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# GIG AND PLATFORM WORKER'S UNDER INDIA'S NEW LABOUR CODES: LEGAL PROTECTION, REGULATORY GAPS AND THE WAY FORWARD

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## ABSTRACT

I am writing my thesis on the challenges that gig workers in India face regarding laws and regulations. The new labour laws that were introduced between 2019 and 2020 are especially important for gig workers in India. The gig economy is growing rapidly in India, significantly changing the labour market. Gig workers in India have to deal with a lot of issues, like not getting paid, not being officially employed, and not getting all the social security benefits that they need. The issues faced by gig workers in India are very serious. We need to think about how the gig economy is affecting them. I highlight the transition from unofficial contracts to app-based platforms as I demonstrate how gig work has evolved over time in India. My analysis focuses on the four labour codes, which provide for the categorization of workers' rights, safety measures, social security coverage, and wage applicability. Gaps still exist in the recognition and enforcement of the rights of gig workers, which can jeopardize their well-being, notwithstanding the progress made. Aside from that, I talk about the socio-economic impact of these issues and demand upcoming reforms to strengthen the workers' rights and equity. According to my thesis, these labour codes need to be implemented effectively and efficiently to improve the condition of gig workers and fill the existing welfare gaps.

**Keywords:** Gig Economy, Labour Codes, Worker Rights, Social Security, Regulatory Challenges.

## I. Introduction: The Rise of the Gig Economy and the Need for Legal Recognition

There are considerable changes occurring in the way work is carried out in India. Job seekers are increasingly turning to mobile phone apps to source employment, including delivery work, taxi driving and household maintenance. Rising throughout the world is a new economic model, often referred to as the gig economy or the platform economy. The rapid growth of the freelance and casual workforce has made the gig economy a sizeable portion of the labour market. Increasingly it is influencing the earnings of both businesses and citizens in India, particularly in relation to income. The growing gig economy has had a significant impact on the Indian workforce thanks to flexible working hours, greater internet penetration and a range of platforms which connect workers with clients. NITI Aayog estimates that the gig workforce is expected to expand to 2.35 crore (23.5 million) workers by 2029-30<sup>1</sup>, demonstrating the size and significance of this industry.

The gig workers, however, remained in a regime where there is legal uncertainty for many years despite this rapid transition. Traditional labour laws were formulated in relation to jobs in factories or offices, where workers would have only one employer, fixed working hours, and a fixed working environment. Also, the nature of the workers, where they get paid per task and get supervised online, does not fit in with these labour laws. There have been instances when courts in India and in foreign nations, including the case of Uber in the UK, struggled with these new forms of working and with traditional labour laws.

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<sup>1</sup> NITI Aayog, *India's Booming Gig and Platform Economy* (June 2022), [https://www.niti.gov.in/sites/default/files/2022-06/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf).

## II. Methodology

The research employed a doctrinal or policy analysis methodology. India's labour laws with an emphasis on the recently passed labour codes relate to the legal rights of platform workers in the country. Four codes were passed and implemented in 2025. Investigating the status and its legal acceptance of gig economy workers in law, a study has been conducted on the main laws of this subject, and legal updates thereto, using the aid of the related academic literature. Furthermore, research has been undertaken into the labour regulations of the EU, UK and Singapore in order to determine whether similar principles could usefully be applied to India, along with identifying areas where improvements can be made to labour law in the country. The outcome of the law of conferment will be assessed as to whether or not it leads to a form of protective legislation for gig economy workers.

## III. Pre-Labour Code Exclusions and Judicial Struggles

In the nation, there had been twenty-nine pieces of labour law in place before the introduction of the new labour laws that came into effect on the 21st of November 2025. The existing labour laws fail to adequately address the differing nature of worker engagement with and job assignments by companies that operate in the gig economy and rely on automated management systems.<sup>2</sup> In this period before the introduction of labour legislation casual workers were excluded, lacking entitlement to benefits granted to employees or workmen, including social security, minimum wage and overtime.

In a number of countries, the traditional employment relationship between an employer and his or her employee has been legally defined since the 1940s. This relationship is defined by legislation like the Minimum Wages Act 1948 and the Industrial Disputes Act 1947. Nonetheless, it does not suit the worker model of the gig economy. Courts are now being forced to apply existing labour law categories to new types of employment such as those found in the taxi and delivery businesses. In this context, the courts typically decide whether the individual was an employee by using a control test.

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<sup>2</sup> Max van der Klis-Busink, *India's New Labour Codes Are in Force: Payroll Teams Must Act*, PayrollOrg (Dec. 17, 2025), <https://payroll.org/news-resources/news/news-detail/2025/12/17/india-s-new-labour-codes-are-force-payroll-teams-must-act>.

In order to have gig workers recognized as "unorganised workers" under the Unorganised Workers' Social Security Act, 2008 and other social security legislation, the Indian Federation of App-Based Transport Workers (IFAT) filed a suit with the Supreme Court. The petition claimed that gig workers' fundamental rights under Articles 14 (equality), 21 (right to life), and 23 (protection from forced labour) of the Constitution were violated when platforms like Ola, Uber, Swiggy, and Zomato classified them as "partners" or "independent contractors" and excluded them from statutory benefits. The Code on Social Security, 2020 has provisions for gig and platform workers in Chapter IX, the Supreme Court stated, acknowledging the urgent necessity for gig workers to be included in social security programmes.<sup>3</sup>

However, the Court observed that the rules and schemes necessary to operationalize these provisions were still under consideration, highlighting the gap between statutory recognition and practical implementation. The case remains pending, Moreover, the Supreme Court has criticised delays in extending labour and social security rights to platform workers, noting that policy indecision cannot justify denial of basic protections.<sup>4</sup>

On November 21, 2025, the four Labour Codes went into effect, marking a paradigm shift by combining the many laws under a single framework intended to streamline compliance and make worker entitlements clearer<sup>5</sup>. The Code on Social Security, 2020 gave gig and platform workers legal recognition for the first time and required platforms to contribute 1% to 2% of their yearly revenue to social security programmes<sup>6</sup>. This marks a substantive departure from the previous labour regulations that completely excluded these individuals from social security calculations. It is debatable whether the underlying legal disputes about classification have been settled by this legislative acknowledgment. The legal distinction between a "gig worker" who

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<sup>3</sup> *Indian Fed'n of App-Based Workers (IFAT) v. Union of India, Writ Petition (Civil) No. 1068 of 2021 (Sup.Ct. India).*

<sup>4</sup> Abraham Thomas, Cannot Deny Gig Workers' Rights Under Guise of Policy Decision: SC Tells Govt, Hindustan Times (Nov. 20, 2024), <https://www.hindustantimes.com/india-news/cannot-deny-gig-workers-rights-under-guise-of-policy-decision-sc-tells-govt-101732042482760.html>.

<sup>5</sup> Max van der Klis-Busink, *India's New Labour Codes Are in Force: Payroll Teams Must Act*, PayrollOrg (Dec. 17, 2025), <https://payroll.org/news-resources/news/news-detail/2025/12/17/india-s-new-labour-codes-are-force-payroll-teams-must-act>.

<sup>6</sup> Sonakshi Das et al., *New Labour Codes Usher in a New Era of Compliance*, DLA Piper Knowledge (Nov. 27, 2025). <https://knowledge.dlapiper.com/dlapiperknowledge/globalemploymentlatestdevelopments/2025/government-of-india-notifies-the-labour-codes-ushers-a-new-era-of-compliances>.

is mainly entitled to social security and a "employee" who is entitled to the full range of labour rights is still controversial. The designation of gig workers as independent contractors rather than employees remains a major legal problem despite the revised definitions, and it is anticipated to become more intense as workers' collectives strive for parity with regular employees in terms of minimum wages and working conditions.

#### IV. The Four Labour Codes: A New System with Different Levels of Protection

To comprehend the status of gig workers, one must first understand the four-pillar architecture that now governs Indian labour relations.

##### A. Code on Wages, 2019

A number of previous labour laws, such as the Payment of Wages Act of 1936 and the Minimum Wages Act of 1948, are combined into a single legislative framework in the Code on Wages, 2019. The Code on Wages' relevance to the gig economy depends on the definitions of "worker" and "employee" being clarified and expanded. Gig workers may now be covered by clearer definitions that ensure equitable remuneration practices according to the new legal framework, which standardizes wage standards and provides a statutory floor rate that is applicable nationwide<sup>7</sup>. The precarity that has been a feature of platform-based work is directly addressed by this statutory floor wage, which attempts to guarantee a baseline salary in order to prevent underpayment. No employee, regardless of industry, shall be paid less than the floor wage announced by the Central Government as of December 2025, according to the Code. This clause theoretically applies to platform economy workers as long as they meet the employment requirements implied in the Code's definitions.

The Code on Wages, enacted in 2019, contains tough guidelines for the punctual payment of wages. This is very important for gig economy workers, whose earning patterns are largely dependent on the fluctuating payment

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<sup>7</sup> Press Information Bureau, *Labour Reforms: Formalising and Safeguarding India's Gig & Platform Workforce* (Dec. 9, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2200767&reg=3&lang=1>.

periods set by the algorithm employed in the management system of the gig economy themselves. This will ensure that the workers receive a guaranteed wage every week as they are fully cognizant of the payment and the period when the payment is due. Come next year, tough guidelines will be imposed on companies who fail to pay their workers on time. This will include arrangements for precluding the possibility of late salary credits. This news comes at a very opportune time, especially when the gig economy rampant in the country often propels people into debt because of the zero-hour contract of income that it creates for them. This code is attempting to ensure the same stability of income that *prima facie* exists in the case of the more traditional employment structure within the gig economy by establishing an income pattern predicted on the sounder legal foundation of the latter. Under the proposed Act, an arrangement for regulating the rules on the payment of the wage for the overtime period, which is paid double the wage, for the worker, would also be adopted. This would again aim at establishing the regulatory framework wherein the gig economy workers are paid just and proper wages within the gig economy framework itself.

However, there are difficult legal and administrative obstacles to overcome when moving from statutory wording to practical execution. Although the labour codes seek to provide minimum wage protections to all workers, including gig and platform workers, the precise methods of enforcement and wage rates that apply to gig workers seem to still rely on more specific provisions found in the codes as well as state government rule-making. How important phrases like "employer" and "employee" are understood and applied within the Code on Wages 2019 framework will determine the entire scope of the Code's application to gig workers. The Code's broad objective and the platform businesses' categorization of employees as autonomous partners continue to be at odds. The statutory floor pay becomes a non-negotiable right if the judiciary or other appropriate authorities view the control performed by algorithms as an employer-employee relationship. On the other hand, the Code's protective scope might be reduced if the "contract for service" distinction is strictly maintained.

## B. Industrial Relations Code, 2020:

Worker rights and industrial flexibility are intended to be balanced under the IR Code. It raises the threshold from 100 to 300 employees for prior government approval of layoffs or closures. Additionally, it creates a statutory "Negotiating Union" that, if it has 51% of the membership, will have exclusive rights to collective bargaining. For gig and platform workers, the Industrial Relations Code, 2020 is crucial since it has the ability to reorganize the conventional employment dichotomies<sup>8</sup>. In the past, Indian labour law made a clear distinction between independent contractors who were not allowed to use dispute settlement procedures and "workmen" who were. The Code on Social Security, 2020 has given gig workers specific recognition and definition, but their status under the Industrial Relations Code is still unclear, despite the consolidated codes' goal of universality. As of late 2025, sources show that although the codes generally seek to improve working conditions and promote compliance, there are still a lot of unanswered questions about how non-traditional workforces are incorporated into the framework of industrial relations. This uncertainty is crucial since the Industrial Relations Code serves as the main legislative framework governing the rights to organize and the procedures for resolving disputes, two fundamental components of guaranteeing fair treatment and representation in the workplace<sup>9</sup>.

The availability of dispute resolution procedures is the code's second crucial feature. To ensure fair treatment, the Industrial Relations Code, 2020 offers procedures for the inquiry and resolution of labour disputes. This includes having access to tribunals, conciliation officers, and arbitration procedures designed to quickly settle disputes between companies and employees. Access to these statutory forums is essential for platform workers, who often deal with problems like arbitrary de-platforming, algorithmic management disagreements, and payment discrepancies. However, the dispute's classification determines how efficient these mechanisms are. Gig workers may

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<sup>8</sup> PRS Legislative Research, *Industrial Relations Code, 2020*, <https://prsindia.org/billtrack/the-industrial-relations-code-2020> (last visited Dec. 24, 2025).

<sup>9</sup> Anikesh Singh, *Industrial Relations Code, 2020: A Comparative Analysis of Old and New Laws*, Gyan IAS (Apr. 24, 2025), <https://gyanias.in/industrial-relations-code-2020-a-comparative-analysis-of-old-and-new-laws/>.

continue to be barred from these specialized courts and forced back into the overworked civil court system if they are not categorized as "industrial employees" under the IR Code. Although the foundation for legal status has been established, reports from December 2025 indicate that the concrete improvements in conflict resolution that are specifically suited to gig labour arrangements have not yet fully materialized. Inconsistent enforcement at the state level, where the useful machinery of dispute resolution functions, exacerbates the lack of knowledge.

Furthermore, a level of complication is added by the intersection of the Social Security Code and the Industrial Relations Code. The former does not specifically reflect these features in the context of strikes, lockouts, or retrenchment protections, whereas the latter promises benefits including life and disability coverage, a move announced as early as March 2022 and confirmed in 2025. This regulatory gap implies that although the state is prepared to offer social security as a safety net, it is reluctant to grant the gig economy the full range of industrial rights, such as collective bargaining and strikes<sup>10</sup>.

### **C. Occupational Safety, Health and Working Conditions Code, 2020:**

The Occupational Safety, Health, and Working Conditions Code requires annual health tests for all workers above the age of 40 years and standardizes safety regulations combined. In addition, the code formally allows women to work during night hours for any type of industry given that they have consent and are following safety protocols. The amendment of this code is aimed at completely overhauling the compliance mechanism in relation to employee welfare and safety in the workplace, as well as the regulatory environment for the businesses or companies. The most extreme feature of this code is the fact that it grants this code statutory recognition for the gig economy and the platform economy, but with similar employee health and safety legislations for various sectors of the economy, including in establishments employing ten or

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<sup>10</sup> Ministry of Labour & Employment, Government of India, *Government Announces Implementation of Four Labour Codes to Simplify and Streamline Labour Laws* (Nov. 21, 2025), <https://labour.gov.in/sites/default/files/pib2192463.pdf>.

more workers, while giving a special exemption for various sectors like factories and mines. The Occupational Safety and Health Code seeks to ensure that workers in the gig economy are accorded both employment rights and precarity for this group of workers who have always lingered outside the employment environment.

Although the OSH Code has an ambitious scope, the process of enacting legislation and transforming it into practice has been marked with a high degree of time lapses and administrative resistance. The legislation was announced in 2020, but due to the delay in its actual implementation, the main provisions of the legislation were postponed to November 21, 2025, officially announced in the Gazette<sup>11</sup>. This five year lag shows how hard it is to implement overall changes in labour in a diverse and federal state. As sources state, the environment of enforcement remains unequal until December 2025, with various Indian states still varying on the enforcement<sup>12</sup>, which means that despite the basic statute providing a uniform mandate, the reality of the ground is still fragmented. The existence of diversity in the state level in the development of safety boards and regulations writing, which is evident in the unequal execution of these reforms, however, complicates the establishment of a unified national safety regime.

More importantly, the inclusion of gig economy workers in the Code does not necessarily and ipso facto translate membership into potent powers unless a specific SL is involved. As of the writing of this article in December 2025, it does not seem clear that the original concepts and definitions are especially relevant, though it appears from recent reviews that new concepts or definitions should be made and enforcement mechanisms should improve.

#### **D. Code on Social Security, 2020:**

The Code on Social Security, 2020 has introduced a significant shift in the legal

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<sup>11</sup> Ministry of Labour & Employment, Government of India, Notification No. S.O. 5321(E), *Occupational Safety, Health and Working Conditions Code, 2020* (Nov. 21, 2025), Gazette of India, Extraordinary, pt. II, sec. 3(ii), <https://egazette.gov.in/WriteReadData/2025/267884.pdf>.

<sup>12</sup> India-Briefing, *India's Labour Codes 2025: Guide to Penalties & Compliance* (Dec. 2025), <https://www.indiabriefing.com/news/india-labour-code-penalties-guide-2025-41211.html>.

approach towards the issue of worker welfare in India regarding the formal recognition and protection of the gig and platform economy. The definitional specificity of the Code, the first in the history of the country, that brings gig and platform workers within the framework of federal social security, is a condition of its successful adoption. One of the most important acts that impact gig and platform workers is the SSC, 2020. Other terms like gig worker and platform worker are clearly defined under Section 2(35)<sup>13</sup> as they are specific categories of worker who are entitled to receive social security benefits such as life and disability insurance, healthcare and pensions. In addition, the Code establishes State and National Social Security Boards, which are charged with the responsibility of controlling and giving recommendations to these projects. The efficacy of the Code, which is the first one to apply the gig and platform workers to the system of federal social security, is that it is definitional precision.

One of the methods involves the federal government, state governments, and platform aggregators, making the basis of the financial architecture that supports these advantages. This tripartist system of funding is one of the significant innovations of the Code that ensures the financial load of the social insurance is not carried out by the state or the employee exclusively. Platform aggregators are also an essential part of this financial framework as they have to be charged. The Code obliges aggregators to contribute to a social security fund, whose limit is 1 to 2 percent of annual revenue. The rule also ensures that this contribution does not exceed 5% of the sum that is owed to the employees to ensure the financial viability of these digital platforms. This particular cap is intended to strike a balance between the platforms that power this industry and the welfare requirements of the workforce.<sup>14</sup>

The shift from statute to ground-level enforcement poses a complicated array of administrative obstacles, despite the legislative text's comprehensiveness. Since its enactment on November 21, 2025, the Ministry of Labour and

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<sup>13</sup> Code on Social Security, 2020 § 2(35) (India).

<sup>14</sup> Team Angel One, *Gig Workers' Welfare: Swiggy, Urban Company, Uber Required to Contribute 1–2% of Annual Turnover*, Angel One (Nov. 22, 2025), <https://www.angelone.in/news/economy/gig-workers-welfare-swiggy-urban-company-uber-required-to-contribute-1-2-of-annual-turnover>.

Employment and other organisations have prioritized compliance preparation and registration. The Employees' State Insurance Corporation (ESIC) circular dated December 15, 2025, which requires all qualified employers and aggregators to finish their Social Security Code registration by December 31, 2025, is a noteworthy advance in this regard<sup>15</sup>. This decree, which places urgent compliance duties on companies and payroll teams to adjust to the streamlined yet strict criteria, highlights the administration's urgency in pursuing the operationalization of the Code. The government's intention to expedite labour compliance and guarantee that the theoretical advantages of the Code are promptly transformed into concrete welfare measures is demonstrated by the publication of such circulars.

In addition, the federal system of Indian legal system has variations in terms of state-by-state variations that present another line of complexity. Although the Central Code lays the groundwork, each state has the freedom to come up with rules and other laws. The brightest among the examples of this trend is the state of Karnataka which passed Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill in August 2025<sup>16</sup>. This state level proposal proposes a potential shift to localized welfare regimes working alongside the central Code and targeted at reinforcing the protections especially to the gig workers in the local jurisdiction.

This historic reform will only succeed eventually depending on the administrative capacity to execute the input of the aggregators, the functionality of the registration systems and the ability to align the federal directives and programs on the state level like in Karnataka. The next couple of months will be the experiment that will tell whether the Code will be an efficient safeguard to the gig economy or it will be used as the framework that is likely to be

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<sup>15</sup>Employees' State Insurance Corp., *Scheme to Promote Registration of Employers/Employees (SPREE 2025) under ESIC and Implementation of the Code on Social Security, 2020* (Dec. 1, 2025), [https://roodisha.esic.gov.in/attachments/circularfile/cheme\\_to\\_Promote\\_Registration\\_of\\_Employers\\_Employees\\_SPREE\\_2025\\_under\\_ESIC\\_and\\_implementation\\_of\\_the\\_Code\\_on\\_Social\\_Security\\_2020\\_1764585486.pdf](https://roodisha.esic.gov.in/attachments/circularfile/cheme_to_Promote_Registration_of_Employers_Employees_SPREE_2025_under_ESIC_and_implementation_of_the_Code_on_Social_Security_2020_1764585486.pdf).

<sup>16</sup>Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill, 2025, Bill No. 31 of 2025 (Karnataka Legislative Assembly, introduced Aug. 12, 2025), [https://prsindia.org/files/bills Acts/bills\\_states/karnataka/2025/Bill31of2025KA.pdf](https://prsindia.org/files/bills Acts/bills_states/karnataka/2025/Bill31of2025KA.pdf).

completed as the registration deadline will come at end of December 31, 2025.

## **V. Regulatory Gaps and Implementation Challenges: The Persistent Precarity of Gig Workers**

Even though the official recognition of these kinds of workers in the CSS, 2020, is a commendable legal breakthrough, the fact on the ground shows that there are still underlying weaknesses and challenges that undermine their successful implementation. An in-depth examination of these areas shows that there are several critical areas:

### **A. Scheme-Dependent Rights and Low Registration**

The rights of the gig workers mainly depend on the awareness that is spread by the govt. that some programmes are going on under Section 114 of the CoSS<sup>17</sup>. This implies that the workers lack automatic or binding claims to suit in case formal plans are not released. Only 12 percent of gig workers are registered on e-Shram portal that is a critical outreach and implementation of plans portal. Many governments have not notified or operationalized schemes and therefore a large percentage of these kind of workers are not covered by social security benefits.

### **B. Weak Compliance with Platform Cess Obligations**

The Code states that platforms are obliged to contribute to social security programmes an amount of cess ranging between 1 percent and 2 percent of their revenue<sup>18</sup>. Online platforms such as Swiggy have added less than 0.5 and most are still not compliant, which compromises the scheme in terms of financial basis. But still the compliance remains voluntary. The effectiveness of the programme and advantages that the employees receive are directly influenced by the platforms of not reporting the turnover or paying cess due to the lack of fines or enforcement processes.

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<sup>17</sup> Code on Social Security, 2020, § 114 (India),  
<https://www.indiacode.nic.in/bitstream/123456789/16823/1/aA2020-36.pdf>.

<sup>18</sup> Ministry of Labour & Employment, Govt of India, *Labour Reforms: Formalising and Safeguarding India's Gig & Platform Workforce* (Dec. 9, 2025),  
<https://pib.gov.in/PressReleasePage.aspx?PRID=2200767&lang=1&reg=3>.

### C. Absence of Algorithmic Transparency

The legislation does not force platforms to publish their rating systems and pay-setting algorithms, or even disclose deactivation plans. As a consequence of this transparency, employees are hard to confront when it comes to unjust pay reductions, demotion rating, or unwarranted suspension. Open algorithm control can result in arbitrary compensation and closing of jobs without warning and without any further inquiries and appeals by gig employees, as relayed and studied by unions of workers and scholars. It can lead to fluctuating revenues and insolvency<sup>19</sup>.

### D. Exclusion from Core Labour Protections

Gig and platform workers are merely out of the security blanket of employee status as they are not required to follow the minimum wages, hourly regulations and dispute resolution protocols. Gig employees are mostly a subset of independent contractor employees and are a third group of workers, being semi-employees and thus specified by the Codes as such. This has an adverse impact on their bargaining and pursuing immunities in the law.

### E. Worker Mobilization and Enforcement Challenges

The distance between what the law recognizes them as being regarding and what they are actually insured against has been met by gig workers via organizing strike (such as the blink it strikes with 10,000 workers in the course of the year 2025) and filing PILs, among others, such as claims to wages, social security and transparency<sup>20</sup>. The investigative capabilities of applying force of the regulatory bodies is low. It has little technical enforcement equipment, fewer inspectors and workers are not very knowledgeable.

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<sup>19</sup> Rohit Singh, *Algorithms Decide How Gig Workers Work in India, New Study Finds*, MediaNama (Dec. 24, 2025), <https://www.medianama.com/2025/12/223-algorithms-gig-workers-india-new-study/>.

<sup>20</sup> Swiggy, Zomato Gig Workers Call for All-India Strike on December 25, 31, NDTV (Dec. 25, 2025), <https://www.ndtv.com/india-news/swiggy-zomato-gig-workers-call-for-all-india-strike-on-december-25-31-9957847>.

## VI. Comparative Perspectives: Global Models and Lessons for India

Legal challenges arising from gig and platform work are not unique to India. Courts and legislators have struggled to strike a balance between labour protection and the flexibility that digital platforms claim in various countries. A range of legislative remedies, from employment presumptions and intermediate worker categories to portable welfare models, can be found by comparing international methods. Analysing these international experiences gives India important direction as it works to transition from symbolic recognition to actual protection.

### A. The United Kingdom: The “Worker” Status Model

- The historic decision made in the case of “Uber B.V. v. Aslam (2021)<sup>21</sup>” introduced a presumption of a kind of categorization of gig workers referred to as “workers,” rather than independent contractors, if they satisfy particular conditions, for example, if they are incorporated within the business model<sup>22</sup>. Workers who fall into this classification receive benefits, including paid leave, a minimum wage, and protection against wrongful dismissal.
- The provision of an intermediate legal status, which comes near to the “worker” status under the UK system of law, might turn out to be useful for India. By ensuring flexibility for the platform business models and at the same time granting collective rights for time off and minimum wage to gig workers, this approach could be adopted for the Wages, Industrial Relations, and OSH Codes aside from the Social Security Code to recognize gig workers.

### B. The European Union: Presumption of Employment and Algorithmic Accountability

- The EU Platform Work Directive (2024)<sup>23</sup> establishes a presumption

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<sup>21</sup> Uber BV v. Aslam, [2021] UKSC 5.

<sup>22</sup> Daniel Ferguson, *Uber at the Supreme Court: Who Is a Worker?*, House of Commons Library (Feb. 22, 2021), <https://commonslibrary.parliament.uk/uber-at-the-supreme-court-who-is-a-worker/>.

<sup>23</sup> Directive (EU) 2024/2831 of the European Parliament and of the Council on Improving Working Conditions in Platform Work, art. 5(2), 2024 O.J. (L \_\_\_\_).

of employment for platform workers, putting the onus of proving a person is not an employee on platforms<sup>24</sup>. Additionally, the Directive requires algorithmic management to be transparent by mandating platforms to reveal rating and pay-setting criteria.

- India may learn two important lessons from the EU model:
  1. Case-by-case lawsuit is less successful than presumptive protection.
  2. Algorithmic control, not merely contractual form, needs to be regulated.

Gig-worker protections would be greatly strengthened without undermining the platform economy if employment presumptions and algorithmic openness were incorporated into Indian labour law.

### C. Singapore: Portable Benefits and Pragmatic Welfare

- In order to solve the issue of fragmented work histories, Singapore's gig portability policy enables gig workers to accrue benefits (such as insurance and retirement savings) across several platforms. One of Singapore's model's main characteristics is that gig workers are required to have accident insurance, platforms and employees participating in shared contribution plans, portable benefits unrelated to a particular employer, interaction with current public welfare systems. Singapore guarantees that gig workers receive basic protections regardless of classification rather than redefining employment status.
- Instead of copying any one international model, India can create a hybrid regulatory framework that combines Singapore's benefit portability, the EU's employment presumption and algorithmic safeguards, and the UK's intermediate worker status. This would

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<sup>24</sup> European Parliament, *Parliament Adopts Platform Work Directive* (Apr. 24, 2024), <https://www.europarl.europa.eu/news/en/press-room/20240419IPR20584/parliament-adopts-platform-work-directive>.

enable India to protect gig workers without impeding platform expansion or innovation.

## **VII. The Way Forward: Recommendations for Addressing Regulatory Gaps**

It is crucial to first compare the current legal environment to the historical vulnerabilities that required these reforms in order to map out a feasible future for gig and platform workers. The enactment of the new labour laws in India is being done progressively, and the future course requires an inquiry into the challenges of implementation to make targeted recommendations to bridge the gap that exists between the legislative framework and reality, since the enactment of the laws does not necessarily result in protection being offered.

### **A. Harmonization Of State and Central Directives to Prevent Jurisdictional Fragmentation:**

State-level initiatives, like those in Karnataka, show local governments' recognition of shortcomings and their desire to provide protection to gig workers who were previously denied access to traditional labour benefits, even while the federal government's regulations offer a nationwide framework<sup>25</sup>. Different state laws could make it difficult for platforms that operate internationally to comply, while on the other hand, weaknesses in central enforcement could make workers in particular areas susceptible. To guarantee that the "staggered applicability" of the codes, a worry raised about the operational framework does not lead to unequal protection levels across various regions, a coordinated federal mechanism is advised.

### **B. Immediate And Granular Attention on The Operationalization of The Code on Social Security:**

The gig and platform worker segment experienced significant labour-related challenges, such as the lack of social security, job security, and codified labour

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<sup>25</sup> KPMG International, *Government of India Announces Implementation of Four Labour Codes (Flash Alert 2025-267)* (Dec. 11, 2025), <https://kpmg.com/xx/en/our-insights/gms-flash-alert/flash-alert-2025-267.html>.

protections, according to the historical backdrop of 2020–2023<sup>2627</sup> The administrative apparatus must go beyond general legal definitions to create specific financial mechanisms, like the welfare boards that have been suggested in numerous policy talks, in order to address this. Developing a smooth, digital registration and contribution interface that works with the platforms' own systems is the path forward.

### **C. Tackling The Opacity of Algorithmic Management:**

Concerns regarding data exploitation and the possibility of monopolistic conduct among dominant platforms are intertwined with this topic. Regulations must change to require openness in the way algorithms assign labour, calculate compensation, and punish employees. Concerns about the new standards' actual implementation, especially whether they can effectively handle these particular technological idiosyncrasies of gig work, have been heightened by their complexity and novelty<sup>28</sup>.

Consequently, the Occupational Safety, Health, and Working Conditions Code should include algorithmic accountability measures or establish an algorithmic auditing agency. This would guarantee that the government's "modernization" adequately addresses the psychological and financial strains imposed by automated management systems.

### **D. Continuous Impact Assessment and Dynamic Policy Adjustment:**

The varied realities of India's gig economy and the quick advancement of technology must be taken into consideration by the regulatory framework, which cannot be static. To evaluate the effectiveness of the codes every year, policymakers should appoint a special task team made up of platform representatives, labour unions, and legal professionals.

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<sup>26</sup> Neeraj Vyas & Mehak Chadha, *The Road Ahead for Gig Worker Protection in Karnataka*, Legal 500 (Dec. 11, 2025), <https://www.legal500.com/developments/thought-leadership/the-road-ahead-for-gig-worker-protection-in-karnataka/>.

<sup>27</sup> Jude Vijay, Varun Jain & Abhishek Singh, *India: Long-Awaited Labour Codes in Effect*, WTW (Dec. 12, 2025), <https://www.wtwco.com/en-id/insights/2025/12/india-long-awaited-labour-codes-in-effect>.

<sup>28</sup> Why Are Gig Workers Asking for Algorithmic Transparency?, MediaNama (Jan. 2025), <https://www.medianama.com/2025/01/223-video-gig-workers-algorithmic-transparency/>.

This incremental approach is required because, although the labour regulations have laid the foundation for regulating gig workers, its full effectiveness has not yet been tested in practice and there are still unresolved regulatory issues. India can make sure that the legislative developments of 2025 translate into a truly equitable environment for its expanding workforce by concentrating on the strict enforcement of the new definitions, enabling real collective bargaining, guaranteeing algorithmic transparency, and coordinating state-central efforts.

### **VIII. Conclusion: Towards Meaningful Protection for Gig and Platform Workers**

Gig and platform workers, on the other hand, are facing a turning point in the year 2025 as the Labour Codes in India will come into force and provide them with legal recognition and the social security benefit. However, without implementation and compliance and an increase in the minimum right at the work place, the right to recognition remains elusive for these Labour Codes. Lack of implementation and compliance and reliance on schemes and absence of inclusion in minimum wage and dispute resolution process weaken the might of the Labour Codes. Experience in successful right to protection provides lessons in a comparative analysis of best practices in Singapore and the UK and the EU.

Therefore, the agenda of the future should be the realization of recognition through rights. For this, there should be synchronized enforcement of the Central and state laws, transparency in the management of platform contributions, simplified procedures of registration, and effective grievance redressals. Most importantly, the regulatory infrastructure must take cognizance of the symbiotic relationship between security and flexibility. By injecting the theme of transparency, social protection mobility, and collective voice into the existing infrastructure, the country can therefore realize the policy of making sure that the platform work produces a valid and sustained means of livelihood, rather than a marginal one in the existing construct of the law. Only then will the Labour Codes honour their intended target of ensuring equal, inclusive security to the fast-evolving gig economy in the country.

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