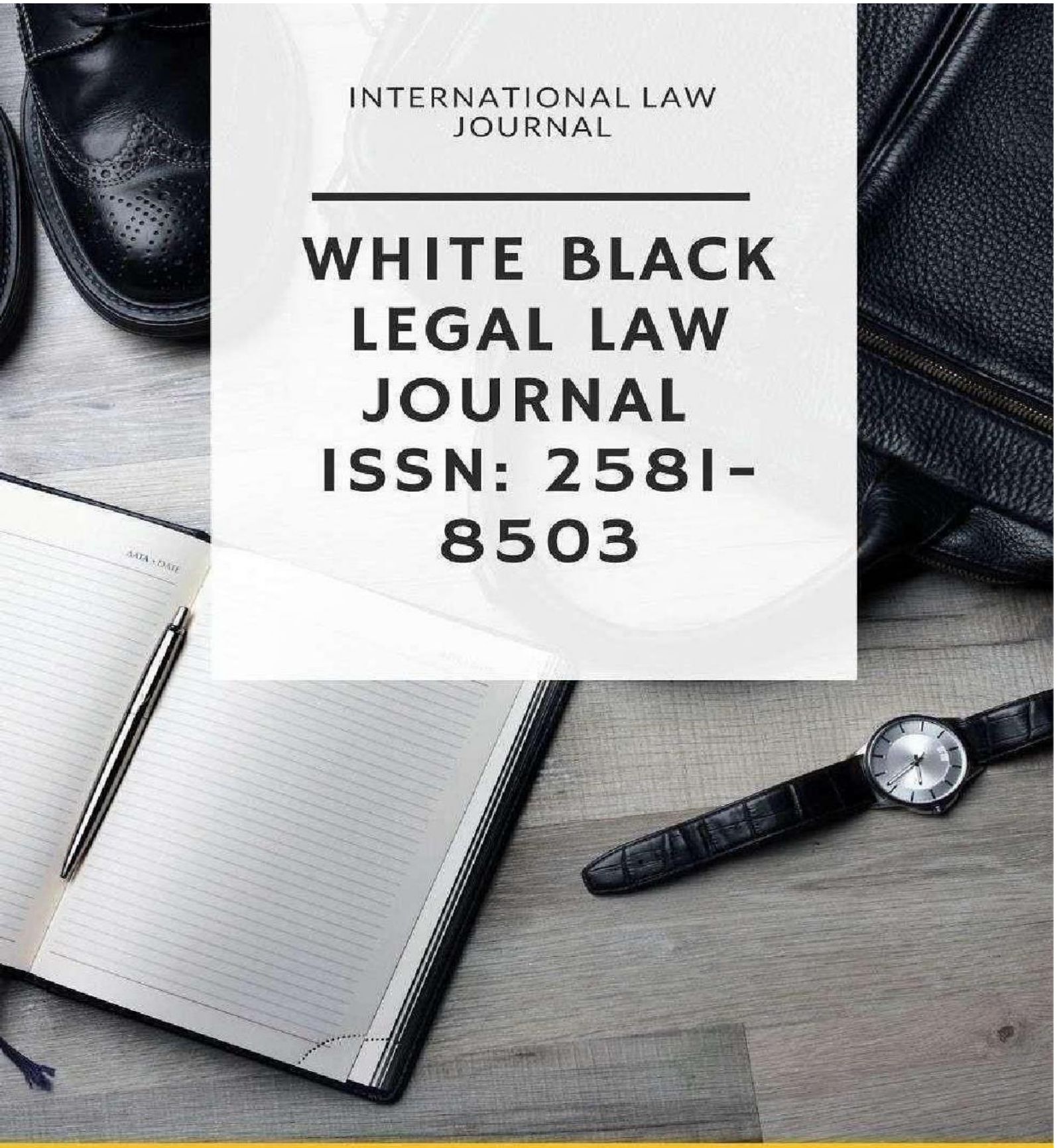


INTERNATIONAL LAW JOURNAL

WHITE BLACK LEGAL LAW JOURNAL

ISSN: 2581-8503

Peer - Reviewed & Refereed Journal

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Volume 4 Issue 2 | Oct 2026 ISSN: 2581-8503

SOCIAL SECURITY OF GIG WORKERS: LAW, POLICY AND THE ROAD AHEAD

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Abstract

Gig and platform work is growing faster than the social security systems that were made for ordinary employment. Because of this, millions of Gig Workers do not have pensions, health cover, injury compensation or maternity benefits. This paper asks how law can give Gig Workers social security. It does this by studying statutes, judgments, official reports and recent scholarship up to 24 October 2026. The paper finds three regulatory models. One model is to reclassify Gig Workers as employees, as the United Kingdom and the European Union do. Another model gives mandated protection, as Singapore and California do. The third model uses levy-funded schemes, as India does. India's Code on Social Security, 2020, with the laws of Rajasthan, Karnataka and Telangana, gives Gig Workers statutory recognition. However, the central aggregator levy had not started by September 2026. State laws differ on the fee base, rate and definitions. The paper concludes that the best way is a status-neutral floor of protection. This floor would be paid for by platforms, the state, and Gig Workers. This approach matches the ILO's new Convention No. 193.

1. Introduction

Platform-mediated work has shifted from the edges of the labour market to its core. The costs of security fall hardest on this shift. NITI Aayog estimated that about 7.7 million Indians were Gig Workers in the gig economy in 2020–21. It projected that number to grow to 23.5 million by 2029–30, a rise of three times.[1] Across the world, the International Labour Organisation (ILO) found that most Gig Workers on labour platforms do not have social protection. It also found that seven out of ten Gig Workers could not take paid leave or claim compensation if they tested positive for COVID-19.[2]

[1]NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (Policy Brief, 27 June 2022).
[2]ILO, *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work* (ILO 2021); ILO, 'ILO presents new report on platform work to the European Parliament' (4 March 2021).

The gap is structural, not accidental. Social insurance in countries was built for a standard employment relationship. In that relationship, an employer hires a Gig Worker, pays a salary, deducts contributions and reports to the state. Platforms purposely stay outside that arrangement. They label Gig Workers as partners or independent contractors. They pay Gig Workers by the task. Say that contributions are Gig Workers' own responsibility.[3] Gig Workers therefore carry the risks of accident, illness, old age and income fluctuation. Meanwhile, the platform sets prices, assigns work and controls Gig Workers with algorithms.[4]

This paper looks at how law can give Gig Workers social security. It asks four questions. First, how classification rules decide who Gig Workers are protected. Second, which models other jurisdictions use. Third, whether the Indian framework is adequate at the state level. Fourth, what design would give Gig Workers a floor of protection. The method is doctrinal and comparative. It uses statutes, judgments, official reports and secondary scholarship. Law in this area changes fast. Therefore, this paper states the position as of 24 October 2026.

Part 2 sets out the framework. Part 3 examines the classification problem. Part 4 compares the United Kingdom, the European Union, the United States and Singapore. Part 5 analyses India's Code on Social Security, 2020 and the state laws. Part 6 identifies the challenges, Part 7 offers recommendations, and Part 8 concludes.

2. Conceptual Framework

Gig Workers perform work that comes through a digital intermediary. This work is outside an employment contract. The ILO separates platforms from location-based platforms. On platforms, Gig Workers complete tasks online, such as freelance or microtasks. On location-based platforms, Gig Workers do tasks like ride-hailing, delivery, home services and care.[5] Indian policy literature says that the gig economy is larger than platform work. It also includes non-platform work.[6] This paper focuses on platform-based work because that is where law has been made.

Social security is a set of measures that protect people from losing income or facing unexpected costs. ILO Convention No. 102 Lists nine types of protection. They are care, sickness, unemployment, old-age, employment injury, family, maternity, invalidity and survivors'

[3]Valerio De Stefano, 'The Rise of the "Just-in-Time Workforce": On-Demand Work, Crowdwork and Labor Protection in the "Gig-Economy"' (2016) 37 Comparative Labor Law & Policy Journal 471.
[4]Jeremias Prassl, *Humans as a Service: The Promise and Perils of Work in the Gig Economy* (OUP 2018); Antonio Aloisi and Valerio De Stefano, *Your Boss Is an Algorithm: Artificial Intelligence, Platform Work and Labour* (Hart 2022).
[5]ILO, 'ILO presents new report on platform work to the European Parliament' (n 2).
[6]NITI Aayog (n 1).

benefits.[7] Recommendation No. 202 adds a floor of national guarantees. That floor gives everyone income security and access to essential health care.[8] The right to security is also in the Universal Declaration of Human Rights.[9] In India, the right comes from Article 21, the right to life and from Articles 41 to 43. Those articles talk about humane working conditions, maternity relief and a living wage.[10]

Four features of gig work put pressure on this framework. First, gig work earnings are irregular, so plans that rely on wages cannot be funded from payslip deductions. Second, gig work physical risk is especially road accidents for delivery riders and drivers, but injury protection is usually linked to employment. Third, gig work is spread over apps, so no single payer keeps a record of contributions. Fourth, algorithmic deactivation can stop a gig worker's income overnight with little notice and no chance to appeal.[11] Covering gig workers can fail in three ways: exclusion, real non-coverage where rights exist only on paper and benefits that are too small.

The main international development is ILO Convention No. 193 on work for platform workers, adopted on 12 June 2026. It covers platform workers whether or not they are employees, and asks states to make sure that status is decided based on facts and urges them to help platform workers get security as part of formalisation.[12] It only obliges states that sign it. It already acts as a guide for domestic reform.

3. The Classification Problem

Classification is the gateway to security and platforms challenge it at every step. Most contributory schemes apply to employees, so a gig worker labelled an independent contractor is outside them by definition. The legal question is not whether gig work is valuable but whether gig work economics shows subordination.

Indian courts have long looked beyond labels. The Supreme Court started with a control test asking whether the employer can direct not what gig work is done but also how it is done.[13] It then accepted that control is a test, not the only test and should be weighed with other signs of

[7]Social Security (Minimum Standards) Convention 1952 (ILO Convention No. 102), Parts II to X.
[8]Social Protection Floors Recommendation 2012 (ILO Recommendation No. 202).
[9]Universal Declaration of Human Rights (adopted 10 December 1948) arts 22 and 25.
[10]Constitution of India, arts 21, 41, 42 and 43.
[11]Aloisi and De Stefano (n 4).
[12]ILO, Convention concerning decent work in the platform economy (Convention No. 193), adopted 12 June 2026, 114th International Labour Conference (text); ILO, 'How will the new Convention No. 193 promote decent work in the platform economy?'; ILO, 'International Labour Conference ends with adoption of the first Convention on decent work in the platform economy' (12 June 2026).
[13]*Dharangadhara Chemical Works Ltd v State of Saurashtra* AIR 1957 SC 264.

the real relationship.[14] Later decisions confirm that the inquiry is multi-factor and focuses on the substance of the contract form.[15] The Supreme Court has not yet decided on social security rights for gig workers; that question is still pending before it (Part 5).

The United Kingdom Supreme Court decided that question for Uber drivers. In Uber BV v Aslam on 19 February 2021, it unanimously said that drivers were "workers" under section 230(3)(b) of the Employment Rights Act 1996. It examined the law's goal of protecting people who are subordinate and dependent, and it looked at facts: Uber set the fare, set contract terms, limited driver choice of trips by monitoring acceptance, controlled the service with ratings and restricted contact between driver and passenger. Working time included any time a driver was logged in in their area and ready to accept trips.[16]

The United States shows the swing. The California Supreme Court adopted the ABC test in Dynamex, which assumes a gig worker is an employee unless the hiring entity proves three conditions.[17] In November 2020, voters approved Proposition 22, which classifies app-based drivers as contractors with a limited benefits package, and in Castellanos v. State of California on 25 July 2024 the Court unanimously upheld it.[18]Spain moved the way: Royal Decree-Law 9/2021 assumes that delivery riders working through digital platforms are employees.

India's Code on Social Security in 2020 avoids the either/. By creating statutory categories of gig worker and platform worker defined as people working outside a traditional employer-employee relationship.[19] That gives gig workers recognition and a path to scheme-based benefits. It also places gig workers in a tier because, by definition, gig workers are not employees and cannot claim employee-linked coverage on that basis.

Two lessons follow. First, status labels create all-or-nothing outcomes, and litigation is slow and varies across countries. Second, even a clear court win may bring less than social protection: Aslam secured minimum wage and paid holiday, not the entire set of employee-linked benefits. This is why Convention No. 193 requires status to be decided on facts while ensuring protection for those who remain self-employed.[20]

[14]*Silver Jubilee Tailoring House v Chief Inspector of Shops and Establishments* (1974) 3 SCC 498.
[15]*Balwant Rai Saluja v Air India Ltd* (2014) 9 SCC 407.
[16]*Uber BV v Aslam* [2021] UKSC 5; see the Supreme Court's press summary.
[17]*Dynamex Operations West Inc v Superior Court* 4 Cal 5th 903 (2018).
[18]California Business and Professions Code §§ 7448–7467 (Proposition 22); *Castellanos v State of California* (Cal Sup Ct, 25 July 2024); see DLA Piper, 'California Proposition 22 upheld: independent contractors live to drive another day' (August 2024).
[19]Code on Social Security 2020 (India), s 2 (definitions of "aggregator", "gig worker" and "platform worker"); see PRS Legislative Research, *Brief: Karnataka Gig Workers Bill 2025* (2025) (comparing definitions).
[20]ILO Convention No. 193 (n 12).

4. Comparative Global Approaches

Four jurisdictions illustrate the regulatory choices, and India's own approach is added for contrast.

Jurisdiction	Instrument	Approach	Social security result
United Kingdom	Employment Rights Act 1996, s 230(3)(b); *Uber v Aslam* (2021)	Intermediate "worker" status set by courts	Minimum wage and paid leave; employee-only benefits such as statutory sick pay stay out of reach
European Union	Directive (EU) 2024/2831	Rebuttable presumption of employment; algorithmic management rules	Employee rights, including social protection, where the presumption applies; transposition due 2 December 2026
California	Proposition 22 (2020), upheld 2024	Contractor status with statutory minimum benefits	Earnings guarantee, healthcare subsidy and accident insurance, tied to engaged time
Singapore	Platform Workers Act 2024	Distinct "platform worker" category	Retirement and health contributions through the CPF, work injury insurance, representation
India	Code on Social Security 2020; state Acts	Statutory gig/platform category with levy-funded schemes	Scheme-based benefits under s 114; central levy not yet operating

The United Kingdom relies on case law. After Aslam, drivers are entitled to a minimum wage. Paid holiday, but benefits that depend on employee status remain closed to them. Statutory sick pay, for example, is available to employees.[21]

The European Union has passed a law. Directive (EU) 2024/2831 says that if a platform shows control and direction, the platform must prove otherwise. This changes the burden of proof.

[21]Social Security Contributions and Benefits Act 1992 (UK), s 151; *Aslam* (n 16).

The directive also manages control by requiring human oversight of automated decisions and a right to review those decisions. These rules apply to self-employed platform workers. Member States must follow the directive by 2 December 2026.[22] The Commission's 2021 estimate said that more than 28 million people use digital labour platforms in the Union and that between 1.72 and 4.1 million might become employees.[23]

California shows an approach. Proposition 22 keeps drivers as contractors. Gives them an earnings guarantee, a healthcare subsidy and accident insurance.[24] The benefits are real but narrower than employee entitlements. They depend on time spent on a trip rather than time logged in.

Singapore's Platform Workers Act, effective from 1 January 2025, avoids the fight over classification by creating a category with its own rights. Platform operators must provide work injury compensation insurance at the same level as employees. Higher Central Provident Fund (CPF) contributions are mandatory for platform workers born on or after 1 January 1995 and optional for workers. Operators deduct the contributions from earnings. Operators pay them to the CPF Board every month. Lower-income workers who opt in receive transition support that offsets their share of the increase in 2025. The Act also gives a framework for worker representation.[25]

These models lie on a spectrum. Reclassification gives employee protection but relies on facts, enforcement and years of litigation. Status-neutral mandated protection, as in Singapore, gives a lower floor quickly but risks making a lower tier permanent. Levy-funded schemes, as India has adopted, are easier politically. Depend heavily on administrative capacity. Because all three are evidence on how they compare is thin.

5. The Indian Framework

India now has an incomplete framework: a central Code that recognises gig workers, state laws that levy platforms and executive schemes that offer limited cover. Before 2020, no law addressed gig workers. The Unorganised Workers Social Security Act 2008 authorises schemes for workers,[26] but its application to platform workers was never clear.

[22]Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work.
[23]European Parliament Legislative Observatory, 'Improving working conditions of persons working through digital labour platforms (2021/0414(COD))' (proposal of 9 December 2021).
[24]California Business and Professions Code §§ 7448–7467; *Castellanos* (n 18).
[25]Platform Workers Act 2024 (Singapore); Ministry of Manpower, 'Commencement of Platform Workers Act from 1 January 2025' (press release, 17 December 2024).
[26]Unorganised Workers' Social Security Act 2008 (India).

In 2021, the Indian Federation of App-based Transport Workers petitioned the Supreme Court to treat gig workers as workers and extend a list of social security statutes to them, invoking Articles 14, 21 and 23. The petition is still pending, and in February 2025 the Court was reported to have pressed the Union over delays in implementing the Code.[27]

The Code on Social Security 2020 is the central law to define gig workers, platform workers and aggregators. Section 113 requires workers aged 16 or older to register through a self-declaration linked to Aadhaar. Section 114 gives the Central Government power to announce schemes covering life and disability coverage, accident insurance, health and maternity benefits, old-age protection and crèche facilities. Schemes may be funded by the Centre, the states, aggregators, beneficiaries, corporate social responsibility money or other sources. Aggregators in the categories listed in the Seventh Schedule must contribute between 1% and 2% of turnover, capped at 5% of the amount paid or payable, to gig and platform workers. The Schedule covers ride-sharing, food and grocery delivery logistics, e-marketplaces, healthcare and a residual category of 'any goods and services provider platform.'[28]

Implementation. The four labour codes started on 21 November 2025, while old labour laws kept running during the change.[29] The aggregator contribution is still not working: section 114(5) says the Centre must say when contributions will start, but as of 7 September 2026 the Centre has not announced a start date or a rate. The rules already say that aggregators must sign up themselves and their workers on the government portal.[30] Executive action covers part of the gap. The Union Budget 2025–26 announced identity cards, e-Shram registration and health cover for one crore gig workers under the Ayushman Bharat PM-JAY scheme. The Labour Secretary said in March 2025 that the Centre would pay the cost of cover, which is Rs 5 lakh.[31]

State laws. Social security and the welfare of labour are on the Concurrent List, so states can make laws before the Centre.[32] Rajasthan passed such an Act in July 2023. Rajasthan created a welfare board, a unique worker ID and a tax of 1 % to 2 % on the value of each platform transaction.[33] Karnataka followed, replacing a May 2025 ordinance with an Act that sets a

[27]*Indian Federation of App-based Transport Workers v Union of India*, WP (C) 1068/2021 (Supreme Court of India); Supreme Court Observer, 'Gig Workers' Access to Social Security'.
[28]Code on Social Security 2020 (India), ss 113 and 114 and Seventh Schedule; see text of s 114 and Taxmann, 'Aggregator Obligations under Code on Social Security 2020' (7 September 2026).
[29]KPMG, 'GOI notifies implementation of Labour Codes' (Flash News, November 2025).
[30]Taxmann (n 28).
[31]'Gig workers to be covered under Ayushman Bharat; preparations for scheme rollout almost complete: Labour Secretary' The Tribune (25 March 2025).
[32]Constitution of India, Seventh Schedule, List III, entries 23 and 24.
[33]Rajasthan Platform Based Gig Workers (Registration and Welfare) Act 2023; Cyril Amarchand Mangaldas,

welfare fee of 1 % to 5 % of worker payout depending on the aggregator category. The Bill also required aggregators to explain the rules that affect work and to give reasons and a 14-day notice before termination.[34] Karnataka later set a 1 % fee. In July 2026, the Karnataka High Court refused to stop the Act. Told platforms such as Swiggy, Zomato, Blinkit and Zepto to pay the second-quarter fee. The constitutional challenge is still pending.[35] Telangana's Assembly passed a bill with a 1 % to 2 % transaction levy, and Jharkhand and Bihar have their laws.[36]

Assessment. The design looks ambitious on paper: recognition, registration, a levy and a promise of portability. In practice, the central levy is quiet; the state laws differ on definitions, fee base and rate, and reports show that implementation stopped in Rajasthan and Bihar after governments changed, with no published figures on amounts collected in any state.[37] PRS Legislative Research warned that Karnataka's definition depends on how work's obtained, which could include employees and that a payout-based fee treats similar services unevenly.[38]

6. Challenges and Critical Analysis

Five obstacles stand between these laws and effective coverage.

- **Financing. Incidence**. The Code taxes turnover; Karnataka taxes worker payout and Rajasthan taxes transaction value. These are bases with different incidence. PRS notes that when customers pay drivers directly, a platform's payout is nil, so Uber and Ola would contribute under a fee while Rapido and Namma Yatri would not.[39] Platforms may also shift the cost to workers through pay or higher commissions. The sources reviewed give no evidence on how the burden falls, so incidence needs empirical study.
- **Portability.** Workers use apps and may work across states. The Code envisions Aadhaar-linked Universal Account Numbers to make benefits portable.[40] The Rajasthan and Karnataka Acts each create their own registration, unique ID and board.[41]

'Rajasthan passes Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023' (August 2023).
[34]Karnataka Platform Based Gig Workers (Social Security and Welfare) Act 2025; PRS Legislative Research, 'The Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2025'; PRS Legislative Research, *Brief: Karnataka Gig Workers Bill 2025* (2025).
[35]'Karnataka Gig Workers Act explained' Business Standard (8 July 2026).
[36]'Telangana Assembly passes gig workers Bill: what is the Bill about and how other states with such laws have fared' The Indian Express (1 April 2026), as summarised by VisionIAS.
[37]The Indian Express (n 36).
[38]PRS, *Brief: Karnataka Gig Workers Bill 2025* (n 34).
[39]PRS, *Brief: Karnataka Gig Workers Bill 2025* (n 34).
[40]KPMG (n 29).
[41]Rajasthan Act 2023 (n 33); Karnataka Act 2025 (n 34).

How these will match with the account is unresolved. Without a ledger, a worker who changes app or state risks losing accumulated entitlements.

- **Low and irregular earnings.** The ILO found platform earnings ranging from about US$0.9 to US$8.2 depending on location and sector.[42] NITI Aayog reports that Indian gig work is 47 % medium-skilled, 31 % low-skilled and 22 % high-skilled.[43] Worker contributions alone cannot fund a pension or health cover for the lower-paid majority. A workable scheme needs platform and state money, not worker deductions
- **Legal certainty.** Registration depends on data platforms' supply. Swiggy, Zomato, Zepto and the Internet and Mobile Association of India are challenging the Karnataka Act, and the Supreme Court's decision in the federation's petition is still pending.[44] This uncertainty weakens compliance as firms can delay payment while litigation continues.

Taken together, the evidence says that the problem in India is less about missing law than about the lack of a harmonised financing and delivery system.

7. Recommendations

A workable system would be portable, status-neutral and jointly financed. Six measures follow from the analysis.

- **Bring the levy into operation.** The Centre should announce the start date and rate under section 114(5). Choose one contribution base with state levies credited against the central contribution so that platforms are not charged twice for the same worker.[45]
- **Create one account**. The Aadhaar-linked Universal Account Number or e-Shram record should serve as the ledger. State boards should work as delivery agents that add contributions to that account, rather than acting as separate registries.[46]
- **Guarantee a floor.** Platforms should give employment-injury and accident insurance at levels for employees as Singapore requires. Platforms should also offer health cover through PM-JAY and maternity benefits.[47] NITI Aayog has already suggested accident and occupational disease cover using models.[48]

[42]ILO, 'ILO presents new report on platform work to the European Parliament' (n 2).
[43]NITI Aayog (n 1).
[44]Business Standard (n 35); *Indian Federation of App-based Transport Workers v Union of India* (n 27).
[45]Taxmann (n 28); PRS, *Brief: Karnataka Gig Workers Bill 2025* (n 34).
[46]KPMG (n 29).
[47]Ministry of Manpower (n 25); The Tribune (n 31).
[48]NITI Aayog (n 1).

- **Finance the floor together**. Section 114 already allows aggregators, the Centre, states and beneficiaries to fund worker welfare. The load should move: platforms should pay for injury insurance and the relevant levy. States should subsidise old-age and health cover for earners. Worker contributions should remain voluntary. Be matched, with transitional support following the Singapore model.[49]
- **Regulate deactivation**. Account termination should follow a rule. Platforms must give reasons, give notice and allow a chance to appeal to a human reviewer before cutting anyone off. Benefits linked to the account should stay active after deactivation for a period. This way workers are not left stranded without protection while they contest or transition.[50]
- **Keep status open.** Allow the law to be reviewed. The Codes categories should not prevent courts or labour authorities from deciding that workers are, in fact, employees. India should also think about ratifying Convention No. 193.

The scheme should undergo a three-year review checked against published data on registration, collections and claims.[51]

8. Conclusion

The gig workers' social security gap is a design problem, not a cost of flexible work. The standard employment relationship can no longer be the gateway to protection. The experience of the United Kingdom, the European Union, California and Singapore shows that the choice is between reclassification, status-neutral mandates and levy-funded schemes. Each option has trade-offs. India has recognised gig workers in law, giving a levy power. Several states act. The central contribution is not yet working, and state laws remain fragmented. The next step is operational, not just conceptual. It needs a contribution base, a portable account, an immediate injury and health floor and safeguards against arbitrary deactivation. With the ILO Convention No. 193 now adopted, India has a benchmark and an opportunity to build a system that protects workers no matter what label the platform gives them.

[49]Code on Social Security 2020, s 114 (n 28); Ministry of Manpower (n 25).
[50]Karnataka Act 2025 (n 34); Directive (EU) 2024/2831 (n 22).
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