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GIG WORKERS AND THE LAW: A COMPARATIVE ANALYSIS OF SOCIAL SECURITY PROTECTION IN INDIA, THE UNITED KINGDOM, AND THE UNITED STATES

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CHAPTER – 1

ABSTRACT

The rapid growth of platform-based work has transformed labour markets across the world, raising fundamental questions about how labour law and social security systems should respond. Digital platforms such as Uber, Zomato, and Swiggy rely heavily on gig workers who are typically classified as “independent contractors.”¹ While this classification provides flexibility and scalability for platforms, it often excludes workers from core social protections such as minimum wage guarantees, health insurance, paid leave, accident compensation, and retirement benefits. The resulting tension between flexibility and protection has triggered significant judicial and legislative responses in multiple jurisdictions.

This paper undertakes a comparative socio-legal analysis of social security protections for gig workers in India, the United Kingdom, and the United States. It examines India’s statutory framework under the Code on Social Security, 2020 (effective November 2025)², the judicial recognition of platform workers as “workers” in *Uber BV v. Aslam*³, and legislative developments such as California Assembly Bill 5⁴ in the United States. Through doctrinal analysis and comparative evaluation of case law, statutes, and policy debates, the study highlights structural inconsistencies between formal employment classifications and the lived realities of gig workers.

The research argues that traditional binary distinctions between “employee” and “independent contractor” are increasingly inadequate in the era of platform capitalism. It proposes a calibrated hybrid regulatory model that preserves operational flexibility while ensuring

¹ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO 2021).

² Code on Social Security 2020 (India) Act No 36 of 2020.

³ *Uber BV v Aslam* [2021] UKSC 5.

⁴ California Assembly Bill No 5 (2019) amending Cal. Labor Code §2750.3.

baseline social security protections. By situating legal reforms within broader debates on labour precarity and digital economies, the paper seeks to contribute to ongoing discussions on building a more inclusive and responsive framework for the future of work.

Keywords: Gig economy, platform labour, social security law, worker classification, comparative labour regulation, digital work, labour precarity.

CHAPTER - 2

INTRODUCTION

A. Background

Over the last decade, the nature of work has undergone a visible and rapid transformation. The spread of smartphones, digital payments, and algorithm-driven platforms has enabled a new model of labour one that is flexible, on-demand, and mediated entirely through technology. Companies such as Uber, Ola, Swiggy, and Deliveroo have become emblematic of this transformation. Through mobile applications, they connect customers to drivers, riders, and service providers in real time, reshaping the organisation of labour without owning traditional workplaces or formally employing most of their workforce.

Unlike conventional employment relationships that are characterised by fixed hours, long-term contracts, and clearly identifiable employers, gig work is structured around short-term tasks or “gigs.” Workers log into platforms, accept assignments, and are paid per task. For many, this model promises flexibility the ability to choose working hours and supplement income. For others, particularly those dependent on platform work as a primary livelihood, it brings uncertainty: fluctuating earnings, absence of paid leave, lack of health coverage, and minimal job security.

Labour law frameworks, however, were historically designed around the industrial workplace, factories, offices, and identifiable employer–employee hierarchies. At their core lies the question of classification: who is an “employee,” and who is an “independent contractor”? This distinction determines access to minimum wages, social insurance, accident compensation, and collective bargaining rights. Courts across jurisdictions have developed various tests to answer this question.

The control test, one of the earliest standards, focuses on the degree of supervision and direction exercised by the employer over the manner in which work is performed. If an employer controls not merely the outcome but also the method of work, the relationship is more likely to be classified as employment. Over time, this test proved insufficient in complex economic arrangements, prompting the development of broader standards.⁵

The economic dependency test examines whether the worker is economically reliant on a single entity for livelihood. If the worker's income, opportunity structure, and bargaining power are substantially dependent on one platform or organization, this suggests a relationship closer to employment than independent entrepreneurship.⁶

More recently, the ABC test, prominently used in parts of the United States, places the burden on the hiring entity to prove that:

- A. the worker is free from control and direction in performing the work;
 - B. the work performed is outside the usual course of the company's business; and
 - C. the worker is customarily engaged in an independently established trade or occupation.
- Failure to satisfy any one of these conditions may result in classification as an employee.⁷

Digital platforms complicate these traditional tests. While they present themselves as neutral intermediaries connecting independent service providers to customers, they often exercise algorithmic control through rating systems, pricing structures, performance incentives, and account deactivation policies. Control, in this context, is embedded in code rather than direct supervision.⁸ Economic dependency may exist even without exclusivity, as workers rely heavily on one or two dominant platforms in concentrated markets.

The emergence of platform-based work therefore disrupts labour law structures that were designed for an earlier industrial economy. The challenge today is not merely technical classification but normative: how can legal systems reconcile the flexibility promised by gig

⁵ *Dharangadhra Chemical Works Ltd v State of Saurashtra* AIR 1957 SC 264.

⁶ A J Wood et al, 'Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy' (2019) 33(1) *Work, Employment and Society* 56.

⁷ *Dynamex Operations West, Inc v Superior Court* 4 Cal 5th 903 (2018).

⁸ A Rosenblat and L Stark, 'Algorithmic Labor and Information Asymmetries: A Case Study of Uber's Drivers' (2016) 10 *International Journal of Communication* 3758.

work with the foundational objective of labour law protecting workers from precarity and exploitation? This tension forms the backdrop of the present study, which situates the gig economy within evolving debates on social security, worker status, and the future of labour regulation.

B. Literature review

Scholarly work on the gig economy has largely developed along three major lines. First, researchers highlight the issue of **economic precarity**, noting that platform workers often face unstable earnings, absence of paid leave, and limited bargaining power.⁹ Studies examining companies such as Uber and Deliveroo show how algorithmic management, rating systems, and account deactivation practices can significantly shape workers' livelihoods, often intensifying financial uncertainty despite the promise of flexibility.

Second, substantial literature engages with **legal misclassification debates**, focusing on whether gig workers should be treated as employees or independent contractors. Judicial and legislative developments, including *Uber BV v. Aslam* and California Assembly Bill 5¹⁰, are frequently analysed to assess how traditional employment tests apply to platform-based work. However, much of this discussion centres on doctrinal classification rather than the real impact on workers' social protection.

Third, scholars examine the **welfare state implications**, questioning whether employment-linked social security systems can effectively accommodate fragmented, on-demand labour. In India, debates around the Code on Social Security, 2020¹¹ reflect attempts at statutory recognition, though concerns remain regarding implementation and adequacy.

While these strands provide valuable insights, there is limited integrated comparative analysis of India, the United Kingdom, and the United States that evaluates social security effectiveness beyond classification theory. This gap justifies a focused comparative inquiry.

C. Research gap

Although gig workers are increasingly acknowledged within legal and policy frameworks,

⁹ International Labour Organization (n 1).

¹⁰ *Uber BV v Aslam* (n 3); California Assembly Bill No 5 (n 4).

¹¹ Code on Social Security 2020 (n 2).

formal recognition has not consistently translated into **effective and enforceable social security protections**. In many instances, statutory inclusion does not automatically ensure access to benefits, leaving workers in a grey zone between visibility and vulnerability.

Existing literature often studies jurisdictions separately. There is limited structured comparative analysis that brings together the **judicially driven approach of the United Kingdom**, reflected in *Uber BV v. Aslam*, the **legislative experimentation in the United States**, such as California Assembly Bill 5, and the model of **statutory recognition in India** under the Code on Social Security, 2020, where implementation mechanisms remain evolving.

Additionally, contemporary Indian developments such as policy discussions and parliamentary interventions associated with Raghav Chadha concerning gig workers' welfare,¹² and the proposed Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill¹³ have not yet been sufficiently integrated into comparative academic analysis. These developments raise important questions about whether emerging state-level and political initiatives can meaningfully bridge the enforcement gap.

More broadly, there remains insufficient socio-legal integration between traditional welfare state structures and the realities of platform capitalism. This study addresses these gaps by combining comparative analysis with contemporary case studies to assess not merely recognition, but the practical effectiveness of social security protection for gig workers.

D. Objectives

This study is guided by four core objectives. First, it seeks to examine how gig workers are legally classified in India, the United Kingdom, and the United States, and to understand how these classifications shape their access to rights and protections. Second, it aims to compare the **scope, structure, and enforceability of social security benefits** available in these jurisdictions, moving beyond formal recognition to assess practical impact.

Third, the research evaluates which regulatory approach judicial reinterpretation, legislative reform, or statutory recognition more effectively addresses the reality of economic dependency in platform-based work. In doing so, it considers developments such as *Uber BV v. Aslam*,

¹² Rajya Sabha Debates (India), interventions on gig workers' welfare (2025–2026 sessions).

¹³ Karnataka Platform-Based Gig Workers (Social Security and Welfare) Act 2025.

California Assembly Bill 5, and India's Code on Social Security, 2020.

Finally, the study proposes context-sensitive reforms to strengthen India's evolving framework, particularly in light of emerging discussions around platform worker welfare and recent state-level initiatives.

E. Scope and limitations

This research focuses specifically on issues of employment classification and social security protection within the gig economy. It does not attempt a broader economic or technological evaluation of platform business models.

Given the word limit and the doctrinal nature of the study, the analysis relies on statutory provisions, judicial decisions, policy documents, and secondary academic literature rather than primary field interviews or empirical surveys.

The comparative framework is confined to three jurisdictions: India, the United Kingdom, and the United States, to allow for focused and meaningful analysis. While this limitation excludes other evolving models globally, it enables a structured comparison between differing regulatory approaches within comparable common law traditions.

CHAPTER - 3

MATERIALS AND METHODS

A. Materials

This study is primarily doctrinal and comparative in nature, relying on authoritative legal and policy sources to examine how different jurisdictions regulate gig work and social security. The materials used fall into five broad categories: statutory frameworks, judicial decisions, government policy documents, international labour standards, and academic commentary.

The statutory analysis includes India's Code on Social Security, 2020 and emerging state-level proposals such as the Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill, which reflect evolving efforts to institutionalize welfare mechanisms for platform workers. In the United States, beyond California Assembly Bill 5, the study also considers

developments like *Dynamex Operations West, Inc. v. Superior Court*,¹⁴ which significantly influenced worker classification standards.

For the United Kingdom, in addition to *Uber BV v. Aslam*, reference is made to decisions such as *Pimlico Plumbers Ltd v Smith*¹⁵, which shaped the interpretation of “worker” status under UK labour law.

The research further draws upon parliamentary debates and policy discussions, including public interventions by Raghav Chadha on gig workers’ welfare, to situate statutory reform within contemporary political discourse. Reports and conventions of the International Labour Organization, along with national labour statistics, provide a broader socio-economic context. Academic articles and comparative labour law commentaries supplement the primary sources, enabling critical engagement with existing interpretations.

By integrating these materials, the study ensures both doctrinal depth and contextual relevance, allowing for a structured comparison of legal frameworks and their practical implications for gig workers’ social security.¹⁶

B. Methodology

This research adopts a structured and interdisciplinary methodology to examine the regulation of gig workers and the effectiveness of social security frameworks across India, the United Kingdom, and the United States. The approach combines doctrinal, comparative, and socio-legal analysis to ensure both legal precision and contextual depth.

1. Doctrinal Legal Analysis

The study undertakes a detailed examination of statutory provisions and judicial reasoning to understand how employment status and social security obligations are defined and interpreted. In the Indian context, the analysis centres on the Code on Social Security, 2020 and related policy developments, including discussions surrounding the Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill. For the United States, attention is given to legislative reforms such as California Assembly Bill 5, while the United Kingdom’s framework

¹⁴ *Dynamex Operations West, Inc v Superior Court* (n 7).

¹⁵ *Pimlico Plumbers Ltd v Smith* [2018] UKSC 29.

¹⁶ International Labour Organization (n 1).

is studied through its statutory recognition of “worker” status. The focus remains on how these frameworks structure access to social security benefits.

2. Comparative Legal Method

A structured comparison is conducted using predefined criteria:

- (i) standards of worker classification,
- (ii) extent and nature of social security entitlements,
- (iii) mechanisms for enforcement and compliance, and
- (iv) institutional responsibility. This method enables a balanced evaluation of differing regulatory approaches and their practical implications.

3. Socio-Legal Analysis

The research integrates economic dependency theory and welfare state principles to assess whether existing labour law models adequately respond to platform-based work arrangements. It situates legal provisions within broader socio-economic realities, recognizing that classification debates must ultimately be evaluated in terms of their impact on workers’ livelihoods.

3. Secondary Data Review

The study relies on labour statistics, policy reports, and international publications, including materials from the International Labour Organization, to contextualize legal findings within patterns of workforce participation and social security coverage.

Through this combined methodology, the research seeks to ensure analytical rigour while remaining grounded in the lived realities of gig workers.

Explicit Comparative Framework

The comparative analysis in this study is conducted through the following structured matrix to ensure clarity, neutrality, and analytical precision:

Parameter	India	United Kingdom	United States
Legal Classification	Distinct statutory recognition of “gig” and “platform” workers under the Code on Social	Intermediate “worker” category positioned between employee and	Predominantly binary model: Employee vs Independent

	Security, 2020	independent contractor	Contractor
Source of Protection	Statutory recognition through central legislation; implementation mechanisms evolving	Judicial interpretation expanding protections within existing labour statutes	Legislative reform attempts, largely at state level; politically debated
Minimum Wage Protection	Not uniformly guaranteed; dependent on scheme formulation and enforcement	Recognized once “worker” status is established	Dependent on classification; varies across states
Social Security Contributions	Framework for contribution exists; enforcement and funding structures still developing	Clearer employer obligations once status is determined	Contribution responsibility contested; varies by jurisdiction
Welfare Model Influence	Developing welfare system with expanding but uneven coverage	Influenced by social democratic welfare principles	Market-driven approach linking benefits closely to employment status
Enforcement Strength	Emerging regulatory structure; practical enforcement still evolving	Strong judicial oversight and enforcement mechanisms	Fragmented, with significant state-level variation

CHAPTER – 4

RESULTS AND DISCUSSION

A. Data Presentation

This section presents comparative data on workforce size, social security coverage, and implementation gaps to support the legal analysis. The objective is to connect statutory frameworks with measurable labour market realities.

1. Growth of the Gig Workforce

India

- Estimated 7.7 million gig workers in 2020–21.
- Approximately 12 million gig workers by 2024–25.
- Projected to reach nearly 23–24 million by 2029–30.
- Gig workers constitute roughly 2% of India’s total workforce but are among the fastest-growing labour segments.

United Kingdom

- Approximately 2–3 million individuals engage in platform-based work (varies depending on definition and frequency of engagement).
- A significant portion treat gig work as supplementary income rather than full-time employment.

United States

- Estimates suggest 45–50 million individuals engage in some form of freelance or gig work annually.
- Around 10–15% rely on gig work as their primary source of income.

These figures demonstrate that while India’s absolute numbers are lower than the US, its **growth trajectory is sharper**, making regulatory preparedness particularly significant.

2. Comparative Social Security Coverage Indicators

Minimum Wage Protection

- **India:** No universal statutory minimum wage guarantee specifically enforced for gig workers under the Code on Social Security, 2020.
- **United Kingdom:** Workers classified under the intermediate “worker” category are entitled to minimum wage protections.
- **United States:** Access depends on classification; independent contractors are generally excluded.

Health Insurance

- **India:** Limited direct coverage; inclusion mechanisms are evolving and scheme-based.
- **United Kingdom:** Access linked to employment status and national insurance contributions.
- **United States:** Largely privately arranged unless classified as employees.

Old-Age / Pension Security

- **India:** Framework exists under social security schemes but enrolment and operational clarity remain limited.
- **United Kingdom:** Pension auto-enrolment applies once worker status and earnings thresholds are met.
- **United States:** No guaranteed pension coverage for independent contractors.

Accident and Injury Compensation

- **India:** Emerging welfare boards and proposed state-level mechanisms; inconsistent enforcement.
- **United Kingdom:** Employer liability and insurance obligations apply once worker status is established.
- **United States:** Workers' compensation typically unavailable to independent contractors.

3. Policy Implementation Gaps

Despite statutory recognition, measurable gaps persist:

India

- Contribution collection mechanisms for gig worker welfare funds remain underdeveloped.
- Lack of clear data on actual beneficiary enrolment under social security schemes.
- Enforcement architecture still evolving at both central and state levels.

United Kingdom

- Stronger judicial clarity, but enforcement depends on workers initiating legal claims.
- Platform restructuring strategies occasionally attempt to reconfigure contractual terms.

United States

- Significant variation across states.
- Legislative reforms often face political and industry resistance.
- Regulatory uncertainty continues due to shifting administrative interpretations.

Data-Based Observation

Across all three jurisdictions, there is a visible disconnect between:

1. Rapid workforce expansion, and
2. Comprehensive, enforceable social security coverage.

The data indicates that **recognition alone does not guarantee protection**, and enforcement strength plays a decisive role in translating statutory intent into tangible worker benefits.

B. Results

The comparative analysis reveals meaningful differences in how India, the United Kingdom, and the United States translate legal recognition into practical protection for gig workers. While each jurisdiction acknowledges the growing significance of platform labour, the strength and enforceability of protections vary considerably.

United Kingdom – Judicially Strengthened Protection

The United Kingdom emerges as comparatively stronger in terms of enforceable protection. Judicial interpretation has played a decisive role in expanding labour rights by recognizing an intermediate “worker” category that carries entitlement to minimum wage, paid leave, and other statutory safeguards. This approach reflects a willingness to look beyond contractual labels and assess the substantive nature of the working relationship. As a result, once worker status is established, platforms bear clearer obligations. However, enforcement often still depends on workers initiating legal action, which may create practical barriers despite doctrinal clarity.¹⁷

United States – Regulatory Instability and Political Contestation

The United States presents a more fragmented and unstable framework. Worker protection is heavily dependent on classification, which remains contested at both federal and state levels. Legislative efforts such as California Assembly Bill 5 demonstrate attempts to strengthen employee recognition, yet political resistance and industry lobbying have produced frequent reversals and exceptions. This regulatory volatility creates uncertainty for both workers and platforms, resulting in uneven access to minimum wage guarantees, social insurance, and workplace protections.¹⁸

India – Statutory Recognition with Emerging Enforcement

India stands out for formally recognizing “gig” and “platform” workers under the Code on Social Security, 2020. This statutory acknowledgement is significant, particularly in a developing labour market context. However, the findings indicate that enforcement mechanisms, contribution collection processes, and beneficiary identification systems remain in early stages of development. While the framework signals progressive intent, the gap between legislative recognition and effective delivery of social security benefits remains

¹⁷ *Uber BV v Aslam* (n 3).

¹⁸ California Assembly Bill No 5 (n 4).

substantial.¹⁹

Overall Finding

The results suggest that the effectiveness of gig worker protection is shaped less by the existence of legal categories and more by **institutional enforcement capacity and political will**. Judicial activism has strengthened enforceability in the UK, political contestation has destabilized reform in the US, and India's model reflects formal recognition without fully operationalized safeguards. These distinctions form the foundation for the subsequent discussion on regulatory reform and policy design.

C. Discussion

The findings of this study suggest that the central tension in gig economy regulation lies in the continued reliance on **binary employment classification**. The traditional distinction between "employee" and "independent contractor" was developed in an industrial era marked by clear hierarchies and stable workplaces. Platform-based work, however, operates in a grey zone. Many gig workers exercise limited autonomy over pricing, client selection, and working conditions, yet are denied employee status because they retain formal flexibility. This mismatch indicates that binary classification frameworks inadequately capture the reality of **economic dependency**, where workers may appear independent in form but remain structurally dependent in substance.

At the same time, platform capitalism has restructured how economic risk is allocated. Costs traditionally borne by employers such as vehicle maintenance, fuel, insurance, and downtime are frequently transferred to workers. Earnings fluctuate with algorithmic changes, demand cycles, and rating systems, often without transparency. While flexibility is framed as empowerment, it can also mask insecurity. The comparative analysis shows that where regulatory systems fail to account for this risk transfer, social security gaps widen.

The role of institutional actors further shapes outcomes. In the United Kingdom, judicial intervention has recalibrated worker status to align more closely with lived realities. In contrast, the United States illustrates how legislative reform may be diluted by political economy pressures and industry resistance. India presents yet another model, where statutory recognition

¹⁹ Code on Social Security 2020 (n 2).

signals progressive intent but operational mechanisms are still evolving. These variations demonstrate that regulatory effectiveness depends not only on legal drafting but also on enforcement capacity, political will, and administrative design.

Underlying these approaches are differing welfare ideologies. Systems with stronger social protection traditions tend to prioritise inclusion within labour law frameworks, whereas market-oriented models are more inclined to preserve contractual freedom. India's developing welfare structure reflects an intermediate position, balancing economic growth with gradual expansion of social security coverage.

Ultimately, the debate extends beyond classification technicalities. It raises a normative question: **is labour market flexibility being prioritised at the expense of labour dignity?** While platform work undeniably creates economic opportunity and entry points into the labour market, sustainable regulation requires that flexibility not become a justification for vulnerability. The challenge, therefore, is not to eliminate flexibility, but to embed it within a framework that guarantees baseline protections, recognises economic dependency, and affirms the dignity of work in the digital age.

CHAPTER – 5

CASE STUDIES

Case Study 1: Raghav Chadha's Gig Workers Advocacy

In late 2025 and early 2026, AAP MP Raghav Chadha vigorously highlighted the precarious working conditions of platform delivery workers in India. He critiqued the ultra-fast "10-minute delivery" promise arguing it endangers workers and forces unsafe practices and demanded its cessation from quick commerce platforms. The government's intervention led to major platforms withdrawing the "10-minute delivery" branding, an outcome Chadha and worker groups welcomed as a **partial victory in prioritizing worker safety over efficiency metrics.**

Chadha also drew attention to grossly low take-home earnings such as a Blinkit delivery rider earning merely ₹763 for nearly 15 hours of work to illustrate systemic exploitation intrinsic to algorithmically managed labour. This rhetorical and public pressure became part of the

contemporary discourse on fair pay and social security for gig workers in India.²⁰

Analytical value:

This case lets you examine how *political advocacy and public narrative* can influence policy behaviour and reshape legal understanding of gig work conditions within a country where formal protections are still nascent.

Case Study 2: Karnataka Platform-Based Gig Workers (Social Security And Welfare) Bill, 2025

In 2025, Karnataka became one of the first Indian states to enact a dedicated framework aimed specifically at the welfare of platform-based gig workers. The Karnataka Platform-based Gig Workers (Social Security and Welfare) Bill represents a significant shift from mere recognition toward structured regulatory intervention at the state level.

Salient Features

The legislation introduces several noteworthy mechanisms:

- **Statutory Obligations on Platforms:** Platform companies are required to contribute toward social security measures and ensure occupational health and safety standards for registered gig workers. The law also addresses transparency in automated decision-making systems, acknowledging concerns around algorithmic control and opaque deactivation practices.
- **Establishment of a Welfare Board:** The Act creates a dedicated Welfare Board responsible for registration, administration of schemes, and monitoring compliance. This institutional structure attempts to bridge the implementation gap that often weakens labour welfare laws.
- **Creation of a Welfare Fund:** A central feature of the framework is the establishment of a Gig Workers' Welfare Fund, financed through levies imposed on platform transactions. In February 2026, Karnataka formally notified a welfare fee under the Act, introducing a minimum 1% levy on platform payouts to support worker welfare schemes. This financing mechanism is designed to internalise part of the social cost of platform labour within the business model itself.²¹

²⁰ Rajya Sabha Debates (n 12).

²¹ Government of Karnataka, Notification under Karnataka Platform-Based Gig Workers (Social Security and Welfare) Act 2025 (Feb 2026).

Analytical Value

This case serves as an important legal-policy benchmark within India's evolving gig economy regulation. Unlike the broader Code on Social Security, 2020, which provides statutory recognition at the national level but leaves many operational details to future schemes, Karnataka's model attempts to combine **clear statutory obligations, a dedicated administrative body, and a defined funding mechanism.**

From a comparative perspective, the Karnataka framework offers an example of how sub-national legislation can experiment with enforceable welfare design in the absence of fully operational central implementation. The integration of welfare financing through mandatory levies represents a move toward greater accountability, potentially reducing reliance on voluntary compliance.

At the same time, its long-term effectiveness will depend on enforcement capacity, accurate worker registration, and sustained political commitment. Nevertheless, the Karnataka model demonstrates that targeted, state-level reform can move beyond symbolic recognition toward building a more structured and enforceable social security architecture for gig workers.

CHAPTER - 5 CONCLUSION

A. Restatement of objective

This study set out to comparatively assess the scope and effectiveness of social security protections available to gig workers in India, the United Kingdom, and the United States. Moving beyond formal classification debates, it examined whether existing legal frameworks meaningfully translate recognition into enforceable rights and tangible welfare benefits.

B. Key findings

The comparative analysis reveals several important insights.

First, **legal recognition alone is insufficient without robust enforcement mechanisms.** While India has formally acknowledged gig and platform workers under the Code on Social Security, 2020, the operational architecture for contribution collection, beneficiary identification, and scheme implementation remains in development. This demonstrates the gap that can exist between legislative intent and practical delivery.

Second, **judicial intervention can significantly expand labour protections**, particularly where courts are willing to interpret employment relationships based on economic realities rather than contractual labels. The United Kingdom illustrates how purposive judicial reasoning can recalibrate worker status and attach enforceable obligations to platform companies.²²

Third, the study underscores that **political economy dynamics decisively shape labour regulation**. In the United States, regulatory reforms have often been shaped and sometimes constrained by political contestation and industry influence, leading to fragmented and shifting standards.²³ Across jurisdictions, the balance between labour protection and market flexibility reflects broader ideological and economic priorities.

C. Implications

The findings suggest that the future of gig work regulation cannot rely solely on traditional binary classification models. There is a compelling case for developing a **hybrid or intermediate employment framework** that recognises economic dependency while preserving reasonable flexibility.²⁴

Further, social protection for gig workers should be supported by a **mandatory, contribution-based social security fund**, with clearly defined financial obligations for platform companies. Without sustainable funding mechanisms, welfare promises risk remaining aspirational.

Finally, there is a need for **stronger regulatory oversight of platform companies**, particularly in relation to algorithmic management, wage calculation transparency, and unilateral deactivation practices. Accountability structures must evolve alongside technological innovation.

At its core, the debate is not simply about legal categories, it is about ensuring that flexibility in digital labour markets does not undermine the dignity and security of work.

²² *Uber BV v Aslam* (n 3).

²³ *Dynamex Operations West, Inc v Superior Court* (n 7).

²⁴ European Commission, *Proposal for a Directive on Improving Working Conditions in Platform Work* (2021).

D. Recommendations For Future Research

Given the evolving nature of platform labour, further research is necessary.

- **Empirical field studies in India** are essential to assess how gig workers experience social security schemes in practice, particularly at the state level.
- **Gender-based analysis of gig labour** would illuminate how platform work intersects with care responsibilities, safety concerns, and income disparities.
- Deeper examination of **algorithmic management and labour rights** is required to understand how automated systems influence income stability, autonomy, and workplace fairness.

As platform economies continue to expand, legal scholarship must remain attentive to lived realities. Sustainable regulation will depend not only on doctrinal clarity but also on continuous empirical engagement and policy innovation.

REFERENCES

1. Government of India. (2020). *Code on Social Security, 2020* (Act No. 36 of 2020).
2. Government of Karnataka. (2025). *Karnataka Platform-Based Gig Workers (Social Security and Welfare) Act, 2025*.
3. NITI Aayog. (2022). *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*.
4. International Labour Organization. (2021). *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*.
5. Uber BV v. Aslam [2021] UKSC 5.
6. Vishaka v. State of Rajasthan (1997) 6 SCC 241.
7. People's Union for Democratic Rights v Union of India (1982) 3 SCC 235.
8. Rosenblat, A., & Stark, L. (2016). Algorithmic labor and information asymmetries: A case study of Uber's drivers. *International Journal of Communication*, 10, 3758–3784.
9. Wood, A. J., Graham, M., Lehdonvirta, V., & Hjorth, I. (2019). Good gig, bad gig: Autonomy and algorithmic control in the global gig economy. *Work, Employment and Society*, 33(1), 56–75.
10. European Commission. (2021). *Proposal for a Directive on Improving Working Conditions in Platform Work*.