



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

SOCIO LEGAL ASPECT OF ECONOMIC EMPOWERMENT IN GIG ECONOMY: A WAY TOWARDS VIKSIT BHARAT

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Abstract

The exponential growth of the gig workforce is transforming the traditional nature of work, leading to the informalization of the gig economy. Innovations in digital technology, internet access, and the Internet of Things are driving businesses to transition from linear to network-based models for survival and growth. This shift is reshaping the modern market, attracting the contemporary workforce with its flexibility and appealing to end users. This research paper examines how the modern platform-based business model reduces enterprise liabilities towards their workforce. It highlights the expanding nature of work through the gig workforce and advocates for the creation of a social security fund and regulatory mechanism to support sustainable gig economic growth. The study aims to propose a robust regulatory framework to govern the gig workforce, ensuring access to employment benefits and social security coverage for all gig workers. Hence sustainable gig economy enhances the path towards Viksit Bharat.

Key Words: Gig Workforce, Gig Economy, Formalize Gig Economy, Social Security, Gig-Regulatory Mechanism.

Introduction

The internet of things enhanced innovations in businesses environment which intensified the growth of network-based business model. Digital platforms have paved way for substantial growth in Gig economy. The platform-based work model insinuated almost in all segments which tend to emerge new administrative setup to impact a vibrant and positive move towards

modern workforce. Myriad transformation occurs in traditional nature of work due to the fascinate nature of work culture in the Gig work. Despite being flexible nature of working time and location associated with Gig workforce the Gig economy have no standard minimum wage determination and no optimal social security provisions. The Social Security Code of 2020 recognized Gig workers and provides direction for registration to avail social security measures which will be provided exclusively for Gig workers. The corpus of this contemporary Gig economy renders to rethink and streamline the human resource management practices to adopt decisive HRM practices. In this booming Gig economy, the workers who are working as Gig workforce are outside employer employee relations. This in turn urged to formalize Gig economy by constitute a strong governing body in the Center and State. The financing for the social security schemes be contributory from all stake holders and noncontributory to constitute a strong social protection structure. Policy makers have to comply with the social security standards put forth by ILO and International Human Rights to develop a significant social security system.

Associated Chambers of Commerce and Industry stated that in India the Compound annual growth rate of the Gig economy is 17 percent. Due to the immense advantages associated with the gig employment. It becomes more preferable for the employers because it is cost -effective and it facilitate to get workers with specialized skills. Absence of formulizing Gig economy would lead to tremendous negative impact upon the working class.

Literature Review

Gig economy has enhanced challenges to their working force apart from the rewards they received from the Gig work. Gig workforce are facing precarious challenges such as the risk associated with their working conditions, dearth of social security measures, the digital algorithm for assessing the work efficiency etc. which in turn paved way to detriment the workforce. The repercussion of this lead to constrain the autonomy and the bargaining powers of the gig working class. ILO's Global Commission on the future of work stated the significant need for international governance mechanisms for proper governance of platforms and to enhance the rights of workforce by establishing basic rights and protections.

The Code on Social Security, 2020 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 relationship”.¹

Balliester, Thereza, and Adam Elsheikhi (2018) in their "The future of work: a literature review." *ILO Research Department Working paper* mentioned about the World Economic Forum (2017), puts forward the possibility to create portable health and pension plans, where the risk and responsibility for social protection will continue to be shared by employees, employers and the state, in order to include workers in non-standard employment and unemployed.²

Johnston, Hannah, and Chris Land-Kazlauskas.(2018) in their researcher paper titled "Organizing on-demand: Representation, voice, and collective bargaining in the gig economy." ends with a discussion of barriers that self-employed platform workers face to effectively achieve collective bargaining and efforts to achieve effective representation and collective bargaining for workers in the gig economy.³

Mohammad Amir Awar (2020) in their research work "Hidden transcripts of the gig economy: labour agency and the new art of resistance among African gig workers" examined the variegated landscape of agency among gig workers and revealed how different types of gig workers create their own labour geographies through everyday individual practices that are informal, subtle and unorganised.⁴

Vallas, Steven, and Juliet B. Schor.(2020) in their research work stated that reflecting the instability of the platform structure, struggles over regulatory regimes are dynamic and difficult to predict, but they are sure to gain in prominence as the platform economy grows.⁵

Tan, Zhi Ming, et al. (2021) has observed and suggested in the research report about the ethical concerns relating to algorithmic systems as mechanisms of control, and the

¹ THE CODE ON SOCIAL SECURITY, 2020 NO. 36 OF 2020

² Balliester, Thereza, and Adam Elsheikhi. "The future of work: a literature review." *ILO Research Department Working Paper* 29 (2018): 1-54.

³ Johnston, Hannah, and Chris Land-Kazlauskas. "Organizing on-demand: Representation, voice, and collective bargaining in the gig economy." (2018).

⁴ Anwar, Mohammad Amir, and Mark Graham. "Hidden transcripts of the gig economy: labour agency and the new art of resistance among African gig workers." *Environment and Planning A: Economy and Space* 52.7 (2020): 1269-1291.

⁵ Vallas, Steven, and Juliet B. Schor. "What do platforms do? Understanding the gig economy." *Annual Review of Sociology* 46 (2020): 273-294.

discrimination, exclusion and disconnectedness faced by gig workers require further deliberation and policy response.⁶

Research Gap

The literature review affords a wide perspective about the nature of Gig work and the risk associated in the digitalisation of labour market. The contemporary transformation in the world of work indeed spark a light for a constructive legal frame work to delineate the social protections to the platform workers. There is no studies with regard to structural frame work for an effective governance in the emerging digitalised based world of work. The researcher intend to fill the research gap by proposing a structural legal framework to formalize the Gig workforce without affecting the basic nature of the gig work. Thus the booming Gig economy have a sustainable development by enhancing a positive impact among the Gig workers.

Objectives of the Study

1. To explore the drastic transformation from the conventional mode of work to platform based work.
2. To identify the components for formalizing the Gig economy without affecting its basic nature.
3. To recommend an Administrative Structural Model for good governance of the modern Gig Economy.

Statement of Hypothesis

“Formalizing Gig Economy have significant positive impact in securing modern Gig workforce”

Research Design

The research study analyse the various components to formalize the Gig Economy. To achieve the objectives of the research study the researcher preferred doctrinal method. The research work was carried out based on Primary data and secondary data. The data for the present study has taken from Code on Social Security 2020, ILO’s “Global commission on the future of work” report, NITI Aayog’s “India’s Booming Gig and Platform Economy” report, Handbook

⁶ Tan, Zhi Ming, et al. "The ethical debate about the gig economy: A review and critical analysis." *Technology in Society* Vol.65 (2021): Pg 101594.

of Economics and Online sources.

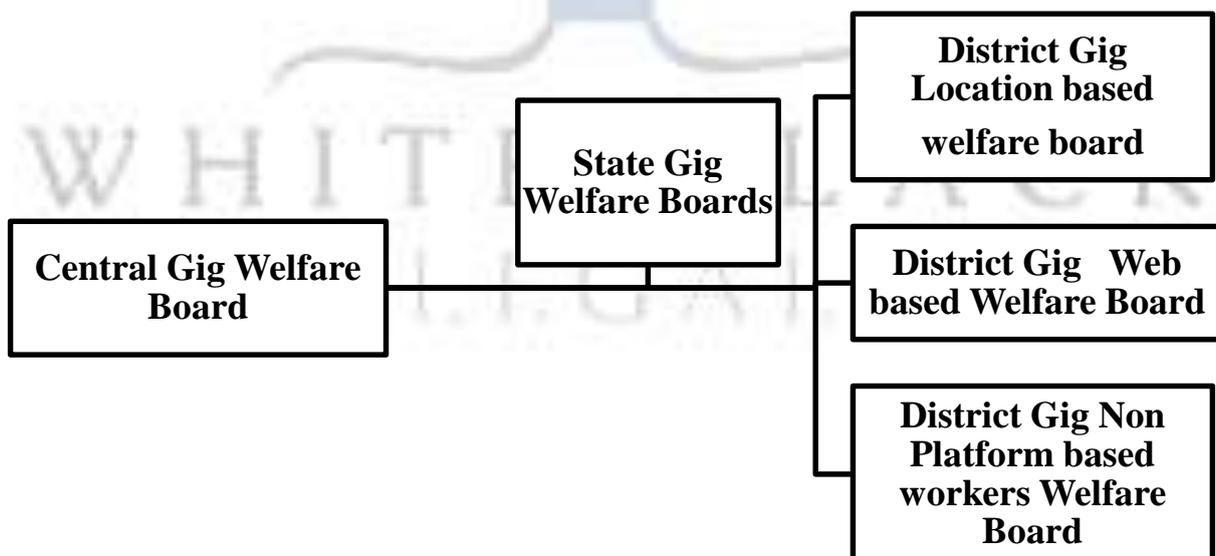
Linear Based Business Model

Business used to be operated mostly in the linear based model up to 19th century. This business model have a well-established supply chain. It create more value through their products they manufactured and all the services they are opting to offer to the persons in the downstream in the supply chain. The business are well aware about their customers and end users, they provide products and service assistance through the supply chain.

Platform based business Model

Platform based business model generate income only through third parties' productions and services. It cannot create its own value it create value through network. The supply chair were not present in this business model. Through the revenue sharing agreement between the other third parties the business generate income. In this business model there is no employer and employee relations. Because of the flexible nature of the work todays modern work force are preferring the network based business model to enhance their income in addition to their regular employment.

Proposed Gig Administrative Structural Model



Central Gig Welfare board

Central Gig Welfare Board has to be constituted under Ministry of Labour. The board must compose of representatives from the government, aggregators, Gig workers and women representative. It has to administer the welfare funds. The funds for Gig welfare have to be procreated from a tax levied from each business transactions, and contribution by the aggregators and Government.

State Gig Welfare Board

The Board must compose of representatives from the government, aggregators, workers from all category of Gig nature of work. The State Level Gig Welfare Board have to monitor and supervise all the district level welfare boards. If the district level welfare unable to settle any grievance then the State Level Gig Welfare board has to hear and settle the issues. These board are responsible for outreach the welfare and social security schemes provided by the appropriate State and the Central Government.

District Gig Welfare Boards

I. Location based platform workers

State Government in each district have to constitute one welfare board exclusively for the Gig workers whose work is based on locations such as Ola, Uber, Swiggy, Blinkit, etc. In location-based platforms the task assigned to a selected individuals. These welfare boards have to monitor the registration process of location-based platform workers and insist them to get registered. Once an individual get registered separate Identity number should be issued. The board also responsible for settling issues related to their working conditions of the registered workers.

II. Web based platform workers

State Government in each district have to constitute welfare board for the Web based platform workers such as Competitive programmers, Freelancers and Microtask. Web based welfare Boards have to assist for registrations and to help them to resolve any issues regarding their works. Once an individual get registered separate identity card will be issued by the board.

III. Non-Platform Gig Workers

Separate board has to constitute in each district for non-platform-based Gig workers. Individuals who are engaged in works other than online platforms for a temporary

period falls under this category. These welfare boards have to monitor the registration process of non-platform-based workers and insist them to get registered. Once an individual get registered separate Identity number should be issued. The board hear and settle issues related to their working conditions of the registered workers.

Welfare and Social Security Schemes

If Government announce any welfare schemes, then provisions to be set forth for automatic credit to bank accounts of the registered Gig worker based on the history of engagement in the gig workforce. Automatic intimation must be sent to the registered mobile number regarding present social security schemes and the welfare measures provided by the appropriate State and the Central Government to Gig workers.

Merits embedded in Gig Economy

The researcher after analysing various reports about Gig economy explored some of the basic components which act as a strong pillar in booming the Gig economy. Independence in choosing the work and fixing individuals convenient time for work is the significant nature of this modern digitalised world of work. “Centre for monitoring Indian Economy” report stated that Gig economy afford employment to thirty-one million individuals who are now engaged in gig workforce. Because of the autonomous and flexible nature of Gig works considerable number of population is coming for this nature of work. Many individuals apart from their formal nature of work carrying out Gig works to enhance their financial position.

Challenges in Gig Economy

Despite having some positive aspects in the Gig Economy which creates a revolutionary change in the world of work, the gig workers are outside the purview of an employer employee relationship this tremendously limit the liabilities of the platforms. Thus, in this contemporary era gig economy requires entirely new rules and regulations from the traditional nature of working environment to have an efficient governance in order to secure sustainable development and balanced economy.

Inconsistency in the income, unsecured job enhance insecurity among the gig workforce. The rights of workers who are engaged in the platform-based gig economy is highly constrained. There exists tremendous lack in legal protections and governance of this booming Gig

economy. They are not covered under the blanket under which formal employees are highly secured during uncertainties and sustained occupational hazards.

The Code on Social Security 2020 is not certain about the scope of gig works, the code has not provided clear intimation about the funding to the welfare fund. Workers who are engaged in digital based employment lacks social integration among the coworkers this would deprive them from a effective collective bargaining. In Gig network based works an individual is automatically and impliedly restraint from enhance his potential this would deprive him from placed in a better employment in future.

Recommendations and Conclusion

Formalizing the Gig economy without affecting the very nature of the Gig works enables to secure a positive impact among the workers engaged in platform-based works. Flexibility in employment options and time in Gig economy impose policy makers to enumerate policies pertaining to the working nature and governance mechanisms to establish social security and procurement of welfare funds to secure Gig workers. Thus, there is an immense need to constitute welfare boards to formalize the Gig economy without affecting the very nature of work. Through constructive legal framework and enforcement mechanism can make gig workers to make avail of social security schemes, thereby sustainable development in gig economy be proliferate. Thus, sustainable development in gig economy enables to enhance the path toward Viksit Bharat.

Reference

1. Saraha Kessler, *Gigged: The End of the Job and the Future of Work* Hardcover – June 12, 2018
2. Alexandra J. Ravenelle, *Hustle and Gig: Struggling and Surviving Economy*, Univ of California, 12-Mar-2019
3. Diane Muichay, *The Gig Economy, The Complete Guide to Getteing Better Work, Taking More Time Off, and Financing to the Life you Want*. 2016
4. Jamie wood cock, Mark Graham, *The Gig Economy: A Critical Introduction*
5. *Revolutionizing The Gig Economy: A Comprehensive Guide To Thriving In The New World Of Work*

6. Balliester, Thereza, and Adam Elsheikhi. "The future of work: a literature review." ILO Research Department Working Paper 29 (2018): 1-54.
7. Johnston, Hannah, and Chris Land-Kazlauskas. "Organizing on-demand: Representation, voice, and collective bargaining in the gig economy." (2018).
8. Anwar, Mohammad Amir, and Mark Graham. "Hidden transcripts of the gig economy: labour agency and the new art of resistance among African gig workers." *Environment and Planning A: Economy and Space* 52.7 (2020):
9. Vallas, Steven, and Juliet B. Schor. "What do platforms do? Understanding the gig economy." *Annual Review of Sociology* Vol 46 (2020): 273-294.
10. Tan, Zhi Ming, et al. "The ethical debate about the gig economy: A review and critical analysis." *Technology in Society* Vol 65 (2021): Pg 101594.
11. The Code on Social Security, 2020.

