

PLATFORM WORKER SAFETY IN INDIA'S GIG ECONOMY: BRIDGING LEGAL GAPS FOR OCCUPATIONAL PROTECTION

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ABSTRACT

The gig economy in India, significantly supported by platforms such as Uber, Swiggy, and Zomato, has provided employment opportunities to millions in flexible arrangements. These platform workers are classified as independent contractors, which exempts them from the scope of traditional labor laws in most respects, particularly concerning occupational safety. This paper examines the extent of protection and benefits provided to platform workers by existing Indian workplace safety laws, particularly the Labour Codes enacted in 2019-2020 and the Social Security Code, 2020. Statutory analysis, case law review (including *IFAT v. Union of India*), and comparative insights from the United Kingdom, United States, and European Union will reveal the significant legal gaps. State-level innovations include promising welfare mechanisms such as accident insurance and algorithmic transparency in Rajasthan's 2023 Act and Karnataka's 2024 Bill, but these measures do not fully encompass the definition of employee. Judgments have thus far failed to resolve ambiguities regarding employment status, hindering the implementation of safety mandates. While the Union Budget, 2025, and the proposed national law are progressive, they are plagued by the common issue of delayed regulations and resistance from platforms. Reclassifying gig workers under occupational safety laws and implementing mandatory protections is essential to uphold constitutional rights and equitable labor standards within India's digital economy. The article concludes that harmonizing fragmented state initiatives under a national framework is crucial for maintaining these standards.

Keywords: Gig economy, Platform workers, Occupational safety, Labour Codes, Social Security Code, Legal reform, Worker classification, Algorithmic transparency.

INTRODUCTION

India's gig economy, thanks to digital platforms like Uber, Zomato, and Swiggy, has really changed how people work by connecting millions of folks to quick, flexible jobs. These platform workers, often called ride-sharing drivers or delivery folks, are a big part of the economy because they help meet the needs of cities. But because they're not traditional employees, they might not get the same protections when it comes to workplace health and safety, which could affect them if they get into accidents, face health risks, or don't have social security. Gig workers can't always do the same safety things as regular employees, which

makes it hard to know if the current laws are really working for them. So, the question is: Can India's occupational safety law really protect gig workers? This article tries to answer that question by looking at how the country's changing occupational safety rules might affect gig workers.⁹¹² The gig economy is booming, and it's crucial that we safeguard workers. According to a report from NITI Aayog, there were around 8 million gig workers in India during 2020-21, and experts anticipate this number will soar to 24 million by 2029-30. This highlights the significance of platforms for work,

⁹¹² Vidhi Rane, Platform-based Gig Workers: a Blind Spot in the Indian Labour Laws, available at: <https://ssrn.com/abstract=4821229> (last visited on March 12, 2025).

especially in cities where gig work can assist individuals with diverse skills, whether they're just starting out or have some experience, in earning money. However, the challenging aspects of gig work—such as long hours, uncertainty about earnings, and health risks—emphasize the need for robust safety laws. Without these safeguards, millions of people are vulnerable, and we must evaluate whether the current systems are adequately supporting them. The article adopts a comprehensive approach, exploring India's legal framework, including the Labour Codes, introduced in 2019–2020, and judicial interpretations, such as the introduction of innovative provisions at the state level, like the Rajasthan Platform-Based Gig Workers Act, 2023. Landmark judgments, such as *IFAT v. Union of India*⁹¹³, are analyzed to track judicial trends alongside recent policy developments in the 2025 Union Budget. A comparison with jurisdictions like the UK and the EU provides insights into global best practices, and recommendations suggest feasible adjustments. The discussion seamlessly integrates statutory analysis, empirical findings, and policy critiques, meeting the current demands for understanding platform worker protection in India's gig economy.

UNDERSTANDING THE GIG ECONOMY IN INDIA

The gig economy has undergone a rapid transformation in the Indian labor landscape, offering flexibility while simultaneously This article explores some important safety issues. It looks at what the gig economy is, how it's growing, what it adds to society, and the difficulties workers face in the platform economy⁹¹⁴. Most of these temporary contracts, which offer workers flexibility, are usually handled through digital platforms. That's why they're considered part of the gig economy. This definition helps us understand how big the gig economy is and how it differs from regular jobs. The gig economy is all about doing tasks

quickly through apps that connect people with customers. Think of ride-sharing (like Uber and Ola) or food delivery (like Swiggy and Zomato). Unlike regular employees, who get a set pay and have protections, platform workers are mostly independent contractors. So, while they have a lot of freedom, they don't have the same security or benefits, like basic health insurance. The flexibility is great for many, like students and part-time workers, but it also means they can't use workplace safety laws and are a bit different from traditional jobs in India. In recent years, many digital platforms have helped the Indian gig economy grow quickly. This article shows how it's all happening, so we can see how it compares to other countries. Several digital platforms have rapidly expanded the Indian gig economy in recent years. This process highlights the international significance of this issue. Platform workers are a crucial part of India's informal workforce, contributing significantly to economic productivity and gainful employment⁹¹⁵. NITI Aayog estimated that the gig economy created millions of jobs by 2020–21 and projected 24 million workers by 2029–30. Consumers demand convenience in food delivery and home services, enriching the economy through consumption and service industries. Smaller businesses, mostly linked to restaurants associated with delivery platforms, also benefit from the gig economy. However, this exposes the informal status of these workers to exploitation without legal protections. Despite its attractiveness, the gig economy poses significant challenges for workers. They lack coverage for asset fluctuations, long hours, and safety risks. Most platform operators earn below-sustainable income levels, with 70% reporting economic hardships and failing to meet household expenses. Road accidents threaten the lives of delivery workers and drivers, with 41% of taxi drivers and 48% of delivery workers not taking even a week's break, exacerbating their physical health issues. Mental health issues arise from anxiety, with 98.5% of surveyed

⁹¹³ Writ Petition(s)(Civil) No(s). 1068/2021.

⁹¹⁴ Aditi Mishra and Suyog Ghosh Dastidar, "Navigating the Challenges of the Gig Economy: A Legal Analysis of Protection to Gig Workers in India and Overseas"

⁹¹⁵ International Journal of Law Management & Humanities 1090 (2023).

manpower fearing uncertain income and pressure from platforms. These dangers, coupled with a lack of accident compensation and insurance, highlight the urgent need for appropriate workplace safety regulation to protect this rapidly growing workforce.

LEGAL FRAMEWORK FOR WORKPLACE SAFETY IN INDIA

While safety measures like guards for machines and good ventilation are important, it seems like the protection for gig workers in abstract spaces like roads or clients' homes has become less comprehensive. The Shops and Establishments Acts gives commercial establishments more control within states, but it doesn't include platform workers, who don't have a fixed employer or workplace. This means they miss out on other safety rules like rest periods and protection from hazards. The four Labour Codes introduced in 2019-2020 made some great changes to modern labour rules, but their approach to gig workers is still a bit mixed up. Wage Code, 2019: This code covers all wage-related laws and makes sure everyone gets a minimum wage and gets paid on time (Section 6). It should cover gig workers, but it doesn't include rules for occupational safety, like accident prevention or health protection. So, it doesn't really protect platform workers who might be in danger if something physical happens. Industry Relations Code of 2020: This code deals with trade unions and how to resolve disputes (3-25). It usually focuses on industrial settings, so gig workers are left out. Since gig workers aren't employees, they can't use the systems to address work-related issues, including safety problems, which makes them even more vulnerable. International advanced. Social Security Code, 2020: This code makes a big step forward by defining gig workers in Section 2(35), without using the usual terms for employer-employee relationships. It also defines platform workers, who are actually gig workers for another online platform (Section 2(60)). It ensures social security benefits like life and disability insurance, health benefits, and maternity benefits (Sections 112, 113, 114).

However, the benefits are limited, like maternity assistance, which is only ₹5,000-₹10,000, compared to 26 weeks' paid leave. For formal employees, please leave this under the Maternity Benefit Act, 1961. This code doesn't address workplace safety standards like accident prevention or ergonomic protections, which means gig workers are still at risk from everyday hazards.

JUDICIAL INTERPRETATIONS AND CASE LAWS

Courts interpret and evolve as they shape the role that a gig worker gets as a worker. This takes into consideration some important Indian cases that evaluate the existing impact of these on workplace safety protections.

Indian Case Study

The Indian courts are currently facing a tough time figuring out the status of gig workers, with two major cases really driving the discussion. *IFAT v. Union of India*⁹¹⁶, which was filed at the Supreme Court on September 24, 2021, is a public interest Litigation. It's asking gig workers to be recognized as "unorganized workers" under the Unorganized Workers' social Security Act, 2008. The petitioners are hoping to get access to health insurance and benefits, including a pension and maternity benefits. They're also pointing out that Uber's Ness is unconstitutional, especially concerning Articles 14, 21, and 23 of the Constitution. The Union government was notified on December 13, 2021, but as of April 2025, the case is still open, leaving gig workers feeling unsure about their safety protections. The case also talks about how platforms use algorithms to control things, which is like giving employers more control. The *All India Gig Workers Union v. Uber India Systems Pvt. Ltd*⁹¹⁷ case is another one that challenges Uber's idea of drivers being contractors. This case, which is still going on, says that Uber's refusal to give drivers minimum wages, social security, and safety measures goes against fair labor principles. The union believes that the relationship between Uber and

⁹¹⁶ Writ Petition(s)(Civil) No(s). 1068/2021.

⁹¹⁷ All India Gig Workers Union v. Uber India Systems Pvt. Ltd

its workers needs to be changed because Uber controls how fares are set, assigns work, and can stop workers from working, which feels more like an employer-employee relationship to the union. As of April 2025, this case hasn't been decided yet, and it shows that if gig workers are reclassified, the judiciary might have to put in rules to make sure they're safe, like accident insurance. Looking at how things have been done in India before, it seems like the gig worker's constitutional rights are supported. The Supreme Court mentioned in *Olga Tellis v. Bombay Municipal Corporation* established that the right to make a living is closely linked to Article 21, which guarantees life and personal freedom. Courts have ruled that denying gig workers a workplace violates their basic rights to maintain their livelihoods, including safe working conditions. This can be challenged on platforms lacking injury compensation or health protections. The Supreme Court's decision that controlled and supervised workers should be considered employees under labor laws supports gig worker activists' argument that algorithms create an employer-employee relationship. If upheld, this could lead to more protective laws, such as safety rules or rest breaks, for platform workers.

ISSUES WITH THE PRESENT LEGAL OUTLAY

Section 2(35) of the Code on Social Security, 2020, describes a gig worker as someone who does work or joins a work arrangement and makes money through a system that doesn't have a typical employer-employee relationship⁹¹⁸. To put it simply, a gig worker is someone who does temporary or short-term work, earning money on their own. This includes many different jobs, like cab drivers, freelancers, and designers who offer their skills for specific projects⁹¹⁹. The idea of gig workers includes all workers who work on contracts based on what's available and what the employers need. As we mentioned before, these workers haven't been

well-recognized in the past laws like the CLRA, UWSSA, and BOCWA.

Most gig workers are platform workers. Platform work is when people use online platforms like Uber, Zomato, and Urban Clap to offer services. Platform workers often do small tasks that don't require a lot of skill. Because many people don't have easy access to learning new skills or to modern job opportunities, they often end up doing this kind of work. This makes them more likely to be treated unfairly or taken advantage of. The Contract Labour (Regulation and Abolition) Act, 1970, tries to help platform workers by including them in the definition of contract labour. However, the legal system hasn't fully accepted this because different platforms don't offer the same benefits as contract labourers do to platform workers.

The new Labor Code is made up of four different codes, and it's really important to look at them closely to understand the rights of workers in India. These codes are the Code on Social Security, 2020, The Industrial Relations Code, 2020, The Code on Wages, 2019, and the Occupational Health, Safety, and Working Conditions Code, 2020. The term "gig worker" is relatively new, and it's only recently that it's become more widely recognized in the labor codes from 2020. Even though these codes include gig workers, there are still many areas where they don't have the same guaranteed rights that other workers in the country do.

SUGGESTIONS

India is a leading spot for gig workers, ranking 5th globally! Over 15 million skilled folks are freelancing in India, which accounts for nearly 40% of all freelancers worldwide. Experts predict that the Indian gig economy will reach almost \$455 billion by the end of 2024. However, despite the booming gig economy, these workers often face harsh working conditions with little legal protection and benefits. They

⁹¹⁸ Code on Social Security (2020).

⁹¹⁹ Kumar, N. (2024) Regulatory Framework and the Protection of Basic Rights of Gig Workers, Bar and Bench. Available at: <https://www.barandbench.com/law-firms/view-point/regulatory-framework-and-the-protection-of-basic-rights-of-gig-workers>.

deal with terrible working conditions, low pay, and almost no social support⁹²⁰.

It's clear that while India has made some legislative moves to tackle issues for gig workers, there are still big gaps in ensuring they're treated fairly and protected. The gig economy, with its temporary, flexible, and often risky work arrangements, presents unique challenges that traditional labor laws haven't been able to fully address. The introduction of the four new labor codes in 2019 and 2020 was a step in the right direction, consolidating and updating India's labor laws. For example, the Code on Social Security, 2020, acknowledges gig workers and platform workers, offering some social security benefits to them. But, as we mentioned, there are still significant gaps.

Right now, we need dedicated legislation that creates a comprehensive law specifically for gig workers. This is crucial for clarifying their rights, holding platform companies accountable, and providing better and exclusive ways to resolve disputes.

Also, we need better and more extensive social security coverage. We need a set of schemes that recognize the financial struggles of these workers. Currently, workers pay about 2-5% of their annual income to their social security fund. It's really important that governments provide subsidies and other incentives to make these schemes financially feasible for gig workers.

Conclusion

As India's gig economy, which uses digital platforms to connect businesses with temporary workers, has transformed how businesses operate and people find jobs. However, this change raises legal and ethical questions about gig workers' rights and entitlements. One major issue is the unclear status of gig workers in India. Traditional labor laws don't adequately cover them, resulting in missed social security benefits like health

insurance, maternity leave, and pensions. Additionally, the definition of 'gig worker' or 'platform worker' varies, affecting their eligibility for basic labor rights. Legal cases and court battles highlight gig workers' efforts to secure their rights. The All India Gig Workers Union v. Uber India Systems Pt. LTD case challenged Uber's worker classification and demanded fair pay and social security. Another case, the Public Interest Litigation (PIL) filed by the IFAT, advocates for social security for all workers, including gig economy workers, classifying them as 'unorganized workers' entitled to statutory benefits. India's regulatory landscape is gradually evolving to address these issues. The Code on Social Security aims to enhance social security benefits for gig workers, though it doesn't fully replicate traditional employee benefits like gratuity and an employee provident fund. Nonetheless, it represents a significant step towards creating appropriate rules and welfare plans for gig workers. Globally, places like the European Union have set minimum rights for gig workers, serving as an example for India and other countries in regulating this sector. The approach varies. For instance, some US states consider gig workers independent contractors unless they prove they're employees. In summary, the gig economy can innovate and boost the economy, but it must ensure gig workers' protection and well-being. India should focus on providing fair rights and good work to all employees, regardless of their employment status. By learning from other countries, adhering to the law, and leveraging technology wisely, India can create a forward-thinking and equitable digital labor market.

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