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HUMAN RIGHTS CHALLENGES IN GIG ECONOMY: A COMPARATIVE STUDY BETWEEN INDIA AND UK

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LIST OF ABBREVIATIONS

AIR	—	All India Reporter
CAC	—	Central Arbitration Committee
DPDPA	—	Digital Personal Data Protection Act
ECHR	—	European Convention on Human Rights
EPF	—	Employees' Provident Fund
ERA	—	Employment Rights Act
ESI	—	Employees' State Insurance
EU	—	European Union
HMRC	—	His Majesty's Revenue and Customs
HRA	—	Human Rights Act
HSE	—	Health and Safety Executive
ICESCR	—	International Covenant on Economic, Social and Cultural Rights
IFAT	—	Indian Federation of App-Based Transport Workers
ILO	—	International Labour Organization
IWGB	—	Independent Workers' Union of Great Britain
NITI Aayog	—	National Institution for Transforming India
NMWA	—	National Minimum Wage Act
SCC	—	Supreme Court Cases
TGPWU	—	Telangana Gig and Platform Workers Union
TULRCA	—	Trade Union and Labour Relations (Consolidation) Act
UDHR	—	Universal Declaration of Human Rights
UK GDPR	—	United Kingdom General Data Protection Regulation
VISTAS	—	Vels Institute of Science Technology and Advanced Studies
WTR	—	Working Time Regulations

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CHAPTER I INTRODUCTION

1.1 Topic and Significance

The world of work has changed in ways that the law has struggled to keep pace with. Over the past two decades, digital technology gave rise to what is broadly called the 'gig economy': work mediated by platforms, performed on demand, and paid per task rather than through a continuous employment relationship. No employment relationship, technically. Just the app, the algorithm, and the worker. Platforms like Uber, Ola, Zomato, Swiggy, Deliveroo, and Amazon Flex have drawn millions into this arrangement, offering flexibility as the headline benefit while retaining considerable control over the terms on which work is actually done.[277] In the United Kingdom, between 4 and 5 million people engage in some form of platform work.[278]

None of this translates into legal security. Gig workers in both jurisdictions have largely been classified as self-employed independent contractors — a label that places them outside virtually every labour protection the law has to offer. Minimum wage guarantees do not apply. Social security contributions are not made on their behalf. Occupational safety standards were not designed with them in mind. What you end up with is a population of workers whose economic contribution is not seriously in dispute but whose legal rights are fragile, contested, and in too many cases simply absent.[279]

This research examines that fragility through the lens of human rights. It employs a doctrinal methodology, analysing constitutional provisions, statutes, and case law from both India and the United Kingdom, and situates both legal systems against the normative standards of the UDHR, ICESCR, and core ILO Conventions. The comparison is structured thematically across six rights domains: fair remuneration, social security, occupational safety, non-discrimination, freedom of association, and data privacy and dignified labour.[280]

1.2 Research Questions

This study is guided by five questions: what is the current scope of gig work in India and the UK? What are the principal human rights challenges facing gig workers in each jurisdiction? How do the existing legal frameworks address, or fail to address, these challenges? What role have courts played in shaping gig workers' rights? And what reforms are needed to build rights-respecting frameworks for platform-based work in both countries?

1.3 Research Gap

Scholars such as Prassl, De Stefano, and Davidov have produced foundational scholarship on platform work.[281] But sustained comparative analysis placing India and the United Kingdom side by side — specifically examining the full spectrum of human rights at stake rather than employment status alone — remains substantially underdeveloped. This study addresses that gap.[282]

[277]NITI Aayog, 'India's Booming Gig and Platform Economy' (NITI Aayog 2022) 9.

[278]Office for National Statistics, 'Coronavirus and Homeworking in the UK' (ONS 2021).

[279]Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217A(III); International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

[280]Jeremias Prassl, *Humans as a Service* (Oxford University Press 2018) 22–24.

[281]Valerio De Stefano, 'The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowdwork, and Labour Protection in the 'Gig-Economy'' (2016) 155 *International Labour Review* 471.

[282]Guy Davidov, *A Purposive Approach to Labour Law* (Oxford University Press 2016) ch 3.

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CHAPTER II HISTORICAL AND THEORETICAL FRAMEWORK

2.1 Labour Rights as Human Rights

The recognition that labour rights are, at their core, human rights is not a modern invention. The ILO was established in 1919 on the conviction that 'labour is not a commodity' and that lasting peace requires social justice.[283] The UDHR (1948) and the ICESCR (1966) gave treaty form to these principles, recognising in Articles 23–24 and Articles 6–9 respectively the rights to work, just conditions, trade union membership, and social security. Both India and the United Kingdom are bound by the ICESCR, a commitment that this research holds both legal systems to account against.

2.2 The Gig Economy in Context

Three structural features define gig work and all three carry consequences for the human rights analysis that follows. Work is platform-mediated: an app matches customer to provider through automated algorithms. Work is on-demand: tasks appear when demand dictates, not on a roster set by someone else. And work is task-based: pay comes tied to the completed delivery or ride, not to hours on a clock. Per-task payment puts the burden of fluctuating demand, idle time, and vehicle costs entirely on the individual worker. The platform earns its margin regardless.

In India, the gig economy arrived into a labour market already dominated by informality — the National Commission for Enterprises in the Unorganised Sector estimated that 93 percent of India's workforce was employed in the unorganised sector before the digital era. Platforms technologised and scaled conditions informal workers had always known. In the United Kingdom, the Taylor Review of Modern Working Practices (2017) was the most comprehensive official examination of platform work, recommending a new 'dependent contractor' status to capture workers between employment and self-employment — a recommendation that has yet to be fully enacted.[284]

2.3 The Classification Problem

Classification is where gig workers' rights begin to disappear. In both India and the United Kingdom, the protections a working person can access depend almost entirely on how the law has categorised their relationship with the engaging party. The same individual, doing the same work for the same platform, may hold entirely different rights depending on whether a court decides they are an 'employee', a 'worker', or an 'independent contractor'. That is not a regulatory technicality. It determines whether you receive a minimum wage, whether your platform contributes to your pension, and whether a union has legal standing to represent you.

CHAPTER III LEGISLATIVE FRAMEWORK

3.1 Constitutional Framework — India

The Indian Constitution carries implications for gig workers across several provisions, though no provision names them. Article 14 demands equality before the law. The differential treatment of gig workers — denied rights that comparable formally-employed workers enjoy — raises a question of constitutional justification that courts have not yet fully resolved in the platform context.[285] Article 21, interpreted expansively by the Supreme Court since the 1980s, encompasses the right to livelihood, to conditions of dignified work, and to access to social security. A gig worker who earns below subsistence wages and can be deactivated without notice may have a credible Article 21 claim.[286] The Directive Principles in Articles 39(a), 41–43 — a living wage, just and humane conditions, social security — create a constitutional mandate for the state to act that

[283]ILO Constitution (adopted 1919); see also ILO, 'Declaration of Philadelphia' (1944) art I: 'labour is not a commodity'.

[284]Matthew Taylor and others, 'Good Work: The Taylor Review of Modern Working Practices' (Department for Business, Energy and Industrial Strategy 2017) 37.

[285]Constitution of India 1950, arts 14, 21, 23, 39(a), 41–43A.

[286]*Olga Tellis v Bombay Municipal Corporation* (1985) 3 SCC 545 [32]–[33].

a platform's standard-form contract cannot dissolve.

3.2 Constitutional Framework — United Kingdom

Britain has no written constitution. Constitutional protection for workers in the UK has always operated indirectly — through Acts of Parliament and common law — rather than through judicially enforceable guarantees. The Human Rights Act 1998 incorporated the ECHR into domestic law, making Articles 4 (prohibition of forced labour), 11 (freedom of association), and 14 (non-discrimination) directly enforceable.[287] But the ECHR does not contain social and economic rights equivalent to the ICESCR. Fair wages, social security, and safe working conditions rest entirely on statute. Where Parliament has not extended protection to a category of worker, there is no constitutional provision that requires it to do so.

3.3 Indian Statutory Framework

India's labour law landscape, before 2019, was bewildering — forty-four central enactments, most dating from the mid-twentieth century, accumulated in layers. The four labour codes enacted between 2019 and 2020 attempted to rationalise this inheritance. The Code on Social Security 2020 is the most directly relevant: it introduces, for the first time in Indian law, statutory definitions of 'gig worker' and 'platform worker' and creates, in Chapter IX, a social security fund for them financed by aggregator contributions of 1–2 percent of annual turnover.[288] The conceptual advance is real. But so are the limitations — no implementing rules have been notified and no contributions have been collected. The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023, the first state legislation dedicated entirely to gig workers, represents a more concrete experiment: a Welfare Board, a funded welfare scheme, and a procedural protection against arbitrary deactivation.[289]

Critically, the Code on Wages 2019 does not cover independent contractors.[290] Gig workers remain outside the minimum wage framework. The three other labour codes — Industrial Relations Code 2020 and Occupational Safety Code 2020 — likewise retain the traditional employee/contractor binary without modification. The definitional advance of the Social Security Code has not been extended to wages, safety, or industrial relations.

3.4 UK Statutory Framework

The United Kingdom has enacted no legislation specifically targeting gig or platform workers. The regulatory framework that applies to them is assembled from general employment statutes whose authors were thinking about something quite different. The Employment Rights Act 1996 draws a tripartite distinction between employees (full statutory rights), workers (national minimum wage, working time protections, pension auto-enrolment), and genuinely self-employed contractors (no statutory entitlements).[291] The National Minimum Wage Act 1998, the Equality Act 2010, and the Trade Union and Labour Relations (Consolidation) Act 1992 all extend to workers but not to independent contractors. The question of whether gig workers qualify as workers has been the central battleground of UK gig economy litigation for nearly a decade.

3.5 International Standards and Structural Gaps

ILO Employment Relationship Recommendation No. 198 (2006) calls on member states to look through contractual labels to the economic reality of the working relationship and to address the practice of disguising employment relationships.[292] Both India and the United

[287]Human Rights Act 1998 (UK), incorporating ECHR arts 4, 11, 14.
[288]Code on Social Security 2020 (India) ch IX, ss 109–114.
[289]Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023 (India).
[290]Code on Wages 2019 (India) s 2(k) (definition of 'employee' excluding independent contractors).
[291]Employment Rights Act 1996 (UK) s 230(3).
[292]ILO Employment Relationship Recommendation No 198 (2006) paras 4, 9, 11.

Kingdom have ratified significant numbers of ILO conventions. At a minimum, that creates an obligation of good faith toward these standards. Whether that obligation is being honoured in the gig economy context is, as this research documents throughout, considerably more than a rhetorical question.

Three structural gaps afflict both jurisdictions. The definitional gap: neither has resolved the classification ambiguity in a way that produces immediate, enforceable rights across all labour codes. The social protection gap: significant numbers of gig workers have no access to state-backed social insurance for illness, injury, or old age. The enforcement gap: even where rights exist on paper, practical enforcement depends on individual workers bringing claims they often cannot afford to pursue.

CHAPTER IV HUMAN RIGHTS CHALLENGES

4.1 Fair Remuneration

Article 7 of the ICESCR guarantees fair wages and a wage sufficient to sustain a decent living. India's Code on Wages 2019 does not cover independent contractors. Platforms pay per task; the worker manages fuel, maintenance, and waiting time from whatever the platform leaves them with. NITI Aayog data showed average monthly gig earnings between ₹9,000 and ₹14,000 — levels that formal minimum wage law would not permit in any scheduled employment it actually reaches. No gig worker negotiates their rate. An algorithm sets the fare; promotional campaigns cut it; the worker absorbs the income loss while the platform retains control of every variable that governs earnings.

The United Kingdom tells a partially better story for those gig workers who have won litigation. After the Supreme Court's ruling in *Uber BV v Aslam*, Uber drivers became entitled to the National Living Wage — £12.21 per hour from April 2024 — for all time logged into the app and available for rides.[293] That matters: waiting time is working time. But the protection is narrow. It flows only to those whose status has been litigated; workers on other platforms face the same conditions without the same resolution.

4.2 Social Security

Article 9 of the ICESCR recognises the right to social security. India's formal sector employees take two protections for granted: the Employees' Provident Fund (retirement savings) and the Employees' State Insurance scheme (medical care, sickness benefit, maternity pay, employment injury coverage). Gig workers get neither. They are contractors. No retirement contributions accumulate. No ESI card covers their hospital visits. If a delivery rider is knocked off their motorcycle during a delivery, the medical bills are theirs alone. The Code on Social Security's Chapter IX promised to change this through a funded social security scheme. As of the time of writing, no scheme has been notified and no contribution has been collected.

In the United Kingdom, auto-enrolment in workplace pensions and National Insurance contributions are available in principle to those gig workers with worker status. However, many gig workers earn below the auto-enrolment threshold from any single platform and fall outside the system in practice, even though their total gig earnings are substantial. A portable benefits system — entitlements accruing to the worker personally across all platforms and all hours worked — is the reform that both jurisdictions urgently need.

4.3 Occupational Safety

Both jurisdictions fall short on occupational safety. In India, the Occupational Safety Code 2020 simply does not reach gig workers — it was designed for formal workplaces with identifiable employers. Delivery riders and cab drivers face well-documented risks: road accidents, violence, and exhaustion from incentive structures that reward speed over safety. The cost of those injuries falls entirely on the individual. No mandatory accident compensation. No platform liability. In the

[293] National Minimum Wage Act 1998 (UK); National Living Wage rate: £12.21 per hour from April 2024.

United Kingdom, the Health and Safety at Work Act 1974 potentially extends to gig workers through the duty on persons conducting an undertaking, but enforcement is limited and unsystematic.

4.4 Non-Discrimination

Discrimination did not become less real when work moved online. Research in the United Kingdom and the United States has documented racial and gender bias embedded within ride-hailing platforms' allocation systems: drivers from certain ethnic backgrounds received systematically fewer ride acceptances. In India, caste, religion, and gender add further complexity onto an already under-studied problem. Women are significantly underrepresented in the higher-earning gig sectors and overrepresented in the lower-earning ones. Algorithmic management permits and can entrench these disparities without any named discriminator ever being identified.

4.5 Freedom of Association

Collective action has historically been the most effective instrument available to workers against the structural power of capital. The right to form unions and bargain collectively is recognised in Article 23(4) of the UDHR and ILO Conventions No. 87 and No. 98. And yet, in the context of gig work, this right remains in both jurisdictions more theoretical than practical. The structural barriers begin before any legal question arises: gig workers are scattered across a city, their hours vary unpredictably, and the algorithm pits them against each other for work. When a gig worker strikes, they do not shut down a production line — they simply lose a day's earnings while the platform routes work seamlessly to those who remain.

4.6 Privacy and Dignified Labour

Gig economy work is watched constantly. Every GPS ping, every second of idle time, every customer rating — recorded, processed, fed into an algorithm that decides without human review what work the worker receives next or whether they are deactivated entirely. The UK GDPR's Article 22 gives workers the right to demand human review of decisions taken purely by automated means. That right exists on paper. In practice, platforms have been slow to build the human review processes that Article 22 contemplates, and enforcement by the Information Commissioner's Office in the gig sector has been limited. India's Digital Personal Data Protection Act 2023 is a step forward, but the implementing rules had not been finalised at the time of writing.

CHAPTER V ROLE OF THE JUDICIARY

5.1 Judicial Approach in India

India's judiciary has not yet had its Uber moment. The foundational doctrinal tools exist: the control test (does the alleged employer direct *how* work is done, not merely the outcome?[294]), the organisation test (is the worker integral to the business or merely peripheral to it?), and the economic reality test (does the worker genuinely operate an independent commercial enterprise?). Applied to gig workers — who must use the platform's app, comply with platform pricing, and risk deactivation for non-compliance — these tests are capable of reaching the same destination as UK courts have reached. The Indian Federation of App-Based Transport Workers (IFAT) petition, pending before the Supreme Court and challenging the constitutional validity of denying labour protections to gig workers, may be the moment that converts constitutional potential into enforceable precedent.

5.2 Judicial Approach in the United Kingdom

The UK courts had no choice but to engage. The tripartite statutory classification gave gig workers a legal hook. In *Autoclenz Ltd v Belcher* [2011] UKSC 41, the Supreme Court established the foundational principle that courts are not bound by the written contractual label; they must look to the *true agreement* between the

[294] *Dharangadhara Chemical Works Ltd v State of Saurashtra* (1957) SCR 152; Indian Federation of App-Based Transport Workers (IFAT) v Union of India, Writ Petition (Civil) No 1168 of 2021 (pending).

parties as evidenced by the economic reality of the relationship.[295] This principle became the engine of gig economy employment law.

In *Uber BV v Aslam* [2021] UKSC 5, Lord Leggatt identified five features of the Uber model that pointed unambiguously toward worker status: Uber set the fares, imposed the contractual terms, logged drivers off who declined too many trips, ran the customer rating system, and controlled all communications between driver and passenger. Five factors. All pointing one way. The Court held unanimously that the drivers were workers entitled to the National Minimum Wage and paid annual leave.[296] The decision has been described as the most important employment law judgment of the twenty-first century in the United Kingdom.

Not all gig litigation has been resolved in workers' favour. In the Deliveroo litigation, the Central Arbitration Committee and subsequently the Court of Appeal held that riders were not 'workers' under the TULRCA 1992 because a genuine substitution clause prevented the personal service requirement from being satisfied.[297] The decision elevated contractual technicality over economic reality and was widely criticised by scholars. But courts interpret statutes; they do not rewrite them. Only Parliament can move the line.

5.3 Limits of Judicial Intervention

The survey of both judicial landscapes points to a conclusion that is both important and uncomfortable: courts are not enough. Platform companies have proven adept at studying adverse judgments and adjusting their contractual arrangements just enough to avoid the same finding in the next round of litigation. Judicial intervention can fill individual gaps, correct specific abuses, and build interpretive principles incrementally. Only legislation can set rules for everyone at once, prospectively, without waiting for a worker who can afford to litigate to take the first step.

CHAPTER VI COMPARATIVE ANALYSIS

6.1 Justification for Comparison

India and the United Kingdom share more legal history than is sometimes acknowledged. The foundational architecture of Indian labour law was assembled during the colonial period in direct dialogue with English legislative models. Both operate within common-law traditions with comparable techniques of statutory interpretation. The same platform companies run operations in both markets, presenting the same classification problems and the same human rights deficits in both jurisdictions. Yet the differences are equally real and important. India is a lower-middle-income economy where informality was the baseline. The United Kingdom is a post-industrial economy where platform work has introduced informality rather than scaled it. Regulatory models cannot be transplanted wholesale; the comparison illuminates both the possibilities and the constraints of cross-jurisdictional learning.

6.2 Classification and Social Security

India moved first on paper. The Code on Social Security 2020 introduced statutory definitions of 'gig worker' and 'platform worker' — the first time Indian law had named these workers as a distinct legal category. But the definitions live only within the social security code; the other three labour codes retain the traditional binary without modification. The United Kingdom's tripartite classification has proven more operationally flexible, principally because the 'worker' category was designed to capture intermediate categories of economically dependent working persons. The Uber ruling demonstrated that the worker category can effectively encompass platform-based workers where the platform exercises substantial control. Neither system has both clarity of named statutory category and immediacy of attached rights. That combination is what genuinely protects workers.

[295] *Autoclenz Ltd v Belcher* [2011] UKSC 41 [35] (Lord Clarke).
[296] *Uber BV v Aslam* [2021] UKSC 5 [72]–[76] (Lord Leggatt).
[297] IWGB v Central Arbitration Committee and Roofoods Ltd t/a Deliveroo *(CAC, 2017);* IWGB v Central Arbitration Committee

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India's problem on social security is not vision — the Code has vision aplenty — it is delivery. No schemes have been notified. No contributions collected from aggregators. The promise sits in the statute; the worker sits without cover. The UK's problem is not delivery but design: a system built around a single job and a single employer cannot work well for someone stitching together a living across three platforms, each paying below the auto-enrolment threshold. Both countries need portable benefits — entitlements that accrue to the worker personally, hour by hour and platform by platform.

6.3 Wages, Safety, and Collective Rights

On minimum wages, the United Kingdom has a significant advantage in terms of immediate, enforceable outcomes following the Uber ruling. India has no minimum wage floor for gig workers at all — the Code on Wages simply does not cover independent contractors. The comparative lesson is that India must extend the Code on Wages to platform workers or create a sector-specific minimum earnings guarantee. The UK's experience demonstrates that minimum wage protection can be extended to gig workers without destroying the flexible model on which platforms rely: Uber did not exit the UK market following the Supreme Court's decision.

On collective bargaining, the comparison reveals a common structural problem with jurisdiction-specific manifestations. India's gig workers have formed unions (IFAT, the Telangana Gig and Platform Workers Union, and others), but these organisations have no statutory recognition compelling platforms to bargain. UK law denied Deliveroo riders collective bargaining rights through the substitution clause mechanism. The EU Platform Workers Directive (2024) offers the most ambitious template to date: a rebuttable presumption of employment, algorithmic transparency obligations, and human oversight of automated decisions.[298]

6.4 Lessons Each Jurisdiction Should Draw

For India: adopt a tripartite classification model creating an intermediate 'platform worker' status with automatically attached rights (minimum wage, social security, occupational safety, anti-discrimination protection); implement Chapter IX of the Code on Social Security without further delay; and expand the Rajasthan model nationally through a Central Gig Workers Welfare Act.

For the United Kingdom: introduce a statutory definition of 'platform worker' incorporating a presumption of worker status; establish a portable benefits system; amend the TULRCA 1992 to remove the personal service criterion as an absolute bar to worker status for collective bargaining; and strengthen algorithmic accountability through proactive ICO enforcement of the UK GDPR's Article 22.

CHAPTER VII CONCLUSION AND RECOMMENDATIONS

7.1 Key Findings

Seven chapters. Two jurisdictions. Six thematic rights. The findings organise themselves naturally around the research questions, and the answers are not reassuring for either jurisdiction.

The gig economy has grown explosively in both countries, drawing millions of workers into transport, delivery, domestic services, and professional freelancing. The character of that growth differs: in India, it technologised and scaled conditions informal workers had always known; in the UK, it introduced informality into a market that had largely achieved formal employment. The end result is the same: platforms' contractual choices have placed gig workers outside the legal protections that took generations to build.

[298]EU Platform Workers Directive (2024); Real Decreto-ley 9/2021 (Spain); California AB 5 (2019) and Proposition 22 (2020).

On the legislative frameworks, India's four labour codes represent an important reform effort whose extension to gig workers remains partial, fragmented, and largely unimplemented. The UK's framework has proven more operationally effective for those gig workers who have been determined to be workers through litigation, but leaves the majority in legal uncertainty. On the role of the judiciary, courts in both jurisdictions have insisted that contractual labels are not determinative and that economic reality must be examined. The Uber ruling stands as the most significant judicial intervention in the gig economy worldwide — but its reach is bounded by the workers who can afford to litigate their way to it.

7.2 Central Conclusion

The central conclusion of this research is uncomfortable but unavoidable: gig economy regulation, as it currently stands in both India and the United Kingdom, cannot be squared with the human rights standards applicable to work under international law. Not in the fine print. Not on a generous reading. The incompatibility is structural. Both jurisdictions have a legal and moral obligation — grounded in treaty commitments, constitutional text, and the foundational principles of human dignity — to address it through reform that is comprehensive rather than incremental.

The UK offers comparatively greater protection: its tripartite classification, purposive judicial approach, and more developed enforcement infrastructure have produced real gains for at least a portion of its gig workforce. But the UK system remains incomplete and unequal in practical application. India, for all the frustration of non-implementation, has done something the UK has not yet done: named gig and platform workers as a distinct statutory category deserving social protection. That is a genuine legislative step, however much work remains to make it mean anything in practice. Neither system is remotely adequate. Both have specific, identifiable reforms within their grasp.

7.3 Principal Recommendations

For India: (i) Implement Chapter IX of the Code on Social Security without further delay through notified rules and a funded portable benefit account system. (ii) Extend the statutory 'platform worker' category across all four labour codes, attaching minimum wage, occupational safety, anti-discrimination, and industrial relations protections. (iii) Enact a Central Gig Workers Welfare Act modelled on the Rajasthan legislation. (iv) Supplement the Digital Personal Data Protection Act 2023 with sector-specific algorithmic transparency regulations for labour platforms. (v) Amend the Industrial Relations Code 2020 to expressly include gig workers within the definition of 'worker' for the purposes of collective bargaining.

For the United Kingdom: (i) Enact a Platform Workers Act incorporating a statutory presumption of worker status, minimum earnings guarantees for all availability time, and protection against arbitrary deactivation. (ii) Introduce a portable benefits system under which entitlements accrue to the individual worker across all platforms. (iii) Amend the TULRCA 1992 to remove the personal service criterion as an absolute bar to statutory recognition. (iv) Direct the ICO to conduct proactive sectoral audits of platform algorithmic management and enforce Article 22 of the UK GDPR systematically.

At the international level: The ILO should develop and adopt a Convention on Platform Work establishing binding minimum standards for classification, social protection, remuneration, safety, and collective rights of gig workers, drawing on Recommendation No. 198 and the EU Platform Workers Directive.[299]

7.4 Scope for Further Research

The gig economy will not go away. It will grow. Future researchers would enrich this field through qualitative studies with gig workers themselves, examining the gap between law on

[299] ILO, 'World Employment and Social Outlook: The Role of Digital Labour Platforms in Transforming the World of Work' (ILO 2021) 103.

the books and law as experienced in practice. The specific question of algorithmic discrimination in India — where caste, religion, and gender intersect with platform management systems in complex ways — is an area where empirical socio-legal research is urgently needed. The tools are there. The constitutional principles are there. The international standards are there. What is missing, in both jurisdictions, is the political will to act on them — and it is the workers themselves, organising through the IFAT, the TGPWU, the IWGB, and similar bodies, who are making that argument most powerfully.

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