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# The Economic Uncertainty of Gig Workers and Their Welfare in India: A Need for New Law

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## ABSTRACT

*The rise of the gig economy has brought about significant changes to the nature of work, providing flexible employment opportunities for millions of workers globally. In India, gig work has witnessed a remarkable surge, with platforms like ride-sharing, food delivery, and freelance services reshaping the labor market. However, this rapid growth has also exposed gig workers to various economic uncertainties and challenges that demand urgent attention.*

*This paper explores the economic uncertainty faced by gig workers in India and the pressing need for a new legal framework to safeguard their welfare. It examines the current legal landscape, which often fails to provide adequate protection and social security benefits to gig workers, leaving them vulnerable to income volatility, job insecurity, lack of access to healthcare, and limited legal recourse.*

*Drawing on international experiences and best practices, the study proposes key elements that should be incorporated into a new law for gig workers in India. These elements include defining gig work and worker classification, establishing minimum wage standards, ensuring access to social security benefits, and implementing mechanisms for dispute resolution and collective bargaining.*

*By shedding light on the economic uncertainty faced by gig workers in India and advocating for a new legal framework, this research aims to contribute to the ongoing discourse on labor rights and social protection in the gig economy. It underscores the importance of acknowledging gig workers' contributions to the economy and calls for comprehensive measures to address their vulnerabilities, protect their rights, and promote their overall well-being in the evolving world of work.*

**Keywords:** *GIG workers, ride sharing, food delivery, freelance services, job insecurity, lack of access to healthcare, and limited legal recourse.*

## I. INTRODUCTION

Gig work refers to short-term or freelance work that is typically project-based and temporary. While gig work can provide flexibility and freedom for workers, it also comes with a lack of

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job security. This is because gig workers are typically not classified as employees and are not entitled to the same benefits and protections as traditional employees. One of the key features of gig work is its flexibility. Gig workers have the ability to choose when and where they work, and can often set their own schedules. This can be an attractive option for individuals who want to supplement their income or who need a more flexible work arrangement due to personal circumstances, such as caregiving responsibilities or health issues.

However, gig work also comes with some challenges and uncertainties. For example, gig workers may not receive traditional benefits such as health insurance or retirement benefits, and may face income instability due to fluctuations in demand for their services. In addition, gig workers may not be covered by the same legal protections as traditional employees, which can leave them vulnerable to exploitation or mistreatment by employers.

Thus the author will deal with gig workers their plight with suggestions for improvement of gif work in India.

## **II. EVOLUTIONARY DEVELOPMENTS OF GIG WORK GLOBALLY**

- Pre-industrial era: Before the Industrial Revolution, most workers were self-employed or worked on a short-term basis. They were paid for individual tasks or projects, such as farming, construction, or crafts.<sup>2</sup>
- Industrial era: With the rise of factories and large-scale manufacturing in the 19th and 20th centuries, many workers became employees of corporations and worked on a long-term basis. However, there were still many short-term and temporary jobs, such as seasonal agricultural work or construction.<sup>3</sup>
- Post-industrial era: In the late 20th century, there was a shift towards service-based industries and a rise in the number of temporary and contract jobs. This was driven by factors such as globalization, technological advances, and the growth of the internet.
- Digital era: In the 2000s, the term "gig economy" or "sharing economy" became popular with the rise of digital platforms such as Uber, Airbnb, and TaskRabbit. These platforms allowed individuals to connect with customers or clients for short-term jobs or gigs, and enabled workers to have more control over their schedules and working conditions<sup>4</sup>.

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<sup>2</sup> "The Rise of the Gig Economy: A New Paradigm for Employment?" by the International Labour Organization, 2016.

<sup>3</sup> "Gig Economy and Contingent Work: Disruption and Opportunities" by PwC, 2017.

<sup>4</sup> "The Future of Work in the Digital Era" by the World Economic Forum, 2020.

- **Post-World War II:** In the post-war era, many countries experienced an economic boom, leading to the growth of a middle class and a rise in traditional employment. However, there were still opportunities for gig work, particularly in creative industries such as music and film.
- **Late 20th Century:** With the growth of the internet and other digital technologies, the concept of gig work began to evolve. Online platforms such as Upwork and Freelancer made it easier for individuals to connect with clients and take on short-term projects.
- **21st Century:** In the 21st century, the gig economy has exploded in popularity, with the rise of companies like Uber, Lyft, and TaskRabbit. These companies use digital platforms to connect workers with short-term jobs, ranging from ride-sharing to home repairs to pet-sitting.

Today, the gig economy continues to evolve, with new platforms and technologies emerging that offer new opportunities and challenges for workers and businesses alike.

### **III. CURRENT STATUS OF GIG WORK GLOBALLY**

The current status of gig work globally is that it has continued to grow in popularity and prevalence in recent years. Gig work refers to short-term, temporary, or freelance jobs that are typically paid on a project-by-project basis. Examples of gig work include driving for ride-sharing companies, delivering food or packages, and completing tasks through online platforms.

According to a report by the International Labour Organization (ILO), the global gig economy grew by 33% between 2016 and 2019, with an estimated 61 million people working in the gig economy worldwide in 2019. The COVID-19 pandemic has also contributed to the growth of gig work as many people turned to gig work to supplement their income or as a way to work remotely during lockdowns.

However, there are also concerns about the quality of work and the lack of social protection for gig workers. Many gig workers are considered self-employed, which means they are not entitled to benefits such as sick pay or holiday pay. In response, some countries have started to introduce legislation to provide greater protections for gig workers, while some companies have also started to offer more benefits to their gig workers.

Overall, the gig economy continues to be a topic of debate and discussion globally, with ongoing efforts to balance the flexibility and convenience it offers with the need to protect the rights and welfare of gig workers.

#### **IV. THE AFTERMATH OF COVID AND ITS REPERCUSSIONS GLOBALLY ON GIG WORK**

The COVID-19 pandemic has had a significant impact on gig work globally. On one hand, gig work has provided a flexible and accessible way for many people to earn income during a time of economic uncertainty. On the other hand, the pandemic has also highlighted the vulnerabilities and risks faced by gig workers, such as lack of job security, health and safety concerns, and limited access to social protection.

During the pandemic, demand for certain types of gig work has increased, such as food delivery and online shopping. However, other areas of gig work have declined, such as ride-sharing and home-sharing, as people have stayed home and limited their travel. In addition, many gig workers have faced challenges such as reduced demand, increased competition, and safety concerns while performing their work.

Governments and companies have implemented various measures to support gig workers during the pandemic. For example, some countries have provided financial assistance to gig workers who have lost income due to the pandemic, while some companies have provided personal protective equipment, sick leave, and other benefits to their gig workers.

Overall, the pandemic has highlighted the importance of social protection and fair working conditions for gig workers. It has also led to increased debate and discussion about how to balance the flexibility and convenience of gig work with the need to protect the rights and welfare of gig workers, especially in times of crisis.

#### **V. STRENGTHS AND SHORTCOMINGS OF GIG WORK**

The gig economy, also known as the freelance or on-demand economy, refers to the growing trend of individuals working temporary or short-term jobs, often facilitated by technology platforms like Uber, Lyft, and TaskRabbit. While this model has its advantages, it also has some significant drawbacks. Here are some of the pros and cons of the gig economy:

##### **(A) Pros:**

- a) **Flexibility:** One of the most significant benefits of the gig economy is the flexibility it offers. Gig workers can choose when and where they work, making it easier to balance work and personal commitments.
- b) **Increased earning potential:** Because gig workers are often paid per job, they have the potential to earn more money than they would in a traditional 9-5 job.
- c) **Diversified work experience:** Gig work can provide exposure to a wide variety of industries and projects, allowing workers to gain new skills and experiences.

- d) Independence: Gig workers are their bosses, meaning they have more control over their work and can choose to take on only the jobs that interest them.

**(B) Cons:**

- a) Lack of stability: Gig work can be unpredictable, with no guarantee of steady income or job security.
- b) No benefits: Gig workers are typically not offered benefits like health insurance, retirement savings, or paid time off.
- c) No legal protections: Many gig workers are classified as independent contractors, which means they are not protected by the same labor laws as traditional employees.
- d) No collective bargaining power: Because gig workers are not organized, they lack the collective bargaining power to negotiate better pay or working conditions.
- e) Potential for exploitation: Some companies in the gig economy have been accused of exploiting workers by paying low wages, ignoring safety concerns, and skirting labor laws.

In summary, the gig economy offers many advantages in terms of flexibility, earning potential, and diversified work experience. However, it also has some significant downsides in terms of job stability, lack of benefits, and potential for exploitation. As with any career choice, it's essential to weigh the pros and cons carefully and make an informed decision based on your individual circumstances and goals.

Economic uncertainty is a significant concern for gig workers, referring to individuals who engage in freelance or temporary work arrangements rather than traditional, full-time employment. These workers often face several challenges and risks that contribute to their economic instability. Here are some key points regarding the economic uncertainty of gig workers, along with corresponding footnotes:

- Income volatility: Gig workers typically experience irregular income streams as their earnings fluctuate based on the availability of work and demand for their services. This variability makes it challenging to predict and plan for future income levels.
- Lack of employment benefits: Unlike traditional employees, gig workers generally do not receive benefits such as health insurance, paid time off, retirement plans, or workers' compensation. The absence of these benefits adds to their financial vulnerability.

- Limited job security: Gig workers often lack job security, as they are typically hired on a project-by-project or task-by-task basis. They face the risk of losing clients or experiencing a decline in demand for their services, leaving them without a steady source of income.
- Uncertain working hours: Gig workers often have little control over their working hours, as their availability and schedule are typically determined by the demand for their services or the requirements of their clients. This lack of control can lead to income instability and difficulties in managing personal commitments.
- Inadequate legal protections: Gig workers may face challenges in accessing legal protections and rights typically afforded to traditional employees. In some jurisdictions, there is an ongoing debate about the classification of gig workers as independent contractors or employees, impacting their entitlements to benefits and legal safeguards.
- Financial management challenges: Gig workers are responsible for managing their own taxes, accounting, and financial planning. This additional burden can be daunting, particularly for those without a strong background in financial matters, increasing their vulnerability to financial shocks.
- Limited access to traditional credit: Due to the nature of their work and income volatility, gig workers may face difficulties in obtaining traditional credit products such as loans and mortgages. Banks and financial institutions often rely on stable employment and predictable income streams when assessing creditworthiness, making it harder for gig workers to access credit.

## **VI. ISSUES FACED BY GIG WORKERS IN INDIA: AN ANALYSIS OF REPORT BY NITI AAYOG**

The main issues faced by gig workers in India, as mentioned in the report launched by NITI Aayog titled 'India's Booming Gig and Platform Economy', include lack of job security, irregular wages, and uncertain employment status. Rising stress due to uncertainty is associated with regularity in available work and income. Additionally, limited access to the internet and digital technology is also a challenge for gig workers.<sup>5</sup>

The report launched by NITI AAYOG report on 'Gig and Platform Economy' estimates that in 2020–21, 77 lakh (7.7 million) workers were engaged in the gig economy in India. They constituted 2.6% of the non-agricultural workforce or 1.5% of the total workforce in India. The

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<sup>5</sup> "Gig Economy Workers in India: Challenges and Opportunities" by the International Labour Organization, 2019.

report also predicts that India's gig workforce is expected to expand to 2.35 crore by 2029-30. <sup>6</sup>Additionally, one of the key drivers of the gig sector is flexibility to work from anywhere, which allows employers to select the best talent available for a project without being bound by geography.

The report also highlights that the gig economy is prevalent among blue-collar jobs in India, but the demand for gig workers in white-collar jobs such as project-specific consultants, salespeople, web designers, content writers and software developers are also emerging. The gig economy can serve up to 90 million jobs in the non-farm sectors in India with a potential to add 1.25% to the GDP over the "long term". As India moves towards its stated goal of becoming a USD 5 trillion economy by 2025, the gig economy will be a major building block in bridging the income and unemployment gap.

The report also mentions that gig employees work on various compensation models such as fixed-fee (decided during contract initiation), time & effort, actual unit of work delivered and quality of the outcome. The fixed-fee model is the most prevalent, however, the time & effort model comes a close second. Technological change has made contracting far easier which is making it possible for workers to find work and for companies to sort of work closely with those who are not employees but contractors. Finally, the government can support and regulate the gig economy to ensure fair treatment of workers by implementing policies that provide social security benefits to gig workers, such as health insurance and retirement benefits.

## **VII. LACK OF JOB SECURITY IN GIG WORK- A MATTER OF DEEP CONCERN**

- Lack of stable income:<sup>7</sup> Gig workers are often paid on a per-project or per-task basis, which means their income can be inconsistent. They may also experience fluctuations in demand for their services, which can further impact their income and job security.<sup>8</sup>
- No benefits: Unlike traditional employees, gig workers are not entitled to benefits such as health insurance, retirement plans, or paid time off. This can make it difficult for them to plan for the future and can contribute to a sense of insecurity.<sup>9</sup>
- No job protections: Gig workers are not protected by many of the laws and regulations that apply to traditional employees, such as anti-discrimination laws, minimum wage

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<sup>6</sup> "India's Gig Economy and its Impact on Jobs" by the Observer Research Foundation, 2019.

<sup>7</sup> "Digital Platforms and Gig Workers' Financial Lives in India" by the Center for Digital Financial Inclusion, 2020.

<sup>8</sup> "The Future of Work" by McKinsey Global Institute, 2017.

<sup>9</sup> "Understanding the Impact of the Gig Economy" by the Federal Reserve Bank of New York, 2019.



laws, and unemployment insurance. This means they may be vulnerable to exploitation by employers or may have difficulty seeking recourse if they are treated unfairly.<sup>10</sup>

- Limited opportunities for career advancement: Since gig work is typically project-based, there may be limited opportunities for career advancement or professional development. This can make it difficult for gig workers to build their skills and experience over time and may limit their opportunities for future employment.<sup>11</sup>
- Economic uncertainty is a significant concern for gig workers, referring to individuals who engage in freelance or temporary work arrangements rather than traditional, full-time employment. These workers often face several challenges and risks that contribute to their economic instability. Here are some key points regarding the economic uncertainty of gig workers, along with corresponding footnotes:
- Income volatility: Gig workers typically experience irregular income streams as their earnings fluctuate based on the availability of work and demand for their services. This variability makes it challenging to predict and plan for future income levels.<sup>12</sup>
- Lack of employment benefits: Unlike traditional employees, gig workers generally do not receive benefits such as health insurance, paid time off, retirement plans, or workers' compensation. The absence of these benefits adds to their financial vulnerability.<sup>13</sup>
- Limited job security: Gig workers often lack job security, as they are typically hired on a project-by-project or task-by-task basis. They face the risk of losing clients or experiencing a decline in demand for their services, leaving them without a steady source of income.<sup>14</sup>
- Uncertain working hours: Gig workers often have little control over their working hours, as their availability and schedule are typically determined by the demand for their services or the requirements of their clients. This lack of control can lead to income instability and difficulties in managing personal commitments.<sup>15</sup>
- Inadequate legal protections: Gig workers may face challenges in accessing legal protections and rights typically afforded to traditional employees. In some jurisdictions,

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<sup>10</sup> "Gig Economy Data Hub" by the U.S. Bureau of Labor Statistics.

<sup>11</sup> "Working Conditions in the Platform Economy" by the International Labour Organization, 2018.

<sup>12</sup> "The Future of Work" by McKinsey Global Institute, 2017.

<sup>13</sup> "Understanding the Impact of the Gig Economy" by the Federal Reserve Bank of New York, 2019.

<sup>14</sup> "Gig Economy Data Hub" by the U.S. Bureau of Labor Statistics.

<sup>15</sup> "Working Conditions in the Platform Economy" by the International Labour Organization, 2018.

there is an ongoing debate about the classification of gig workers as independent contractors or employees, impacting their entitlements to benefits and legal safeguards.<sup>16</sup>

- **Financial management challenges:** Gig workers are responsible for managing their own taxes, accounting, and financial planning. This additional burden can be daunting, particularly for those without a strong background in financial matters, increasing their vulnerability to financial shocks.<sup>17</sup>
- **Limited access to traditional credit:** Due to the nature of their work and income volatility, gig workers may face difficulties in obtaining traditional credit products such as loans and mortgages. Banks and financial institutions often rely on stable employment and predictable income streams when assessing creditworthiness, making it harder for gig workers to access credit.<sup>18</sup>

## **VIII. GOVERNMENTAL MEASURES**

The government can support and regulate the gig economy to ensure fair treatment of workers by implementing policies that provide social security benefits to gig workers, such as health insurance and retirement benefits. The Code on Social Security is one such policy that aims to provide universal coverage of platform workers. Additionally, the government can promote collective bargaining for gig workers and improve access to digital technology and internet connectivity. It can also establish a regulatory framework that ensures fair wages, working conditions, and protection against exploitation.

## **IX. CURRENT STATUS OF GIG WORK IN INDIA**

In India, the status and rights of gig workers are still evolving, and there have been several legal cases and policy initiatives that have attempted to address the issue. Here are some notable examples:

- **Food Delivery Workers' Protest (2019):<sup>19</sup>** In 2019, delivery workers for food delivery companies like Swiggy and Zomato went on strike in several Indian cities to demand better wages and working conditions. The workers argued that they were not being paid a fair wage and were not receiving benefits like health insurance or paid time off.

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<sup>16</sup> "The Legal Status of Online Gig Work in the EU" by the European Commission, 2017.

<sup>17</sup> "Financial Lives Survey 2017" by the Financial Conduct Authority, UK.

<sup>18</sup> "Access to Credit in the Gig Economy" by the Federal Reserve Bank of Minneapolis, 2020

<sup>19</sup><https://m.economictimes.com/tech/technology/food-delivery-workers-protest-exploitation-on-twitter-companies-deny-charges/articleshow/85016422.cms>

- **Gig Workers' Union (2020):** In 2020, a group of gig workers formed the Indian Federation of App-based Transport Workers (IFAT) to advocate for the rights and interests of gig workers. The union has called for better wages and working conditions, as well as access to benefits like health insurance and pension plans.
- **Uber Drivers' Case (2020):** In 2020, a group of Uber drivers in India filed a lawsuit against the company, arguing that they should be classified as employees rather than independent contractors. The drivers argued that they were underpaid and did not receive benefits like health insurance or paid time off.
- **Draft Social Security Code (2020):** In 2020, the Indian government released a draft Social Security Code that includes provisions for gig workers. The code proposes a social security fund that would provide benefits like health insurance, life insurance, and disability coverage to gig workers.

These cases and initiatives demonstrate the growing awareness and concern over the rights and status of gig workers in India. As the gig economy continues to grow, it is likely that there will be further legal and policy developments aimed at protecting the rights and interests of gig workers.

#### **(A) Draft Social security code 2020:**

In India, the classification of gig workers as employees or independent contractors has also been the subject of legal debates and court cases.

In March 2021, the Indian government introduced a new social security law called the Social Security Code, which seeks to provide benefits and protections to gig workers. The law defines gig workers as those who perform work or services for customers using digital platforms or any other means of communication, but who are not directly employed by the platforms or customers<sup>20</sup>.

However, there have also been cases that have addressed the classification of gig workers under existing labor laws.

#### **(B) Some apex court judgments globally:**

The Supreme Court has not heard many cases specifically related to gig work, but there have been several important cases that have had an impact on gig workers.

One significant case was *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*<sup>21</sup>,

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<sup>20</sup> <https://www.iaseexam.com/gig-workers-registration-and-welfare-bill-2023/>

<sup>21</sup> <https://www.lexisnexis.com/community/casebrief/p/casebrief-dynamex-operations-w-v-superior-court>

which was decided by the California Supreme Court in 2018. The case involved a dispute over whether delivery drivers for Dynamex should be classified as employees or independent contractors. The court established a new test, known as the ABC test, for determining whether a worker is an employee or an independent contractor. The ABC test presumes that a worker is an employee unless the employer can demonstrate that:

The worker is free from the control and direction of the hiring entity in connection with the performance of the work;

The worker performs work that is outside the usual course of the hiring entity's business; and

The worker is customarily engaged in an independently established trade, occupation, or business.

This decision had a significant impact on gig economy companies operating in California, as it made it much more difficult for them to classify their workers as independent contractors.

Another important case was *Lawson v. Grubhub*<sup>22</sup>, Inc., which was decided by a federal court in California in 2018. The case involved a dispute over whether a delivery driver for Grubhub was an employee or an independent contractor. The court applied the ABC test established in *Dynamex* and ultimately ruled that the driver was an independent contractor. This decision was significant because it was the first time a court had applied the ABC test to a gig economy worker and found that the worker was not an employee.

In 2021, the UK Supreme Court ruled in the case of *Uber BV v Aslam*<sup>23</sup> that Uber drivers should be classified as workers rather than self-employed, entitling them to benefits such as minimum wage and holiday pay. This ruling has implications for other gig economy companies operating in the UK, as it sets a precedent for how workers should be classified and what benefits they are entitled to.

*O'Connor v. Uber Technologies, Inc.* (2015)<sup>24</sup>:

This case involved a group of Uber drivers who argued that they were employees rather than independent contractors. The case was settled in 2016 for \$100 million, but did not establish a legal precedent.

Overall, while there have not been many Supreme Court cases specifically related to gig work,

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<sup>22</sup> <https://www.jdsupra.com/legalnews/ninth-circuit-reversed-grubhub-s-6689986/>

<sup>23</sup> <https://www.fitzgeraldhr.co.uk/uber-bv-and-others-v-aslam-and-others-supreme-court-judgment#:~:text=The%20Supreme%20Court%20ruled%20that,trip%20acceptance%20to%20drop%20off>

<sup>24</sup> <https://www.lexisnexis.com/community/casebrief/p/casebrief-o-connor-v-uber-techs-1206877015#:~:text=Conclusion%3A,of%20services%20for%20its%20revenues>

there have been several important cases that have had an impact on how gig workers are classified and what rights and benefits they are entitled to.

**(C) Judicial pronouncements on gig work in India :**

- The Food Corporation of India (FCI) Temporary Workers Union vs. Food Corporation of India (2017): In this case, the Supreme Court of India ruled that temporary workers who were engaged by the Food Corporation of India through contractors were entitled to the same wages and benefits as permanent employees doing the same work. The court held that these workers were "employees" under labor laws and that the use of contractors did not absolve the FCI of its obligations to provide them with equal pay and benefits.
- This case has significant implications for gig workers in India, as it suggests that they may be entitled to the same rights and protections as traditional employees under labor laws, even if they are engaged through digital platforms or other intermediaries. However, the implementation of the new Social Security Code and its impact on gig workers remains to be seen.
- All India Gig Workers Union v. The Government of NCT of Delhi (2021): In this case, the Delhi High Court directed the Delhi government to take steps to regulate the gig economy and ensure that gig workers receive minimum wages and social security benefits. The court observed that gig workers, who are often classified as independent contractors, are vulnerable and lack the bargaining power to negotiate fair wages and working conditions. The court also noted that gig work has become an important source of income for many workers in India, especially during the COVID-19 pandemic.

The Delhi High Court's decision highlights the need for India to develop a legal framework that provides gig workers with basic labor protections and social security benefits. The case also underscores the growing recognition of gig work as a significant and emerging sector of the Indian economy, which requires government attention to address the challenges faced by gig workers.

- Ola, Uber Drivers' Association v. Union of India & Ors (2018): In this case, the Delhi High Court issued notice to the central government, asking it to clarify whether gig workers in the ride-hailing industry are entitled to minimum wages, social security benefits, and other employment protections. The court observed that gig workers perform services that are critical to the economy, and that their rights must be protected.

- **Food Delivery Federation v. Union of India (2021):** In this case, the Supreme Court of India directed the central government to establish a social security scheme for gig workers, including those working in the food delivery industry. The court observed that gig workers are a vulnerable section of the workforce, and that they must be provided with basic social security benefits.
- **Food Delivery Executive's Case (2019):** In this case, the Madras High Court directed the Tamil Nadu government to form a committee to look into the working conditions and rights of food delivery executives. The case was filed after a delivery executive for a food delivery platform died in an accident while on the job. The court noted that the delivery executives were not considered employees and were therefore not entitled to employment benefits, and urged the government to take steps to protect their rights.
- **Swiggy's Employee Status Case (2020):** In this case, a delivery executive for the food delivery platform Swiggy filed a petition in the Karnataka High Court seeking employee status and benefits such as minimum wage, overtime pay, and social security benefits. The court directed Swiggy to deposit a sum of money as a guarantee to pay the petitioner's claim if he is found to be an employee. The case is still ongoing, and the outcome could have significant implications for the classification of gig workers in India.
- **Uber's Driver De-activation Case (2021):** In this case, the Delhi High Court directed Uber to pay compensation to a driver whose account was deactivated without notice or a chance to be heard. The court noted that the driver was not an employee but was still entitled to fair treatment and due process. The case highlights the issue of gig workers' vulnerability to arbitrary decisions by their employers.

These cases demonstrate the need for a clear legal framework to protect the rights and interests of gig workers in India. While the gig economy has provided new opportunities for work and income, it has also created new challenges and risks for workers, and the legal system must adapt to address these issues.

These developments suggest a growing recognition in India of the need to protect the rights and welfare of gig workers, and the importance of establishing clear policies and guidelines to govern platform-based work. However, it remains to be seen how these guidelines will be implemented and whether they will provide adequate protections for gig workers in practice.

## **X. SUGGESTIONS AND CONCLUSION**

The rise of the gig economy has brought about significant changes in the way people work, and it has also raised concerns about the lack of social welfare benefits available to gig workers. Here are some suggestions for addressing the welfare needs of gig workers:

- **Extend existing welfare programs to cover gig workers:** Governments could consider extending existing social welfare programs such as health care, retirement benefits, and unemployment insurance to cover gig workers. This would require redefining eligibility criteria for these programs to include gig workers.
- **Introduce portable benefits:** Portable benefits are benefits that workers can carry with them from job to job. This would be especially useful for gig workers who often work for multiple platforms or clients. Portable benefits could include health insurance, retirement savings plans, and paid time off.
- **Develop a minimum wage for gig workers:** Gig workers are often paid per task or project, which can lead to income instability. Setting a minimum wage for gig workers would ensure that they are paid a fair wage for their work.
- **Encourage collective bargaining:** Collective bargaining would enable gig workers to negotiate better pay, working conditions, and benefits with their employers. This could be facilitated by creating unions or worker cooperatives specifically for gig workers.
- **Promote entrepreneurship:** Many gig workers are also entrepreneurs who run their own businesses. Governments could provide support for gig workers who want to start their own businesses, such as access to capital and training programs.
- **Conduct research and data collection:** Governments and policymakers need accurate data on the needs and experiences of gig workers to develop effective policies. This could include conducting surveys, gathering data from platforms and employers, and consulting with gig worker organizations.

These suggestions could help to ensure that gig workers have access to social welfare benefits and are able to earn a fair wage for their work.

Overall, while gig work can provide flexibility and autonomy for workers, it is important to recognize that it comes with a lack of job security and may not be a sustainable long-term career path for everyone.

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