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NAVIGATING WORKERS RIGHTS AND EMPLOYERS’ RESPONSIBILITY IN THE GIG ECONOMY

~ *Condoliza Akinyi*

Technological advancement and proliferation of the smartphone have reshaped the commercial landscape, providing consumers with new ways of accessing the retail marketplace.¹ Development in online technology have made it possible for people and business around the world to participate in a growing, global marketplace for contract labor.² The digitally enabled gig economy is a contemporary, technology-driven transformation of work organization and is linked to wider labor market trends including a rise in precarity, the separation of paid work from employment, and the increasing automation of tasks and responsibilities within both supply-chains and jobs.³ While the term comes from the employment of musicians to play for a particular set or for an evening performance, it is now used to describe a wide range of employments ranging from janitors cleaning offices at night to even IT installation managers, accountants or even lawyers.⁴

The emergence of the online gig economy has increased policy interest in the issue of contingent work arrangements which broadly include independent contractors as well as part time, temporal, seasonal and subcontracted workers. The gig economy provided certain benefits to the workers, which helps to provide income for gig workers to support their households through strained times and the growth of the

¹ Donovan, S.A., Bradley, D.H. and Shimabukuru, J.O, What does the gig economy mean for workers? Congressional research service, 1,1(2016)

² Bajwa, U., Gastaldo, D., Di Ruggiero, E. and Knorr, L., The health of workers in the global gig economy. 14 *Globalization and health*, 1,1(2018)

³ Smith, B., Goods, C., Barratt, T. and Veen, A., Consumer ‘app-etite’ for workers’ rights in the Australian ‘gig’ economy. 38 *Journal of choice modelling*, 1,1(2021)

⁴ Friedman, G., Workers without employers: shadow corporations and the rise of the gig economy. *Review of keynesian economics*, 2(2), 171,172(2014)

economy even in the times of recession.⁵ The gig economy is highly replacing the traditional paradigm full-time stable employment. Gig economy is all different from the sharing economy in that unlike sharing economy which is primarily characterized by peer to peer acquisition and the provision of goods and services driven in the online platform, gig economy is specified by labor market distinguished by short term contracts or freelance work rather than a permanent work.⁶

The gig economy has seen a tremendous growth over the past decade and is no longer a small niche of economic activities for workers.⁷ The absolute beneficiaries of any business in the economy are the consumers, and every step is always made to ensure that demand of the product remains high in the market. However, a parallel question also arises whether the employees especially the gig contractors, benefit equally from this. How much is their percentage share compared to the profits companies or the producers get? One of the major challenges many countries face is the regulation of the gig workers and the ways they could protect their rights since many national labor laws incorporate employee's protection and benefits on long term basis.

Labor law's, freedom of association and collective bargaining have long sort to bring balance to the unequal relationship between employers and individual workers, and to enable workers to act collectively and influence their employment and working conditions. For the gig workers it is very difficult to form collective bargaining because of their short term contribution to the economy which inevitably impacts the workers ability to establish a community and identify their shared interests.⁸ Gig workers have the freedom to choose when, where and how they work. The freedom of gig workers should be protected from the imposition of new restraints, an example being new and updated state regulations.⁹

⁵ Dokko, J., Mumford, M. and Schanzenbach, D.W., Workers and the online gig economy. *The Hamilton Project*, 1,1(2015)

⁶ Dosen, I. and Graham, M., Labour rights in the gig economy: an explainer,parliamentary library and information service,1,1-2(2018)

⁷ Brown, S., Francis, M., Hnida, N., Peracchio, W., Rosales, V., Simons, K. and Trujillo, A., Protecting Workers' Rights in the Gig Economy: AI and Digital Labour Platforms. *Lehigh University and University of San Francisco de Quito, Global Village in collaboration with the International Labour Organization*,1,2

⁸ Johnston, H. and Land-Kazlauskas, C., Organizing on-demand: Representation, voice, and collective bargaining in the gig economy,94 Condition of work and employment series,1,2-3(2018)

⁹ James Hickson, Freedom, domination and the gig economy, 29:2 New Political Economy, 321,325 (2024)

Gig workers identified several rights they consider as being of greatest benefits to their working lives if they are applied to the gig economy: minimum wages, paid holiday time, payment whenever logged in to a platform/app when looking for work, sick pay, protection against unfair dismissal which includes also in cases of platform deactivation.¹⁰ The death of one of the gig employees after being struck down by a truck in Massachusetts is just a glimpse of many accidents gig workers face in the absence of any safety and health training or even personal protective equipment when they maneuver the cities in the course of their duties.¹¹ Many countries' gig workers advocate for their rights an example being in August 2022, where Malaysian food delivery riders organized a strike, dubbed "the food delivery blackout," demanding improved working conditions, better pay, social security benefits and upgraded app system, however, this did not yield much effort to better their conditions.¹²

Gig economy in India has not been left behind. According to India's booming gig and platform economy report released by National Institute for Transforming India(NITI) in 2022, there were 7.7 million people employed in the gig economy in the fiscal year 2020-21 and the number is expected to soar to 23.5 million workers by 2029-30.¹³ Largest population in the world, very vibrant young people ready to work, less education and skills for better jobs, drive many to gig platforms in major parts of India. The supply of these workers are flooded and most employers exploit them with less wages, long working hours with no rest, dismissal at any time and no health protection schemes. The growing numbers of India's reliant on the gig economy necessitates government intervention to uphold their labour rights with humane labor

¹⁰ Wood AJ, Martindale N and Burchell BJ, 'Gig Rights & Gig Wrongs.' Initial Findings from the Gig Rights Project: Labour Rights, Co-Determination, Collectivism and Job Quality in the UK Gig Economy,Cambridge University press.1,10(2023)

¹¹ Gig economy bicycle food delivery worker dies when struck by a dump truck, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health(2020)<http://dx.doi.org/10.26616/nioshsface17ma056>

¹² Yosuke Uchiyama,Shahirah Hamid, Chris Bartlett, Exploited and unprotected:life as a gig worker,Monash University, (2023)<http://dx.doi.org/10.54377/4075-297b>

¹³ Anjali Chauhan, S. Vicknesan, the role of unions in the era of gig work,Monash UniversityYear(2023) <http://dx.doi.org/10.54377/d9e1-dfdf>

practices.¹⁴ Although some states like Rajasthan are a step higher for enacting gig workers bill, more needs to be done at the central government.

Despite seeing themselves as self-employed and thus legally constituting their own businesses- colloquially being their own bosses, gig workers highlight the need for policies that would legally ensure their participation in platform decision making.¹⁵ Responsibility lies on the employers and the governments to take radical steps to formulate ardent laws that, recognize, protect and safeguard gig workers' rights, social security policies and to incorporate them into governmental schemes like other long term employees in order to avail benefits for improving their lives. The same way Rome was not built in a day, these transitions, will also take time but with determination and the will to protect the labor force which is also among the objectives of International Labor Organization, the strategies will inevitably come to a reality.

¹⁴ Nilanjan Banik, Necrocapitalism and the dark side of india's gig economy, East Asia Forum, (2023) <http://dx.doi.org/10.59425/eabc.1695506424>

¹⁵ Wood AJ, Martindale N and Burchell BJ, supra note 10, at 18.