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## A LEGAL INQUIRY INTO ENVIRONMENTAL SAFETY OF FOOD DELIVERY WORKERS IN TAMIL NADU

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### ABSTRACT

The rapid expansion of food delivery platforms in Tamil Nadu has created a new class of urban workers whose workplaces are not confined within four walls but extend to the streets, exposing them to significant environmental and climatic risks. This study undertakes a legal inquiry into the environmental safety of food delivery workers, focusing on how extreme weather, air pollution, and urban infrastructure deficiencies affect their health, dignity, and livelihood. Continuous exposure to heat stress, heavy rainfall, vehicular emissions, and unsafe road conditions has resulted in rising incidents of fatigue, respiratory disorders, and traffic-related injuries. Despite these occupational hazards, current labour laws and platform policies seldom address the environmental dimensions of workplace safety.

Drawing on the principles of labour jurisprudence and the right to a safe working environment under Articles 21 and 42 of the Constitution of India, this paper critically examines the adequacy of the Occupational Safety, Health and Working Conditions Code, 2020, and other allied legislations in safeguarding gig and platform workers. The research highlights the urgent need to extend statutory protections and enforce environmental safeguards within the gig economy framework.

By integrating environmental justice into labour jurisprudence, the study argues for a re-conceptualisation of occupational safety that recognises the vulnerability of outdoor platform workers in a changing climate. Ultimately, this inquiry argues that ensuring environmental safety for food delivery workers is essential to achieving both **decent work** and **climate justice** in India's rapidly evolving platform economy. Strengthening labour jurisprudence through climate-sensitive legal reform is thus imperative to protect the dignity, health, and sustainability of this emerging workforce.

**Keywords:** Food delivery workers, Environmental Safety, Occupational Safety, Labour Jurisprudence, Right to Dignity

## Introduction: Rise of the Platform Economy in Tamil Nadu

The pandemic has highlighted the world's increasing dependence on digital food-delivery platforms, while simultaneously exposing the physical, health and economic vulnerabilities of their workforce. Gig work<sup>1</sup>, a form of flexible, short-term, and task-oriented employment facilitated through digital applications, has emerged from technological advancements such as smartphone mapping, GPS, and location-based services. At the heart of these gig platforms lies an on-demand labour model, often referred to as 'just-in-time' service delivery, where workers are mobilized instantly to meet fluctuating consumer demands<sup>2</sup>. The platform economy has rapidly expanded in Tamil Nadu, reshaping the contours of employment through digital intermediaries such as Swiggy, Zomato, and Dunzo, Uber Eats, Dominos Pizza and few others. These platforms rely on location-based gig workers who deliver food and essential commodities, operating through mobile applications rather than traditional employer - employee relationships. This shift has created a flexible and accessible labour market, especially for urban youth and migrants. However, it has simultaneously generated new challenges regarding employment security, workplace regulation and occupational safety. As the number of food delivery workers continues to grow in cities, towns and everywhere now, so there is an urgent need to examine their working conditions within a legal and human rights framework, as the labour regulations on occupational health and safety remain inadequate.

## Nature of Work in Food Delivery Platforms

Food delivery workers represent a unique form of labour within the gig and platform economy, characterized by algorithmic management, performance-based incentives and the absence of formal employment contracts. Their "workplace" extends to public spaces, roads, traffic zones and restaurants, making their exposure to environmental and climatic conditions a constant part of their occupation. Unlike traditional employees, these workers bear the full risks associated with mobility, pollution and weather fluctuations, without legal recognition of their occupational hazards. Their dependence on mobile technology, combined with demanding

<sup>1</sup> International Labour Organization, *Mini Guide (on Digital Labour Platforms)*, ILO, June 2025 (ISBN 978 92 2 042 178 9 (print); ISBN 978 92 2 042 179 6 (web PDF)) [https://www.ilo.org/sites/default/files/2025-06/ILO%20-%20Mini%20Guide\\_%28Digital%29\\_13jun.pdf](https://www.ilo.org/sites/default/files/2025-06/ILO%20-%20Mini%20Guide_%28Digital%29_13jun.pdf) accessed 28/10/25

<sup>2</sup> Shyam Krishna, *Spatiotemporal (In)justice in Digital Platforms: An Analysis of Food-Delivery Platforms in South India*, IFIP Joint Working Conference on the Future of Digital Work: The Challenge of Inequality (IFIPJWC), Hyderabad, Dec. 2020, pp. 132–147, [https://doi.org/10.1007/978-3-030-64697-4\\_11](https://doi.org/10.1007/978-3-030-64697-4_11), last accessed on 27/10/25

delivery timelines, intensifies their vulnerability to stress, fatigue, and environmental dangers.

### Rationale for Focusing on Environmental Safety

Environmental safety is often overlooked in discussions on gig and platform work, which typically emphasize income security or social protection. For food delivery workers, however, environmental exposure, such as heat stress, air pollution, rainfall and unsafe road conditions, directly affects their health, productivity and dignity. Tamil Nadu's tropical climate, marked by rising temperatures and unpredictable monsoon patterns, amplifies these risks. The lack of regulatory mechanisms or employer obligations to mitigate such hazards raises pressing legal questions regarding the right to safe working conditions under Articles 21<sup>3</sup> and 42<sup>4</sup> of the Constitution and the applicability of the Occupational Safety, Health and Working Conditions Code, 2020<sup>5</sup>. Hence this inquiry focuses on bridging the gap between labour jurisprudence and environmental justice in the context of platform-based food delivery work.

### Conceptual Framework: Environmental Safety and Labour Jurisprudence

Environmental safety, in the context of platform-based food delivery work, refers to the protection of workers from environmental and climatic risks that arise directly from the nature of their occupation. **Unlike traditional employees who operate within enclosed workplaces, food delivery workers spend extended hours outdoors, navigating through traffic, pollution and extreme weather conditions. Their “work environment” is not limited to a factory or office space but extends across urban streets and public areas.** Consequently, environmental safety involves safeguarding workers from hazards such as heat exposure, air and noise pollution, rainfall, and poor road infrastructure.

In Tamil Nadu, rising temperatures, erratic monsoons and increasing vehicular pollution have intensified the environmental vulnerabilities of delivery workers. Despite these challenges, existing labour laws in India primarily focus on occupational safety within conventional workspaces, failing to address the distinct risks faced by gig and platform workers. The concept of environmental safety must therefore evolve to encompass outdoor work conditions,

<sup>3</sup> “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

<sup>4</sup> “The State shall make provision for securing just and humane conditions of work and for maternity relief.”, Constitution of India 1950.

<sup>5</sup>.<https://thc.nic.in/Central%20Governmental%20Acts/Occupational%20Safety,%20Health%20and%20Working%20Conditions%20Code%202020.pdf>, last accessed on 28/10/25.

integrating principles of public health, environmental protection and workers rights. Recognizing environmental exposure as an occupational concern is essential to advancing the right to a safe and healthy workplace under Article 21 of the Constitution and international standards such as the ILO Convention No. 155 on Occupational Safety and Health<sup>6</sup>.

## **Environmental and Climatic Hazards in Food Delivery Work**

Food delivery work, particularly within urban regions of Tamil Nadu is increasingly shaped by environmental and climatic challenges that go beyond traditional notions of workplace safety. The growing dependence on app-based delivery systems like Swiggy, Zomato, and few other has drawn a new category of workers into prolonged exposure to outdoor and traffic-dense environments. Unlike factory or office workers, food delivery personnel are constantly mobile, navigating unpredictable weather, pollution, and infrastructural limitations, conditions that remain largely unaddressed specifically under existing safety regulations<sup>7</sup>. Existing Indian labour safety regulation such as, Motor Vehicles Act (as amended in 2019), the Shops and Establishments Act 1947, Employees' Compensation Act, 1923 were designed for traditional, place-based employment relationships. None of these laws recognise the occupational nature of prolonged environmental exposure, heat stress, pollution, or traffic-related risks that food delivery workers encounter daily. As a result, this emerging workforce remains outside the protective framework of statutory labour safety norms.

## **Exposure to Extreme Weather Conditions**

Tamil Nadu experiences high temperatures for most of the year, with average summer temperatures often exceeding 40°C. Delivery workers, who spend several hours outdoors, face direct exposure to heat stress, sunburn, and dehydration. The absence of shaded rest areas or mandated cooling breaks exacerbates the risk of heat-related illnesses. During the monsoon, heavy rainfall creates slippery roads and visibility issues, increasing accident risks. Prolonged

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<sup>6</sup> “Although the ILO's Convention No. 155 provides a globally recognised standard for occupational safety and health including proactive policies, national programmes and preventive frameworks, India has not ratified it. The absence of ratification underscores a gap between the constitutional guarantee of a safe workplace (under Article 21) and the binding international standard. As a result, when considering environmental exposures in the workplace (e.g., chemical, dust, noise, ergonomic hazards), India's legal framework lacks the automatic commitment that ratification would bring.”

<sup>7</sup> A Pagdhune, R Kashyap, P SivaPerumal, R Balachandar, A Viramgami and K Sarkar, 'Occupational Exposure of Vehicular Emissions and Cardiorespiratory Risk among Urban Metropolitan Bus Drivers: A Cross-Sectional Comparative Study' (2023) 75(4) *Work* 1309 <https://doi.org/10.3233/WOR-220189>

exposure to humidity also contributes to skin infections and fungal ailments, further compromising the physical well-being of the workers<sup>8</sup>.

### **Air Pollution, Noise and Urban Traffic Risks**

Major cities like Chennai, Coimbatore, Tiruchirappalli and Madurai are characterized by high vehicular density and persistent air pollution. Delivery workers who spend long hours amidst traffic are continuously exposed to vehicular emissions such as carbon monoxide, nitrogen oxides and particulate matter. This prolonged inhalation contributes to respiratory ailments, headaches and fatigue. Noise pollution, another occupational hazard, stems from honking, traffic congestion and the constant buzz of urban activity, resulting in hearing strain, anxiety, and concentration lapses. These hazards not only reduce physical endurance but also increase the likelihood of road mishaps<sup>9</sup>.

### **Lack of Rest, Sanitation and Protective Infrastructure**

Most food delivery workers do not have access to rest shelters, public washrooms or hygienic eating spaces during their working hours. In smaller towns and suburban areas, the absence of public sanitation facilities forces workers to use unsafe or unsanitary alternatives. Lack of hydration stations or restrooms particularly affects women workers, who often face additional challenges of safety and privacy. Protective gear such as helmets, masks and reflective jackets are either self-provided or inconsistently supplied by companies, leading to unsafe working conditions.

### **Health Impacts: Fatigue, Respiratory Disorders, and Road Accidents**

The combination of environmental and work-related stress leads to chronic fatigue, musculoskeletal strain and increased susceptibility to accidents. Continuous exposure to polluted air contributes to respiratory disorders such as bronchitis and asthma, while extreme weather exposure accelerates dehydration and cardiovascular stress. The constant pressure from algorithmic monitoring systems and delivery time targets further pushes workers to neglect rest and recovery, heightening risks of burnout and road accidents. Yet, current legal

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<sup>8</sup> A Flouris, M Azzi, H Graczyk, B Nafradi and N Scott (eds), *Heat at Work: Implications for Safety and Health. A Global Review of the Science, Policy and Practice* (ILO 2024).

<sup>9</sup> <https://insideclimateneWS.org/news/07012025/todays-climate-extreme-weather-food-delivery-workers/>, last accessed on 28/10/25

frameworks do not adequately recognize or regulate such outdoor environmental risks. A context-specific legal approach, integrating environmental safety within the ambit of labour jurisprudence is essential to safeguard the health, dignity and sustainability of platform-based food delivery workers in Tamil Nadu.

## **Principles of Labour Jurisprudence and Right to Safe Work**

### **Environmental Justice and Labour Rights**

Environmental justice and labour rights share a deep and interdependent relationship, both seeking to protect individuals from structural inequalities that threaten health, safety and dignity. Environmental justice focuses on the fair distribution of environmental benefits and burdens, ensuring that no group bears a disproportionate share of environmental risks. Labour rights, on the other hand, aim to guarantee fair conditions of work, safety and welfare for all workers. When these two frameworks intersect, they reveal how environmental degradation and unsafe working conditions often reinforce one another, particularly for vulnerable workers in informal or precarious sectors such as food delivery.

**Principles of labour jurisprudence rest on the foundational idea that the dignity of labour must be upheld through fair, humane, and safe working conditions. This aligns with the core values embedded in the Preamble of the ILO Constitution, which anchors labour protection in social justice and calls for humane conditions of work, protection against exploitation, adequate wages, reasonable hours of work, safeguarding of health and safety, freedom of association, and equality of opportunity. These principles collectively shape the normative basis of modern labour law and continue to guide the evolution of worker protections in both traditional and platform-based sectors.** It views employment not merely as a contractual relationship but as a social institution governed by welfare principles and human rights obligations. The legal framework governing environmental safety in platform-based work is still evolving in India. Traditional labour laws were primarily designed for industrial and manufacturing settings, where occupational hazards are physical and confined within a workplace. However, platform-based delivery work redefines the notion of the 'workplace', transforming public spaces, urban roads, and residential areas into dynamic, mobile work environments. This creates a regulatory vacuum regarding environmental exposure, pollution-related risks, and heat-related illnesses faced by delivery workers.

## International Legal Framework of Environmental Safety in Platform Work

From a labour jurisprudence perspective, the principle of “*Decent Work*” under the International Labour Organization (ILO) framework calls for integrating environmental well-being into occupational safety standards<sup>10</sup>. Ensuring sustainable and humane working conditions implies recognizing environmental hazards, such as exposure to vehicular emissions, long hours in adverse weather, and absence of rest areas as violations of both the right to health and the right to a safe workplace. Therefore, the legal discourse must evolve to interpret environmental safety as an essential component of occupational justice in the gig economy. ILO Convention No. 155 and Recommendation No. 164 The ILO’s Convention No. 155 (Occupational Safety and Health Convention) and its accompanying Recommendation No. 164 establish a global baseline for national systems that prevent occupational injuries and disease<sup>11</sup>. For platform work, these instruments are important because, translating these standards to gig work implies recognising outdoor and environmental exposure (heat, pollution, rainfall, night work) as legitimate occupational risks and designing policies that reach workers who are not in conventional workplaces. Sustainable Development Goals (SDGs 8 and 13) and Climate-Resilient Work SDG 8 (Decent Work and Economic Growth) and SDG 13 (Climate Action) provide a policy link between decent employment and climate resilience. For food delivery workers this means designing OSH standards and social protection that explicitly incorporate climate risks, heat action plans, work-rest schedules, emergency protocols, and access to healthcare and compensation following climate-related incidents<sup>12</sup>.

## National Legal and Regulatory Framework on Occupational and Environmental Safety

The **Motor Vehicles Act, 1988**<sup>13</sup>, while mandating helmet use and traffic compliance, remains overly focused on individual conduct. It neglects structural risks arising from algorithmic pressures: tight delivery deadlines and dynamic routing, which compel unsafe driving practices. Shared liability between platforms and workers, along with mandatory insurance and

<sup>10</sup> International Labour Organization, *Decent Work and the 2030 Agenda for Sustainable Development* (ILO 2016) <https://www.ilo.org/global/topics/sdg-2030/lang--en/index.htm>, last accessed on 28/10/25

<sup>11</sup> International Labour Organization, *Occupational Safety and Health Recommendation, 1981* (No. 164) [https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312502](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312502) accessed 28 October 2025.

<sup>12</sup> United Nations, ‘The 17 Goals’ <https://sdgs.un.org/goals> , last accessed 28 October 2025

<sup>13</sup> *The Motor Vehicles Act 1988* <https://legislative.gov.in/actsofparliamentfromtheyear/motor-vehicles-act-1988> accessed 28 October 2025.

periodic safety audits, could bridge this gap. Tamil Nadu could lead by mandating vehicle verification, reflective gear, and environmental risk disclosures for delivery operations.

Environmental laws like the **Environment (Protection) Act, 1986**,<sup>14</sup> the **Air (Prevention and Control of Pollution) Act, 1981**<sup>15</sup>, and the **Noise Pollution Rules, 2000**<sup>16</sup>, though designed for industrial regulation, hold growing relevance for outdoor workers. Delivery riders endure prolonged exposure to urban air pollution and noise beyond permissible limits, resulting in chronic fatigue and respiratory illness. Yet, the absence of collaboration between environmental and labour agencies leaves this occupational-environmental overlap unaddressed. Integrating air quality monitoring into labour governance, through policies like suspending deliveries during hazardous AQI levels, providing pollution masks, and creating shaded rest zones, could transform environmental data into actionable labour protection tools<sup>17</sup>.

The determination of an employer–employee relationship is central to extending statutory safety obligations to platform workers. Traditional Indian labour law relied heavily on the “control test,” focusing on the employer’s authority over the manner and method of work. However, contemporary work arrangements, particularly algorithmically managed platform labour demand a more particular inquiry. International jurisprudence illustrates this shift. In *Uber BV v Aslam*, the UK Supreme Court emphasised the **degree of subordination and dependency** created through algorithmic management, holding that the platform’s control over pricing, allocation of rides, performance ratings, and disciplinary actions rendered drivers “workers,” notwithstanding contractual labels. This approach, often described as a **functional test**, prioritises the *realities of the working relationship* over the formal terms of engagement.

Indian courts have begun to mirror this doctrinal evolution. In *General Manager, U.P. Cooperative Bank Ltd. v. Achchey Lal & Anr.*,<sup>18</sup> the Supreme Court clarified that the existence of employment is a **mixed question of fact and law** requiring a holistic, multi-factor

<sup>14</sup> *The Environment (Protection) Act, 1986*

[https://www.indiacode.nic.in/bitstream/123456789/6196/1/the\\_environment\\_protection\\_act%2C1986.pdf](https://www.indiacode.nic.in/bitstream/123456789/6196/1/the_environment_protection_act%2C1986.pdf) accessed 28 October 2025.

<sup>15</sup> *The Air (Prevention and Control of Pollution) Act, 1981*

[https://www.indiacode.nic.in/bitstream/123456789/9462/1/air\\_act-1981.pdf](https://www.indiacode.nic.in/bitstream/123456789/9462/1/air_act-1981.pdf) accessed 28 October 2025.

<sup>16</sup> *The Noise Pollution (Regulation and Control) Rules, 2000* <https://www.hspcb.org.in/uploads/noise-act/noise-pollution-rules-en.pdf> accessed 28 October 2025.

<sup>17</sup> Telangana Gig and Platform Workers Union (TGPWU) and HeatWatch, *Impact of Extreme Heat on Gig Workers: A Survey Report* (August 2024) [https://tgpwu.org/wp-content/uploads/2024/08/Impact\\_of\\_Extreme\\_Heat\\_on\\_Gig\\_Workers\\_A\\_Survey\\_Report-1.pdf](https://tgpwu.org/wp-content/uploads/2024/08/Impact_of_Extreme_Heat_on_Gig_Workers_A_Survey_Report-1.pdf) accessed 28 October 2025.

<sup>18</sup> 2025 LiveLaw (SC) 1024.

assessment. The Court endorsed a **refined multifactor test**, examining elements such as (i) the extent of control and supervision; (ii) integration of the worker's tasks into the employer's business; (iii) economic dependence; (iv) nature of remuneration; and (v) allocation of risk and benefit. Importantly, the Court rejected narrow interpretations based solely on infrastructure, contracts, or financial incentives, reaffirming that **substance must prevail over form**.

Applied to platform labour, this framework provides a compelling basis to argue that the pervasive **algorithmic control** exercised by food-delivery platforms through task allocation, penalties, real-time surveillance, and unilateral pricing meets the threshold of "control" and "integration" under Indian labour jurisprudence. It suggests that platform companies may bear **shared responsibility** for occupational safety measures, including protective equipment, accident insurance, and environmental-risk mitigation. Nonetheless, enforcement remains fragmented due to the absence of explicit statutory recognition of platform work, inconsistent administrative practices, and the contractual classification of workers as independent partners.

The **classification of platform workers as independent contractors** further undermines their safety rights. Despite significant algorithmic control over their schedules and performance, companies evade liability for environmental or occupational risks. Labour inspection systems remain factory-centric, lacking mechanisms for mobile or app-based work. The absence of environmental-labour coordination and real-time data further hinders proactive intervention. Without institutional monitoring, environmental exposure among delivery workers remains invisible in official statistics.

Historically, workplace safety has been regulated through sector-specific laws such as the **Factories Act, 1948**, the **Mines Act, 1952**, the **Dock Workers (Safety, Health and Welfare) Act, 1986**, the **Motor Transport Workers Act, 1961**, and the various **Shops and Establishments Acts** enacted by State governments. These enactments were designed for traditional, place-based employment arrangements in factories, mines, docks, and commercial establishments, where the employment relationship was clearly defined and the workplace itself was geographically fixed. While they impose obligations relating to ventilation, lighting, protective equipment, working hours, and emergency safeguards, they do **not address occupational risks arising from prolonged outdoor mobility**, such as air pollution, heat stress, or continuous exposure to traffic congestion. Nor do they recognise workers operating outside conventional establishments, such as gig-based food delivery workers, as rights-bearing labour subjects entitled to statutory safety protections. Consequently, the pre-Code

regulatory framework remains structurally inadequate for emerging forms of platform-mediated work shaped by environmental and climatic vulnerabilities. Against this backdrop, the **Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC Code)** represents a significant reform effort aimed at consolidating India's fragmented labour laws on safety, health, and welfare. Although it affirms a statutory right to a safe workplace, its exclusion of gig and platform workers perpetuates a regulatory gap, particularly for food delivery workers who face continuous exposure to pollution, extreme weather, and traffic hazards without enforceable protections.

A **climate-resilient labour policy** must therefore bridge the divide between environmental sustainability and occupational health. The **Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023<sup>19</sup>** marks the first statutory recognition of gig and platform workers in India. Its principal features include compulsory registration of workers and aggregators, issuance of unique worker IDs, and the establishment of a Welfare Board and dedicated welfare fund financed through a transaction-based cess. These mechanisms strengthen institutional visibility and create a framework for social security delivery. However, the Act remains limited from an occupational and environmental safety perspective. It does not mandate protective equipment, environmental risk assessments, climate-related safeguards, or rest facilities for outdoor workers. Nor does it impose employer-like safety obligations on platforms, since gig workers continue to fall outside the traditional employment relationship. Consequently, critical risks associated with pollution, heat stress, monsoonal hazards, and high-density traffic remain unregulated.

Tamil Nadu, with its comparatively progressive labour ecosystem, can build on this model by introducing explicit safety requirements for delivery workers, such as compulsory pollution masks, hydration kits, shaded rest points, state-level registries linked to health data, and coordinated climate advisories thereby advancing a more comprehensive and worker-centred regulatory framework.

At the national level, formulating a **Model Code on Environmental Safety for Platform Workers** under the Ministry of Labour and Employment anchored in ILO Convention No. 155 and SDGs 8 and 13 would institutionalize environmental safety as a legal right.<sup>20</sup> Such a

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<sup>19</sup> Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act 2023 (Rajasthan Act No 29 of 2023).

<sup>20</sup> Supra n.6

framework would advance India's commitment to sustainable development by redefining occupational safety as encompassing environmental protection, health equity, and climate justice for all workers, including those in the platform economy.

### **Real-Life Environmental Hazards and Worker Sufferings in Tamil Nadu**

The lived realities of food delivery workers across Tamil Nadu reveal a disturbing intersection between environmental exposure, precarious employment, and inadequate legal protection. During the Chennai floods of 2022, several delivery executives were filmed riding through knee- and waist-deep water to deliver food, risking electrocution, infections, and accidents caused by open manholes and submerged debris. In the 2018 and 2023 cyclonic storms, delivery platforms reportedly continued assigning orders despite red-alert warnings, forcing riders to navigate flooded roads and high-speed winds. In May 2024, during Tamil Nadu's severe summer, many workers were reported to have collapsed from heat exhaustion while completing deliveries in temperatures exceeding 43°C, often without access to rest, hydration, or shade<sup>21</sup>.

The growing urban challenges further intensify these conditions. Increasing incidents of stray-dog attacks during late-night shifts, exposure to vehicular emissions and noise pollution, and the absence of sanitation or rest facilities create a cycle of chronic fatigue and health deterioration. Even during strike periods, fuel shortages, or public unrest, riders continue working to maintain earnings, often facing aggression from crowds and police personnel. Road safety risks compound these environmental threats. In September 2025, a 24-year-old delivery executive in Perumbakkam, Chennai, died after his motorcycle skidded on loose gravel, while in March 2022, a 20-year-old Swiggy rider lost his life in a late-night accident following prolonged duty hours without rest. Such tragic incidents demonstrate how delivery work exposes individuals to constant environmental and physical danger without statutory protection or insurance<sup>22</sup>.

Despite braving these harsh conditions, workers are often penalized or humiliated for minor delays or order cancellations. Riders have reported instances of verbal abuse, poor ratings, and

<sup>21</sup> Shoaib Mir and Parthu Venkatesh P, 'Working in "hellfire": Gig workers bear the brunt of India's heatwave' *Al Jazeera* (15 June 2024) <https://www.aljazeera.com/news/2024/6/15/working-in-hellfire-gig-workers-bear-the-brunt-of-indias-heatwave> accessed 28 October 2025.

<sup>22</sup> "Chennai: Loose gravel dumped on road kills food delivery executive" *DT NEXT* (12 Sept 2025) <https://www.dtnext.in/news/chennai/food-delivery-executive-killed-after-bike-skids-on-loose-gravel-in-perumbakkam-846374> accessed 28 October 2025

pay deductions even after delivering food in floods, cyclones, and extreme heat. These incidents reflect the deep disconnect between the lived endurance of workers and the exploitative immediacy of digital labour systems that prioritize speed and customer satisfaction over human safety. Recognizing these realities within the framework of environmental and labour jurisprudence is essential to ensure that constitutional guarantees of life, health, and dignity are meaningfully realized for platform workers in Tamil Nadu.

Indian constitutional jurisprudence has long recognized the right to health and safe working conditions as integral to the right to life. In *Consumer Education and Research Centre v Union of India*<sup>23</sup>, the Supreme Court held that occupational health and safety form part of Article 21's guarantee of life with dignity. Similarly, in *Olga Tellis v Bombay Municipal Corporation*<sup>24</sup>, the Court affirmed that the right to livelihood is inseparable from the right to life. Together, these rulings affirm the State's obligation to ensure humane and environmentally secure working conditions.

Internationally, courts have extended this logic to the platform economy. In *Uber BV v Aslam*, the UK Supreme Court found that Uber drivers were 'workers' for purposes of labour protections, as the company exercised significant algorithmic control over their performance. The decision establishes that digital control mechanisms can give rise to employer-like obligations, including duties relating to safety and welfare. In India, similar arguments underpin the ongoing *Indian Federation of App-Based Transport Workers (IFAT) v Union of India*<sup>25</sup> litigation before the Supreme Court, where petitioners seek statutory recognition of gig and platform workers' social security and occupational safety rights.

Taken together, these incidents and judicial developments demonstrate that food delivery work in Tamil Nadu exists at the frontline of environmental vulnerability. Recognizing exposure to heat, air pollution, and unsafe infrastructure as occupational hazards is therefore not merely a moral concern but a constitutional and international legal necessity. Embedding environmental safety within Tamil Nadu's labour jurisprudence would operationalize the guarantees of Articles 21 and 42, aligning state policy with global commitments to climate-resilient and humane labour standards.

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<sup>23</sup> *Consumer Education & Research Centre v Union of India & Ors* [1995] 3 SCC 42 (SC).

<sup>24</sup> *Olga Tellis & Ors v Bombay Municipal Corporation & Ors* [1985] 3 SCC 545 (SC)

<sup>25</sup> *The Indian Federation of App-Based Transport Workers v Union of India* Writ Petition (Civil) No 1068 of 2021 (Supreme Court of India)

## Conclusion

This study reveals that the environmental safety of food delivery workers in Tamil Nadu is a neglected but urgent dimension of contemporary labour jurisprudence. Despite their essential contribution to the urban economy, these workers operate under extreme climatic and infrastructural vulnerabilities: heat stress, flooding, air pollution, unsafe roads, and exposure to public hostility without meaningful institutional protection. The exclusion of gig and platform workers from the Occupational Safety, Health and Working Conditions Code, 2020<sup>26</sup>, and the fragmented enforcement of environmental and labour laws, perpetuate systemic insecurity. Judicial precedents, including *Consumer Education and Research Centre v. Union of India* and *Olga Tellis v. Bombay Municipal Corporation*<sup>27</sup>, affirm that the right to livelihood and the right to health are inseparable from the right to life under Article 21<sup>28</sup> of the Constitution. Yet, the everyday experiences of Tamil Nadu's delivery riders reveal a widening gap between these constitutional ideals and ground realities.

From a legal and socio-environmental perspective, the findings underscore three central challenges: the lack of statutory recognition of environmental exposure as an occupational hazard, the absence of employer liability in the gig economy and inadequate coordination between environmental and labour authorities. These structural deficiencies result in unsafe work conditions, rising accident rates, and chronic health deterioration among riders. The study also identifies growing social stigma and algorithmic exploitation, where workers face customer abuse and pay penalties even after risking their lives in floods, cyclones, and heatwaves.

## Recommendations

- Legal Recognition of Environmental Safety
- Employer Accountability and Shared Liability: Platform companies such as Swiggy and Zomato should be legally obligated to provide basic safety measures, including reflective gear, pollution masks, hydration kits and insurance for climate-related injuries or deaths.

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<sup>26</sup> Supra n. 6

<sup>27</sup> Supra n. 25

<sup>28</sup> Supra n. 4

- Institutional Coordination between Labour and Environmental Departments: Tamil Nadu can pioneer a cross-sectoral model where labour and environmental agencies jointly monitor air quality, climate warnings and road safety to issue advisories or restrict delivery operations during extreme weather events.
- Social Security and Rest Infrastructure: Establish a state-level registry of delivery workers to extend health and accident insurance coverage. Create shaded rest areas, hydration points, and sanitation facilities at strategic locations in cities, particularly for women workers.
- Public Awareness and Dignity Measures: Awareness campaigns should sensitize consumers about the human cost of instant deliveries and promote ethical ordering behaviour during extreme conditions. Digital platforms should reform rating systems to prevent penalization for delays caused by environmental disruptions.
- Judicial and Policy Reforms: Courts should adopt a purposive and functional interpretation of “employment” to include platform workers within the scope of occupational safety laws. The government should draft a Model Code on Environmental Safety for Platform Workers, grounded in the principles of ILO Convention No. 155 and the UN Sustainable Development Goals (SDGs 8 and 13)<sup>29</sup>.

Strengthening the environmental safety of food delivery workers requires targeted amendments to existing national and state labour laws, which includes:

- **Motor Vehicles Act, 1988:** Should address **algorithmic pressure** as a factor contributing to unsafe driving, Impose **shared liability** on platforms for accidents during extreme weather or hazardous AQI levels and Mandate safety training and minimum vehicle-maintenance standards for delivery riders.
- **Tamil Nadu Shops and Establishments Act, 1947:** Should insert a chapter on **Outdoor Worker Safety**, covering platform-based delivery workers and Require establishments to provide or facilitate access to **rest shelters, hydration points, and sanitation facilities**, with added protections for women workers.

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<sup>29</sup> Supra n. 14

- **Employees' Compensation Act, 1923: Should** Expand coverage to gig workers for **occupational injuries linked to climate events**, pollution exposure, and road accidents. Mandate platform-funded **accident and climate-risk insurance**.
- **Environmental Protection Laws: Should** recognise delivery workers as a **high-exposure group** under pollution and climate-risk governance. Require coordinated **AQI and extreme-weather advisories** between Labour and Environment Departments, with mandatory modification or suspension of delivery operations during red-alert conditions.

Collectively, these amendments would embed environmental safety as a legally enforceable component of occupational health, aligning Tamil Nadu's framework with **ILO Convention No. 155** and **SDGs 8 and 13**.

**The environmental safety of food delivery workers represents a crucial intersection of labour rights, public health, and climate justice. These workers embody the resilience of the informal urban economy, yet their contributions remain invisible within formal legal protections.** In Tamil Nadu, where monsoons, heatwaves, and urban congestion intensify occupational risks, a human-centred legal response is indispensable. Ensuring environmental safety is not merely a welfare measure, it is an affirmation of constitutional morality and human dignity. Integrating environmental justice into labour jurisprudence redefines the meaning of “safe work” for the digital age. A climate-resilient labour policy that values the lives, health, and dignity of platform workers will not only fulfil India’s constitutional promises but also set a precedent for inclusive and sustainable urban governance.

These companies must transcend the perception of worker welfare as a mere act of corporate benevolence and instead acknowledge it as a fundamental legal, ethical, and constitutional obligation embedded within India’s CSR framework. Embedding principles of occupational safety, climate adaptability and humane labour standards into their operational and policy architecture would signify a decisive stride toward realising the ideals of Decent Work and Climate Action. **Such an approach would not only safeguard the Social Justice, Dignity Health and Well-being of India’s emerging digital workforce but also reaffirm the nation’s commitment to inclusive and sustainable industrial jurisprudence.**

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