

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed Edition :

[www.ijlra.com](http://www.ijlra.com)

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ISSN

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# **THE ROLE OF PLATFORM AGENCIES IN THE DETERMINATION OF EMPLOYMENT, PROTECTION, AND PROMOTION WITH SPECIAL REFERENCE TO DOMESTIC WORKERS IN INDIA**

AUTHORED BY - LAKSHMI SANJANA. R

*“Obedience to the Law of Bread Labor Will Bring About a Silent Revolution in the Structure of Society” – Mahatma Gandhi*

## **ABSTRACT:**

The complex impact of platform agencies on the employment environment as well as the promotion and protection of domestic workers in India is explored in this article. The gig economy has transformed how domestic workers find work, communicate with employers, and access social and economic opportunities thanks to these digital intermediaries. This study shows the benefits and difficulties that platform agencies bring to domestic workers by thoroughly examining the Indian setting. It explores domestic workers' greater visibility and employment options as well as the risk of exploitation and insecure work conditions that come with these platforms. The article also emphasizes the significance of regulating platform agencies to protect domestic workers' rights and welfare and make sure they are not left exposed to exploitation. This study contributes to a deeper understanding of the evolving nature of work in the gig economy and the need for proactive policy measures to protect and promote the interests of this crucial workforce sector by shedding light on the dynamics between platform agencies and domestic workers in India.

## **INTRODUCTION**

With the rise of the gig economy and the spread of platform agencies, the nature of labor and employment has experienced a substantial upheaval in recent years. When talking about domestic workers in Chennai City, who frequently obtain job through online platforms, this paradigm change is very pertinent. When analyzing the modern labor market, platform agencies' contributions to the selection, protection, and advancement of domestic workers are of utmost significance. The nuances of this connection are explored in this essay, which also highlights the opportunities and difficulties domestic workers in Chennai confront.

The ILO office governing body called for the general discussion of the organization to take place in Geneva in June 2011. In that conversation, the ILO committed to promoting decent employment for domestic workers in order to advance social justice and acknowledge the significant contribution that domestic workers make to the economy. According to an ILO discussion, home work is universally undervalued and has a similar nature everywhere. Because there has historically been a lack of formal employment opportunities in developing countries, home work plays an important role in generating employment and involvement in the labor force. A few other key resolutions were also produced by the ILO conference, such as article 1 of the agreement, which states that domestic workers are paid laborers who carry out tasks for one or more families. The term "domestic employee" refers to a person working in a domestic capacity as part of a service arrangement. According to the ILO convention, someone who works infrequently for the household will not be classified as a domestic worker. Domestic workers must be given social and legal protection under Article 3 of the convention. The member nations must make sure that domestic workers' legal and human rights are effectively protected and promoted.

## **DEFINITION OF DOMESTIC WORKER**

Domestic workers are individuals who are employed to perform various household tasks and provide services within a private residence. These tasks typically include cleaning, cooking, laundry, childcare, eldercare, gardening, and other domestic chores necessary to maintain a household. Domestic workers can be live-in or live-out employees, and they may work on a full-time or part-time basis, depending on the needs of the household. The employment of domestic workers can vary widely in terms of formality, working conditions, and legal protections, depending on the country and local regulations<sup>1</sup>.

## **INTERNATIONAL LABOR ORGANIZATION (ILO) CONVENTION NO. 189**

ILO Convention No. 189, popularly known as the Domestic Workers Convention, is a key international document that concerns the rights and protections of domestic workers, including those who might find employment through platform agencies. Despite not being case law, this convention tackles these issues.

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<sup>1</sup> <https://www.ilo.org/global/topics/domestic-workers/who/lang--en/index.htm>

Independent of their employment arrangements, domestic employees must have access to labor rights, social security, and acceptable working conditions, according to the agreement. The two most common categories of domestic workers in India are part-time employees and live-in employees. The phrase "domestic work" describes a broad range of tasks performed at home. Despite being a low-skilled job, it requires a wide range of administrative and technical skills.

Some definitions of domestic employment are more inclusive and include work performed by watchmen, gardeners, and drivers. Domestic work includes caring for children, the elderly, and maintaining the home. These roles are arranged in a distinct order that reflects ideas of untouchability and impureness that are based on caste. Domestic workers have a huge role in the economy and the labor market. Women, typically impoverished women, perform the majority of the domestic labor in India.

## **LEGAL PROTECTIONS FOR DOMESTIC WORKERS IN INDIA**

The absence of legislative or regulatory frameworks to safeguard this unregulated industry of employment is the main contributor to domestic worker abuse and exploitation. Only a few regulations safeguard domestic workers' rights, and news stories about their sexual assault, beatings, and other abuse are common.

The National Platform for Domestic Workers, Common Cause, and social activist Aruna Roy petitioned the Supreme Court to enact laws defending the rights of domestic workers. The petition demanded recognition of domestic work. It also mandated that the workers' workdays be restricted to eight hours each day and that they must take a weekly day off<sup>2</sup>.

## **THE EMERGENCE OF THE GIG ECONOMY**

Platform agencies play a vital role in promoting the change of domestic work. The platform offers a marketplace wherein domestic workers may showcase their services, establish connections with prospective clients, and effectively handle their work responsibilities. In addition to their primary functions, these organizations are responsible for managing payment processing, conducting evaluations and ratings, and facilitating dispute settlement.

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<sup>2</sup> <https://theleaflet.in/domestic-work-a-bleak-reality-of-missing-laws-and-inadequate-rights>

In recent years, the gig economy has experienced significant growth and has become increasingly prevalent in several industries. This phenomenon is distinguished by its emphasis on temporary and flexible employment arrangements. The rise of platform agencies has brought about a considerable transformation in the employment dynamics of domestic workers, resulting in a notable influence on this particular group. This article examines the evolving dynamics of domestic labor, focusing on the factors that have contributed to the expansion of the gig economy and the significance of platform agencies in facilitating the connection between domestic workers and job prospects.

Nevertheless, the advent of this greater convenience necessitates the obligation to guarantee equitable treatment, adherence to legal regulations, and the safeguarding of workers' entitlements. In light of the ongoing development of the gig economy, it is imperative for politicians, labor advocates, and platform agencies to engage in collaborative efforts aimed at establishing a fair and well-regulated framework that promotes the welfare of both domestic workers and the houses they provide services to.

The emergence of the gig economy and platform agencies has significantly transformed the domestic work sector, presenting both novel prospects and complexities for those engaged in this line of work as they strive to secure their means of sustenance. The future of domestic labor in the digital age will depend significantly on achieving an optimal equilibrium between freedom and security, while also effectively addressing pertinent legal and regulatory considerations.

## **PLATFORM AGENCIES AND DOMESTIC WORKERS**

Platform agencies in the context of domestic work refer to online platforms or digital marketplaces that connect domestic workers with potential employers. These agencies leverage technology to facilitate the hiring and management of domestic workers, offering a range of services. Platform agencies have reshaped the domestic work sector by providing new opportunities for workers to connect with clients and find employment. However, they also pose challenges related to job security, income stability, and access to benefits. Balancing the advantages and disadvantages of platform agencies in the context of domestic work requires addressing these challenges and ensuring fair working conditions for all domestic workers, whether they find jobs through traditional means or digital platforms.

Platform agencies serve as a middleman between potential employers and domestic workers. They offer a digital marketplace where employers can look for qualified applicants and domestic employees can list their services. The benefits of this digitalization for domestic employees include:

- **Greater Visibility:** By advertising on these sites, domestic workers can reach a wider audience of prospective employers.
- **Job matching:** Based on skills, preferences, and availability, these services' algorithms connect domestic employees with ideal employers.
- **Financial inclusion:** A lot of platform companies provide electronic payment methods to help domestic workers who might not have access to conventional banking services become financially included.

It is noteworthy that the merits and demerits of Platform agencies and direct recruiting might exhibit variability contingent upon unique conditions, local labor legislations, and the degree of preparedness and conscientiousness demonstrated by employers and domestic workers alike. Certain employers may perceive direct recruiting as a financially efficient and appropriate choice, but others may choose the services and assistance offered by domestic worker agencies or intermediaries. Irrespective of the selected approach, it is imperative to give precedence to equitable treatment, transparent communication, and adherence to labor regulations in order to foster a constructive employer-domestic worker relationship.

## **PROTECTION AND PROMOTION**

Although platform agencies have many benefits, they are also essential for the protection and advancement of domestic workers:

- **Legal Frameworks:** Platform agencies frequently create contracts that specify the terms and circumstances of employment, giving domestic workers some legal protection.
- **Input mechanisms:** By enabling input from both employers and domestic employees, these platforms foster professionalism and accountability.
- **Training and skill development:** Some organizations provide training and skill development programs to help domestic workers become more employable and earn more money.

The gig economy and platform agencies' engagement in domestic work were developing fields at the time, and it's possible that legal cases hadn't yet reached critical turning points. It's crucial to

remember that the legal system is dynamic and that since then, new instances or regulatory changes may have appeared. Consult legal databases, official publications, and labor and employment law specialists to get the most recent information and case law on this subject in India.

Despite the lack of particular case law, the following legal principles, labor laws, and rules apply to domestic workers and the gig economy in India:

The 2008 Unorganized Workers' Social Security Act proposes to give social security benefits to unorganized workers, including domestic workers.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, deals with matters pertaining to the protection and safety of female workers, including domestic workers.

Minimum Wage rules: Domestic employees may be subject to state-specific minimum wage rules, and platforms may be needed to guarantee that workers earn at least the minimum pay.

The Contract Labor (Regulation and Abolition) Act of 1970 regulates the terms of employment and the legal rights of contract workers across a range of sectors, including domestic work.

## **MODELLING LABOUR RELATIONSHIPS**

The existing body of scholarly literature pertaining to the platformisation of domestic labour encompasses two distinct categories of platforms, namely "marketplace" and "on-demand" platforms. Marketplace platforms can be described as online platforms that function as virtual job boards.

The focus of their efforts is directed towards the recruitment procedure, wherein they depend on the dissemination of worker profiles to prospective clients. The process of match-making often follows an algorithmic approach, although there are instances where human methods are also employed. Marketplace platforms exert control over the visibility of workers' profiles<sup>3</sup>.

Customers have the ability to categorise and refine these profiles, while workers on marketplace platforms receive evaluations from both the platforms themselves and the customers.

On-demand platforms facilitate the engagement of workers in brief and temporary assignments,

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<sup>3</sup> <https://cis-india.org/raw/platforms-power-and-politics-pdf>

which deviate significantly from the traditional dynamics observed in paid domestic and care work arrangements. These platforms bear a resemblance to the well-known 'Uber model' of digital labour platforms. In the on-demand approach, workers are paired to consumers by algorithms, and the platforms determine the conditions of service, including salaries. Workers are compelled to acquiesce to a standardised contract devoid of any opportunity for bargaining. In addition to remuneration, corporations also establish the assigned responsibilities and the time frame within which activities are to be accomplished. Additionally, certain organisations offer staff with uniforms and training programmes. The majority of on-demand platforms provide comprehensive mechanisms for gathering client feedback and monitoring worker performance throughout task execution.

Within the various kinds of domestic work that have been discovered, it is evident that cleaning work stands out as the most widely sought-after service provided by on-demand platforms. Urban Company briefly implemented an on-demand strategy to supply domestic services, including cooking and care services. According to a spokesman from Urban Company, the discontinuation of these products was attributed to their limited customer adoption. This phenomenon can be attributed to the fact that the majority of consumers choose full-time regular placements over short-term gig workers for these services<sup>4</sup>.

## **NATIONAL PLATFORM FOR DOMESTIC WORKERS**

The National Platform for Domestic Workers (NPDW) is a group in India that fights for the welfare and rights of the nation's domestic workers. For domestic workers and various organizations that support their cause, it acts as a forum for collective action. The NPDW is committed to tackling the particular problems and challenges encountered by domestic workers and works to raise both their social and working conditions.

It's vital to keep in mind that the National Platform for Domestic Workers' specific activities and priority areas may change over time and in various Indian regions. The group is essential in addressing the particular difficulties faced by domestic workers and fighting for their rights and dignity in the workplace.

For the most up-to-date information on the role of platform agencies in the gig economy,

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<sup>4</sup> <https://cis-india.org/raw/platforms-power-and-politics-pdf>

particularly with regard to domestic workers, it is essential to consult the most recent legal sources and seek advice from legal experts knowledgeable in Indian labor and employment law.

## JUDICIAL DECLARATIONS

In a petition, the National Domestic Workers Welfare Trust raised a number of critical issues involving domestic workers. The petitioner requested that the supreme court issue an order mandating that domestic workers get a minimum level of protection in accordance with Indian law. Requests were made to:

- Enact comprehensive legislation to safeguard domestic workers;
- Make sure that there is a minimum wage and additional benefits, such weekly holidays.
- Ensuring the safety of women and children working as domestic helpers. In response to this petition, the Central Government asserted that all of these rights will be granted under the Unorganized Sector Employees Bill, 2004, which covers domestic workers. The schedule of employment for the Unorganised Sector employees Bill of 2004 did not include domestic employees prior to the petition. The Supreme Court's role in advancing social justice The Court has taken concrete action to defend the rights of workers.

In the case of *People's Union for Democratic Rights v. Union of India*<sup>5</sup>, Justice P. N. Bhagwati underscored the courts' responsibility to uphold the fundamental human rights of disadvantaged individuals and actively contribute to the achievement of constitutional objectives. Furthermore, the Supreme Court, in the case of *Sanjit Roy v. State of Rajasthan*<sup>6</sup>, ruled that the State cannot exploit the vulnerable circumstances of those who have suffered harm, and that such individuals must not be denied the protection afforded by labor laws. In the case of *Bandhua Mukti Morcha v. Union of India*<sup>7</sup>, the Supreme Court reached the determination that bonded labour cannot be considered as an integral component of the society envisioned within the constitutional framework. The court referred to this particular ruling. In order to avail oneself of social advantages and constitutionally guaranteed rights, it is imperative for individuals to demonstrate a willingness to see every fellow citizen as an equal. In the case of *P Sivaswamy v. State of Andhra Pradesh*<sup>8</sup>, the court rendered a decision whereby it deemed the comparison between domestic staff and bonded labourers as not unjust, given their shared experiences of adversity and limitations. In

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<sup>5</sup> AIR 1982 SC 1473, 1983 SCR (1) 456

<sup>6</sup> AIR 1983 SC 328

<sup>7</sup> AIR 1984 SC 802

<sup>8</sup> AIR 1988 SCR 1988

the case of *Bandhua Mukti Morcha v. Union of India*, the Supreme Court reached the determination that bonded labour cannot be considered as an integral component of the society envisioned within the constitutional framework. The court referred to this particular ruling. In order to avail oneself of social advantages and constitutionally guaranteed rights, it is imperative for individuals to demonstrate a willingness to see every fellow citizen as an equal.

Hence, it is imperative for employers to adopt a conscientious stance, abstaining from the exploitation of individuals facing financial disadvantage and coercing them into bonded labor. The Court expressed strong criticism towards the bound Labour System (Abolition) Act of 1976 for its incomplete implementation, and subsequently issued orders to the state governments to ensure the rehabilitation of bound labourers in accordance with the provisions of the Act. These statements provide justification for the necessity of enacting comprehensive legislation aimed at protecting the rights of domestic workers in India.

## **CONCLUSION**

In conclusion, it can be inferred that the aforementioned points support the notion that the role of platform agencies in Chennai City has emerged as a prominent factor in shaping the employment prospects, safeguarding the rights, and facilitating the advancement of domestic workers. This fragile workforce is presented with both possibilities and challenges. In order to achieve a favorable balance between advantages and disadvantages, it is imperative for legislators, labor advocates, and platform agencies to engage in collaborative efforts aimed at establishing a fair and well-regulated framework. This may entail the establishment of equitable labor regulations, the implementation of transparent pricing mechanisms, and the reduction of the digital divide to facilitate universal accessibility for domestic workers. By acknowledging and tackling these concerns, we can endeavor to establish a gig economy that effectively caters to the welfare of all stakeholders, particularly the domestic workers who play a crucial role in maintaining the functionality of our households.