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# POST-SOCIAL SECURITY CODE REALITIES: A CRITICAL ANALYSIS OF LEGAL PROTECTION FOR GIG WORKERS

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## ABSTRACT

In the twenty-first century, the rapid expansion of platform-based works has replaced the traditional employment relationships in India. The nature of work and employment has changed fundamentally because of technology, globalisation, and the digitalisation of labour markets. In India, the gig economy has grown quickly in the last few years, especially in areas like ride-hailing, food delivery, logistics, domestic services, and digital freelancing. Digital platforms connect customers with service providers for companies like Uber, Rapido, Swiggy, Zomato, Blinkit, Ola, Urban Company, Nobroker and others. These workers are often called gig workers or platform workers.

On one hand this model offers more flexibility, autonomy and income opportunities, and on other hand the gig economy workers are exposed to various problems which includes low income, algorithmic control, long working hours without overtime pay and arbitrary deactivation lead to job insecurity. Despite the enactment of the code on social security, 2020, which formally recognises gig and platform workers, the existing legal framework remains inadequate in ensuring substantive labour protection. The Code mainly outlines welfare programs rather than establishing legally binding entitlements concerning minimum wages, job security, pensions or the right to collective bargaining. This results in pushing the gig economy workers to get paid with low income, gender inequalities, limited social securities in practice, weak grievance system. This study identifies the existing legal gaps in the Social Security Code, analyses judicial interpretations, and compares international approaches to gig worker protection. The research aims to highlight the necessity of legislative and policy reforms to protect gig workers facing various problems and challenges in the gig economy and to ensure inclusive and equitable labour protection in the evolving digital economy.

**Keywords:** Gig Economy, Gig Workers, Platform Workers, Code on Social Security, 2020, Labour Law Reforms, Social Security, Employment Relationship, Independent contractors, Legal Protection.

## 1. INTRODUCTION

In this Modern era, the nature of work and employment has changed fundamentally because of technology, globalisation, and the digitalisation of labour markets. Long-term contracts, set wages, and social security benefits provided by the employer are all hallmarks of traditional employment relationships. More and more, these are being replaced by flexible, short-term, and platform-mediated work arrangements. The gig economy is one of the most important signs of this change. It has changed job markets all over the world, including in India. The gig economy represents a labour arrangement characterised by platform-mediated engagements where work is allocated through digital systems rather than traditional employment contracts.

In India, the gig economy has grown quickly in the last few years, especially in areas like ride-hailing, food delivery, logistics, domestic services, and digital freelancing. Digital platforms connect customers with service providers for companies like Uber, Ola, Swiggy, Zomato, Urban Company, and Amazon Flex. These workers are often called gig workers or platform workers.

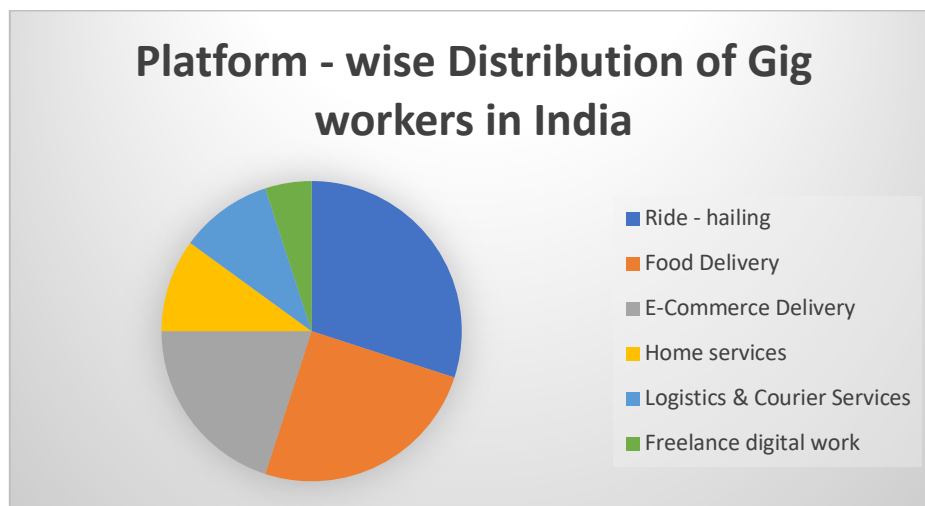


Figure 1.0: Platform-wise distribution of Gig workers

The gig economy has made it easier for people to find work and given them more freedom, but it has also brought up a lot of legal and policy questions about the rights and safety of gig workers. Gig workers are usually considered independent contractors rather than regular employees. This means they don't get the same legal protections as regular employees, like minimum wages, social security benefits, safety measures at work, and the right to collective

bargaining. This classification has led to unsafe working conditions, unstable income, and a lack of legal options for gig workers who are unfairly fired, hurt on the job, or taken advantage of. Historically, Indian labour law has been based on the idea of a master-servant relationship, where rights and duties are based on the existence of an employer-employee relationship.

The Indian government enacted the Code on Social Security in 2020 to recognise the growing importance of gig and platform workers. The Code does not require platforms to pay into social security funds, and it mostly leaves the implementation of welfare programs up to the government. Because of this, the current legal system is still not good enough and is not complete, so gig workers are not fully protected.

Constitutionally, gig workers are protected under the Articles 14, 19(1)(g) and 21 which guarantee equality before the law, freedom of profession and the right to life and livelihood.

In *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court acknowledged the right to livelihood as a fundamental part of the right to life. However, the uncertain conditions of gig work, which include sudden account deactivation, lack of job stability, and no social security benefits, present significant risks to the constitutional rights of gig workers.<sup>1</sup> Globally, experts and policy makers have pointed out the challenges that the gig economy brings to traditional labor laws.

Many countries, including the United Kingdom, the European Union, and the United States, have started to reclassify gig workers or offer them a middle legal status and social security benefits. In India, the fast-growing gig economy, along with the lack of full legal protections, requires a thorough review of the current legal system and the development of suitable policies. A complete labor framework for gig workers must balance the flexibility of gig work with the need for social security, fair pay, workplace safety, and ways to resolve disputes.

This study aims to examine the legal status of gig workers in India, assess how well existing labor laws work, how to increase the implementation of the existing law, and suggest reforms to protect the interest of the gig economy workers.

By looking at constitutional rights, laws, court rulings, and international examples, this research contributes to the ongoing conversation about labour rights in the digital economy and

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<sup>1</sup> *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

offers legal solutions that ensure social protection.

### **1.1. OBJECTIVES OF THE STUDY**

The gig economy has emerged as an innovative employment model in India, driven by digital platforms such as Uber, Rapido, Swiggy, Zomato, Blinkit, Ola, Urban Company, Nobroker and others. On one hand this model offers more flexibility, autonomy and income opportunities, and on other hand the gig economy workers have been exposed to various problems which includes low wages, lack of social security and precarious working conditions. In this context, the present study seeks to critically examine the legal framework governing gig and platform workers and explore the need for comprehensive labor protection mechanisms.

The primary objectives of this research are as follows:

#### **1.1.1. To Examine the Legal Status of Gig Economy Workers in India**

One of the core objectives of this study is to determine the legal status of the gig workers under Indian labour law. Traditional labour law classifies the workers as either “employees” or “Independent contractors”. However, Gig economy workers are often classified as independent contractors. In Many cases there have been debates and legal challenges to designate gig workers as “employees” in order enjoy rights and benefits given under labour law.

Upon the enactment of social security code, the social benefits such as provident fund, Employee state insurance, gratuity, are remains uncertain for the gig workers. Unlike traditional employees, gig workers don't have the employer- employee relationship.<sup>2</sup>

#### **1.1.2. To Analyze Existing Legal and Policy Frameworks Governing Gig Workers in India**

Another objective is to analyze the existing code on social security,2020, which provided statutory recognition for gig and platform workers since they have no clear status under traditional labour laws.

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<sup>2</sup> Namrata P. Rajiv et al., *The Gig Economy: Problems and Challenges for Workers*, Indian Institute of Social Sciences, Policy and Practice Research, <https://iisppr.org.in/the-gig-economy-problems-and-challenges-for-workers/> (last visited Apr. 3, 2026).

Under this code, the government can frame social security schemes for gig workers such as life & disability insurance, health benefits, old age benefits, maternity benefits. In addition, this, dedicated fund is created for gig workers funded by government and mandatory contribution by aggregators like Uber, Zomato.<sup>3</sup>

### **1.1.3. To Study Judicial Responses and Comparative International Approaches**

The research aims to determine the judicial interpretations concerning the gig workers in other countries. Several courts addressed the issues relating to platform worker's classification, wages, no fixed hours of work and other employment benefits unlike traditional employees.

### **1.1.4. To Identify Legal and Practical Challenges Faced by Gig Workers**

The research focuses on the legal challenges faced by gig workers after the enactment of social security code. Gig workers are facing multiple challenges including income fluctuations, no fixed time of work as mentioned in code (8 hours per day and 48 hours per week), no overtime wages, time bound pressures such "delivery within 30 minutes" and also limited access to social security schemes.

This research aims to document these challenges through doctrinal analysis and secondary sources such as journals, magazines, articles etc., thereby highlighting the vulnerabilities inherent in platform-based work. This study also seeks to explore how digital platform influence the gig workers through ratings, pricing algorithms and work allocations, which impairs the claim that gig workers are independent contractors, restricts them from enjoying

## **1.2. SCOPE AND LIMITATIONS OF THE STUDY**

The scope of this research is focussed on the legal protections and challenges faced by gig economy workers even after the enactment of social security code which recognizes gig economy and platform-based workers. The research focuses on the obstacles faced by the gig economy workers who are working in various platforms such as Swiggy, Zomato, Blinkit are considered the workers as delivery partners rather than employees, which restricts the gig economy workers to push themselves into the category of independent contractors. Even after

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<sup>3</sup> Code on social security, No.36 of 2020, sec 2(35), India code(2020)  
Ministry of labour & employment, Government of India, Code on social security, 2020, <https://labour.gov.in>

enactment of social security code to address the major challenges, the availability of benefits and social security of gig workers remains uncertain. The study includes:

- Examining the current problems including lack of social protection, no fixed working hours, no fair pay, lack of several benefits for the gig workers in the society.
- Analysing the existing social security code enacted in 2020.
- Comparing the regulations and policies enacted in foreign countries to protect the interest of gig economy workers.
- New policy recommendations to improve and safeguard the rights of gig economy workers in India.
- The study contributes to academic and policy discourse on the future of work and labour regulation in the digital economy.<sup>4</sup>

### **1.3. RESEARCH METHODOLOGY**

This study follows a qualitative and doctrinal research design. The research mainly relies upon doctrinal method to analyse the legal position and protection mechanisms available for gig workers in India.

#### **1.3.1. Sources of data**

##### **a. Primary sources**

Primary data for the study is obtained from statutes, legislative enactments and relevant judicial pronouncement related to gig economy workers in India.

##### **b. Secondary sources**

Secondary sources of data is collected from books, journals articles, research papers available in online legal databases and publications. The Reports on gig economy workers published by ILO, World bank, OECD are also used as reference materials. And the other empirical data of

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<sup>4</sup> Int'l Labour Org., *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (2021).

gig workers were collected from government sources such as NITI AYOJ ,European union law portal.

## **2. DEVELOPMENT OF LABOUR LAWS IN INDIA**

### **a) Pre – Independence Era**

During the British period, the labour laws were enacted to protect the industrial interest of the British later they laid the foundation for the workers protection in India leading to the enactment of;

- **Factories Act, 1881 and 1911** – Regulated working hours and child labour.
- **Trade Unions Act, 1926** – Provided legal recognition to trade unions.
- **Payment of Wages Act, 1936** – Ensured timely payment of wages.

### **b) Post-Independence Period**

After independence, India adopted those enactments and labour rights were incorporated into the constitution. The Directive Principles of State Policy encouraged social justice, fair wages, and humane working conditions.<sup>5</sup>

Several labour laws were enacted in this period, including:

- Industrial Disputes Act, 1947
- Minimum Wages Act, 1948
- Employees' Provident Funds Act, 1952
- Factories Act, 1948

These laws aimed to regulate employer–employee relationships and ensure worker welfare.

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<sup>5</sup> Constitution of India, Arts. 38, 39, 41, 42, 43.

### 3. EMERGENCE OF THE GIG ECONOMY

The term “gig” originally referred to short-term performance engagements in the entertainment industry but later came to denote **temporary, task-based work facilitated by digital platforms**. In gig economy, people do temporary, task-based, or freelance work through digital platforms instead of having permanent, full-time jobs, which is more comfortable for women than men who needs flexible working hours.

In India, the gig economy has grown quickly in the last few years, especially in areas like ride-hailing, food delivery, logistics, domestic services, and digital freelancing. Digital platforms connect customers with service providers for companies like Uber, Rapido, Swiggy, Zomato, Blinkit, Ola, Urban Company, No broker and others. These workers are often called gig workers or platform workers.<sup>6</sup>

The Code mandates the Central and State Governments to formulate social security schemes for gig and platform workers. These schemes may include life and disability insurance, health benefits, maternity benefits, and old-age protection. The Code also establishes a Social Security Fund for unorganised workers, gig workers, and platform workers, to be financed through government contributions, aggregator contributions, and other sources.

However, the Code does not grant gig workers the status of “employees,” thereby excluding them from core labour protections such as minimum wages, provident fund, and industrial dispute resolution mechanisms.<sup>7</sup>

#### 3.1 Protection under Existing Labour and Welfare Laws

##### 3.1.1 Employees’ Compensation and Occupational Safety

Gig workers may claim compensation for injuries arising out of and in the course of employment but it is limited under the Employees’ Compensation Act which is incorporated into social security code ,2020. This is law applicable to the employees but not for independent contractors. However, gig workers are recognized under this code but they are excluded as independent contractors making them ineligible to claim the compensation.

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<sup>6</sup> ILO, *World Employment and Social Outlook* (2021).

<sup>7</sup> Code on Social Security, No. 36 of 2020, §§ 2(35), 2(60), 114–117 (India).

### **3.1.2. Minimum Wages and Wage Protection**

The minimum wages and wage protection were consolidated into the social security code to provide minimum wages to gig workers, however the gig workers are excluded from its coverage because they are not classified as employees under contract of service instead they are classified as independent contractors. This legal exclusion leaves gig workers vulnerable to exploitation and low income.<sup>8</sup>

### **3.1.3. Social Security Schemes for Unorganised Workers**

Before the enactment of social security code, 2020, the Unorganised Workers' Social Security Act, 2008 provided a framework for welfare schemes such as health insurance and pension for informal sector workers. Gig workers could be included under the category of unorganised workers, but implementation was weak and lacked enforcement mechanisms.<sup>9</sup>

## **3.2. International Labour Standards and Academic Perspectives**

The International Labour Organization (ILO) has emphasised the need for social protection and decent work standards for platform-based workers. Scholars such as Valerio De Stefano have argued that gig workers constitute a “just-in-time workforce” characterised by precarious employment and lack of labour rights, requiring regulatory intervention.<sup>10</sup>

## **4. RECOGNITION OF GIG WORKERS UNDER THE CODE ON SOCIAL SECURITY, 2020**

The Code on Social Security, 2020 (CSS Code) formally recognises gig workers and platform workers as distinct categories of labour. Section 2(35) defines a gig worker as a person who performs work or participates in a work arrangement outside the traditional employer–employee relationship, while Section 2(60) defines a platform worker as a person engaged through an online platform. Despite the recognition of gig workers in recent labour codes, there is less implementation and poor enforcement. The absence of clear guidelines on employer obligations, social security funding, and enforcement mechanisms creates a gap between law

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<sup>8</sup> Code on Wages, No. 29 of 2019 (India)

<sup>9</sup> Unorganised Workers' Social Security Act, No. 33 of 2008 (India).

<sup>10</sup> Valerio De Stefano, The Rise of the Just-in-Time Workforce, 37 COMP. LAB. L. & POL'Y J. 471 (2016).

and practice.

## 5. LEGAL CHALLENGES POSED BY GIG WORK

On one hand this model offers more flexibility, autonomy and income opportunities, and on other hand the gig economy workers are exposed to various problems which includes low income, algorithmic control, long working hours without overtime pay and arbitrary deactivation lead to job insecurity. Though the introduction of the code on social security, 2020 addresses the issues such as recognizing gig workers and platform-based workers, minimum wages, social security benefits, it failed to monitor its implementation and the platforms such as swiggy, Zomato, blinkit, uber, ola, rapido are mentioning their workers as partners rather than employees. Therefore, these gig workers are still classified as independent contractors who cannot enjoy several employment benefits such as retirement, gratuity, etc.,

This study identifies the existing legal gaps in the Social Security Code, analyses judicial interpretations, and compares international approaches to protect the gig workers. Traditional labour laws were designed for permanent, full-time employment relationships. Whereas Gig workers are classified as **independent contractors**, thereby excluding them from statutory protections such as minimum wages, employment benefits and collective bargaining rights.<sup>11</sup>

Gig workers, particularly delivery personnel and drivers, face significant occupational risks such as road accidents, long working hours, and physical stress. Since platforms classify them as independent contractors, companies often deny responsibility for workplace injuries. The lack of employer liability and insurance coverage further exacerbates their vulnerability.

Gig workers have limited access to grievance redressal mechanisms. Platform contracts often contain arbitration clauses or terms favouring companies, making it difficult for workers to challenge unfair practices. The absence of a specialized regulatory authority for gig workers further weakens their ability to seek justice.

Women and marginalized communities face additional challenges in the gig economy, including safety concerns, discrimination, and digital exclusion. Women's participation in gig work remains low due to social barriers and technological constraints. This highlights the need

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<sup>11</sup> NITI Aayog, *India's Booming Gig and Platform Economy* (2022).

for inclusive policies that address gender inequality in digital labour markets.<sup>12</sup>

Gig workers are subject to constant monitoring through GPS tracking, ratings, and performance metrics. This raises serious concerns about privacy, data misuse, and surveillance capitalism. The **Digital Personal Data Protection Act, 2023** in India provides some safeguards, but enforcement remains uncertain.<sup>13</sup>

Courts and policymakers faced difficulties in determining the legal status of gig workers, as platforms claimed to be mere intermediaries rather than employers, and workers are classified as independent contractors rather than employees.

## 6. JUDICIAL EVOLUTION OF GIG WORKER LAW

Courts across the world applied traditional tests such as the **Control Test**, **Integration Test**, and **Economic Reality Test** to determine the employment relationships. Control test determines how much the employer controls the worker, Integration test determines whether the worker integrated towards the work/business or just an outsider and the Economic reality test looks at the economic dependence of the workers towards the employer. In India, the judicial precedents such as **Hussainbhai v. Alath Factory Thezhilali Union** and **Workmen of Nilgiri Cooperative Marketing Society v. State of Tamil Nadu** contributed to the understanding of employment relationships.<sup>14</sup>

In the United Kingdom, the Supreme Court in **Uber BV v. Aslam (2021)** held that Uber drivers are “workers” entitled to minimum wage and paid leave.<sup>15</sup> In the United States, **Dynamex Operations West, Inc. v. Superior Court (2018)** introduced the ABC Test for worker classification.<sup>16</sup>

### 6.1. Legislative Recognition of Gig Workers

#### 6.1.1 Global Developments

Several jurisdictions introduced legislative reforms to regulate gig work:

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<sup>12</sup> World Bank, *Women and Work in the Gig Economy in South Asia* (2020).

<sup>13</sup> Digital Personal Data Protection Act, 2023, India.

<sup>14</sup> *Hussainbhai v. Alath Factory Thezhilali Union*, (1978) 4 SCC 257; *Workmen of Nilgiri Cooperative Marketing Society v. State of Tamil Nadu*, (2004) 3 SCC 514.

<sup>15</sup> *Uber BV v. Aslam*, [2021] UKSC 5.

<sup>16</sup> *Dynamex Operations West, Inc. v. Superior Court*, 4 Cal.5th 903 (2018).

- **California Assembly Bill 5 (2019)** in the US
- **EU Platform Work Directive**
- Amendments to labour laws in the UK and other countries

These reforms aimed to reclassify gig workers or create hybrid employment categories.

### 6.1.2 Evolution of Gig Worker Law in India

In India, gig workers were legally recognized for the first time under the **Code on Social Security, 2020**, which defines gig workers and platform workers and provides for social security schemes. This marked a significant shift from complete legal exclusion to partial statutory recognition.<sup>17</sup>

### 6.2. Changing Philosophy of Labour Law

Historically, labour law evolved from a laissez-faire approach to a welfare-oriented framework. Similarly, gig worker regulation is moving from contractual freedom to social protection. Scholars argue that algorithmic control, economic dependency, and lack of bargaining power justify State intervention in gig work.<sup>18</sup>

## 7. COMPARATIVE JUDICIAL DEVELOPMENTS IN FOREIGN JURISDICTIONS

Foreign judicial decisions are highly relevant for Indian research because Indian courts often rely on comparative jurisprudence in labour law matters.

### 7.1. United Kingdom: *Uber BV v. Aslam* (2021)

In *Uber BV v. Aslam*, the UK Supreme Court held that Uber drivers are “workers” and not independent contractors, thereby entitling them to minimum wage, paid leave, and other statutory protections. The Court emphasized that Uber exercised significant control over drivers through fare setting, contractual terms, and algorithmic management.

This case is considered a landmark decision in global gig economy jurisprudence and

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<sup>17</sup> Code on Social Security, 2020, §§ 2(35), 2(60).

<sup>18</sup> ILO & OECD Reports on Platform Work and Labour Regulation.

demonstrates a shift from contractual formalism to substantive labour protection.

## **7.2 United States and European Jurisdictions**

In the United States, courts have delivered mixed judgments, but several states such as California have enacted legislation (e.g., Assembly Bill 5) influenced by judicial interpretations recognising gig workers as employees under certain conditions.

Similarly, courts in France and Spain have recognised platform workers as employees due to the degree of control exercised by digital platforms, leading to statutory reforms such as Spain's "Rider Law."

## **8.FINDINGS, SUGGESTIONS AND CONCLUSION**

### **8.1. FINDINGS OF THE STUDY**

This study examined the legal status, working conditions, and difficulties faced by gig and platform workers in India. The findings reveal that though the gig economy created more employment opportunities to the individual but not the employment benefits, it also exposed the workers to economic vulnerabilities.

Initially, the research identified that the gig workers are legally recognized under the **Code on Social Security, 2020**, but they are not classified as employees rather they are classified as independent contractors, thereby avoiding employer obligations under labour laws. As a result, gig workers are deprived of fundamental labour rights such as minimum wages, social security, protection against arbitrary termination.

Then, the research found that gig workers are pushed to get paid with low income. Their earnings depend on fluctuating demand, incentives, and algorithm-based pricing systems controlled by platforms. Frequent changes in payment structures without consultation create financial uncertainty and make gig work an unreliable source of livelihood.

The study highlights that gig workers lack adequate social security and employment benefits. Unlike traditional employees, gig workers do not receive employment benefits such as provident fund, pensions, gratuity, maternity benefits, or paid leave. Although the law

recognizes them, the absence of a clear implementation framework and funding mechanism makes these provisions largely ineffective in practice.

Another important finding is the presence of algorithmic control over gig workers. Despite being labelled as independent workers, platforms exercise strict control through digital algorithms, ratings, and performance metrics. This creates a power imbalance similar to a traditional employer–employee relationship but without corresponding legal responsibilities.

The study also found that gig workers lack collective bargaining power. Since they are not recognized as “workers” under traditional labour laws, they face difficulties in forming unions or negotiating with platform companies. This further weakens their position and exposes them to exploitation.

Occupational safety emerged as another major concern. Delivery riders and drivers face high risks of accidents, long working hours, and physical stress due to time bound pressures such “delivery within 30 minutes” imposed by some intermediaries. However, platform companies often deny responsibility for workplace injuries due to their contractual classification as independent contractors.

The research also identified gender inequality in the gig economy. Women and marginalized groups face additional barriers such as safety concerns, digital illiteracy, and discriminatory practices, resulting in lower participation and unequal earnings.

Finally, the study found serious gaps in regulatory and enforcement mechanisms. Existing labour laws are designed for traditional employment and are inadequate to regulate digital platforms. There is no specialized authority to monitor platform practices, enforce social security contributions, or resolve disputes between gig workers and platforms.<sup>19</sup>

## **8.2. SUGGESTIONS AND RECOMMENDATIONS**

In light of the above findings, the study proposes several suggestions to improve the legal and social protection of gig workers in India.

Firstly, the government should establish a clear legal definition and classification for gig and

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<sup>19</sup> Haridarshan Singh, *Gig Workers: A Comprehensive Analysis of the Rise, Challenges, and Future of the Gig Economy*, *Int'l J. for Multidisciplinary Rsch.*, Vol. 6, Issue 5 (2024),

platform workers. They should either be reclassified as employees or recognized as a separate category such as “dependent contractors,” ensuring that they receive all the employment benefits same as traditional employees such as minimum wages, social security and protection against arbitrary termination.

Secondly, statutory minimum wage standards should be extended to gig workers. Platforms should be legally required to ensure fair and transparent payment systems and should not unilaterally reduce incentives or wages.

The study also recommends introducing legal requirements for algorithmic transparency. Platforms should disclose how algorithms determine wages, work allocation, and ratings. Independent audits should be conducted to prevent discrimination and unfair practices.

Further, gig workers should be granted collective bargaining rights. Labour laws should be amended to allow gig workers to form unions and negotiate collectively with platform companies. This would help balance the power disparity between workers and platforms.

Occupational safety should be strengthened by mandating platforms to provide accident insurance, safety training, and protective equipment. Platforms should also be held liable for workplace injuries.

A specialized grievance redressal mechanism should be established to resolve disputes between gig workers and platforms. This could include a regulatory authority or tribunal dedicated to gig economy issues.

The study also suggests adopting gender-inclusive policies to encourage women’s participation in gig work. Measures such as safety mechanisms, digital literacy programs, and anti-discrimination rules should be implemented.

Finally, the government should formulate a comprehensive national policy on the gig economy, drawing inspiration from international frameworks such as the European Union’s Platform Work Directive. This policy should balance technological innovation with labour protection.

### **8.3. CONCLUSION**

The emergence of gig work has made several transformations in the society by digitalising all

the services and provided many job opportunities are flexible and introduced technology-driven forms of labour. While the gig economy has created new opportunities for income generation and entrepreneurship, it has also exposed workers to significant vulnerabilities, including job insecurity, lack of job protection, absence of minimum wage, and exclusion from employment benefits. Unlike traditional employees, gig workers remain outside the conventional employer–employee relationship, resulting in inadequate legal safeguards and weak bargaining power.

The Enactment of the **Code on Social Security, 2020** recognised gig and platform workers in India. However, mere recognition without effective implementation does not ensure meaningful protection. The absence of clear enforcement mechanisms, ambiguity regarding platform responsibilities, and the voluntary nature of many welfare schemes have limited the practical impact of the Code. Moreover, stronger institutional mechanisms are required for the effective implementation of welfare schemes under the Social Security Code. This includes the establishment of dedicated boards, digital registration systems, transparent funding structures, and periodic audits to ensure accountability of aggregators. Awareness programs must also be conducted to educate gig workers about their rights and available benefits. Comparative experiences from jurisdictions such as the European Union and the United Kingdom demonstrate that proactive regulatory frameworks can balance innovation with labour protection.

In conclusion, the future of gig work in India depends on the State's commitment to creating a **robust, inclusive, and enforceable legal framework**. Ensuring that gig workers enjoy social security and labour rights similar to traditional employees is not only a matter of economic policy but also a constitutional obligation to uphold dignity, equality, and social justice. Strong enforcement of the Social Security Code and progressive reforms will pave the way for a fair and sustainable gig economy that benefits both workers and digital platforms.

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