

AZAAD आवाज़





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Azaad आवाज़ aims to tackle an erosion of empathy in our society. This monthly magazine (Patrika) aims to focus on the marginalized sections whose voices are often muted in the cacophony of flashy mainstream media discourse. When referring to marginalization, this platform does not aim to restrict itself to the traditional focus on social aggregates like caste and race alone but aspires to include a discussion on class, gender, sexual orientation, etc. Azaad आवाज़ sculpted as a digital media station focuses on issues that debilitate the “deliberately silenced”, drawing no boundaries and aspires to evolve and voice the needs of those silenced.

AN INITIATIVE UNDER



THE GIG ECONOMY IN INDIA: UNVEILING THE EXPLOITATION OF WORKERS

In recent years, the gig economy has gained significant prominence worldwide, revolutionizing the way people work and earn a living. India, with its burgeoning population and technological advancements, has experienced a substantial surge in gig work platforms and freelancing opportunities. While the gig economy has provided new avenues for employment and entrepreneurship, it has also shed light on the exploitative conditions faced by workers. In this article, we will delve into the gig economy of India, its growth, and the concerning issue of worker exploitation.

The gig economy refers to a labor market characterized by short-term contracts or freelance work, where individuals offer their skills and services on a flexible basis. This can range from ride-sharing and food delivery services to freelance writing, graphic design, and software development. These platforms connect gig workers directly with customers, often through mobile applications, creating a convenient and accessible marketplace.

India's gig economy has experienced a remarkable surge in recent years, driven by various factors that have contributed to its widespread adoption. Firstly, the proliferation of smartphones and affordable internet access has revolutionized the way Indians connect and engage with gig work platforms. This technological advancement has made it easier for individuals to access job opportunities and work seamlessly, even from the comfort of their homes.

Secondly, India's large population, characterized by a significant number of educated and skilled individuals, has created a vast pool of potential gig workers. This availability of talent has attracted both local and international gig platforms to establish a presence in the Indian market. These platforms have leveraged the country's talent pool to provide services ranging from transportation and food delivery to online freelancing and professional services.

Moreover, the gig economy has proven to be a solution to India's high unemployment rates and underemployment. With limited formal employment opportunities and an ever-growing workforce, gig work has emerged as a viable alternative for many individuals seeking income generation. The flexibility and ease of entry into gig work have made it an attractive option, particularly for young people, students, and those seeking supplementary income.

While the gig economy in India has offered new avenues for income generation, it has also exposed workers to various forms of exploitation. Many gig workers struggle to earn a sufficient income due to low payment rates and fluctuating demand. Platforms often operate on a commission or piece-rate model, where workers earn a percentage or fixed amount for each job completed. However, these rates are often set by the platforms, leaving workers with little bargaining power. Additionally, workers may face challenges in securing a consistent flow of work, leading to income instability.

Gig workers in India typically lack access to basic benefits such as health insurance, paid leave, and retirement plans. They are responsible for their own social security, which can be financially burdensome, especially during emergencies or when facing health-related issues. The absence of safety nets exposes gig workers to financial risks and increases their vulnerability. Gig work is often associated with long and irregular working hours, as workers strive to meet the demands of customers and platforms. Some workers may find themselves working excessively to maximize their earnings, leading to burnout and a compromised work-life balance. Platforms may also employ exploitative practices, such as unfair ratings systems or arbitrary penalties, which can negatively impact workers' livelihoods.

Gig workers in India often fall into a legal gray area, with ambiguous regulations and classifications. Platforms frequently categorize workers as independent contractors rather than employees, which allows them to circumvent providing benefits and adhering to labor laws. This lack of legal protections makes it challenging for gig workers to assert their rights and seek remedies for workplace grievances. Additionally, the absence of strong labor unions catering specifically to gig workers further exacerbates their vulnerability.

In this issue, the focus would be to understand the struggle of the gig worker economy. While the gig economy in India has undoubtedly opened up new opportunities for employment and entrepreneurship, it is essential to address the exploitation faced by workers within this rapidly growing sector. By implementing robust regulations, promoting social dialogue, and investing in worker empowerment, India can strive towards a more inclusive and equitable gig economy, where workers' rights and well-being are prioritized alongside technological advancements.

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The absence of safety nets exposes gig workers to financial risks and increases their vulnerability.

In this edition of Vichaar, we decided to investigate this claim not simply in the backdrop of gig work but in the light of increasing casualisation of labor. For this purpose, we reached out to the research consultant at Samvada, Shradhha NV Sharma. We began the conversation on understanding why the young Indian population is so drawn to choose contractual work and even willing to leave the agrarian economy behind. We furthered our conversation on what casualisation implies and its impact on the real versus imagined agency. How casualisation impacts marginalized groups and if there's a way to mitigate the impact?

In this issue of Azaad in Focus, we explore our understanding by documenting of the plight of the gig workers within India, through a socio-politico-legal perspective and examine their place in the Indian economy. We would like to unpack the term gig economy, explore the working conditions of the gig workers, social security policies and the legal barriers in accessing them.

For this, the team speaks to Prof. Sabreen Ahmed who is a Lecturer at the Jindal Global Law School. She speaks of how the lack of a clear definition for gig workers hinders the provision of social security benefits. The gig economy blurs the line between organized and unorganized sectors, creating a grey area for worker classification. Women's low participation in the gig economy can be attributed to factors such as limited awareness, safety concerns, and preference for secure work.

The Nazariya piece, with a focus on platform-based work, aims to explore the gendered dynamics present within the gig economy. By dismantling the idea of flexibility, it outlines various factors and structural barriers that bar women's inclusion in gig work and result in the genderization of the economy.

Lastly, for TalkPoint, we speak to Anwasha Ghosh, and we look at various aspects of the gig economy, including the impact of advancements in Information and Communication Technology (ICTD) on the labor force, social security measures for gig workers, their classification under labor laws, the implications of the Code on Social Security 2020, challenges faced by gig workers, and the need for gender-focused policies. The discussion highlighted the risks, consequences, and changing dynamics of work in the gig economy, as well as the importance of addressing worker protection, privacy, and job security concerns.

Further, we speak to Nisha Subramanian, a PhD student of Anthropology at Ashoka University. The interview revolved around the gig economy, specifically focusing on the experiences of delivery workers in the food delivery sector. The interviewee, Nisha, shared insights from her PhD research on the gig economy, particularly in the context of food delivery workers in India. They discussed various

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Platforms frequently categorize workers as independent contractors rather than employees, which allows them to circumvent providing benefits and adhering to labor laws.

topics, including the factors contributing to the rise of app-based services, the demographics of workers in the gig economy, the relationship between workers and platforms, job satisfaction among gig workers, and the potential for collective bargaining and unionization. The interview also touched upon the impact of COVID-19 on the gig economy and the challenges faced by gig workers, including issues of payment, incentives, transparency, and infrastructure. Additionally, Nisha highlighted the gendered experiences within the gig economy, noting differences observed between cities and the need for further exploration.

On the Gig Workers in India: Working Conditions, Laws and Policies

IN CONVERSATION WITH PROF. SABREEN AHMED

Q. While the term 'gig economy' has garnered much attention in the past few years, there is no clear definition of the same. What are the risks and consequences of not having clear definitions of terms such as the gig worker? And also, how is a gig economy worker captured in the definitions of formal and informal economy, that often get blurred here?

We have to understand here firstly that the world is currently growing. Not only are we living in a physically growing world but we are growing digitally, in many ways. So the one problem of not defining who a worker is in today's day and age, I believe, is that the government gets a free pass from not providing the social security that the government or the state is obliged to provide in the first place. In today's day and age, especially freelancing has become one of the most prominent ways of working that allows the people to have that kind of flexibility when it comes to their work,

One big disadvantage if in case we become very rigid with the definition of who a workman is that all these workers who are falling within the emerging new terms can not get social benefits, which they would otherwise be eligible to if they would fall within the traditional definition of a workman, which is understood more in terms of employer-employee relationship and the control test, which is also commonly applied all across India.

Gig economy often blurs the line between the organized and the unorganized sectors. When we bifurcate the sectors, the organized and the unorganized, we still have a little bit of focus with



Prof. Sabreen Ahmed

Lecturer, Jindal Global Law School

respect to let's say the daily wage workers and we come up with new schemes with acknowledgement of this fact that they do not form part of the organized sector or let's say the acknowledgement of the fact that they do not fall under the traditional employer-employee relationship. But the problem with the gig workers is that they fall right in between sometimes and that is why they create a grey area, which is not completely an organized sector and not completely an unorganized sector, because the terms of their employment are very vague. They do not have an employment agreement, they have a workman agreement sometimes, where some of the terms of their agreement resembles an organized sector.



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But at the same time, a gig worker might not have something like retirement benefits. But if you are talking about those industries where they are working, they are definitely falling within the purview of the organized sector. So they are not necessarily within the definition of an unorganized sector. They are piercing this line that was maybe there before, but now it has become more prominent. But the absence of special legislation which is realizing this difference, is creating more of a problem for us to come to terms with the fact that there are new class of workers emerging and they are not left or right but somewhere in the middle, and possibly require new sorts of protections with acknowledgement of the fact that they are indeed different in the way they work or function.

Q. The gig economy, especially in terms of the platform-based economy, is often said to result in “democratization of the economy.” Can it be called democratization given that despite the surge in the gig economy, participation by women remains less than 30%? What factors can explain the invisibilization of women in the gig economy? What should be done if the participation by women in the gig economy is to be increased?

The answer would be very similar to the answers that lie in the other contexts. It is not just the gig economy where women are invisible. There are many many such areas where the participation by women is considerably low. There are very few sectors where we see women emerging, education being one where I see that a lot of women are there. And then there also comes the question of intersectionality and representation amongst the women because no two women are the same. Look at you and look at me, we are completely different. And this forms another question of representation. When I talk about the factors that contribute towards the invisibilization of women, the answer would be the common reasons as to why they are absent in the other sectors as well.

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One problem of not defining who a worker is that the government gets a free pass from not providing social security that the state is obliged to provide in the first place.

However, one fresh reason could be that freelance or gig work brings in a lot of uncertainty and women who are trying to break the glass ceilings or who are trying to take the financially independent role would certainly look for something that is more secure in nature in comparison to something that is more temporary in nature like the gig work. That is one of the things but it attaches itself to the lack of awareness as well among women, because they might not know that such a nature of work would be available for them. I have had a few experiences with people, especially women, who have said that they would not be, let's say, a Zomato delivery partner. They say that their home conditions would not allow it because they can't possibly be out on the road delivering food and it is also a concern for their safety. So if they happen to go to a stranger's house and deliver food, there is a sense of insecurity that comes along with it. So there are not only issues of financial insecurity but it comes with a lot of physical safety for the women.

However, it's a very debatable point to argue how we can increase women's participation in just

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this particular sector while we already know that there are so many other sectors lying ideal for women's participation. But yes, the same sorts of resources would go for this sector also that would start with awareness and a little more gender-sensitivity in these sectors specially. For example, these sectors need to be equipped for women to be a part of it and that would start with ensuring their physical safety.

Q. Platforms such as Urban Company keep track of workers' locations by accessing the GPS trackers in the smartphones of the workers. What are your views on this with regard to surveillance and violation of privacy, and the resulting power imbalance? What are the other ways in which the right to privacy of gig workers is compromised? Should this issue be addressed or is control and surveillance of workers inevitable in the gig economy?

It is a very interesting question. The nature of the work is such that personally I can never agree with

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A platform that runs mostly digitally would be having control digitally on their workers. However the breach of privacy can not be an inevitable question even if the question of control digitally can be inevitable.

the plain idea that there can not be a certain amount of control on a platform that is digital. A platform that runs mostly digitally would be having control digitally on their workers. However the breach of privacy can not be an inevitable question even if the question of control digitally can be inevitable. So when I don't know you and let's say you work for me then the only way for me to have a little bit of control over you would be a platform online. Then it goes without saying that I would be tracking your presence because you are delivering my products to the customers. Because you are not facing the customer directly, the customer approaches the company and you are just the delivery agent. So in that sense, yes, it is inevitable but breach of privacy can never be a consequence of it.

It becomes important that not only these workers are made aware about what sorts of data are being taken and whatever data is being recorded of these workers, should be limited to the ones that are absolutely required for them to keep a track and only for the purpose of keeping a check on the delivery agents lets say, if we are taking this example. But a lot of time there are privacy breaches where the personal data of the workers get shared here and there. This poses a threat to their life and their safety and that can never be okay. A certain amount of scrutiny is required-how much data is taken, the duration, as in the tracking should be limited between when the order is placed and when it is delivered and not necessarily all the time. Then there has to be a way to determine that once a worker has completed the shift, the tracking has to stop. You can not keep tracking the person forever.

Therefore, there is a need for some safety measures, some scrutiny and some control in terms

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of the amount of data a company is allowed to store and sell out. And it would be very much in alignment to the same argument that we put forth whenever we talk about the right to privacy in a general sense. So that would apply even on the gig workers.

Q. Campaigns such as #Ignorenomore from platforms like Uber make them seem gender sensitive. How is this gender sensitivity to be understood, given that most of these platforms don't give social benefits such as maternity and menstrual leaves, and that they primarily hire men to work? Moreover while these organizations have been vocal about the gender-based violence, the workers associated with them don't get assistance in cases like sexual harassment, because they are not considered as "employees" under the PoSH Act of 2013. Why is there a disparity in terms of gender sensitive policies? And why such policies are not made for the female workers as well.

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These sectors are not equipped to have women as employees. One reason is that they are not gender-sensitive, and secondly, they run with this ideology, "if we are hiring a delivery agent, he would be a man"

That's a very good question. There is definitely a sense of hypocrisy there, in terms of the campaign they promote and the policies they have concerning female workers. As discussed in the previous question, these sectors are not equipped to have women as employees. One reason, as you said, is that they are not gender-sensitive, and they run with the ideology that, "if we are hiring a delivery agent, he would be a man".

But to speak from the PoSH Act's perspective, when you see the definition of employee under the Sexual Harassment Act, it is quite wide, right? Whenever we talk about complaints to be filed under the Act, then the definition that is read most importantly is that of an aggrieved woman. If you read that, the definition kind of holds the ambit really wide, which I believe would work for women in the gig economy as well.

Now what I think is lacking is the Act not catering to the gender sensitive requirement of the law in the sector. The interpretation of this Act also seems to be lacking in its coverage of women in the gig economy. If they find themselves in such a situation, they should be eligible to file a complaint under the PoSH Act itself. For example, the Act also leaves a lot of flexibility in terms of where the women can complain. So when it comes to gig workers, there might not exist an internal committee, but there is scope for women to file the complaint at the local committees.

Now the problem why this is not happening is because these sectors make it clear in their policies that women can seek redressal through the act and avail this option at the local committees. For these policies to be made more transparent, firstly, it should be amended in the definition of aggrieved women to include women who are working as

freelancers or gig workers, especially in the case of online platforms. If we make it possible for the legislation to be amended, that would be a progressive step in that direction. Till the time such actions are possible, it should be an obligation to be put to the companies such that they make these policies available on their platforms, and hiring policies that foster gender equality. Having such clarity in the policies would go a long way in making them feel safer.

Q. In the Indian policy perspective, gig workers are given the status of a partner or self-employed. Thus they don't fall under the definition of an employee as already discussed. The gig workers are not demanding to be categorized as employees. In your opinion, will the situation of the gig worker improve if they are able to fall under the definition of an employee? Would the platforms and organizations be amenable to changes such as labour protection laws? What is the role of the government in this whole process?

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Gig workers are constantly subject to being tracked, to the extent which would raise questions about surveillance and privacy breaches.

I really do not think that organizations will have a say if such legislations were being devised, that is more dictative in nature as opposed to directive, where companies need to comply with such requirements. I do believe expanding the scope of this definition of employees is required. As we are proceeding to a world where the nature of the work and definition of the worker is going to change in the future. Technological advancements in AI would also change the scope of the work available.

In such a situation, we need to make sure that legislations are aligned with the digital world we are going to live in. As far as the gig workers are concerned, control tests are not the only test. Even if that test is being applied, they are under a very wider control of the company. They are constantly subject to being tracked, to the extent of which would raise questions about surveillance and privacy breaches. I think it's a matter of time before we start to interpret the control test a bit more broadly, and start fitting these emerging workers in the definition of an employee-employer relationship.

If such policies are implemented from the Centre, I don't think companies can avoid compliance. Even labour law in general came about as a social welfare legislation, where the companies had to comply, as in case of working hours. Earlier, workers were subject to harsh working conditions and long hours. Even though it was unprofitable for them, the legislation forced companies to comply. So I do think it may hurt the profitability of them in the economic sense, it is profitable for them from a social security perspective, to have higher quality workers.

Q. There has been a lot of development, especially in the labor movements, with cases like Amazon in America. What do you think of such developments happening across the world, and in particular India?

I think it is already happening if you look at unions like People Democratic Union. They have been heavily vocal in their pursuit of the gig worker's recognition. There has recently been a protest, where an NGO argued that as India is an emerging economy, it is imperative to include the workers under the definitions of an employee. So I think yes there is a possibility. But I also think there is a requirement of legislative intent and political will, when you talk about such a movement leading to anything substantial. Since in India, the legislative process is very much out of our hands, we also have a tool in the form of judicial precedence, which could really set the tone of employee-employer relationship. I do understand that we only look at the employee-employer relationship from the perspective of the control test, as there have been cases in the past (Shivnanda Sharma, Dhrangadhra Chemical Works Ltd.) which have shown the control test being the most important test when determining the employee-employer relationship.

However, there have been certain integrations of other tests being applied- one being the organization test where it is examined whether the nature of the work the employee is engaged in is integral to the workings of the organization. This test was applied to cases where the Supreme Court ruled that it is not only about control but what value is added by the workers. Now if one applies the organization test on gig workers, we find that these platforms are of no use without their workers. So if I apply a more progressive test here as opposed

to the control test, these workers would fit into the definition of an employee-employer relationship.

It is just that we need this jurisprudence to come to the surface and take the front seat. Once this happens, rulings like these would change jurisprudence first and then push for some legislative change as well. The social uproar and the need for these workers is already there, and I believe it's only gonna grow from here on.

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In Pursuit of a City Dream, One Contract at a time

IN CONVERSATION WITH MISS SHRADDHA NV SHARMA

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Distress migration indicated that these options were not the first choices for the youth, but rather was a means of finding a way out of a crisis,



Miss Shraddha NV Sharma
Research Consultant at Samvada

India's labor market is becoming contractual, short term and flexible. The freedom to steer one's life journey is possible for all, regardless of your class, caste or gender position. The algorithm is here to eliminate any human error and provide just, honorable income to the Indian youth. Or so has been the claim of the gig economy in the past five or six years. The freedom and agency to choose has been the crux of the gig economy's proposition.

In this edition of Vichaar, we decided to investigate this claim not simply in the backdrop of gig work but in the light of increasing casualisation of labor. For this purpose, we reached out to the research consultant at Samvada, Shraddha NV Sharma. We began the conversation on understanding why the

young Indian population is so drawn to choose contractual work and even willing to leave the agrarian economy behind. We furthered our conversation on what casualisation implies and its impact on the real versus imagined agency. How casualisation impacts marginalized groups and if there's a way to mitigate the impact?

Introduction

We began the interview with the way the agrarian crisis has shaped the migration all across India. Citing Samvada's work in Karnataka, factors such as loans, crop loss, resource constraints, and land ownership issues discouraged young people from



choosing agriculture as a career option. During the interview, it was emphasized that distress migration should be seen as the youth's circumstance of work.

Many individuals migrate to cities to escape caste discrimination prevalent in smaller towns and villages. Moreover, the development paradigm in India, which focuses on bringing people to centers of commerce and industry, also played a role in attracting youth to urban areas. The increasing digitization of these centers, exemplified by Bangalore's IT boom, further drew young people from various states. However, it was important to note that distress migration indicated that these options were not the first choices for the youth. It was often a means of finding a way out of a crisis, and they were willing to take up low-paid retail jobs or gig work on platforms, lacking soft skills, English language proficiency, and higher education.

Understanding Casualisation

The migration to the cities or within the city to the formal and informal sector has been on rise. The young people are finding space in the gig economy, retail work and more. However, it's significant to understand what casualisation entails for a worker. In this pursuit, we understood that casualization involves increased reliance on short-term contracts, hourly pay, and lack of job security. Interviewee pointed out an important point about the increasing casualisation not only in gig work but in almost every sector, including teaching, drawing from her own, early teaching experience.

We briefly peeped into the study conducted by Bino Paul and Shaoni Shabnam in 2008 specifically demonstrating the presence of casualization in the retail sector.

Insights from the Study on Retail Workers

The Gig economy can draw a lot of similarity from the presence of casualisation of labor in the retail sector. The interviewee shared insights from their study conducted during the pandemic and lockdowns, which focused on retail workers in Bangalore's malls. The findings revealed that many of these workers took up retail jobs to either support their education or pursue higher education. However, the lockdowns resulted in job losses, reduced pay, and limited work experience in their respective fields, even for those with degrees, including master's degrees. This lack of experience posed challenges when seeking employment opportunities outside of the retail sector.

Workers engaged in gig work also find themselves at the mercy of lack of quality employment opportunities. Driving and delivering does not necessarily require a higher degree or specific skill sets. Basic understanding of operating mobile phones is enough. During our conversation, we realised how casualisation also leads to alienation itself. If we cite this understanding to gig work, the algorithmic communication renders further alienation. Gig workers don't have offices or a team and thus, lack the sense of connection with their colleagues and employers. They are not organized and referred to as "partners" rather than employees. This informal nature of gig work presents us unique challenges.

Social Identity and Challenges in Jobs: Limited Pivoting

In continuation of Samvada's work with retail workers, our conversation shed light on how retail jobs, despite not requiring specific qualifications or work experience, provided a steady income for



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individuals to pay off debts or pursue higher education. However, it was essential to recognize that these jobs had limitations in terms of career growth and the ability to pivot into other fields. Workers often faced humiliation and felt demeaned by customers and management. The hierarchical nature of these jobs perpetuate social inequalities, although it also offers a sense of social mobility by allowing interaction with a different social class.

One assumption of still continuing with casualised and contractual work can be drawn from Keya Bardalai's 2021 work with retail mall workers in Delhi. He talks about how workers chose such jobs in order to "claim a new class identity" but unfortunately met with deceit from the system and its unfulfilled promises of choice/agency.

The challenges are perpetuated further for these blue collared jobs as a result of the intersectionality of caste, class, and gender inequalities. These intersectionalities leave absolutely no space for their own needs, their own self.

Rise of Expertocracy: Losing the sight of what it means to be young and working class in India

The conversation, at the end, steered into how policies for the working class must be designed to be in touch with the realities of young people in India. As the interviewee pointed out from personal experience that one must question the State but it begs a question- is the State even listening?

Our reality may be deplorable but we cannot afford to be cynical and must focus on what can be done to acknowledge the severe issues with the informal and contractual sector being guided by casualisation, reduced humane approaches. Especially with respect to algorithmic intervention, one must rethink how to

make gig workers stay in touch with a community, provide fair wages and working hours. Our policies must not be dictated by expectocracy but rather lived experiences of the young people that the government is drafting policies for.

We cannot afford to keep the deceit of choice and agency for our young people. We must draft better policies and acknowledge the problems they're facing.

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Casualisation leads to alienation. The algorithmic communication renders further alienation. Gig workers don't have offices or a team and thus, lack the sense of connection with their colleagues and employers.



GENDERIZATION OF THE GIG PLATFORM ECONOMY

By Samragnee Chakraborty

Balancing both paid and unpaid work negatively affects the physical, mental, and emotional health of women, leaves no time for self-care and enhances double-burden on them

platform-based workers are generally casual wage labourers engaged in the conventional sectors. In the recent report 'India's Booming Gig and Platform Economy,' Niti Aayog expects the Indian gig workforce to expand to 23.5 million workers from the current 7.7 million workers by 2030. The flexibility offered in the gig economy has been advocated as one of the major factors contributing to its growth. Pertaining to the supposed flexibility, it was expected that more women would come into the ambit of the workforce in India. However, statistically, women's participation in the gig economy remains less than 30%. With a focus on platform-based work, this article aims to explore the gendered dynamics present within the gig economy. By dismantling the idea of flexibility, it outlines various factors and structural barriers that bar women's inclusion in gig work and result in the genderization of the economy.

INTRODUCTION

In the neoliberal framework, with advancements in the fields of information and communication technology, workplaces have been undergoing massive transformations. In recent years, the gig economy has garnered immense social as well as scholarly attention as a space that has led to transformations in the work culture. The gig economy overrides traditional and conventional employment relationships. Traditional employees share a long-term relationship with their employers, are entitled to wage payments at regular intervals and certain social security benefits. The gig workers, on the other hand, engage in jobs on a flexible, temporary, and contractual basis. Gig workers can broadly be classified into platform and non-platform-based workers. While the work of the former is based on digital platforms that function as intermediaries between service providers and customers; non-

Structural Barriers:

Social and cultural norms emphasize domestic work such as caregiving and engaging in household chores as the primary responsibility of all women. Labelled as "duties", these tasks are unpaid and not recognized as economically viable labour. According to a report by McKinsey, 87% of women in India are involved in domestic work, care work, and other forms of unpaid labour. Women in India spend about 19.5% of their time in a day on unpaid domestic work, while their male counterparts spend only 2.5% of their time. Men, therefore, get more time on self-care activities such as sleeping,

eating, or socializing. Pertaining to the burden and societal expectations that most women already uphold, they tend to choose jobs that keep them closer to their homes and give them some freedom to manage their paid work as well as domestic or unpaid work. In theory, the gig platform economy would best serve the purpose of women because of the perceived flexibility it offers. Innumerable proponents of the platform economy have argued that online platforms neither demand fixed working hours nor have restrictions in terms of mobility, and thus women have the choice of deciding their working hours and physical space. However, a decline in the number of women in the platform economy has shown that the gig economy has in fact, proved to be counterproductive. Balancing both paid and unpaid work negatively affects the physical, mental, and emotional health of women, leaves no time for self-care and enhances double-burden on them, resulting in a lot of women finding the balance difficult and dropping out of the platform economy.

The gig platform economy demands the possession of digital gadgets, especially smartphones. Most women are economically dependent on the male members of their families and do not have the financial independence to afford mobile phones. An Oxfam report stated that less than 31% of women-owned mobile phones in India in contrast to 61% of men. Moreover, digital platforms are fueled mostly by the internet. Owing to digital illiteracy among women, the gender divide is further widened and restricts the access of women to the gig platform economy. The gig economy works on the idea of profit maximization of the companies. In order to reduce risks to the businesses, they are transferred primarily to the workers. Apart from having access to digital gadgets and digital technology, most platforms expect workers to own material assets such as bikes and beauty kits, depending on the nature of

work. As affordability is more difficult for women because of their financial dependence, a lot of women are hindered from considering the options of the platform economy.

Working Conditions:

Women who join the platform economy experience a pay gap with their male counterparts. Team Lease states that there is a salary disparity of 8-10% between the male and female delivery agents. The gig platform economy also uses incentives and punishment as an approach to keep the productivity of the workers in check. Working on algorithms, the digital platforms incentivize longer hours of work, late shifts, and peak hours and reinforce gender discrimination. Women, who are already overburdened with household chores and other forms of unpaid labour, fail to match up with their male colleagues as they work for shorter durations and often fail to take a minimum number of bookings. At the same time, considering safety, women often avoid taking night shifts. Moreover, female gig workers subsequently have to deal with sexism at work. Tasks such as driving are considered a male domain, and therefore, women are stereotyped as inherently bad drivers. Several researchers have pointed out that customers tend to give women low ratings on the basis

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While some female gig workers reportedly hold their urine for 10-12 hours at stretch, others consciously do not drink enough water.

of their biases. These push women towards being penalized which can range from wage cuts to permanent dismissal.

Several female gig workers have raised concerns about not having access to basic facilities including clean toilets. In India, men tend to relieve themselves anywhere. Since the majority of the gig workers are men, the question of clean toilets has failed to be considered seriously by the companies, thus making it a challenge for female gig workers. Women workers in the platform economy, especially delivery agents and cab drivers, depend on public toilets that are unclean as well as unhygienic. The beauty workers also shy away from asking for access to the washrooms at the customers' places. Even if they ask, the customers often display caste or class-based biases and deny them permission. While some women reportedly hold their urine for about 10-12 hours at stretch, others consciously do not drink enough water. This has resulted in a lot of women experiencing health issues such as urinary infections and gastrointestinal diseases.

Safety has been yet another concern raised by female gig workers, especially the ones working as delivery agents and cab drivers. Women working in the platform economy often have to commute to remote areas and have late-night shifts that compromise their access to a safe working environment. Quite a few female gig workers, especially cab drivers, have shared their experiences of inappropriate behavior by drunk men and other male customers. However, the drivers mostly do not cancel the rides or raise a complaint out of fear of losing income and jobs. The IDs of the drivers are blocked if the rides are cancelled multiple times. Female gig workers have also shown disappointment in the apathy of most of the digital platforms towards their security. The digital

platforms mostly do not hear complaints against the customers and expect the disputes to be resolved independently by the worker and the other party. Moreover, gig workers in India do not come under the legal classification of employees but are rather categorized as independent contractors. As a result, the gig workers do not come within the ambit of POSH Act, 2013, which provides women protection against sexual harassment in the workplace. Placing the onus on female gig workers without any institutional support, these women often do not proceed to report cases of abuse and harassment.

Conclusion

The gig platform economy has witnessed exponential growth in recent years and will expand further in the near future. It has enough potential for improving female participation in the labour force, if a few concerns are addressed, and adequate actions are taken. This article explored the ways in which structural barriers such as unpaid work at households make it difficult for women to engage in paid work. Financial dependence on male members and digital illiteracy further restrict women from joining the gig economy. While gig platforms are argued to be especially suitable for women because of the perceived flexibility, they further entrench gender norms and discrimination through poor working conditions. The research on female gig workers in India is scant. The subject calls for special attention not only on the part of scholars but also on part of policymakers who can address the pressing issues and ensure decent work for female gig workers.

Law, Technology and the Gig Economy

IN CONVERSATION WITH ANWESHA GOSH

Q. How have the advancements in the field of Information and Communication Technology (ICTD) changed the concept of the labor force?

We are entering the new age for digitization in India and the future of work is changing regarding the way people consume. If we look at the old capitalist systems in the market, there is a lot of profit marginalisation. However, as the times are changing there is an increase in the informal sectors followed by precariousness. Informalisation in countries such as India which is a slow and middle income country, informal sectors have always existed. Therefore, the digitalization of the work does not change anything however, there is a change in the human interactions as the workers in the gig economy and platform workers do not know their superiors and colleagues. Given the fact that our country has witnessed sub-contracting in the past which is highly in, a lot of women have always engaged in home base work, which is quite low paying. Sub-contracting as is professional does not declare for whom the product or commodity or service is rendered for. In place of a human, it is an algorithm which is controlling the actions of the workers or who the human interacts with. The biggest difference is that a lot of data is collected in terms of knowing about the humans in order to understand the work conducted by humans and their patterns. However, this data in such gig economy is not known to the humans and they don't have an access to such data. Humans do not have any ownership in the data which is collected by such an algorithm and therefore, it creates difficulties and infringements. Since, the data collected by the companies will not be transferred, the career progression and changes will only be visible through the ratings and points given to the delivery partner. The AI technology changes rapidly however, jurisprudence cannot change in such a manner and therefore, catching up is a big difficulty.

Q. What social security and job security measures are provided to gig economy workers, and how do they compare to those provided to industrial laborers?

The State is more important in ensuring the security and protection of the workers than the companies as the State has the power to control and regulate the work conducted by such companies. Unless and until the State implement such laws, rules and regulation, the condition of the workers will decline.

Q. How do gig economy workers fit within the definition of a workman as per the Industrial Disputes Act (under section 2(s))?

Gig workers are considered as partners as they aren't the workers of the particular company. Since, the gig workers are not the employees of the company, the company cannot be forced to grant them social

security and job security. The Labour courts are important as they have recognised gig workers in a separate category, however, other than guidelines issued for gig workers by the State of Rajasthan, there has not been much changes.

Q. What are the implications of the Code on Social Security 2020's inclusion of gig workers as a category of workers, and how does it address the concerns and overlapping roles related to the implementation of social security contributions for women workers in sectors like domestic work? How must companies restructure to ensure women's safety and security in the gig economy, and what gender-focused policies should be implemented?

The Code does not recognise domestic workers, as it is a feminised form of work as it is conducted by less educated or illiterate workers. There needs to be clarity in terms of understanding the categorisation of the workers under the gig and platform economy. Most domestic workers do not prefer to work in platforms as the reliance is always based on their old employers as they get to have a personal touch and other perks such as loans in such work. The social security in such a case is basically the relationships the women make by working in such domestic houses. The networking through their employers are considered to be much feasible rather than the platforms and MNCs. Moreover, it is not as accessible for women domestic workers in accordance to their schedule to register themselves as platform workers. There are a number of documents which are required to be submitted such as bank account details, proof of address and many more and therefore, the process is quite tedious, expensive and infeasible for women workers. Even though, there is a Domestic Workers Welfare Board in Maharashtra, however, it has not been functional as the board.

Q. What motivates gig workers to join the gig economy, and how satisfied and secure do they feel in their work? What are the challenges or drawbacks they Experience?

ILO concept of decent work gives the parameters for what a “decent work” states, for example the workers must be given minimum wages , there must be a social dialogue are amongst others. There is no incentive and motivation for workers to become platform workers as there is no job security ensured. There needs to be a formulation of a specific category for such gig economy works and therefore, the Government must ensure the enact rules and regulations supporting such workers.

Since, the incentive to work is controlled by an algorithm, and therefore, the workers are unaware of the commission they are earning at the first place. This is the cause for workers' agitation and conflict between the workmen and the platform companies. Furthermore, the companies earn a hefty commission from the hard work of the workmen. Therefore, the work environment needs to offer safe working conditions for the workmen. The state must mandatorily ask the platforms to share the data with the gig workers in order to ensure the safe of the workers.

Dreams on Wheels: Lived Experience of the Gig Worker

IN CONVERSATION WITH NISHA SUBRAMANIAN

Q. Why do you think there has been such a rise in the app-based services both in adoption and continued usage?

I think the origins of the initial platform boom was the direct effect of the economic crash of 2008. With the case of India, the rise of gig work can be traced back to seven or eight years ago. I would say that there would be a handful of factors that have contributed to this, having observed the rise of such apps in cities. One factor is the existing labour force, with gig work being particularly conducive for migrant laborers who come into big cities where barrier to entry for such work is relatively low. What essentially is required is that you can sign up on an app and you can start work right away. It's a very difficult job, but it doesn't have those prerequisites of other opportunities that require kinds of social networks one might need in a city, like non-platform informal labour.

Another factor would be the proliferation of cheap mobile technology that makes the adoption possible in the first place. Such apps allow for the ease and comfort enjoyed by the urban middle class, who have seen their purchasing power grow over such time. Not only from the workers perspective but for the consumers, there's been a turn towards technological solutions in the last 10 years or so. COVID has also contributed to a massive shift in people's preference to order online. So any kind of adoption of technology is aspirational not just from the workers' perspective, but also from a consumers perspective. It is something that one would see as development done "right".

Q. What sort of demographic groups do you think this is primarily pulling towards these works and how are these companies incentivizing these workers to do this work as opposed to some other non-platform work?

One of the things that I observed during my field work in Bombay the workers had started doing food delivery work because they lost their jobs during COVID. So that was definitely a big factor for people to sign on to the platform. But in terms of the kind of demographic groups that are targeted by the platforms, they are quite varied. I would say this would also vary between, something like Uber versus Swiggy because the initial investment is quite high in Uber because cars are expensive as opposed to bikes. But the study by Gayathri Nair, which points to how the initial investment on certain platforms like food delivery work are people with the ability to invest in a vehicle who come from specific kinds of caste and class.

In terms of incentives, one of the ways in which the gig work is sold is with the provisioning of this opportunity of flexible work and the other one is be your own boss. So that provides an incentive for people who want to do part time work. This flexibility aspect is tricky however. So for some delivery workers, once they start doing the work, they realize that it's not necessarily as flexible as the platforms claim it to be. While others said while the work is demanding, but ultimately they don't have to go certain an office and listen to somebody else telling them what to do. So that "be your own boss" claim really plays out in a positive way, or it's perceived in those similar lines. They can choose their times. They don't need to report in an office and they make similar amounts of money. So it's worth the effort is what they say.

Q. What does the employee-employer relationship look like in these app-based companies?

For some delivery platforms, they have team leaders for his own. For some platforms they have hubs where people interact with delivery workers, and with the administrative body of the company itself. So there are these team leaders or fleet leaders referred to as different things by different companies. These team leaders, some delivery workers have told me, hold periodic meetings. But again, it is also varied. They come and meet the team once in a while. Some have said that the team leaders just pop up any second and do checks to see whether people are wearing the proper uniforms.

There doesn't really exist a direct form of a relationship. So, as a worker, if I have a problem in my everyday process, I can only seek remedy through the app itself. That comes with its own advantage of getting an immediate response, but at the same time, the negotiating power for the delivery worker is extremely limited. I'll go back to one of the riders I spoke to in Mumbai, where he told me that he had logged into the app in the morning and till seven in the evening, not gotten a single order. This was extremely unusual on a Friday because of the peak hours. After talking to Swiggy support, but even they had no idea why that was the case. So, even the workers have a very good recognition of the fact that there is something algorithmic about it. This lack of transparency also becomes really difficult when the workers are facing some issues pertaining to their fulfilment of services.

So it may appear having contractual workers allows companies to wash off their hands of any responsibility. The recent protests from the Blinkit workers also highlight the precariousness of the situation where a worker can get banned off the platform, or can be targeted, , which makes the issue of organizing workers all the more difficult.

Q. It must get isolating doing this form of work. Are there opportunities for the workers to find community within the work place and do such communities offer any avenues for collective bargaining?

To the question of isolation, I think, I'd say yes and no. As a worker, you're riding around by yourself all day. Definitely an alienating feeling, but at the same time I have observed that there is a lot of time they spend when they're not delivering. In my field work, there was this small group of workers would hang

out behind the mall with food outlets. The hope is that if you wait there, you'll get an order soon because of being in a high traffic area, but also it's like a safe spot for them to hang out. And I don't want to romanticize this either, but there's some kind of communication and camaraderie that gets built through that process.

And of course, I think another important factor is that there are a lot of WhatsApp groups, so social media becomes a big factor through which workers sort of interact with each other and, share information with each other. So even though there is not necessarily a physical presence, I do think that also contributes to breaking the everyday monotony.

Albeit a difficult task, I do think that people are still managing to collectivize but the needle gets moved slowly. For example in Kerala, the labour minister signalled the intent to set up a gig workers fund after protests last year in August. You also observe the Rajasthan chief minister Ashok Gehlot promising setting up Rs.400 crores for gig workers. But from the workers perspective, with the algorithmic uncertainty and the fear of losing incentives, or being banned off the platform permanently.

Q. A recent report by Krea University highlighted the primary engagement of the gig worker with this form of work as transitory in nature. How do you think that these workers see the job satisfaction of this whole experience?

This is something that I observed during my field work, which is that most people I spoke to were those who had lost jobs during COVID. So they definitely saw it as a transitory sort of a space where and all of them were working full time as well. I think in terms of job satisfaction, some of the things I've heard one is getting paid properly for the work that they do. This is where the workers can engage in the peak hours, say on a weekend evening, and avail benefits from surge pricing.

But in terms of delays in payment and opacity of the system, there are expectations of getting paid properly, ensuring that the tech works properly, and also being given the benefit of the doubt, in places which hold the attitudes of customer being king. So sometimes if there is conflicting reports between like a complaint that a customer files and a complaint that a delivery worker files it, it is invariably the case that the company will side with the customer. Another thing that the workers talk about is infrastructure. Having space for them to charge their phones, having rest spots for them to rest, and having access to washrooms.



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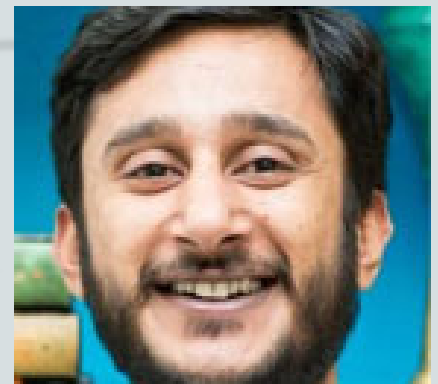
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