation in the nature of employment, presenting both possibilities and difficulties for individuals, enterprises, and policymakers. Although gig employment offers flexibility and autonomy, it also subjects workers to considerable dangers, such as income

volatility, absence of benefits, and legal uncertainties. With the expansion of the gig economy, it is imperative for governments and platforms to tackle these concerns via specific legal changes and novel business models. The future of gig labour will ultimately hinge on the capacity of workers, employers, and governments to adeptly manage the intricacies of the gig economy, while safeguarding workers' rights and optimising economic prospects for everyone.

### References:

1. Troisi, O.; Visvizi, A.; Grimaldi, M. The different shades of innovation emergence in smart service systems: The case of Italian cluster for aerospace technology. *J. Bus. Ind. Mark.* 2021. ahead-of-print. [Google Scholar] [CrossRef]
2. Research and Innovation Forum 2020: Disruptive Technologies in Times of Change; Visvizi, A.; Lytras, M.D.; Aljohani, N.R. (Eds.) Springer: Cham, Switzerland, 2021; Available online: <https://www.springer.com/gp/book/9783030620653> (accessed on 2 April 2021). [CrossRef]
3. Hoang, L.; Blank, G.; Quan-Haase, A. The winners and the losers of the platform economy: Who participates? *Inf. Com. Soc.* 2020, 23, 681–700. [Google Scholar] [CrossRef]
4. Kenney, M.; Zysman, J. The platform economy: Restructuring the space of capitalist accumulation. *Cam. J. Reg. Econ. Soc.* 2020, 13, 55–76. [Google Scholar] [CrossRef]
5. Caplan, R.; Gillespie, T. Tiered Governance and Demonetization: The Shifting Terms of Labor and Compensation in the Platform Economy. *Soc. Media Soc.* 2020, 6, 1–13. [Google Scholar] [CrossRef]
6. Xu, X.; Lee, C. Utilizing the platform economy effect through EWOM: Does the platform matter? *Int. J. Prod. Econ.* 2020, 227, 107663. [Google Scholar] [CrossRef]
7. Mucha, T.; Seppala, T. Artificial Intelligence Platforms—A New Research Agenda for Digital Platform Economy. *ETLA Work. Pap* 2020, 76, 1–16. [Google Scholar] [CrossRef] [Green Version]
8. Kapoor, K.; Ziaee Bigdeli, A.; Dwivedi, Y.K.; Schroeder, A.; Beltagui, A.; Baines, T. A socio-technical view of platform ecosystems: Systematic review and research agenda. *J. Bus. Res.* 2021, 128, 94–108. [Google Scholar] [CrossRef]
9. Healy, J.; Nicholson, D.; Pekarek, A. Should we take the gig economy seriously? *Labour Ind. J. Soc. Econ. Relat. Work.* 2017, 27, 232–248. [Google Scholar] [CrossRef]
10. Manyika, J.; Lund, S.; Bughin, J.; Robinson, K.; Mischke, J.; Mahajan, D. *Independent Work: Choice, Necessity, and the Gig Economy*; McKinsey Global Institute: San Francisco, NC, USA, 2016; Available online: <https://www.mckinsey.com/featured-insights/employment-and-growth/independent-work-choice-necessity-and-the-gig-economy> (accessed on 24 April 2021).
11. Alahmadi, D.; Babour, A.; Saeedi, K.; Visvizi, A. Ensuring Inclusion and Diversity in Research and Research Output: A Case for a Language-Sensitive NLP Crowdsourcing Platform. *Appl. Sci.* 2020, 10, 6216. [Google Scholar] [CrossRef]
12. Barykin, S.Y.; Kapustina, I.V.; Kirillova, T.V.; Yadykin, V.K.; Konnikov, Y.A. Economics of Digital Ecosystems. *J. Open Innov. Technol. Mark. Complex.* 2020, 6, 124. [Google Scholar] [CrossRef]