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Flexible but Unprotected? Women in the Gig and Platform Economy and India's Code on Social Security, 2020

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Abstract. The Code on Social Security, 2020, enacted but not yet in force, is India's first law to define gig workers, platform workers and aggregators. This paper examines its adequacy for women platform workers, who are a small but growing share of an expanding workforce. Using doctrinal and comparative analysis of the Code, the Code on Wages, 2019, the Industrial Relations Code, 2020, the Rajasthan Act of 2023 and the UK Supreme Court's decision in Uber BV v. Aslam, together with research on algorithmic management and women's platform work, it finds that the Code's third-category, scheme-based model offers social-security possibilities but no minimum earnings, hours protection, transparency of algorithms or clear aggregator responsibility for harassment. The paper recommends minimum-earnings and hours rules, aggregator duties on safety and complaints, transparent deactivation procedures and maternity support portable across platforms.

Keywords: Gig economy; platform workers; women; algorithmic management; social security; India

1. Introduction

Platform work promises flexibility, and for many women that promise is attractive. Ride-hailing, food and grocery delivery, home-service and beauty platforms offer income without a fixed schedule or a conventional employer. Yet research on the gig economy repeatedly finds that the flexibility is conditional: income is unpredictable, work is controlled by algorithms, and risks such as accidents, harassment and non-payment fall on the worker (Wood et al., 2019). India's gig and platform workforce was estimated by NITI Aayog (2022) at 7.7 million in 2020–21, with projections of rapid growth, and women are a small but growing share.

The Code on Social Security, 2020 (the SS Code), enacted by Parliament but not yet in force, is India's first law to define "gig worker", "platform worker" and "aggregator" and to provide for social-security schemes for them. In 2023 the State of Rajasthan enacted the Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, the first state law of its kind. This paper examines these developments from the standpoint of women gig workers and asks whether a social-security-only model adequately addresses the problems they face.

2. Conceptual Framework

Two bodies of scholarship frame the discussion. The first concerns algorithmic management: platforms control workers through ratings, automated allocation of tasks and penalties, creating what Rosenblat and Stark (2016) call information asymmetries that give platforms power without the legal responsibilities of an employer. Wood et al. (2019) show that platform work combines apparent autonomy with intense algorithmic control and that this combination produces both flexibility and precarity. The second is the feminist critique of flexible work: flexibility that accommodates women's care responsibilities may entrench the gendered division of labour and result in lower earnings, fewer protections and little progression (Kasliwal, 2020).

The legal question is one of classification. In *Uber BV v. Aslam* (2021), the UK Supreme Court held that drivers were "workers" entitled to minimum wage and paid leave because of the degree of control exercised by the platform. Indian law has not yet taken a position on whether platform workers are employees; the SS Code creates a separate category.

3. Methodology

The study is doctrinal and comparative. It analyses the SS Code's provisions on gig and platform workers, the Code on Wages, 2019 and the Industrial Relations Code, 2020 for their application to such workers, the Rajasthan Act of 2023, and foreign precedent where relevant. It draws on empirical research on women in the gig economy. As the Codes are not yet in force, conclusions are about statutory design.

4. Women in the Gig and Platform Economy

Women's participation in platform work in India is limited and concentrated. Kasliwal (2020) found in a qualitative study of platforms that women are drawn to home-based and service-based platform work such as beauty, wellness and cleaning, and to online micro-tasks, and are under-represented in ride-hailing and delivery, which are shaped by concerns about safety, mobility and social norms. Women gig workers report difficulties including low and variable earnings, high commission deductions, the cost of equipment and travel, safety risks when entering customers' homes and little redress for abusive customers or unfair ratings.

Care responsibilities add to these constraints. Women often fit paid gig work around household tasks, and they accept low rates because they cannot compete for peak-time work. The absence of leave, maternity benefit and childcare means that a pregnancy or illness leads directly to loss of income.

5. The Legal Framework

5.1 The SS Code, 2020

The SS Code defines a gig worker as a person who earns from work arrangements outside a traditional employer–employee relationship, a platform worker as a person engaged in work through an online platform, and an aggregator as a digital intermediary connecting buyers and sellers. Aggregators in a listed set of sectors are to contribute between one and two per cent of annual turnover, capped at five per cent of what they pay to workers, to a fund for schemes covering matters such as life and disability cover, health and maternity benefits and old-age protection. Gig workers are to be registered, and the government has launched the e-Shram portal for registration of unorganised workers.

5.2 Other Codes

The Code on Wages, 2019 and the Industrial Relations Code, 2020 apply to "employees" and "workers". Gig and platform workers are not designated as employees, so entitlement to minimum wages, working-time limits and collective bargaining is not directly extended to them. They are dealt with primarily through the SS Code's schemes. Table 1 summarises the position.

Table 1. Protection for platform workers across the Codes

Area	Position under the Codes	Concern for women
Minimum wage and hours	Not extended to gig and platform workers	Low and variable earnings; long hours to reach target
Social security	Schemes under the SS Code; aggregator contribution	Benefits depend on schemes; qualifying conditions may not suit women's patterns
Maternity benefit	Possible through schemes	No enforceable entitlement; no job protection
Safety and harassment	General workplace law; POSH Act	Customer premises as workplace; aggregator duty unclear
Collective voice	Unions possible; no right to bargain with platforms	Few women's collectives; fear of deactivation

6. Critical Analysis

6.1 A third category and the problem of classification

By creating a separate category of gig and platform workers, the SS Code avoids deciding whether platforms are employers. It secures a form of social security without the full set of employment rights. For women, this matters: the rights that platform work most threatens, such as minimum earnings, limits on hours, protection from arbitrary deactivation and anti-discrimination, are those that employment status would bring. Following the reasoning in *Uber BV v. Aslam*, a control-based test of status would better capture the realities of platform work.

6.2 Algorithmic control and gender

Platform algorithms assign tasks, set prices and rate performance. For women, rating systems may reflect customer bias, and penalties for cancellation can disadvantage those who decline jobs for safety reasons. The Code does not address transparency of algorithms, grounds for deactivation or grievance procedures. Without such rules, safety-related refusals may lead to lower ratings and reduced work.

6.3 Safety and harassment

The Sexual Harassment of Women at Workplace Act, 2013 defines "workplace" widely, to include places visited in the course of employment and a dwelling place or house. This could extend to a woman working in a customer's home. But the Act is built around the employer, and it is unclear who the "employer" is for a platform worker. Aggregators may disclaim responsibility and treat the worker as an independent contractor. A clear statutory duty on aggregators to constitute complaints mechanisms and to take action on customer misconduct is needed.

6.4 Social security: promise and uncertainty

The aggregator contribution model is an innovative way of funding benefits. But the Code leaves the design of schemes to the government and the fund's size and eligibility to rules. Women with irregular patterns, those who work on multiple platforms and those who need maternity benefit need portability of work history across platforms. The Rajasthan Act of 2023, which provides for registration, a welfare board and a welfare fee on transactions, shows that states can move faster; but divergent state laws could lead to a patchwork.

7. Recommendations

- Prescribe in rules a minimum earnings guarantee and limits on working hours for platform workers, and consider a control-based test of employment status.
- Impose duties on aggregators to constitute complaints committees for harassment, to support workers in cases of customer misconduct and to ensure that safety-related refusals do not result in penalties.
- Require transparency in rating, task-allocation and deactivation processes, with a right of appeal.
- Design maternity and childcare support within the schemes, with qualifying service counted cumulatively across platforms.
- Collect and publish gender-disaggregated data on platform work, and engage women gig workers' organisations in scheme design.

8. Conclusion

The SS Code's recognition of gig and platform workers is a step forward, and the Rajasthan Act shows momentum at the state level. However, the social-security-only model leaves unresolved the questions of

status, earnings, algorithmic control and safety that matter most to women platform workers. Unless rules and later reforms address these questions, platform work will reproduce, in digital form, the insecurity that has long characterised women's informal employment.

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