
COLLECTIVE BARGAINING IN THE GIG ECONOMY: REIMAGINING LABOUR RIGHTS IN PLATFORM WORK

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INTRODUCTION

The gig economy's advent has drastically changed conventional work ties by bringing in platform-based employment agreements that are made possible by digital apps. Millions of people now have the opportunity to earn money flexibly thanks to platforms like Urban Company, Swiggy, Uber, and Zomato. Nonetheless, because platform workers are often classified as independent contractors rather than employees, this flexibility is frequently accompanied by a lack of labor protections. Historically, collective bargaining has been crucial in safeguarding employees' rights by empowering them to bargain collectively for better wages, working conditions, and social security payments. Workers might organize through trade unions and participate in collective bargaining thanks to the assumption of a distinct employer-employee relationship that underpinned traditional labour law structures. However, in the gig economy, worker misclassification, algorithmic management, fragmented work arrangements, and the lack of formal employer accountability are increasingly calling these presumptions into question. Consequently, even if they are financially reliant on digital platforms, gig workers frequently encounter considerable obstacles in using their collective bargaining rights. Many workers are subject to income instability, arbitrary platform decisions, and insufficient legal protection due to the lack of collective bargaining. This paper explores the difficulties gig workers encounter in obtaining collective bargaining rights and looks at the legal and structural obstacles that prevent platform work from being represented collectively. It examines the potential benefits of expanding collective bargaining protections to gig workers and suggests changes to create a more inclusive framework for labor rights in the digital economy.

Collective Bargaining in Traditional Employment Structure

The act of negotiating with employers over their working conditions via their representatives or trade unions is known as collective bargaining. This method helps level the playing field between employers and single workers. Employees work together to guarantee fair salaries,

improved working conditions, and safeguards. According to the International Labour Organization (ILO), collective bargaining is the process of employers and worker groups discussing working conditions and terms of employment. While there is no clear legal definition of collective bargaining in India, it is supported by the Trade Unions Act of 1926, which permits trade unions, and Article 19(1)(c) of the Constitution. A clear employer-employee relationship existed when collective bargaining took place in conventional employment. Employees might use trade unions to bargain over wages, hours, safety, and leave, with the help of employers. Unions functioned as bargaining agents, creating collective agreements that established uniform standards for all workers, guaranteeing consistent safeguards without individual negotiations.

Transformation of Labour Relations in the Gig Economy

By introducing new forms of employment that operate outside of standard work structures, the gig economy has drastically transformed traditional work relationships. Technology and digital platforms are causing this change, which enables people to work in a flexible, task-by-task manner through apps like Uber and Amazon Flex. Gig workers are often categorised as independent contractors, which restricts their access to many legal safeguards like paid leave and health insurance, unlike traditional employment, where workers are paid and receive perks from a specific employer. Technology is essential to the gig economy's worker management. Digital platforms employ algorithms to assign tasks and evaluate performance, enabling them to assert authority while asserting that workers are independent. There is a continuous discussion regarding the classification of gig workers since many exhibit indications of being economically dependent and having little negotiating power. By categorizing employees as independent contractors, Digital gig economy platforms also alter the way that workers organize themselves as a collective, diminishing conventional employee bargaining. Collective bargaining agreements or union recognition are not required for these platforms. Algorithms control pay, manage worker discipline, and govern workplace rules, frequently without human oversight, rather than human managers. It is challenging for gig workers to establish solidarity and union stability because of challenges like isolation and high turnover rates. Deactivating accounts makes it simple for platforms to silence dissent, leaving employees without any financial stability or job security. The digital gig economy generally makes worker rights and collective organization more difficult.

The Fiction of Independent Partnership: Platform Control and Algorithmic Management

Algorithmic management and platform control monitor gig workers with automated systems rather than human managers. Although platforms claim that this offers independence, algorithms strictly control activities, ratings, and schedules to promote productivity and reward compliance.

Apps monitor employees in real-time, while algorithms assign jobs based on location and ratings. Employees are motivated to log in during peak hours by incentives and pricing. However, employees face obstacles like ambiguous algorithm criteria, abrupt account deactivations brought on by automatic ratings, and little real autonomy despite being able to choose their work hours. By claiming that workers may choose their working circumstances, digital labor platforms frequently identify gig workers as "independent partners" instead of employees. This difference enables businesses to shirk their obligations regarding employee rights and remuneration. However, in reality, these systems have a great deal of power over employees, raising questions about the real nature of their interactions. Although not always evident, this authority has a significant impact on employees. Algorithms choose work assignments, which are not apparent, and employees may experience fewer possibilities if they decline projects or fall short of expectations. Workers' entry to possibilities is connected to customer input, thus consumer ranking systems also improve platform control. The possibility of deactivation is a serious threat to gig workers since platforms can suspend or remove them without giving them a reason or a means of defense. This scenario promotes employee isolation and makes collective organization difficult. In general, it appears that platforms' control over gig workers is at odds with their classification as independent contractors, emphasizing the need for improved labor rights and protections in this changing environment.

Challenges to Collective Bargaining in Platform Labour

The gig economy's collective bargaining confronts formidable structural and legislative obstacles. Workers on platforms are often denied labour protections, including the right to unionize and participate in collective bargaining, due to their classification as independent contractors. The intermediary position asserted by digital platforms and the lack of an easily recognized employer exacerbate the difficulty of discussions about pay and working conditions. Furthermore, algorithmic management systems, which are distinguished by automated decision-making and little openness, stand in the way of accountability and group

action. Due to the geographically scattered nature of platform work, the rapid personnel turnover, the tailored performance incentives, and the concern about reprisal via account suspension or deactivation, worker solidarity and organization are undermined. Furthermore, the transnational functioning of digital platforms and regulatory variances between jurisdictions constitute additional barriers to successful collective representation. In spite of these obstacles, gig workers have progressively organized through unions, worker organizations, internet activities, and protests, demonstrating the growing demand for more robust legal safeguards and novel collective bargaining strategies in platform-based jobs.

Competition Law and the Legality of Collective Bargaining for Gig Workers

The interface between collective bargaining for gig workers and competition legislation in India presents major legal issues. Digital platforms enable adaptable occupations like ride-hailing and delivery in the gig economy. Gig workers are categorized as independent contractors, which means they are not covered by conventional labor protections or the ability to bargain collectively. Social inequalities, like caste and gender dynamics, affect this categorization and make rules more difficult. Competition legislation attempts to stop anti-competitive behavior that may restrict employees' capacity to organize as a group. Actions such as collective bargaining might be interpreted as collusion, particularly for independent contractors rather than employees. Under competition law, collective bargaining rights are subject to limited protections in some areas, such as the European Union. On the other hand, Australia has advanced in facilitating self-employed workers' ability to engage in collective bargaining, treating them similarly to small firms. Due to the lack of labor law coverage, gig workers' rights in India are precarious. There are no obvious protections against exploitative actions, and employees have seldom successfully utilized antitrust regulations against companies that reduce pay. India may strengthen employment classifications, propose class exemptions for small firms, and extend labor exemptions in competition law to cover the collective bargaining rights of gig workers in order to better this situation. Worker empowerment could also be improved by identifying informal collective agency in organizations. In general, tackling these legal systems might enable gig workers to participate in collective bargaining without breaking antitrust laws.

Legal vulnerabilities faced by gig workers

Even though it offers new employment prospects, the gig economy also places a lot of legal

hazards on its employees. Gig workers, in contrast to full-time employees, are typically considered independent contractors and may not be entitled to the same legal safeguards. They miss out on important rights and perks like minimum pay, paid time off, and protection against unjust dismissal because of this categorization. A significant problem is that gig workers frequently lack recognized employment status, which restricts their access to fundamental job safeguards. Due to things like market demand and platform policies, they usually generate money per work, causing their income to vary. Workers are frequently put under financial stress as a result, particularly during periods of low demand or order cancellations. Social security benefits like health insurance and retirement plans are also often excluded from gig workers. Many gig workers still lack sufficient protection, even if some jurisdictions have tried to offer them these advantages. Additionally, gig workers may experience serious financial difficulties as a result of sickness or accidents in the absence of safeguards. The digital platform's deactivation of worker accounts adds to the ambiguity. Without much explanation or a chance to object, workers may lose access to their income, which has a major impact on their means of subsistence. Because these procedures are frequently opaque and unfair, platforms' usage of algorithms to manage work and assess performance increases vulnerability. Because of their independent contractor status, gig workers also have restricted access to legal courts, which makes it challenging for them to settle disputes. Platforms frequently disclaim responsibility for accidents, and occupational health and safety issues are sometimes disregarded. Finally, gig workers are rendered weaker by the absence of shared representation, which makes it impossible for them to haggle over better working circumstances. Gig workers are left without crucial rights and safeguards since the legal framework as a whole hasn't kept up with the changes in the workplace.

The Potential Benefits of Collective Bargaining in the Gig Economy

Poor working circumstances have resulted from gig workers' inability to participate in meaningful collective bargaining. It is crucial to grant these workers collective bargaining rights as gig labor becomes increasingly vital for generating income. Workers may be able to collectively bargain for improved working conditions with the help of this, which would lower disparities in platform labor. Increased income and remuneration security are among the main advantages of collective bargaining. Collective bargaining might help establish minimum pay criteria and fair compensation policies, as gig workers'收入s are erratic. It may also make it clearer how algorithms are used to make work choices, giving workers the ability to question

automated judgments and see performance data. Additionally, collective bargaining may shield employees from being deactivated without cause or notice. To enhance employment security, agreements may set guidelines for deactivation. In the perspective of working environment, collective discussions might result in improved safety measures, accident insurance, and fair workloads for personnel who are exposed to hazards. Furthermore, collective bargaining may assist gig workers in obtaining social security benefits that they are currently lacking. It might help employees push for retirement and health care benefits. By empowering employees to participate in important choices that impact their employment, it also promotes workplace democracy. Generally speaking, it is essential to grant gig workers collective bargaining rights in order to promote security and fair treatment in the expanding gig economy, protect their welfare, and respect their dignity.

CONCLUSION

The gig economy is changing labor relations by replacing traditional jobs with work done through digital platforms. While these platforms offer flexible earning options and promote economic growth, they also highlight significant weaknesses in current labor laws. Gig workers are often classified as independent contractors, which means they lack many employee protections, including the right to collective bargaining. This paper shows that collective bargaining is vital for protecting workers' rights and ensuring fair treatment. However, the rise of platform work has created challenges for traditional bargaining systems, such as fragmented workers and legal uncertainties. Gig workers face issues like income insecurity and limited access to dispute resolution, which show that current regulations are inadequate. Collective bargaining remains important as it can help gig workers secure fair wages, better working conditions, and social protections. As work changes, labor rights must also adapt to ensure that all workers, regardless of their job type, can protect their interests together. Rethinking collective bargaining in the gig economy is essential for achieving fairness and social justice in modern work environments.