

## EMPLOYER LIABILITY AND EMPLOYEE RIGHTS IN THE AGE OF DIGITAL WORKSPACES

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### ABSTRACT

*Examining the rising discrepancy between the official definitions of work and rest intervals, and the ways in which work is actually carried out in practice, the study explores the idea of labour time in the digital age. Traditional ideas of working hours have been challenged by technological breakthroughs that allow employees to work remotely and stay connected at all times. Two primary strategies for controlling working hours have emerged as a result of these advances. The first strategy aims to restrict the work schedule in order to provide regular and controlled work periods, returning to traditional ideas of working hours. The second strategy downplays the significance of set working hours by embracing the flexibility made possible by technology and emphasizing the ability to work from anywhere at any time. However, both strategies have serious drawbacks. While the second method can compromise the core goal of labour rights by ignoring the need for rest and appropriate remuneration, the first approach fails to adequately account for the revolutionary impact of digital technology on work practices. To address these issues, the study proposes a novel approach to time management that integrates the principles of labour protection with the structure and logic of the digital workplace. The default standards introduced by the proposed framework provide genuine rest periods during the workday, pay employees for actual labour completed, and give them essential rights. While maintaining the fundamental goals of labour rights, the framework also enables employers and workers to bargain for more working hours and their monetary value in a way that takes into account the opportunities presented by the digital era. By striking a balance between protection and flexibility, this strategy seeks to develop a more just and efficient framework for modern labour management.*

**KEYWORDS:** Labour time, Digital workplace, Working hours, Remote work, Labour rights, Time management, Flexibility,

### INTRODUCTION

The American system of employment regulation has two tracks. "Labour law" creates the framework for collective bargaining and other types of employee collective action, whereas "employment law" establishes minimum employment requirements for all workers. Employment laws define minimum pay, safety and health standards, old-age benefits, unemployment insurance, compensation for

industrial injuries, child care and medical leave requirements, and other employment minimums. Because employment law requirements are primarily intended to be floors, they do not eliminate the need for workers to bargain, individually or collectively, for employment standards that exceed the specified minimums (Liukkunen, 2019).

The two-track regulatory structure reflects American labour law's dedication to resolving

distributional issues through private negotiation rather than involving them in politics (Venkataraman, 1998).

Employment and Social Development Canada (ESDC) wants to reform labour standards and released a report in 2018 summarizing public consultation responses. One of the key concerns made by unions and labour organizations, employers and employer organizations, academics, advocacy groups, and other professionals is that the concept of working time needs to be revised to reflect the present era (McDougall, 2019).

The research notably addresses the issue of work intruding on people's personal lives as a result of the new technical ability to work remotely. For example, the report quotes an online survey responder as saying, "I have seen in my own family my husband burn out and get seriously ill from working around the clock and constantly being 'on' for his project management job. I would want to see the government set the tone and limit work outside of normal working hours (Grant et al., 2013)."

According to the research, 93% of survey respondents agreed that employees should have the ability to refuse to respond to work-related correspondence outside of working hours (known as the "right to disconnect"). Referring to other global initiatives, the Canadian government recognized the issue of constant work in the modern world as a regulatory priority for 2019, with a focus on the right to disconnect (ZLATANOVIĆ, 2023).

Employee monitoring is becoming increasingly crucial in today's environment of digital innovation as a result of widespread use of technologies that both increase productivity and jeopardize employee privacy. Better legal foundations are required for operations such as GPS tracking, email analysis, and computer surveillance. This is essential to strike a reasonable balance between employee privacy rights and data protection (McParland & Connolly, 2019).

Thanks to the use of artificial intelligence and machine learning technology, there are practically endless monitoring opportunities available today. While this improvement in personnel monitoring provides major benefits for resource management and security, it also introduces new privacy and ethical concerns. The goal of this essay is to investigate and establish a balanced strategy for employee monitoring in the present world, where digital technologies are becoming more significant in the workplace. The authors seek to achieve a healthy balance between data protection and privacy rights by investigating the effects of regularly used technologies that, while enhancing productivity, may also jeopardize employee privacy (Deranty & MacMillan, 2012).

## INTERNATIONAL LABOUR

### ORGANIZATION

The ILO pursues the goal of 'decent work' and promotes a decent work agenda (adopted in 1999) with four basic 'pillars': employment creation as the primary route out of poverty; workplace rights, which empower men and women to escape poverty; social protection, which protects against poverty; and tripartism and social dialogue. The ILO encouraged the implementation of large-scale, coordinated response measures to the current pandemic across three key pillars: worker protection, economic stimulation, and employment creation (Maupain, 2013).

Meanwhile, the ILO released guidelines to help restart workplaces by creating safe, effective, and human-centred settings, with an emphasis on putting people's rights at the heart of environmental, economic, and social policies. One of the ILO's key functions is to approve and supervise conventions and recommendations that establish basic labour standards. Conventions impose enforceable responsibilities to carry out their contents when member states ratify them (Douglas et al., 2004).

Among international organizations, the ILO has a distinct supervision system. Countries must

report on the implementation of conventions they have ratified at regular periods. These reports are evaluated by an impartial expert committee at the International Labour Organization. If a country fails to meet its commitments, the committee may issue an observation. Our statistical analysis demonstrates that most observations are repeated, indicating the long-term nature of the supervisory work. Again, there is a significant disparity in the quantity of observations received across industrialized and developing countries, as well as across traditional subjects (Howorth, 1985).

The ILO was founded in response to trade unionists, governments, and charitable employers' concerns that improving working standards in one nation might result in a loss of market share for domestic producers due to an increase in production costs. To thwart this system, some level of international cooperation appeared to be required. Among states, the Swiss in particular advocated the formation of an international organization (Van Daele, 2005).

As a result, Berlin hosted the first international conference on worker protection in 1889. In 1900, the International Association for Labour Legislation was founded in Basle, with the International Labour Office serving as its administration. The Association generated the first proposals for international agreements, and a diplomatic conference was held in Berne in 1905 to discuss them. The following year, a technical (rather than diplomatic) meeting established two treaties. The first concerns women's night labour, while the second prohibited the use of white phosphorus in the manufacturing of matches. Prior to the outbreak of World War I, industrialized countries had signed a number of bilateral treaties governing labour market conditions (Ambroziak, 2013).

The International Labour Organization was created in 1919, which was a watershed moment in Western labour and social policy. Its constitution, created by a committee appointed by the Peace Conference, became Part XIII of

the Treaty of Versailles. It has been, in principle, the legal foundation of the ILO until today (Cremers, 2016).

### EU DIRECTIVES

The European Union's internal market aims to ensure the free movement of commodities, services, capital, and individuals. The emphasis on these economic freedoms has resulted in a socioeconomic rationale characterized by competition, with potential consequences for working conditions and labour norms. The study investigates the contentious link between economic liberties and labour standards in the context of cross-border labour recruiting (Lewin, 1964).

It begins with an overview of the relevant EU acquis, specifically the regulations governing social security coordination and the pay and working conditions of posted workers. It examines important concerns in the 'hard core' of internal market legislation (free contract choice, firm establishment freedom, deregulation of the 'business environment', and free provision of services) (Nic Shuibhne, 2002).

The next part discusses experiences with rule-enforcing institutions, such as regime shopping, noncompliance with social standards, a lack of cross-border enforcement, the difficulties of identifying circumvention in a transnational environment, and poor punishment procedures. The ability to check, legally and practically, whether a worker is correctly posted within the context of service supply has become an Achilles heel in the enforcement of the use of cross-border recruited workers. The essay also evaluates whether the 2014 Enforcement Directive can be viewed as a successful solution to the stated issues (Bauböck, 2009).

Some of the fundamental provisions governing the free movement of workers and services date back to the previous EEC period. The 1957 Rome Treaty, which established the European Economic Community (EEC), included various measures aimed at assuring social gains for residents. The free movement of individuals and

labour was one of the essential freedoms guaranteed by the Treaty of Rome (1957, Articles 48-51). The Treaty grants European citizens the right to seek employment and labour in any EEC Member State (Jain, 2024).

The guiding premise for free movement was (and continues to be) the *lex loci laboris* principle, which states that the legislation of the new nation of residency will apply. Workers who relocate to another Member State have the right to be treated in social security schemes as if they were citizens of that host country. The *lex loci laboris* concept suggests that discrimination based on nationality is illegal in terms of salary and working conditions when people move for work (George & George, 2024).

This means that workers who travel on their own initiative to work in a country other than their own have the same rights and responsibilities as citizens of that host country. They employ the same remedies to address violations of their rights, whether through union membership or other forms of collective representation, individual action, or litigation (Lescrauwaet, 2022).

### **The Rise of Flexible, Remote, and Gig-Based Employment.**

The emergence of remote work and the gig economy represents a substantial shift in the structure and expectations of modern employment. These innovative models have transformed traditional work dynamics, providing unprecedented flexibility, autonomy, and opportunities for both employees and businesses. Remote work has proved the practicality and productivity of decentralized operations, while the gig economy has provided a new avenue for revenue production and career diversification.

However, this transformation is not without complexities. Job stability, access to benefits, social isolation, and regulatory gaps remain significant issues that require strategic attention. The transition to these flexible work arrangements also requires a reconsideration

of workplace culture, management practices, and labour legislation to guarantee that the worker stays protected and supported.

As technology accelerates this transformation, enterprises and governments must work together to develop inclusive frameworks that strike a balance between flexibility and fairness. This entails creating rules that extend social rights to gig workers and providing remote employees with internet infrastructure and mental health assistance. Ultimately, the future of employment will be determined by how well society adapts to these new paradigms. Embracing remote work and the gig economy, along with careful innovation and regulation, can result in a more adaptive, inclusive, and resilient labour market in the years ahead.

### **LITERATURE REVIEW**

**Prajapati, R., & Ambar, M. T. (2025).** The study examines the rise of remote and gig-based work arrangements, as well as the consequences for the future of employment. It investigates the reasons that contribute to their expansion, such as technology advancement, changing workforce demographics, and a desire for more work-life balance. The study also discusses the opportunities that these models provide, such as increased productivity, access to global talent, and diversified revenue streams. However, it also critically examines the linked issues, such as job insecurity, a lack of social protections, and digital inequality. The assessment emphasizes the importance of updated labour legislation and adaptive organizational tactics in ensuring equitable and sustainable work environments in the rapidly expanding digital economy.

**Rahman et al. (2024):** The paper evaluates freelance labor management using the resource-based view (RBV) and transaction cost economics (TCE), two useful theoretical tools. RBV evaluates freelancer calls, while TCE conducts benefit and cost analyses when recruiting freelancers or home workers. Given the qualitative nature of the research, a combination of interviews and focus groups

with stakeholders operating on the gig economy platform, as well as a review of strategic and legal papers, will be used to investigate the inner workings of gig employment.

The preliminary findings indicate that organizational flexibility, personalizing human management, and strategic integration of gig workers are the most important variables for ensuring corporate success in a quickly changing market context. Nonetheless, without the gender wage disparity and legislative safeguards, it is clear that more effort is needed on these. The study's goal is to raise issues that should be addressed in gig employment, such as the development of HR policies and regulatory standards that encourage the sustainability of gig labour while also protecting worker rights, which can help to create a balanced and equitable gig economy.

**Oranburg, S. C. (2018):** The paper advocates for unbundling employment benefits so that gig economy workers can receive a better mix of benefits and income. The study also lays forth a framework for a more flexible employee benefits system. It thus provides three contributions. First, the paper shows how a stringent demand for employment benefits can hurt workers. Second, it demonstrates how labour law should include developments in economic theory that it has previously overlooked. Third, the study proposes a flexible approach for addressing the vexing problem of strict labour categorization.

**Flanagan, F. (2019):** The study contends that digital platforms are vehicles of a fundamental shift in the governance of home-based service activity, from a 'dyadic' to a 'structural' dominance. Intermediaries played almost no role in the former system's operation, but they play a critical role in the latter, serving as aggregators of data about workers' responsiveness and speed, allowing market-based disciplinary mechanisms to operate without regard for public law and in a much

larger spatial context than was previously possible.

Short-termism and worker fungibility are prominent aspects of the gig economy model, both of which are intrinsically harmful to quality caring relationships that require an atmosphere of trust and non-instrumentality. The sophisticated historical study has several implications for future digital platform legislation, union responses, and industry strategy.

**Aithal, P. S. (2024):** According to the study, the Global Internet-based Growing (GIG) Economy refers to the quickly developing digital marketplace caused by the widespread availability of internet access and technology. It includes a wide range of internet platforms and services that allow for flexible, on-demand employment arrangements such as freelancing, remote work, and gig jobs.

This economy is distinguished by its global reach, which allows individuals and organizations to communicate, collaborate, and transact across borders. The GIG Economy provides chances for people to earn money and gain experience with greater flexibility and autonomy, but it also poses issues such as job security, benefits, and regulatory monitoring.

Its expansion is driven by developments in digital infrastructure, the increasing digitization of numerous industries, and the workforce's shifting desires for more adaptable and tech-enabled employment opportunities. With the objectives of (i) Analyzing the Characteristics and Dynamics of the GIG Economy, (ii) Examining the Specific Impacts on Generation Z (individuals born between 1997 and 2012), (iii) Investigating the Future Implications for Generation Alpha (individuals born after 2013), (iv) Identifying Key Challenges Posed by the GIG Economy, and (v) Highlighting Opportunities and Strategic Approaches for Success and (vi) To Provide Policy Recommendations and Future Directions, this study seeks to provide a comprehensive analysis of the GIG economy's current situation and future possibilities, with a

particular emphasis on the consequences for Generation Z and Alpha. By addressing both obstacles and potential, the paper aims to provide a balanced perspective and actionable insights for stakeholders such as politicians, educators, and young workers navigating this new economic landscape.

### RESEARCH GAP

The review of existing literature and policy frameworks reveals that, while several studies have looked into the impact of digitalization, remote work, and the gig economy on employment patterns, there is still a significant gap in understanding how traditional labour law principles can be effectively applied to the realities of digital workspaces. The majority of extant research focuses on either the economic and technological aspects of remote work, or on the organizational benefits and problems of flexibility. However, there has been little discussion of the legal and ethical ramifications of constant connectivity, employee surveillance, and blurred work-life boundaries.

Furthermore, previous research has primarily focused on established economies such as the United States, Canada, and European Union member countries, with little comparative study of how these regulatory experiences can inspire labour law reforms in other jurisdictions. While international mechanisms such as the International Labour Organization promote decent work and social protection, the application of these principles in digital labour situations is primarily theoretical and unexplored.

Another gap noted is the lack of a consistent legal framework that allows the flexibility of digital work while also protecting employee rights such as privacy, rest, and fair compensation. Current legal approaches either rigorously preserve conventional working hour arrangements or enable complete flexibility, neither of which addresses the varied reality of modern employment.

As a result, this study aims to address a research gap by providing a balanced and adaptable regulatory paradigm that aligns technological innovation with the fundamental goals of labour rights. It seeks to add to the ongoing discussion of employer liability and employee protection in the digital age by combining comparative insights, ethical issues, and practical policy recommendations.

### SIGNIFICANCE OF THE STUDY

The significance of this study stems from its attempt to re-examine one of the most fundamental components of labour law, namely the control of working time, in the context of an increasingly digital society. As technology continues to alter how and where work is done, the traditional lines between professional and personal life become increasingly blurred. The legal system that was previously effective in controlling physical workplaces is now fighting to remain relevant in an era where work can take place anywhere and at any time.

The study is significant because it closes the conceptual and practical gap between traditional labour law concepts and the developing realities of digital work. By critically analyzing the shortcomings of existing regulatory models and suggesting a balanced framework, the study provides significant insights for politicians, employers, and legal practitioners. It emphasizes the importance of labour regulations that are not only adaptable to new technologies, but also strongly anchored in the protection of workers' rights.

Furthermore, the study acknowledges that, beyond legal systems and economic efficiency, there is a human dimension to employment. It serves as a reminder that, despite of technical advancements, every worker deserves relaxation, fair compensation, and dignity at work. As a result, the study is both academically noteworthy and socially relevant. It advances legal studies while also advancing the larger goal of ensuring that innovation and human welfare coexist in the digital era.

## CONCLUSION

The study indicates that the growing digitization of employment has fundamentally altered the relationship between time, labour, and legal protection. Technology has increased flexibility and convenience, but it has also created issues by blurring the line between work and leisure time. This evolution has shown fundamental flaws in current legal frameworks that either adhere to tight schedules or completely disregard the regulation of working hours. Neither method provides a sustainable or equitable solution for the modern workforce.

In light of these problems, the study suggests a new paradigm for regulating working hours that balances flexibility and fairness. The proposed model ensures that employees are properly compensated for the time they spend working while simultaneously protecting their entitlement to genuine rest. This balanced approach adheres to the essential values of employment law, such as protection, equality, and respect for human dignity, while being adaptable to technological progress.

Finally, the study underscores that true development in the digital age must be assessed not only in efficiency or output, but also in the well-being of those who contribute to it. Labour legislation must change in a way that protects the humanity of the workplace, ensuring that technology advancements improve rather than degrade workers' quality of life. By doing so, society can shape a future of work that is both inventive and humane.

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