
LEGAL PROTECTION FOR WOMEN IN THE GIG ECONOMY

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ABSTRACT

The rapid expansion of the gig economy has fundamentally transformed traditional employment structures by introducing flexible, platforms- based work arrangements that rely on independent contractors rather than formal employer-employee's relationships. While this shift has created new income-generating opportunities, especially for women seeking flexible schedules, it has also exposed them to significant legal, social and economic vulnerabilities. This paper examines the conditions of women in the gig economy with a specific focus on the inadequacy of legal protections available to them in India. Women gig workers frequently face challenges such as unequal pay, job insecurity, lack of maternity benefits, absence of health insurance and limited access to grievance redressal mechanisms. These issues are further compounded by gender-based discrimination, sexual harassment, algorithmic bias and social prejudices related to caste, religion and appearance. This study highlights the significance of the code on Social Security 2020, which marks an important step towards recognizing gig and platform workers within India's legal framework. However, despite this progress, the implementation remains limited and fails to adequately address gender specific concerns faced by women gig workers. The paper also examines the challenges in applying existing law such as Preventive of Sexual Harassment Act 2013, due to the absence of a clear employer-employee relationship in gig work. It further draws comparative insights from countries like the UK and the USA, where evolving legal frameworks attempt to extend protections to gig workers through better classification, social security measures and anti-discrimination law. The study concludes by emphasizing the urgent need for comprehensive legal reforms in India, including clearer employment classification, strong enforcement mechanisms, fair wage policies and effective grievance redressal system to ensure dignity, safety and equality for women in the gig economy.

Keywords: Unfair Practices, Independent Contractors, Employees, maternity benefits.

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1. Introduction

“The gig economy lacks many of the protections of a traditional workplace”.-Alex Pantich

A gig economy is an exchange of labor and resources through digital platforms that actively facilitate buyer and seller matching. In the gig economy they hire freelancers and independent contractors instead of full-time employees. The work is allocated on a temporary basis, not requiring a systematic schedule. A similar arrangement can be seen in companies such as Uber, Door Dash and Airbnb.

The gig economy has risen drastically in popularity over the last half-decade and is now a very common way for individuals to earn a second stream of income. It is estimated that 1.6 million workers worldwide get their income from the gig economy.

A gig worker is an individual who makes a living outside of the traditional, long-term Contractual employee-employer relationship. Gig workers usually engage for temporary periods, rather than providing permanent positions. The flexibility of working gigs can disrupt the work life balance, sleep patterns and daily life. Long term relationships between workers, employers, clients and vendors can erode. Gig Economy uses digital platforms to connect freelancers with customers to provide services like ride-hailing apps, food hailing apps and holiday rental apps.

The rapid expansion of the gig economy has significantly transformed the traditional employment structures around the world. Online platforms such as ride-hailing services, food delivery apps, freelance marketplaces, and home- service platforms have created flexible work opportunities for them rather than providing formal employees. Women in the gig economy face many problems including racial discrimination, lack of maternity benefits, health insurance, unsafe working conditions, and limited access to grievance redressal mechanisms. Issues such as sexual harassment, algorithmic discrimination, unequal pay, and lack of work-life balance further exacerbate their vulnerability.

Working in the gig economy commonly provides jobs that lack job security and minimum labor rights that fail to offer health insurance and other benefits. The disadvantage for women in the gig economy is unfair wage payments as compared with men and they get gender discrimination in work areas and many times they get sexually harassed in the workplace which

mentally and physically make their mind unstable and they lack job security due to these. Women gig workers face acute challenges related to maternity and reproductive health. Unlike women in the formal sector, they are not entitled to maternity leave, maternity benefits, or workplace accommodations.

Work stability constitutes employment conditions through which employees can budget finances while accessing social benefits to support their standard of living. Participating in the gig economy involves working under conditions that completely lack employment stability because workers never obtain definitive work hours and have no prospects for scheduled future employment. In these toxic environments it is very unstable for women to survive and they face combined pressures.

Gender stereotypes control the selection of available job opportunities for women. Discrimination is done on the basis of caste, religion, color and their surnames; they are judged by people, especially the women. They make their different groups racially torture and judge the women and make their survival difficult in the workplace to stay for longer period. They judge especially on their color whether she is white or black, and on their surnames whether she is of lower caste or upper caste.

In the Indian context, labor laws have traditionally left gig platform workers largely unprotected. Although recent legislative developments, such as the Code on Social Security, 2020, have acknowledged gig and platform workers, the legal framework remains largely ambiguous regarding enforceable rights, gender-specific protections, and effective implementation mechanisms.

The paper explains that digital platforms have created new employment opportunities for women, especially those needing flexible schedules. However, gig workers often lack traditional employment protections for them to do it. Therefore, the paper also highlights the need to strengthen legal protection for women gig workers.

2. LITERATURE REVIEW

Shiraishi, S.S. (2022) Many individuals have steadily engaged in “flexible” labor, or “gig” employment, and they have increased over the last several decades. They have sparked conversations for the way of life, mental health, equitable treatment and well-being of gig

workers.

Yadav, P. (2022) The gig economy has completely changed the nature of work, making it harder to distinguish between self-employment and regular employment. It has significantly grown in India and makes the process very easy for them to learn it .

Rone, V. (2023) Now-a-days we get instant delivery at our home which is a very easy process and we get anywhere at any time when we need, which is a very easy process for us, but it has become the new standard for our regular customers.

Deepak, D. (2024) The gig is growing rapidly with gig workers accounting for a growing share of the workforce in India. However, present labor and social security systems which are primarily designed for full-time employees, gig workers are not entitled for fundamental benefits like health insurance, monetary time off, and insurance for unemployment.

3. Objective of the study

- 1) To a large extent, women gig workers continue to face pay discrimination, harassment, unsafe working conditions and the absence of maternity protection across many sectors.
- 2) To some extent, existing legislation has recognized gig work and attempted to extend protections to platform workers, but weak enforcement mechanisms continue to limit meaningful protection for women.
- 3) To research gig work- related legal and policy developments in India, including pertinent court rulings and government programs (such as the 2020 Code on Social Security).

4. Main Body Analysis

4.1 Code on Social Security, 2020

This is a comprehensive piece of legislation that consolidates and reforms India's existing social security laws. The Code on Social Security, 2020 integrates and reforms 9 existing social security laws to extend comprehensive welfare provisions to all workers, including those in the informal and gig economy sectors. These laws are:

1. Employees' Provident Fund and Miscellaneous Provisions Act, 1952
2. Employees' State Insurance Act, 1948
3. Payment of Gratuity Act, 1972
4. Maternity Benefit Act, 1961
5. Contract Labor Act, 1970
6. Unorganized Workers' Social Security Act, 2008
7. Child and Adolescent Labor Act, 1986
8. Building and Other Construction Workers Act, 1996
9. The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948

Section 2 (35) defines a gig worker as a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer- employee relationships.

In this technology era, a gig workers include ride sharing drivers, food delivery couriers, freelance writers, graphic designers and other service providers who offer these services on a task-based basis. Platform workers depend on technology-based platforms such as Ola, Uber, Zomato, Swiggy, or Urban Company to offer these services to earn their livelihood.

The Code provides for the establishment of a Social Security Fund(SSF) at both the central and state levels to fund the welfare schemes for workers. This fund is intended to ensure that workers in sectors like construction, agriculture, and transportation, along with gig and platform workers, can access benefits such as life and disability cover, health insurance, maternity benefits and pensions.

Uber India³ has implemented policies to comply with the social security code, including facilitating the registration of drivers, contributing to the social security fund and providing

³ Jefrin Johny, *Gig Workers Under Social Security Code: Employer Obligations, Benefits & Legal Framework in India*, Corrida Legal (Aug. 1, 2025).

insurance coverage. The company promotes the welfare of gig workers and ensures compliance with legal requirements.

4.2 Prevention of Sexual Harassment Act 2013

It is the legal framework for protecting women from sexual harassment at work. However, applying it to the gig workers raises several legal and practical issues because many gig workers are classified as independent contractors rather than employees.

Objective of POSH Act, 2013

The act aims to:

- Prevent sexual harassment at workplace
- Prohibit redressal mechanism for victims

Under Section 2(n) of the POSH Act, sexual harassment includes:

- Physical contact and advances
- Demand or request for sexual favors
- Sexually colored remarks
- Showing pornography
- Any unwelcome physical, verbal, or non-verbal conduct of a sexual nature

Applicability to women in the gig economy

Women working through digital platforms such as Uber, Ola, Zomato, Swiggy etc. may face harassment during the course of their work. The harassment came from employees, customers, supervisors, because they took place in isolated locations such as vehicles, customers' homes, or public spaces where direct supervision is limited. The absence of a traditional employer-employee relationship also faces many difficulties where direct supervision is limited. The POSH Act has an important principle where they ensure effectiveness protection and grievance redressal for women gig workers which remains a significant challenge for them to execute it.

4.3 Occupational Safety, Health and working

The updated code makes several key changes to labor regulations for factories and certain work environments:

- In factory classification the new code explains about the factory which has at least 20 workers which uses electricity and 40 workers which do not use electricity. It is easier for smaller regulations to focus on factory establishment which may have stringent labor laws and safety standards.
- The Code should remove the limitation of the workers which increased flexibility for employers to scale operations in such areas but also highlights to protect the safety of the workers.
- The Code also applies to contractors who employ 50 or more workers. This means that large scale contractors must adhere to regulations concerning labor standards, welfare provisions, and other obligations to ensure that they even meet safety and fairness standards.

4.4 Role of Trade Union

All India Gig Worker Union, especially initiatives such as the Gig and Platform Service Worker Union (GIPSWU), has a major role in providing legal security and protection for women in the gig economy. GIPSWU is a women-led, union, that works towards protecting the rights of gig workers, especially women in app-based services like delivery, ride-hailing and home services. In the gig economy, women are considered as independent contractors rather than employees, which means they do not have received basic legal protections such as minimum wages, maternity benefits or social security. However, the union works towards ensuring that they are legally recognized as workers to access these rights. It also raises concerns about safety concerns faced by women, including harassment and unsafe working conditions and, pushing for better protection under laws like Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act 2013. It also engages in policy advocacy, negotiations with organizations and creating awareness to ensure grievance redressal systems, insurance and social security benefits. Overall GIPSWU plays a vital role in promoting gender sensitive labor reforms and protecting the dignity, safety and equality of women in the gig economy.

4.5 Comparative Analysis

UK

- **Anti- Discrimination Law (Equality Act 2010)**

Their main focus is on Equality Act 2010 is the main UK law that prohibits discrimination on the basis of sex, religion, race, color where everybody should be treated equally without any discrimination in some contexts, even contractors. There is a limitation of these acts: Gig workers often fall outside their employment categories making their enforcement remedies harder. Often, they have been treated as self-employed and have fewer rights than workers.

- **Employment Status and Rights**

One of the fundamental issues is that many gig workers are classed as independent contractors rather than workers or employees. This effect rights such as: The landmark UK Supreme Court decision in *Uber BV v Aslam*⁴ found that Uber drivers should be classified as workers rather than self-employed.

- **Workplace Sexual Harassment Protections**

The UK workplace harassment law- already covers where women can seek redress if they are subjected to harassment in connection with their work. There is also the aim to strengthen the protections against harassment in the workplace with employers required to take action. This could help women in the gig economy to gain access to things like holiday pay, sick pay, and some parental rights previously unavailable to many self-employed workers.

- **Practical Rights Available to Women in the Gig economy**

Women have several legal safeguards notwithstanding these gaps:

- **Preventing Discrimination:** Gig workers can contest discrimination based on gender under the Equality Act of 2010.
- **Right to Equitable Compensation (if Worker Status):** Women can obtain living

⁴ Uber BV v Aslam [2021] UKSC 5

wage and holiday pay rights if they contest classification, as demonstrated by cases such as *Uber v. Aslam*.

- **Secure Workplace:** Under general safety standards, even independent contractors are entitled to a safe workplace and compensation for any injuries sustained.
- **Limitations and Gaps still to address**

Women in the gig economy lack:

- Statutory maternity pays
- Sick pay
- Guaranteed working hours
- Work life support like flexible hours

To access these benefits, several supporters demand that gig workers be categorized as "workers" rather than contractors.

USA

Women in the gig economy face major legal gaps in protections because they are classified as independent contractors instead of employees. This limits their access to benefits like minimum wage, overtime and anti-discrimination measures under the Fair Labor Standards Act (FLSA). Recent 2026 labor reforms aim to address this through platform funded welfare initiatives, including accident insurance, health insurance and maternity protections, while promoting portable benefits across apps.

At the federal level, legal protection for women in the gig economy remains limited because independent contractors exclude from Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination, including pregnancy and harassment. Consequently, women gig workers may find it difficult to seek legal remedies for gender-based discrimination or harassment. Some states law and court proceedings - particularly in states like California have attempted to provide some relief and reconsider worker classification.

Federal Limitations

Title VII of the Civil Rights Act of 1964 prohibits sex-based discrimination but applies only to ‘employees’ excluding most gig workers like Uber drivers or Door Dash deliverers. The Fair Labor Standards Act (FLSA) provides equal pay protections but a 2026 Department of Labor rule reinforces independent contractor status, limiting access to these benefits for many women. EEOC Guidance on harassment focuses on employees and does not explicitly extend to gig platforms.

New 2026 Developments

In March 2026, the independent women center launched the ‘Voluntary Portable Benefits Act’⁵ model legislation, building on its 2025 unveiling to accelerate state adoptions for gig workers. Nine states like Florida, Georgia and West Virginia introduced matching bills for accident insurance and protected maternity benefits transferable across platform Uber and DoorDash, without risking reclassification.

4.5 Why Women Enter the Gig Economy?

- Gig workers provide them how to choose when, where, and how much to work to manage their household responsibilities, childcare, or elder care alongside income earning.
- Working from home provides them the facility to enjoy working from home, to commute their time, and family resistance to daughters or wives working outside.
- Gig workers have low entry barriers to have basic access to smartphones, internet connectivity and relevant skills to have formal employment which requires experience and connections.
- Formal employment discrimination which pays gaps, sexual harassment which may push women toward gig work where algorithms distribute work based on availability and performance rather than gender.

⁵ Press Team, *Independent Women Unveils Model Legislation to Modernize Labor Policy for America’s 74+ Million Freelancers*, Independent Women (Nov. 24, 2025)

4.6 Percentage of Gig Workers

As per an estimation by NITI Aayog⁶ vide its report titled “India’s Booming Gig and Platform Economy” published in June 2022, the number of gig workers and platform workers in the country was 7.7 million in 2020-21, including women, which is expected to rise to 23.5 million by 2029-30. For the first time, the definition of ‘gig workers’ and ‘platform workers’ and provisions related to the same have been provided in the Code on Social Security, 2020 which has been enacted by the parliament. The Code on Social Security, 2020 provides for framing suitable social security measures for gig workers and platform workers on matters relating to life and disability cover, accident insurance, health and maternity benefits, old age protection, etc. The information was given by Union Minister of State for Labor & Employment, Sushri Shobha Carindale in Rajya Sabha today.

4.7 Sectors of Women Participation in the Gig Economy

Women participate in the gig economy in many sectors especially where flexible working hours allow them to balance paid work with family responsibilities.⁷ One of the largest sectors is online freelancing, where women work as writers, graphic designers, translators, virtual assistants, and digital marketers through platforms such as Upwork, Fiverr and Freelancer. They also took part in the education sector such as BYJU’S and Vedanta.

Another major area is platform-based service work. Many women work in food delivery, beauty services, tailoring, cooking, housekeeping, childcare, and nursing. For example, women provide salon and home-care services while others sell homemade food or work in delivery networks linked to Swiggy and Zomato.

Women are also involved in e-commerce and social commerce.⁸ Many run small businesses from home by selling clothes, jewelry, handicrafts, cosmetics and food through Amazon, Flipkart, and Meesho. Some use social media platforms such as Instagram and Facebook to market products and earn income.

⁶ Ministry of Labor & Employment, Government of India, GIG WORKERS IN THE COUNTRY, Press Information Bureau (Nov. 28, 2024, 5:01 PM).

⁷ Payoneer, Global Freelancer Income Report 2020, as cited in A Study Reveals One in Five Indian Freelancers Is a Woman, Econ. Times (Feb. 7, 2020).

⁸ Akanksha Rana & Aditya Kalra, Indian E-Commerce Firm Meesho’s Quarterly Loss Spikes as It Ramps Up Marketing, Reuters (Jan. 30, 2026).

In the media and entertainment sector women work as influencers, bloggers, video editors, photographers, and online content creators through YouTube and TikTok.

5. Challenges faced by women at workplace

The employment status in the execution of the Code on Social Security, 2020, was also disclosed. Women workers in the gig economy also struggle because they lack legal protection in their workplace. Sexual harassment is frequently experienced by women in office-based jobs. Women get the flexible working environment and financial freedom on this platform, it also brings the challenge of inconsistent income, as one study suggests women struggle with unpredictable hours.

One of the key challenges for the women is she needs to handle the household for housekeeping over the paid work and she needed to take the care of their house that's why she can't engage fully in the gig economy. While gig platforms provide flexible working hours, the burden of household chores especially those in joint family. This restricts the time and energy often takes precedence for women particularly to those who require mobility.

Women of the lower caste face many problems because they are not from a well earning family and they do not have knowledge of the platforms which are providing work from home and they do not have proper internet access and the platforms which provide them these things due to which they face many problems.

6. Recommendations

- a) **Implementation of Comprehensive Legal Protection:** In Germany, the government has integrated gig workers into its social welfare system, ensuring access to unemployment insurance, pensions and health care. The country's Social Security Code includes provisions for gig workers, allowing them to contribute voluntarily to social security programs, which ensures a safety net during periods of unemployment or ill health⁹. India could benefit from enacting a robust legal framework that extends social security benefits like health Insurance, pensions and accident coverage to gig workers, similar to Germany's approach. Expanding the *Code on Social Security, 2020* to clearly define and secure these protections for gig workers,

⁹ Kiess, J. (2023). The gig economy and social partnership in Germany: towards a German Model 4.0. In *Social Dialogue in the Gig Economy* (pp. 18-41). Edward Elgar Publishing.

ensuring that platforms contribute to these funds, would go a long way in offering financial stability and security.

- b) Fair Pay and Transparent Wage Structures:** The United Kingdom has introduced the ‘Good Work Plan’ which requires employees to ensure fair pay and conditions for gig workers, including ensuring that the pay is consistent with the minimum wage¹⁰. India should consider mandating a *minimum wage policy* for gig workers, ensuring that workers are paid fairly for their work, including waiting times or idle periods. Creating transparency, where gig workers are fully aware of the payment structure and how it is determined, can help alleviate financial insecurity. This could be modelled after the *UK’s Fair Pay for Gig Workers* initiative.
- c) Childcare and Flexible Work Support-** Sweden has built extensive childcare and parental support without sacrificing family responsibilities. India could create a similar support for women in the gig economy ¹¹by establishing childcare schemes and financial assistance for women working through digital platforms. They could also be required to provide greater flexibility in working hours and location choices for women with caregiving responsibilities.
- d) Equal pay and non-discrimination measures:** Iceland has been one of the world’s strongest equal pay laws, requiring employees to prove that men and women are paid equally for the same work.¹² India could adopt a similar requirement for gig platforms by requiring companies to disclose whether female gig workers are paid fairly as compared to male workers. Platforms should also be prohibited from discriminating against women on the basis of pregnancy, marital status which shall give equal access to opportunities and incentives.
- e) Grievance Redressal Mechanism:** In California, *USA*, the *AB5 Bill* passed in 2019 ensures that gig workers are recognized as employees, which provides them access to worker’s compensation and unemployment benefits. California has also established an effective grievance redressal mechanism, allowing workers to lodge complaints about unfair treatment

¹⁰ Whiteside, N. (2021). Before the gig economy: UK employment policy and the casual labor question. *Industrial Law Journal*, 50(4), 610-635

¹¹ Frida Hoglund & Marie Finkfeldt, The Practical Realization of the Feminist Welfare State: Equal Sharing and Gender Equality in Institutional Interaction About Parental Leave in Sweden, 34 *Feminism & Psych.* 145,147-48 (2024)

¹² Ines Wagner, *Certified Equality: The Icelandic Equal Pay Standard*, Rep. 2018:11, at 7–8 (Inst. for Soc. Resch. 2018).

and unsafe working conditions¹³. India should establish clear grievance redressal mechanisms, both at the state and national levels to address complaints from gig workers. These mechanisms could be managed through a dedicated body that works in collaboration with the *Ministry of Labor and Employment*. The system should allow workers to report issues like unfair pay practices, job discrimination or exploitation by employers.

f) Algorithmic Transparency and Platform Accountability: In Spain, the *Spain Rider Law Model* adopts a strong regulatory approach by presuming delivery workers to be employees and mandating transparency in algorithmic management systems used by digital platforms. This law requires companies to disclose how algorithms influence key aspects such as work allocation, wage determination, performance ratings and account deactivation¹⁴. India can adopt a similar framework by introducing legal provisions that regulate platform algorithms and ensure fairness in digital decision making. India can mandate periodic algorithm audits by regulatory authorities to detect and prevent biases, especially gender-based discrimination that may affect women's access to work opportunities and earnings. Platforms should also be required to incorporate in app transparency tools, allowing workers to understand how their ratings and performance impact job allocation. Such measures would promote accountability, reduce arbitrariness and ensure that women gig workers are protected not only by formal legal rights but also from hidden digital biases without platform systems.

Conclusion

The gig economy has opened new avenues of employment for women by providing flexibility, income opportunities, and access to work through digital platforms. For many women, especially those balancing household and caregiving responsibilities, gig work offers traditional employment. However, these opportunities are accompanied by serious legal and social challenges. They often continue to face unequal pay, unsafe working conditions, sexual harassment, discrimination based on gender, caste, religion, and race, and the absence of benefits such as maternity leave, health insurance, pensions and job security.

Although recent legal developments in India, particularly the Code on Social Security, 2020,

¹³ Dubai, V.B. (2022) Economic security & the regulation of gig work in California: From AB5 to Proposition 22. *European Labor Law Journal* 13(1), 51-65.

¹⁴ *Spain: The "Riders' Law", New Regulation on Digital Platform Work* (European Agency for Safety & Health at Work 2022).

have recognized gig and platform workers, the protection available to women remains incomplete and weakly enforced. Existing laws such as the prevention of sexual harassment act, 2013 and the Occupational Safety, Health and Working Conditions are difficult to apply because gig workers are usually are treated as independent contractors rather than employees.

The experience of countries such as the United Kingdom, United States, Germany, and Sweden show that stronger legal recognition, fair wages, social security, childcare support, and anti-discrimination protections can significantly improve the condition of women gig workers. They have introduced measures such as fair wages, portable social security benefits, parental support, anti- discrimination protections, and recognition of gig workers as workers rather than independent contractors. India can learn from these models by ensuring minimum wages, transparent payment systems, maternity protection, childcare support, equal pay, and stronger safety measures for women in platform-based employment.

The Code on Social Security, 2020 is an important step towards recognizing gig and platform workers in India. For the first time, the law includes definitions of gig workers and platform workers and provides for social security schemes relating to health insurance, maternity benefits, old age protection, and life and disability cover.

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