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FROM LEGAL RECOGNITION TO EFFECTIVE PROTECTION: A CRITICAL ANALYSIS OF SOCIAL SECURITY RIGHTS OF GIG AND PLATFORM WORKERS UNDER THE CODE ON SOCIAL SECURITY, 2020.

AUTHORED BY - YAZHINI.A

Abstract:

The emergence of the gig and platform economy has fundamentally transformed the nature of employment relationships in India. Digital platforms have created new livelihood opportunities in sectors such as transportation, food delivery, e-commerce, domestic services and professional freelancing. However, the flexibility associated with platform-based work is frequently accompanied by income insecurity, occupational risks, the absence of conventional employment benefits and uncertainty regarding the legal status of workers. Against this background, the Code on Social Security, 2020 represents a significant legislative development by expressly recognising gig workers and platform workers and providing a framework for extending social security benefits to them.

This article critically examines whether such statutory recognition translates into meaningful and enforceable social security protection. It analyses the definitions of gig workers and platform workers, the scheme-based approach to welfare, registration requirements, the proposed financing structure and the institutional role of the National Social Security Board. It further examines the limitations arising from the continued distinction between employees and gig workers, the discretionary nature of welfare schemes, the adequacy of aggregator contributions and the practical difficulties associated with implementation. The article argues that legal recognition is a necessary but insufficient condition for social justice in the platform economy. Effective protection requires clearly defined entitlements, sustainable and compulsory financing, portable benefits, transparent platform governance, accessible grievance-redressal mechanisms and meaningful worker participation. It concludes that India must move from a model of conditional welfare recognition towards a comprehensive, rights-based and livelihood oriented social security framework.

Keywords: Gig economy, platform workers, Code on Social Security, 2020, social security rights, aggregator liability, labour welfare, informal employment, social justice.

1.Introduction:

The organisation of work has undergone substantial transformation with the expansion of digital technology, mobile applications and platform-based business models¹. Traditional employment relationships, which generally involve a recognised employer, a fixed workplace and relatively stable working hours, are increasingly supplemented by arrangements in which individuals undertake assignments through digital platforms. Workers may provide transportation, deliver food and goods, perform household services, undertake online tasks or offer professional services without entering into a conventional contract of employment.

The gig economy is commonly associated with temporary, assignment-based or task-oriented work. The platform economy represents a related but distinct model in which digital intermediaries facilitate the matching of service providers with customers. Although not every gig worker depends on a digital platform, platform workers generally perform work facilitated by an online platform. This distinction is significant because the legal and economic relationship between the worker, the platform and the customer may differ considerably across sectors.

In India, the expansion of app-based services has created employment and self-employment opportunities for a large section of the workforce. At the same time, it has raised serious questions concerning income stability, occupational safety, social insurance, maternity protection, retirement security and access to remedies following accidents or loss of work. Workers may be described contractually as independent service providers while remaining economically dependent on the platform through which they obtain assignments. Consequently, the traditional distinction between employment and self-employment does not always adequately capture the realities of platform work.

Historically, Indian labour welfare legislation was largely organised around identifiable employer–employee relationships or specific categories of informal employment. This structure created difficulties for workers whose contractual classification and working arrangements did not fit conventional employment models. The Code on Social Security, 2020 sought to address part of this gap by introducing express statutory definitions of gig workers and platform workers² and providing a framework for social security schemes.

The Code is particularly significant because social security is not merely a matter of charitable assistance. It is closely connected with human dignity, economic security and the capacity of

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 The Code on Social Security 2020, Act No 36 of 2020, ss 2(35), 2(60), 109 and 114.

individuals to withstand foreseeable life risks. Illness, disability, maternity, occupational accidents and old age can substantially affect workers whose earnings depend on the continuous performance of tasks. Where these risks are borne almost entirely by individual workers, the flexibility of platform work may be accompanied by considerable economic vulnerability.

Nevertheless, recognition within legislation does not automatically establish an enforceable right to every form of social security. The effectiveness of the Code depends on the design of welfare schemes, the adequacy of financing, administrative implementation and the extent to which workers can actually access benefits. It is therefore necessary to distinguish between the formal inclusion of gig and platform workers within the legal framework and the substantive protection available to them in practice.

This article critically examines that distinction. It argues that the Code marks an important departure from the traditional exclusion of gig and platform workers from labour welfare discussions, but its promise of inclusive protection depends on whether statutory recognition is translated into accessible, adequate and accountable social security arrangements.

2. Research problem:

The principal research problem concerns the gap between the legal recognition of gig and platform workers and the actual enjoyment of social security benefits. Although the Code on Social Security, 2020 establishes a framework for extending welfare protection to these categories of workers, the practical scope of that protection depends on subsequent schemes, financing arrangements, registration systems and administrative decisions.³

The central concern is that the Code may recognise workers as eligible beneficiaries without necessarily granting them a comprehensive set of immediately enforceable entitlements comparable to those available under established employee-oriented social security arrangements.

The problem is further complicated by the triangular relationship between workers, digital platforms and customers. Platforms may exercise substantial influence over work allocation, remuneration, ratings and access to assignments, while disputing that they function as employers. This raises questions about the allocation of responsibility for social security contributions and the extent to which workers should bear the consequences of business models over which they exercise limited control.

³ The Code on Social Security 2020, ss 109–114.

Accordingly, the research investigates whether the Code establishes an adequate legal foundation for social security or whether additional legislative, administrative and institutional reforms are necessary to ensure effective protection.

3. Research Objectives

The objectives of this research are:

1. To examine the statutory recognition of gig workers and platform workers under the Code on Social Security, 2020.
2. To analyse the scope of social security benefits contemplated under the Code and the mechanisms through which such benefits may be provided.
3. To critically evaluate the distinction between legal recognition, eligibility for welfare schemes and enforceable social security entitlements.
4. To examine the role of aggregators, government authorities and welfare institutions in financing and administering social security.
5. To identify the principal legal, administrative and economic barriers affecting the implementation of social security protection.
6. To recommend reforms capable of making social security more accessible, portable, adequate and responsive to the needs of gig and platform workers.

4. Research Questions

This article addresses the following research questions:

1. To what extent does the Code on Social Security, 2020 recognise gig and platform workers as beneficiaries of social security?
2. Does the scheme-based framework establish sufficiently clear and enforceable entitlements for these workers?
3. Is the statutory contribution mechanism adequate to ensure sustainable financing of social security benefits?
4. How does the exclusion of gig workers from conventional employee classifications affect their access to labour welfare protections?
5. What legal and institutional reforms are required to bridge the gap between statutory recognition and effective protection?

5. Research Hypothesis

The hypothesis of this research is that the Code on Social Security, 2020 represents a progressive step towards the inclusion of gig and platform workers within India's social security framework, but its effectiveness is constrained by the gap between statutory recognition and enforceable entitlements, dependence on scheme-based implementation, uncertainties concerning aggregator responsibility and insufficient integration of benefits across different platforms and forms of work.

The article further hypothesises that a rights-based, portable and contribution-oriented model of social protection would provide a more effective response to the structural vulnerabilities of platform work than a framework relying predominantly on discretionary welfare measures.

6. Research Methodology

The study adopts a doctrinal and analytical legal research methodology. It examines primary legal materials, including the Code on Social Security, 2020, relevant provisions of the Constitution of India and applicable government notifications and policy documents⁴. Particular attention is given to the statutory definitions and provisions governing gig workers, platform workers, registration, social security schemes and aggregator contributions.

Secondary materials, including academic articles, policy reports and publications of the International Labour Organization and NITI Aayog, may be used to assess the social and economic context of platform work. Comparative references to international approaches are employed to identify possible regulatory alternatives.

The research is primarily qualitative and does not claim to establish the actual level of benefit coverage through original fieldwork or statistical surveys. Any empirical conclusions concerning registration, benefit receipt, accident rates or implementation outcomes should therefore be supported by separately verified official data or field research.

7. Scope and Limitations of the Study

The study focuses on the social security framework applicable to gig and platform workers under the Code on Social Security, 2020. It considers the statutory recognition of these workers, the structure of welfare schemes, aggregator contributions, institutional mechanisms and practical barriers to access.

⁴ The Code on Social Security 2020; Constitution of India; Ministry of Labour and Employment, Government of India, applicable commencement notifications, rules and schemes.

The study does not attempt a comprehensive analysis of every labour law applicable to platform work. Issues such as minimum wages, collective bargaining, algorithmic management and employment classification are considered principally where they affect social security protection.

A further limitation is that the effectiveness of the legal framework depends on the applicable rules, notifications, schemes and administrative practices. Since the Code came into force in November 2025, conclusions about its long-term outcomes must be distinguished from analysis of its statutory design. The existence of a legal provision should not be treated as proof that a particular benefit has been implemented, funded or received by workers.

8. Conceptual and Legal Framework of Gig and Platform Work

8.1 Meaning and Characteristics of Gig Work

Gig work refers broadly to work performed through short-term engagements, individual assignments or task-based arrangements rather than through a conventional, continuous employment relationship⁵. Such work may be undertaken independently, through an intermediary or through a digital platform. Gig work is not a uniform category: a highly skilled independent consultant, a part-time delivery worker and a full-time app-based driver may all undertake assignment-based work but experience substantially different levels of autonomy and economic security.

The principal characteristics of gig work include flexibility in choosing assignments, variable earnings, limited income predictability and the absence of some employment-related benefits. Flexibility may be valuable for workers who wish to combine several sources of income or determine their own schedules. However, formal flexibility does not necessarily imply genuine independence. A worker's practical freedom may be restricted by platform incentives, customer ratings, allocation algorithms, performance requirements and the possibility of losing access to the platform.

Consequently, the legal analysis of gig work should extend beyond contractual terminology. It should consider the actual organisation of work, the degree of economic dependence and the allocation of commercial risks between the worker and the platform.

8.2 Meaning of Platform Work

Platform work involves the performance of services facilitated through an online platform.

⁵ The Code on Social Security 2020, s 2(35).

Digital platforms may connect customers with drivers, delivery personnel, household service providers, freelancers or other service professionals. They may also establish the conditions under which workers obtain assignments and receive payment.

The platform's role may extend beyond simply connecting parties. Depending on the business model, it may influence prices, determine eligibility criteria, monitor performance, rank service providers⁶ and suspend accounts. These features complicate the traditional distinction between an intermediary and an employer.

Nevertheless, platform work should not automatically be equated with employment. The degree of platform control varies, and legal classification requires an examination of the applicable law and the actual relationship between the parties.

8.3 Social Security as a Labour Right

Social security consists of measures designed to protect individuals against economic and social risks, including sickness, maternity, disability, employment-related injury, loss of income and old age⁷. In the context of gig work, social security should also respond to irregular earnings, multiple sources of work and the possibility that a worker's access to assignments may be abruptly discontinued.

The concept of social security is broader than medical insurance. It may encompass accident compensation, healthcare, maternity protection, retirement savings, pensions and other forms of income support. Effective social protection requires not only the existence of schemes but also adequate benefit levels, clear eligibility rules, reliable financing and accessible procedures for claiming benefits.

For gig workers, social security assumes particular importance because risks traditionally managed through employment relationships may instead be transferred to individuals. A comprehensive framework must therefore recognise the distinctive characteristics of platform work without allowing contractual flexibility to become a justification for the absence of basic protection.

9. Legislative Recognition under the Code on Social Security, 2020

9.1 Background and Legislative Significance

The Code on Social Security, 2020 consolidates nine central enactments concerning different

⁶ The Code on Social Security 2020, s 2(60); International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO 2021).

⁷ The Code on Social Security 2020, s 2(78); International Labour Organization, *Social Protection Floors Recommendation, 2012 (No 202)*.

aspects of social security⁸ into a unified legislative framework. It received presidential assent on 28 September 2020 and introduced express definitions of gig workers and platform workers into Indian social security legislation. The Code came into force on 21 November 2025, marking an important transition from legislative enactment to implementation.

The principal legislative significance of the Code lies in its recognition that the changing nature of work requires social security arrangements extending beyond conventional employer–employee relationships. By identifying gig and platform workers as distinct categories, the legislation creates a legal basis for designing welfare measures for workers who may not otherwise fit comfortably within established employment classifications.

However, the significance of statutory recognition must be evaluated carefully. Recognition establishes the possibility of inclusion within a legal framework; it does not, by itself, determine the precise benefits available to every worker, the conditions for receiving them or the extent of the platform's liability.

9.2 Definition of Gig Workers

Section 2(35)⁹ of the Code defines a gig worker by reference to a person who performs work or participates in a work arrangement and earns from activities outside the traditional employer–employee relationship.

This definition is significant because it acknowledges the existence of work arrangements that fall outside conventional employment structures. It provides a statutory basis for identifying workers whose livelihoods depend on assignments rather than stable employment contracts.

At the same time, the distinction between gig work and employment raises difficult questions. A contractual arrangement may describe an individual as independent even when the platform exercises considerable control over the conditions of work. If statutory protection depends too heavily on the formal classification of the relationship, workers may remain vulnerable to contractual arrangements that shift commercial risks onto them.

A functional approach to classification would therefore examine the actual nature of the relationship, including control over work allocation, remuneration, performance standards and access to assignments. Such an approach would help prevent the statutory definition from becoming a means of excluding workers whose practical circumstances resemble dependent employment.

⁸ The Code on Social Security 2020, Preamble and s 164.

⁹ The Code on Social Security 2020, s 2(35).

9.3 Definition of Platform Workers

Section 2(60) ¹⁰ defines a platform worker in connection with work arrangements outside the traditional employer–employee relationship in which individuals access organisations or individuals through an online platform and provide services or solve specific problems in exchange for payment.

The definition recognises the role of digital platforms in organising economic activity. It also provides a foundation for addressing the vulnerabilities associated with app-mediated work, where access to customers and opportunities may depend on a private digital intermediary.

Platform workers, however, do not constitute a homogeneous group. Some workers use digital platforms occasionally, while others depend on them as their principal source of livelihood. Some operate across several platforms, and others may work for a single platform under conditions of substantial economic dependence.

These differences are important for the design of social security schemes. A uniform system that ignores variations in income, working hours and occupational risk may fail to protect those who are most dependent on platform work. Eligibility and contributions should therefore be structured in ways that account for diverse patterns of work without creating unnecessary administrative barriers.

9.4 Recognition without Automatic Employee Status

One of the most important features of the Code is that it recognises gig and platform workers as beneficiaries of a social security framework without automatically treating them as employees for every purpose¹¹ of labour law.

This approach offers a practical route to extending certain welfare measures to workers who might otherwise be excluded from employee-oriented schemes. It also avoids making all social security protection dependent on a prior finding of employment.

However, the approach creates a significant normative concern. If workers receive a limited package of welfare benefits while remaining outside other employment protections, they may continue to lack adequate protection against low remuneration, arbitrary deactivation and unequal bargaining power.

Social security should not become a substitute for determining employment status where the facts support an employment relationship. Nor should the absence of conventional employee status prevent access to basic protections against foreseeable social and economic risks.

¹⁰ The Code on Social Security 2020, s 2(60).

¹¹ The Code on Social Security 2020, ss 2(35), 2(60) and 114.

The central challenge is therefore to design a system in which social security coverage is sufficiently broad to protect all workers, while preserving the possibility of claiming additional employment rights where legally justified.

10. Social Security Benefits under the Code

10.1 Statutory Framework for Welfare Schemes

Sections 109 and 114 of the Code form important parts of the framework for social security schemes¹² and the financing of benefits for unorganised, gig and platform workers. The Code contemplates government-designed schemes addressing matters such as life and disability cover, accident insurance, health and maternity benefits, old-age protection and other prescribed forms of welfare.

The significance of this framework is that it acknowledges the need for social protection tailored to workers outside conventional employment arrangements. Nevertheless, the practical scope of protection depends on the applicable scheme, its eligibility criteria, funding arrangements and administrative implementation.

Accordingly, it is necessary to distinguish between a benefit identified as a possible subject of a statutory scheme and a benefit that a particular worker can currently claim as an enforceable entitlement. This distinction is central to assessing whether the Code delivers effective protection.

10.2 Life and Disability Coverage

Life and disability protection¹³ is particularly relevant to workers whose earnings depend on their continued ability to perform physical or digital tasks. The death or disability of a worker may cause immediate financial hardship for the worker's family, particularly where the worker is the principal or sole earner.

For drivers and delivery personnel, road accidents and occupational injuries can have consequences extending beyond the immediate loss of income. Disability may also create continuing medical expenses and long-term care needs.

An effective scheme should therefore establish clear eligibility conditions, adequate benefit amounts, transparent claim procedures and reasonable timelines for settlement. It should also address circumstances in which a worker performs assignments through multiple platforms or

¹² The Code on Social Security 2020, ss 109 and 114(1).

¹³ The Code on Social Security 2020, s 114(1)(a).

experiences an accident while travelling between assignments.

10.3 Accident Insurance and Occupational Risks

Accident insurance is a significant component of social protection for workers engaged in delivery¹⁴, transportation and other activities involving physical risks. Platform-based work may expose workers to traffic accidents, injuries, fatigue and other hazards arising from the manner in which services are performed.

The difficulty lies in determining the scope of coverage. A scheme that covers only narrowly defined periods of active assignment may leave gaps during travel to collect an order, movement between jobs or other activities closely connected with work.

A more effective framework would specify when occupational coverage begins and ends, how claims are assessed and which entity bears responsibility for contributions. It should also ensure that workers can obtain information about coverage without depending exclusively on the platform's internal customer-support systems.

10.4 Health Benefits

Access to healthcare¹⁵ is essential for workers who may not receive employer-sponsored medical coverage. Illness can interrupt their ability to earn, while medical expenses may consume a substantial proportion of irregular earnings.

Health protection should therefore be designed to address both medical costs and the economic consequences of illness. Where appropriate, it may be coordinated with existing public health programmes and social insurance arrangements.

The effectiveness of healthcare coverage depends on practical accessibility, awareness, documentation requirements and the availability of suitable healthcare facilities. Registration alone does not ensure that workers understand the benefits available to them or can successfully use them.

10.5 Maternity Benefits

Women engaged in gig and platform work may experience particular difficulties because their earnings can decline during pregnancy, childbirth and periods of childcare. Where income depends on completing assignments, taking time away from work may directly affect household financial security.

¹⁴ The Code on Social Security 2020, s 114(1)(b).

¹⁵ The Code on Social Security 2020, s 114(1)(c).

Maternity protection should therefore be assessed in terms of both healthcare access and income security. A framework that recognises maternity as a possible area of welfare but does not ensure accessible and adequately funded benefits may provide limited practical relief.

The Code's scheme-based structure should be developed in a manner that accommodates workers with irregular earnings, multiple platforms and non-standard work schedules. Otherwise, women whose livelihoods depend on platform work may remain disadvantaged compared with workers in conventional employment.

10.6 Old-Age Protection and Retirement Security

Retirement security¹⁶ is a major concern for workers whose income may not be accompanied by regular employer contributions to provident funds or pension arrangements. Although platform work may provide immediate income opportunities, it does not necessarily generate long-term financial security.

A sustainable system should facilitate regular contributions, preserve accumulated benefits when workers change platforms and provide accessible information concerning retirement savings. Contributions should be capable of following the worker rather than remaining tied to a single contractual relationship.

The absence of portable retirement arrangements may create a situation in which workers remain economically active for longer than they would otherwise choose because they lack sufficient savings or pension support. Old-age protection should therefore be treated as a long-term component of social security rather than merely an optional welfare measure.

10.7 Other Welfare Measures

The Code provides a basis for considering additional forms of protection through applicable schemes. Depending on their legal design, these may include measures addressing the needs of workers' families, childcare and other welfare requirements.

However, the scope and enforceability of any particular benefit must be verified against the relevant scheme and notification. It would be legally inaccurate to assume that every category of benefit mentioned in the Code is automatically available to every registered gig or platform worker¹⁷.

The overall objective should be to create a coherent package of protection that responds to workers' actual needs throughout their working lives, rather than a fragmented collection of

¹⁶ The Code on Social Security 2020, s 114(1)(d).

¹⁷ The Code on Social Security 2020, s 114(1)–(3).

schemes with inconsistent eligibility rules.

11. Registration and the Role of the e-Shram Portal

Registration is an important administrative mechanism for identifying workers, maintaining records and facilitating access to social security schemes. Section 113 of the Code addresses the registration of unorganised workers, including gig and platform workers. The e-Shram portal also provides a digital framework for registering eligible workers and supporting the administration of welfare measures¹⁸.

A centralised database can improve policy planning, reduce duplication and help government authorities identify workers who might otherwise remain invisible within conventional employment records. Digital registration may also facilitate the portability of benefits across occupations, platforms and geographical locations.

Nevertheless, registration should not be confused with substantive social security coverage. A worker may be registered without receiving a particular benefit, and registration does not by itself establish the adequacy of the scheme's funding or the enforceability of a claim¹⁹.

Several practical difficulties may affect the registration process. Workers may lack reliable access to digital services, have incomplete documentation or face difficulties understanding the relevant procedures. Workers who use several platforms may also encounter problems when their work histories, earnings and contribution records are maintained separately.

A further concern is the potential gap between registration and continued engagement with welfare systems. Workers need clear information about eligibility, contribution records, benefit claims and grievance procedures after registration.

Accordingly, registration should be supported by accessible facilitation centres, multilingual assistance, offline alternatives and clear procedures for correcting records. Digital infrastructure should function as an instrument of inclusion rather than as an additional condition that excludes workers with limited technological access.

12. Aggregator Contributions and the Financing of Social Security

12.1 Statutory Contribution Mechanism

The financing structure is central to the effectiveness of the Code. Section 114 provides for a contribution by aggregators towards social security schemes for gig and platform workers.

¹⁸ The Code on Social Security 2020, s 113; Ministry of Labour and Employment, Government of India, *e-Shram Portal*.

¹⁹ The Code on Social Security 2020, s 113(1)–(4).

Under the statutory formula, the contribution is prescribed within a range of one to two per cent of the aggregator's annual turnover, subject to a ceiling of five per cent of the amount paid or payable by the aggregator to gig and platform workers²⁰. The commencement and implementation of the contribution mechanism must be read alongside the applicable statutory notifications and rules. <Cite refs=[["turn618276search28","turn618276search2"]]/>

The contribution mechanism is significant because it recognises that platform-based enterprises have a role in financing the welfare of the workers whose services contribute to their business activities. It also provides a potential funding source that does not depend entirely on general government expenditure or individual workers' ability to purchase private insurance.

12.2 Adequacy of the Contribution Formula

The statutory formula raises questions about whether the resources generated will be sufficient to meet the needs of a diverse and expanding workforce. The adequacy of financing depends on factors such as the number of eligible workers, the level of benefits, the incidence of occupational risks, administrative expenses and the number of claims submitted.

The percentage prescribed by legislation does not, by itself, demonstrate that sufficient funds will be available. A proper assessment requires transparent data concerning aggregator turnover, amounts paid to workers, contributions collected, expenditure on schemes and the number of beneficiaries.

There is also a need to consider whether a contribution linked to turnover adequately reflects the risks and scale of the work performed through different platforms. Platforms vary in their business models, revenue structures and use of labour. A financing mechanism should be sufficiently clear to prevent avoidance while remaining administratively workable.

12.3 Allocation of Responsibility

The financing framework must address the relationship between the platform, the worker and the State. Workers should not be required to bear disproportionate costs for risks that arise from the organisation of platform-based work. At the same time, the government has an important role in establishing universal standards, administering schemes and supporting workers who cannot be adequately protected through contributions from individual platforms.

An effective financing system should therefore combine transparent aggregator contributions, appropriate public support and, where justified, worker contributions structured according to

²⁰ The Code on Social Security 2020, s 114(4).

ability to pay. Contributions should be collected and monitored through a system capable of identifying the responsible entities and ensuring that amounts due are paid.

12.4 Transparency and Accountability

A contribution mechanism is effective only if compliance can be monitored. Authorities should publish clear information about contribution calculations, collections, outstanding liabilities and the use of funds. Appropriate audit and reporting requirements are necessary to ensure that resources intended for worker welfare are not diverted or inadequately administered.

Workers and their representative organisations should also have access to understandable information²¹ about how contributions are used and what benefits they finance. Transparent administration would strengthen confidence in the system and provide a basis for evaluating whether the contribution structure needs to be revised.

The central issue is not merely whether the Code identifies a source of funding, but whether the resulting financial arrangements are adequate, predictable and accountable over time.

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13. Institutional Mechanisms and Governance

13.1 National Social Security Board

The Code provides for the National Social Security Board to play an institutional role in matters relating to the welfare of unorganised workers, including gig and platform workers, subject to the applicable statutory provisions²². The Board's composition includes representation from relevant government institutions, aggregators, workers and other designated participants.

The inclusion of worker representatives is particularly important because the design of social security schemes should reflect the actual conditions of platform work. Workers are better positioned to identify practical problems involving accident coverage, delayed payments, inaccessible grievance mechanisms and the consequences of sudden deactivation.

However, representation alone does not guarantee effective participation. Worker representatives require access to relevant information, meaningful opportunities to influence policy and institutional mechanisms through which their recommendations receive consideration. The Board's effectiveness should therefore be assessed by its capacity to influence scheme design, monitor implementation and address gaps in protection.

²¹ The Code on Social Security 2020, s 114(4)–(7).

²² The Code on Social Security 2020, ss 6–7 and 114(2).

13.2 Role of Central and State Governments

The implementation of social security legislation in India involves both central and state-level responsibilities²³. The Code establishes a framework for the formulation of schemes and the exercise of relevant powers by the appropriate governments.

State governments are particularly important because platform workers are distributed across different geographical regions and operate within local labour markets. Administrative capacity, worker awareness, access to healthcare and the availability of support services may vary considerably between states.

Coordination is necessary to prevent differences in administrative practice from undermining portability and continuity of benefits. Workers who migrate or perform assignments in several states should not lose access to protection merely because their place of work changes.

13.3 Grievance Redressal and Administrative Accountability

Effective social security requires accessible procedures²⁴ through which workers can challenge the denial of benefits, correct registration records and obtain decisions within a reasonable period. Without such mechanisms, formally available benefits may remain inaccessible to workers who lack legal assistance or bargaining power.

Grievance systems should distinguish between disputes concerning eligibility, contribution records, claim processing and platform conduct. Workers should receive written reasons for adverse decisions and have access to review or appeal procedures.

Digital platforms may assist in delivering benefits, but they should not exercise unreviewable control over access to statutory welfare. Public authorities must retain responsibility for ensuring that legal entitlements are administered fairly and transparently.

14. Critical Analysis: From Recognition to Effective Protection

14.1 Recognition Without Comprehensive Enforceable Entitlements

The most fundamental limitation of the Code is the distinction between recognising²⁵ workers as a statutory category and establishing clearly enforceable entitlements. The Code creates a framework through which social security schemes may be formulated, but the benefits available to an individual worker depend on the applicable legal provisions and scheme conditions.

²³ The Code on Social Security 2020, ss 109–114.

²⁴ The Code on Social Security 2020, s 109(4)(vi) and s 114(2).

²⁵ The Code on Social Security 2020, ss 109, 113 and 114.

A worker's practical protection therefore cannot be determined solely by reading the statutory definition. It is necessary to examine the scheme, eligibility criteria, financing arrangements and procedures for claiming benefits.

This approach provides flexibility to government authorities in designing welfare measures for a changing labour market. However, excessive dependence on subsequent schemes may weaken legal certainty. Workers may have limited ability to determine what benefits they can expect, when those benefits become available and which authority is responsible for providing them.

The central criticism is not that all benefits must be identical to those provided to conventional employees. Rather, the minimum level of social protection should be sufficiently clear and reliable to prevent workers from remaining dependent on uncertain administrative choices.

14.2 The Problem of Employment Classification

The continued distinction between gig work and conventional employment is another major concern. Some platform workers genuinely operate independent businesses and enjoy substantial control over their work. Others may depend heavily on a single platform and have limited influence over remuneration, work allocation or performance standards.

A uniform classification based primarily on contractual labels risks overlooking these differences. Where a platform controls important aspects of work, the worker may face economic dependence²⁶ despite being formally described as independent.

The Code's welfare framework should therefore operate alongside a fair system for determining employment status. Social security should be available to workers regardless of classification where legislation so provides, but this should not prevent individuals from asserting employee status and claiming any additional rights available under applicable law.

A dual approach would protect workers from gaps in social insurance while ensuring that the social security framework does not become a justification for denying other labour protections.

14.3 Discretion and Uncertainty in Scheme Design

The scheme-based approach permits authorities to adjust social security measures to changing economic conditions. However, it also raises concerns about the consistency, adequacy and continuity of benefits.

Where entitlement depends on the formulation or revision of schemes, workers may face

²⁶ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO 2021).

uncertainty²⁷ regarding eligibility, benefit amounts and the duration of protection. Different schemes may also introduce inconsistent definitions or administrative requirements.

A more effective framework would establish minimum statutory guarantees and allow schemes to supplement those guarantees. This would preserve administrative flexibility while ensuring that essential protection is not dependent entirely on discretionary policy choices.

14.4 Inadequate or Uncertain Financing

The contribution mechanism under the Code is an important step towards shared responsibility for worker welfare. Nevertheless, the adequacy of contributions must be evaluated against actual social security needs rather than assumed from the existence of a statutory percentage.

A growing workforce, changes in platform business models and differences in occupational risk may place substantial demands on available resources. Without transparent financial²⁸ reporting and periodic actuarial assessment, it is difficult to determine whether the funding structure can support adequate long-term benefits.

The government should therefore publish regular reports on contributions, fund utilisation, administrative costs and benefit coverage. Such information would permit informed assessment of the adequacy of the financing mechanism and the need for revision.

14.5 Multiple Platforms and Portability of Benefits

Many workers obtain assignments from more than one platform or combine platform work with other employment. A system organised around a single platform or a fixed employment relationship may fail to capture their full work history and contribution record.

Portability is therefore essential. Social security should follow the worker rather than depend on continuous engagement with one platform. Changes in location, occupation or platform affiliation should not result in the loss of accumulated benefits or unnecessary repetition of registration procedures.

A portable system would also help address the practical reality that platform workers may move between transportation, delivery, household services and other forms of work throughout their working lives.

14.6 Algorithmic Management and Loss of Livelihood

Digital platforms increasingly rely on automated systems to allocate assignments, calculate

²⁷ The Code on Social Security 2020, s 114(1)–(3).

²⁸ The Code on Social Security 2020, s 114(4)–(7).

incentives, rank workers and determine access to services. These systems may affect a worker's earnings and continued ability to obtain assignments.

Although algorithmic management²⁹ is not exclusively a social security issue, it can have direct consequences for economic security. Sudden deactivation may interrupt income and potentially affect a worker's ability to maintain contributions or satisfy scheme-related requirements.

An effective protection framework should therefore promote transparency in decisions affecting access to work, provide meaningful opportunities to challenge adverse decisions and ensure that workers are not unfairly excluded from welfare benefits because of opaque platform procedures.

14.7 Gender Inequality and Care Responsibilities

Women in platform work may face specific barriers arising from unequal care responsibilities³⁰, occupational segregation, safety concerns and irregular earnings. Formal eligibility for a welfare scheme may not adequately address these structural disadvantages.

Maternity protection, accessible healthcare, childcare support and safe working conditions should be designed with these realities in mind. Eligibility rules should also accommodate part-time work, fluctuating earnings and participation across multiple platforms.

Gender-sensitive social protection is essential to ensure that the expansion of platform work does not reproduce existing inequalities under a new contractual model.

14.8 Digital Exclusion and Awareness Deficits

Digital registration can make welfare administration more efficient, but it can also create difficulties for workers with limited digital literacy, language barriers or inconsistent access to technology.

Workers may be unaware of the schemes available to them or may find it difficult to understand contribution records and claim procedures. A system that assumes every worker can navigate digital processes independently risks excluding³¹ those who most need assistance.

Accessible information, multilingual facilitation, offline assistance and effective outreach should therefore form an integral part of implementation. Technology should simplify access

²⁹ European Parliament and Council, Directive (EU) 2024/2831 of 23 October 2024 on improving working conditions in platform work.

³⁰ International Labour Organization, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO 2021).

³¹ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India 2022).

to protection rather than become a prerequisite that disadvantages vulnerable workers.

14.9 Fragmentation of Social Protection

A worker may need to interact with several institutions for healthcare, accident coverage, pensions, maternity benefits and other forms of assistance. Fragmented administration can result in duplicated records, inconsistent eligibility decisions and delays in claim settlement.

The Code provides an opportunity to improve coordination across social security institutions. A more integrated framework should facilitate the transfer of verified information, preserve individual contribution histories and provide workers with a clear point of access for information and assistance.

Integration, however, should be accompanied by appropriate safeguards for personal data and transparent rules governing access to records. Administrative efficiency must not come at the cost of privacy or procedural fairness.

15. Constitutional and Human Rights Dimensions

15.1 Article 14: Equality Before the Law

Article 14 of the Constitution ³²guarantees equality before the law and equal protection of the laws. In the context of platform work, it provides a constitutional basis for examining whether distinctions in social security coverage are reasonable and consistent with the objectives of labour welfare.

The fact that workers operate under different contractual arrangements may justify differences in the design of benefits. However, contractual classification alone should not necessarily determine whether a worker receives protection against fundamental social risks.

A fair framework should ensure that similarly situated workers are not arbitrarily excluded from essential benefits merely because their work is mediated through a digital platform.

15.2 Article 21: Life and Human Dignity

Article 21 protects life and personal liberty and has been interpreted by the Supreme Court of India to encompass important dimensions of human dignity. In *Olga Tellis v. Bombay Municipal Corporation* ³³(1985), the Court recognised the relationship between livelihood and the protection of life.

³² Constitution of India, art 14.

³³ Constitution of India, art 21; *Olga Tellis v Bombay Municipal Corporation* (1985) 3 SCC 545.

This principle is relevant to gig workers because the loss of access to work, occupational injury and the absence of basic social protection may threaten their ability to maintain a dignified existence.

Nevertheless, Article 21 should not be interpreted as automatically guaranteeing every specific benefit contemplated by the Code. The constitutional argument is better understood as supporting a framework that takes livelihood security and human dignity seriously when designing and implementing social protection measures.

15.3 Directive Principles of State Policy

Articles 38, 39, 41, 42 and 43 of the Constitution³⁴ provide important guidance for social and economic welfare. They concern the promotion of social justice, adequate means of livelihood, public assistance in specified circumstances, humane conditions of work, maternity relief and the protection of workers' interests.

Although the Directive Principles are not independently enforceable in the same manner as fundamental rights, they provide significant guidance for interpreting the objectives of labour welfare legislation.

The Code should therefore be assessed not merely as an administrative consolidation of existing laws, but also as part of the broader constitutional commitment to reducing economic vulnerability and promoting social justice.

15.4 International Labour Standards

International labour standards provide a useful framework for understanding social protection in informal and non-standard work. The International Labour Organization's Social Protection Floors Recommendation, 2012 (No. 202)³⁵ emphasises the development of nationally defined social protection floors that provide access to essential healthcare and basic income security.

The ILO's Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)³⁶, is also relevant because it addresses the challenges faced by workers in informal economic arrangements.

These instruments support the broader proposition that social protection should respond to the actual risks experienced by workers and should not be restricted unnecessarily by traditional employment classifications. Their relevance lies in providing normative guidance; they should

³⁴ Constitution of India, arts 38, 39, 41, 42 and 43.

³⁵ International Labour Organization, *Social Protection Floors Recommendation, 2012 (No 202)*

³⁶ International Labour Organization, *Transition from the Informal to the Formal Economy Recommendation, 2015 (No 204)*.

not be treated as automatically creating enforceable domestic entitlements beyond those recognised by Indian law.

16. Comparative Perspectives

16.1 The European Union Approach

The European Union³⁷ has developed regulatory measures addressing working conditions in platform work, including Directive (EU) 2024/2831 on improving working conditions in platform work.

The Directive addresses matters including employment-status determination and algorithmic management. Its broader significance lies in recognising that the legal classification of platform workers and the transparency of automated management systems can affect the exercise of labour rights.

India may draw lessons from the emphasis on effective procedures for assessing employment status and on transparency in platform management. However, the European framework operates within a different legal and institutional context and should not be transplanted without considering Indian labour-market conditions.

16.2 International Social Protection Principles

International social protection frameworks³⁸ emphasise continuity of protection across changes in employment status and the importance of minimum guarantees. These principles are particularly relevant to workers who move between self-employment, platform work and conventional employment.

For India, a system of portable social protection would help reduce the disadvantages associated with fragmented work histories. It would also permit workers to accumulate and retain benefits despite changes in platform affiliation or geographical location.

16.3 Lessons for India

Comparative experience suggests that an effective framework requires more than a statutory definition of platform work. It requires clear standards for determining legal status, transparent governance, adequate financing, accessible remedies and mechanisms for ensuring continuity of protection.

³⁷ Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work [2024] OJ L 2024/2831.

³⁸ International Labour Organization, *Social Protection Floors Recommendation, 2012 (No 202)*; International Labour Organization, *Transition from the Informal to the Formal Economy Recommendation, 2015 (No 204)*.

India's framework³⁹ should be developed in accordance with its own constitutional structure, administrative capacity and labour-market conditions. The objective should be to combine the flexibility of platform work with minimum standards of social protection that are sufficiently clear to be relied upon by workers.

17. Recommendations for Strengthening Social Security Protection

17.1 Establish Minimum Statutory Guarantees

The law should establish a clearly defined minimum package of social protection for eligible gig and platform workers. Essential protections should not depend exclusively on the introduction of individual schemes or changing administrative priorities.

The package should specify eligibility, benefit levels, contribution obligations, claim procedures and review mechanisms. Additional schemes could supplement these guarantees according to sectoral risks and available resources.

17.2 Strengthen Aggregator Accountability

Aggregators should be subject to clear reporting, contribution and compliance obligations. Authorities should establish transparent methods for calculating contributions and monitoring payments.

Regular audits, appropriate penalties for non-compliance and public reporting of aggregate funding data would strengthen accountability. Compliance procedures should also address workers who perform assignments through multiple platforms.

17.3 Develop a Portable Social Security Account

A portable social security account⁴⁰ should enable workers to retain their registration records, contributions and eligible benefits when changing platforms, occupations or states.

The system should be interoperable with relevant public welfare institutions while maintaining appropriate privacy safeguards. Workers should be able to access their records and obtain clear information about their eligibility and contribution history.

17.4 Ensure Adequate and Sustainable Financing

The government should periodically assess whether aggregator contributions and other funding

³⁹ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Government of India 2022).

⁴⁰ The Code on Social Security 2020, ss 113–114.

sources are sufficient to meet projected expenditure. Such assessments should consider the number of eligible workers, occupational risks, benefit adequacy, administrative costs and long-term demographic changes.

Where evidence demonstrates a funding gap, the contribution structure and public financing arrangements should be reviewed through transparent procedures.

17.5 Provide Effective Grievance-Redressal Mechanisms

Workers should have access to simple, timely and affordable procedures for challenging benefit denials, correcting records and resolving contribution disputes.

Independent review should be available where a platform or administrative authority makes a decision affecting eligibility. Information concerning complaint procedures should be communicated in accessible languages and formats.

17.6 Recognise the Diversity of Platform Work

Social security schemes should take account of differences in working hours, earnings, occupational hazards and the extent of economic dependence on platforms.

A flexible but inclusive design would help avoid the exclusion of part-time workers, workers using multiple platforms and individuals whose earnings fluctuate considerably from month to month.

17.7 Improve Worker Representation

Worker representatives should participate meaningfully in the design, implementation and evaluation of social security schemes. Consultation should include workers from different sectors, including delivery, transportation, household services and online freelancing.

Representation should be supported by access to information, transparent decision-making procedures and mechanisms for considering worker recommendations.

17.8 Strengthen Awareness and Administrative Assistance

The government and relevant institutions should provide multilingual guidance, facilitation centres and accessible digital and offline services.

Workers should be informed about registration, eligibility, contributions, benefit claims and appeal procedures. Awareness initiatives should be evaluated by their ability to improve actual access to benefits rather than merely by the number of registrations completed.

17.9 Address Algorithmic Decisions Affecting Welfare

Where platform decisions affect a worker's access to assignments or records relevant to social security, the framework should promote transparency and meaningful opportunities for review. Workers should be able to obtain understandable reasons for adverse decisions and correct inaccurate records. Social security eligibility should not be determined solely through opaque automated processes without appropriate accountability.

17.10 Introduce Periodic Independent Evaluation

The implementation of the Code should be assessed through regular public reports measuring registration, benefit coverage, claims, processing times, contribution collection and the adequacy of protection.

Independent evaluation would enable policymakers to identify gaps and adjust the framework in response to evidence. It would also help distinguish formal administrative achievements from substantive improvements in workers' economic security.

18. Findings and Discussion

The analysis leads to several principal findings.

First, the Code on Social Security, 2020 represents a significant development in Indian labour welfare legislation because it expressly recognises⁴¹ gig and platform workers as categories relevant to social security policy. This recognition creates an important legal foundation for extending protection beyond conventional employment arrangements.

Second, the availability of social security depends on more than statutory recognition. The design of applicable schemes, the clarity of eligibility requirements, the adequacy of funding and the accessibility of administrative procedures determine whether workers can obtain meaningful benefits.

Third, the aggregator contribution mechanism provides a basis for distributing some of the financial responsibility for social protection to platform-based enterprises. However, the adequacy and effectiveness of this mechanism must be assessed through transparent data concerning contributions, expenditure and benefit coverage.

Fourth, registration and digital infrastructure can improve administrative coordination, but they do not independently guarantee access to welfare. Registration should be accompanied by clear entitlements, practical assistance and effective grievance procedures.

⁴¹ The Code on Social Security 2020, ss 2(35), 2(60), 109 and 114.

Fifth, the distinction between gig work and conventional employment remains important. Social security protection should be sufficiently broad to include workers outside traditional employment relationships, while preserving the possibility of establishing employee status where the applicable law and facts support such a claim.

Finally, the constitutional principles of equality, dignity and social justice support the development of a coherent framework that protects workers against major social and economic risks. The long-term effectiveness of the Code will depend on whether implementation produces measurable improvements in the security and well-being of workers.

19. Conclusion

The expansion of the gig and platform economy has challenged conventional assumptions concerning employment, economic dependence and the organisation of social security. While digital platforms have created new opportunities for earning a livelihood, they have also exposed workers to irregular incomes, occupational risks and uncertainty regarding access to welfare benefits.

The Code on Social Security, 2020 constitutes an important legislative response to these challenges. By expressly recognising gig and platform workers and providing a framework for social security schemes, it establishes a foundation for extending protection to workers who may fall outside traditional employment relationships. Its provisions concerning welfare schemes, registration, institutional mechanisms and aggregator contributions demonstrate a movement towards a more inclusive approach to social protection.

Nevertheless, the existence of a statutory framework does not by itself establish that workers enjoy adequate and enforceable protection. The distinction between eligibility for a scheme and a legally secure entitlement remains central to the evaluation of the Code. Uncertainty concerning scheme design, the adequacy of financing, the allocation of responsibility and the accessibility of benefits may weaken the practical value of legal recognition.

The principal challenge is therefore to move from formal inclusion to substantive protection. This requires a minimum package of clearly defined social security guarantees, sustainable financing, effective aggregator accountability, portable benefits, accessible grievance mechanisms and meaningful worker participation. It also requires coordination between social security protection and the broader legal questions concerning employment status, fair working conditions and platform governance.

Ultimately, social security for gig and platform workers should be understood as an essential component of inclusive economic development rather than merely an optional welfare

measure. A legal framework that recognises workers without ensuring practical access to protection risks creating a gap between legislative promise and lived experience. The success of the Code will depend on whether its implementation enables workers to withstand illness, injury, maternity, income disruption and old age without falling into avoidable economic insecurity.

The central conclusion of this article is that legal recognition is the starting point of social security justice, not its final achievement. Effective protection requires institutions, funding and enforceable guarantees capable of translating statutory inclusion into meaningful security for workers and their families.

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