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GIG & PLATFORM WORKERS UNDER THE CODE ON SOCIAL SECURITY, 2020

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EXECUTIVE SUMMARY

The Code on Social Security, 2020 (SS Code) constitutes the most significant reform in India's labour welfare architecture in decades, consolidating nine pre-existing statutes into a single framework. Its most consequential and contested innovation is the formal inclusion of gig workers and platform workers as distinct statutory categories. This brief examines three interlocking research dimensions: (1) the scope and limits of coverage under the SS Code; (2) the architecture, funding, and operationalisation of the dedicated Social Security Fund; and (3) the definitional ambiguities and structural gaps that threaten the Code's protective intent — in particular, the unresolved problem of multi-platform workers who remain legally invisible despite the Code's ambitions.

I. BACKGROUND: FROM LEGAL VACUUM TO STATUTORY RECOGNITION

Prior to the SS Code, India's labour law regime was premised on a binary: organised employees covered by statutes such as the Employees' Provident Fund Act, 1952 and the Employees' State Insurance Act, 1948, and an unorganised sector addressed piecemeal through welfare schemes. Gig and platform workers fell into neither category.

Platforms such as Uber, Ola, Zomato, and Swiggy systematically classified workers as 'partners' or 'independent contractors,' enabling them to avoid statutory benefit obligations. The Fairwork India Ratings 2024 captured the consequences: major ride-hailing platforms scored zero in fair pay and fair conditions metrics, while food delivery platforms scored only moderately (6/10), revealing systemic gaps in worker protection.

The SS Code represents a legislative response to this structural invisibility. Enacted as Act No. 36 of 2020 and brought into effect in November 2025, it creates a formal tripartite taxonomy — organised, unorganised, and gig/platform workers — and extends, for the first time in Indian legal history, a statutory social security framework to workers outside the traditional employer-employee relationship.

II. COVERAGE ARCHITECTURE

A. Statutory Definitions

The SS Code introduces four inter-related definitions that together delineate the scope of coverage:

Term	Statutory Definition (S. 2)	Key Implication

Gig Worker (S. 2(35))	A person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship.	Broad catch-all; includes freelancers, contingent workers, part-time contractors.
Platform Worker (S. 2(61))	A person engaged in or undertaking platform work — work arrangements via online platforms to provide services in exchange for payment.	Digital-mediation specific; targets app-based labour.
Aggregator (S. 2(1))	A digital intermediary or market place connecting buyers/users with sellers/service providers.	Triggers contribution obligations; defines the liable entity.
Platform Work	Arrangements using online platforms, outside traditional employment, to solve specific problems or provide services for payment.	Enables regulatory capture of algorithmic work.

B. What the Coverage Includes

Under Sections 113 and 114 of the SS Code, gig and platform workers become eligible for the following categories of government-notified welfare schemes:

- Life and disability insurance
- Accident insurance
- Health and maternity benefits
- Old-age protection and pension
- Crèche facilities
- Education and skill development (as notified)
- Any other benefit determined by the Central Government

The National Social Security Board is mandated to recommend and monitor these schemes. Each registered worker receives an Aadhaar-linked Universal Account Number enabling benefit portability across states and platforms — a significant improvement over prior establishment-linked benefits that were forfeited on job change.

C. What Coverage Does Not Include

A critical distinction must be drawn: gig and platform workers are NOT covered as 'employees' under the Code. Their entitlements do not automatically include:

- Employees' Provident Fund (EPF) contributions linked to individual accounts
- Employees' State Insurance (ESI) on payroll basis
- Gratuity or retrenchment compensation
- Termination safeguards or notice period obligations

⚠ EPF entitlement for gig workers is scheme-based, not payroll-linked. A worker classified as a gig worker does not receive an individual PF account unless separately assessed as an employee based on the substantive nature of the working relationship. If, however, a 'gig' worker is found to be closely controlled and integrated into operations, EPF liability may arise regardless of contractual labelling.

III. THE WELFARE FUND: MECHANISM, FUNDING & OPERATIONALISATION

A. Fund Architecture

Section 109 of the SS Code mandates the creation of a dedicated central Social Security Fund for gig and platform workers. The fund is financed through a multi-stakeholder model:

Source	Mechanism
Aggregators (Primary)	1–2% of annual turnover, capped at 5% of amounts payable to gig/platform workers. Rates to be notified by Central Government.
Central Government	Direct budgetary contributions and matching grants.
State Governments	Separate state funds; State Unorganised Workers' Boards oversee regional disbursement.
CSR Contributions	Corporate Social Responsibility funds may be directed to the welfare fund.
Worker Co-payments	Optional contributions by beneficiaries for enhanced coverage.
Penalty Proceeds	Amounts collected from compounding of offences under the Code credited to the Fund.

B. Registration Gateway

Access to all fund-financed schemes is conditioned on registration. Workers must register through the e-Shram portal (national registration framework) to obtain their Aadhaar-linked Universal Account Number. Aggregators are separately obligated to register and furnish worker data to the relevant Social Security Organisation.

The Code also provides for helplines and facilitation centres to support registration, information dissemination, and application processing — an acknowledgment that digital literacy cannot be assumed across the gig workforce.

C. State-Level Parallel Frameworks

Several states have moved ahead of central operationalisation with dedicated legislation, creating a multi-layered compliance environment:

State	Legislation	Key Fund Mechanism	Distinctive Features
Rajasthan	Platform-Based Gig Workers (Registration and Welfare) Act, 2023	Welfare cess: 1–2% per transaction, deposited by 5th of each month.	CTIMS for transaction monitoring; grievance redressal via Internal Dispute Resolution Committees.

Karnataka	State Gig Workers Legislation (2024)	Aggregator contributions + state matching.	Mandatory human point of contact for workers; right to refuse tasks.
Bihar	State Gig Workers Act (August 2025)	Welfare board-administered cess.	Aggregators must provide fair contracts; workers can terminate on changed terms.
Jharkhand	State Gig Workers Legislation (August 2025)	Modelled on Rajasthan framework.	Registration-linked UID valid across platforms.
Tamil Nadu	G.O. Ms. No. 187 (December 2023)	Tamil Nadu Platform Based Gig Workers Welfare Board.	Developing specialised benefit packages distinct from the central framework.

! The divergence between central and state frameworks creates significant compliance complexity for aggregators operating across multiple states. Contribution rates, registration timelines, grievance mechanisms, and cess calculation methodologies vary, and no harmonisation framework has yet been prescribed under the SS Code.

D. Operationalisation Status (as of June 2026)

⚠ CRITICAL GAP: As of the date of this brief, the contribution rates under Section 109 remain unnotified by the Central Government. The Social Security Fund exists in statutory form but has not been operationalised. Life and disability cover, health and maternity benefits, and old-age protection schemes remain undelivered. The Code has granted gig workers legislative mention — not yet legislative protection.

The e-Shram portal registration framework is active, but worker uptake remains limited. Workers registering on the portal find limited incentive to do so, as the system does not address immediate concerns including fluctuating earnings, arbitrary account suspensions, or sudden platform terminations.

IV. DEFINITIONAL GAPS & STRUCTURAL RISKS

A. The Multi-Platform Worker: The Unaddressed Crisis

The most structurally acute gap in the SS Code concerns workers simultaneously engaged across multiple platforms — a common reality in India's urban gig economy. A delivery rider in Delhi or Bengaluru may log simultaneous shifts on Swiggy, Zomato, and Dunzo. Under the Code's current architecture:

- No single aggregator bears complete contribution responsibility
- No authority has clear jurisdiction to aggregate contributions from multiple platforms

- Minimum work thresholds (to be specified in scheme notifications) may not be met on any single platform even when total working hours are substantial
- The worker, digitally hyperconnected, remains legally invisible to the welfare system

The SS Code contains no provision for consolidated accounting of multi-platform earnings, no inter-aggregator contribution mechanism, and no 'umbrella' welfare entitlement that aggregates across work relationships. This is not an implementation gap — it is a structural legislative omission.

B. Gig vs. Platform Worker Distinction: Practical Overlap

While the Code formally distinguishes 'gig workers' (broad, offline-inclusive) from 'platform workers' (digitally mediated), the two categories overlap significantly in practice. A freelance graphic designer sourcing clients through Upwork is simultaneously a gig worker and a platform worker. The Code provides no conflict-of-categories rule, leaving scheme applicability ambiguous for workers who fall into both definitions.

The definitional distinction matters because different administrative boards (National Social Security Board vs. State Unorganised Workers' Boards) have jurisdiction over different categories, and scheme eligibility thresholds may differ. The overlap creates regulatory fragmentation rather than comprehensiveness.

C. The Misclassification Risk: Substance vs. Form

The Code explicitly recognises that legal labelling does not determine regulatory status. Where a 'gig' worker is substantively integrated into an organisation — closely supervised, algorithmically controlled, and economically dependent on a single platform — EPF and other employee-tier obligations may arise regardless of the contractual label. This creates two symmetrical risks:

- For workers: genuine gig workers who should access scheme-based benefits may be reclassified as employees, disrupting both their tax status and benefit entitlements.
- For aggregators: businesses using 'independent contractor' framing to avoid EPF liability face retrospective exposure if worker relationships are found to be substantive employment.

A Supreme Court challenge to the distinction between gig/platform workers and unorganised workers is pending as of this writing, adding further uncertainty to the regulatory landscape.

D. Additional Definitional and Structural Gaps

Gap Area	Description	Risk
Agricultural Gig Workers	Definition of 'unorganised worker' does not explicitly include agricultural workers; gig workers in agri-tech platforms fall into ambiguous territory.	Large segment of rural gig economy excluded from coverage.
Termination Safeguards	No statutory notice period, no right to reasons, no procedural protection against algorithmic deactivation.	Workers face sudden income loss with no legal recourse under the Code.

Eligibility Thresholds	Scheme access conditioned on minimum work quantum (to be notified). Seasonal/part-time workers may fail thresholds.	Most vulnerable workers risk exclusion from the schemes designed for them.
Registration Barriers	Mandatory Aadhaar-linked registration creates access barriers for workers without documentation or digital access.	Exclusion of migrants, informal entrants, and low-literacy workers.
Unemployment Protection	No unemployment insurance for gig/platform workers despite recommendation by the Standing Committee on Labour.	Platform deactivation leaves workers with no income bridge.
Working Time Gaps	Motor Vehicle Aggregator Guidelines cap driver login at 12 hours/day, but no equivalent protections exist for other platform sectors.	Delivery workers, domestic service workers face no working-time limits.

V. ANALYTICAL ASSESSMENT & RESEARCH IMPLICATIONS

The SS Code achieves a landmark symbolic and structural shift: gig and platform workers are no longer legally invisible. The tripartite funding model, portability architecture, and national registration framework represent genuine innovation. However, the gap between legislative ambition and operational reality is substantial, and several research dimensions remain underexplored:

- **Research Q1:** Multi-platform accounting models: How should contribution obligations be apportioned across aggregators when a worker earns from multiple platforms? Comparative frameworks (EU Platform Work Directive, UK Employment Rights Act amendments) offer instructive contrasts.
- **Research Q2:** Misclassification doctrine development: As the Supreme Court challenge to the gig/employee boundary proceeds, what doctrinal test should courts apply? Economic dependence, integration, or control?
- **Research Q3:** State-centre harmonisation: What legislative or administrative mechanisms can resolve the divergence between state welfare boards and central fund mechanisms without undermining state labour innovation?
- **Research Q4:** Registration exclusion modelling: What proportion of the estimated 23.5 million gig workers projected by 2029-30 are likely to remain unregistered under current portal design, and what interventions would close that gap?

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- **Research Q5:** Fund adequacy: Are aggregator turnover-based contributions (1–2%) fiscally sufficient to fund meaningful schemes at scale? What is the actuarial gap between contributions and scheme liability?

VI. CONCLUSION

The Code on Social Security, 2020 represents a necessary and overdue response to the structural transformation of India's labour market. By formally recognising gig and platform workers, mandating aggregator contributions, and creating a portable, Aadhaar-linked welfare architecture, it moves India decisively beyond an industrial-era social security paradigm.

Yet the Code's protective architecture rests on foundations that remain incomplete. Contribution rates are unnotified. The central welfare fund has not been operationalised. The multi-platform worker — arguably the most economically precarious segment of the gig workforce — falls through a structural gap the Code does not address. Definitional ambiguities between gig workers, platform workers, and unorganised workers create jurisdictional confusion. And eligibility thresholds risk excluding the most vulnerable workers the Code was designed to protect.

The research imperative is clear: legislative recognition must be accompanied by operational architecture, doctrinal clarity, and actuarially grounded funding. Without these, the SS Code's most significant innovation — the inclusion of gig and platform workers — will remain, in the words of one commentator, 'a legislative mention, not a legislative shield.'

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