



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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Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

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Dr. Rinu Saraswat

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Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

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Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated 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

THE GENDERED NATURE OF GIG WORK: ANALYSING INEQUALITY IN THE INDIAN PLATFORM ECONOMY

AUTHORED BY - SANJANA SINGH¹

ABSTRACT

The gig economy, fueled by internet-based services including Uber and Zomato, delivers job flexibility yet retains gender disparities. Women encounter numerous obstacles in this field, notably insufficient availability for high-paying jobs including transportation and shipment, which are frequently dominated by men. The gendered division of labor keeps women in lower-paying, freelance, and vacant positions, according to conventional gender standards and limiting their economic mobility. Furthermore, analytic assignment schemes and customer preconceptions may further exacerbate these gaps, with women earning fewer task assignments or impoverished reviews, affecting their ability to earn and employment stability. Safety issues and social expectations around caring duties also limit women's capacity to work late hours or access high-demand shifts, lowering their wages compared to males. To resolve these discrepancies, gig platforms necessitate particular standards such as more secure precautions, fair algorithms, and incentives that foster women's involvement in all jobs. Addressing these structural difficulties would result in a more inclusive gig economy, with equal possibilities and adaptability for both genders. To empower workers, platforms must advance beyond simply enabling flexible work and actively promote gender inclusiveness.

INTRODUCTION

The employment landscape has experienced a tragic change with the emergence of the digital platform. The pattern has now changed from traditional work to short-term jobs. As per the World Bank, there is a global rise in the non-standard forms of occupation and subsequently, in comparison to the report published in the year 2019, it has been observed that there is a significant rise in the gig economy accounts i.e., around 12 per cent of the total labor force are indulged in the platform economy.²

¹ 3rd year BA LL.B (Hons.), CHRIST (Deemed to be University), Delhi NCR.

² The World Bank, Demand for Online Gig Work Rapidly Rising in Developing Countries (Sept. 7, 2023, 10:00 AM), <https://www.worldbank.org/en/news/press-release/2023/09/07/demand-for-online-gig-work-rapidly-rising-in-developing-countries>.

Due to its changing nature of the task, the escalation is much better than predicted. The flexible behavior of the work allows the worker to pursue the job opportunity in balance with their interest. The expansion of internet platforms has made it simpler for individuals to research and apply for casual jobs.

Employment ranges from software engineers to online retailers and virtual assistants; digitalization has influenced every major industry, leading in the emergence of numerous digital employment. To interact with their customers, industries use digital technology. In India, the gig economy has risen to such prominence as a result of shifting customer and employer choices, as well as fast technological advancement. In compared to traditional employment, the gig economy provides far more flexibility to its members by allowing them to pick their work hours, work environment, and responsibilities, as well as facilitating access to a more structured work-life balance.

But along with granting flexibility and freedom this form of economy confers serious challenges too. It raises worries about job security, fair salaries, worker rights, instability, and gender wage disparities. The gig economy has created disparities between the global north and south, as well as between genders. The digital gap, caused by the rising digital platform, has led to restricted involvement in the economy.

A portion of the population lacks access to digital technologies and the ability to learn digital skills. Cultural roles and mindsets established by society have a huge influence on limiting equal possibilities. Furthermore, disparities in gender remains an important problem in this field, supported by the wage disparity between men and women, the demands that society has in terms of their job type, which primarily suggest specific areas of this economics to be persuaded by women and men, requirements about what makes up an ideal employee, and major income disparities.

Discussing the limitations of the gig economy's flexibility reveals substantial consequences for workers. The main concern in this field is social security benefits, which are often provided in traditional occupations. Participants in a gig economy are not provided with key benefits such as monetary time off, vacation time, life insurance, benefits for retirement, parental leave, or pensions. This platform economics lacks safety, particularly for women, which limits their skills and causes them to be reliant on their male relationships.

If this economy had been more prominent in providing such securities, women could have more financial independence, a point that resonates with Virginia Woolf's idea in *A Room of One's Own*—that women need both financial security and personal space to truly thrive³.

Furthermore, as indicated, the gig economy also contributes to sexist assumptions in terms of the sorts of occupations that women are inclined to embark on. Women are undoubtedly underrepresented in sectors such as administrative work, and men are expected to participate in and perform a specific set of tasks such as transporting and delivering services.

For example, whereas women account for only 16% in the gig the economy, 95% of drivers for Uber and 94% of Deliveroo, for drivers are male. In the transportation and storage sectors, men make up around 80% of the labor force⁴. This clearly demonstrates the prevalence of gender discrimination in job prospects in the freelance sector. However, women prefer to work in this type of economy because it allows for longer hours of work that correspond better with their other tasks, such as childcare and home responsibilities. To preserve a balance between home and professional life, women are turning to the gig economy, which has led them to leave regular occupations.

But this flexibility can charge them their career advancement and resulting less likely to attain leadership positions, limiting their influence and further amputating gender disparity in the workplace. All of this adds to women being excluded from decision-making roles, as well as to the larger battle against gender disparities across industries.

Women have always suffered a disadvantage in the labor market, which is caused by a variety of causes. Women's underrepresentation in managerial jobs, as well as their delayed career development within firms, which limits their prospects of advancing to higher positions, are examples of factors that unintentionally contribute to gender equality. According to Niti Aayog, female workers are more prone to other issues such as not having access of the Internet, which is one of the major necessities to be a part of the gig economy; additionally, they are burdened with house chores, which makes it difficult for them to strike a balance between work and

³ Govand Tayeb, *The Financial Autonomy in Virginia Woolf's "A Room of One's Own"*, 12 Acad. J. Nawroz U. 259, 265 (2023).

⁴ Anjuli Pandit, *Gender and the Gig Economy: A Qualitative Study of Gig Platforms for Women Workers*, Observer Res. Found. (June 4, 2020), <https://www.orfonline.org/research/gender-and-the-gig-economy-a-qualitative-study-of-gig-platforms-for-women-workers-65948>.

household things⁵.

The pay difference between men and women causes economic inequities. Despite the fact that women contribute to the economy by accounting for 50% of the workforce, they continue to face barriers to gender equality. Another problem for women is the lack having secure employment and an uncertain income. An ORF research puts light on other issues that women confront, such as difficulty in negotiating contract conditions since the competition in this sector is fierce, making it tough for women to bargain⁶.

The strong demand for gig workers is supported by a vast supply, and women often struggle to bargain with employers for fair compensation and improved working conditions. Working without formal work security makes women more vulnerable, and these issues underscore the importance of addressing the inequity that exists and is developing in the gig economy.

Historical Context of Gendered Labor Inequalities

Productive labor is closely associated with the concept of division of work between men and women, and in what ways does this division contribute to the subordination of women? The term reproductive labor was first coined by Karl Marx and Friedrich Engle. They emphasized distinguishing between the forms of labor. Firstly, they state about laborers involved in the production of goods and secondly, laborers involved in the production of the labor force. The latter included the performance of other duties as well such as cooking, cleaning and caregiving, considered as necessary to provide support to the productive economy. Feminist scholars in the year 1970 developed the concept of reproductive labor which was ignored by economists and socialists, emphasizing that unpaid work tends to be done by women at home. Feminists stated that the performance of such unpaid work disadvantages women in the labor market. Women mostly abstained from performing paid work either periodically i.e., because of taking breaks for childbirth or caregiving or extended periods which pose harm to their career and earning capabilities. As per norms and the roles pre-decided by the society for both genders, expect women to carry out double roles if they have entered in workforce i.e., they were supposed to perform the household chores and caregiving duties too. This

⁵ NITI Aayog, India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work (2022), https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf.

⁶ Anusha Kesarkar-Gavankar, Sauradeep Bag & Prithvi Gupta, Hope in the Horizon: India's Youth and Global Futures (Vol. 1), Observer Research Foundation (2024), <https://www.orfonline.org/research/hope-in-the-horizon-india-s-youth-and-global-futures-vol-1>

responsibility confines women with less time and energy to carry out their jobs leading to less contribution and unequal distribution of power between men and women. As a result, they were provided with lower-paying and lower-status jobs. As per the pre-decided roles, men had fewer household responsibilities, allowing them to access better job opportunities, more resources and greater influence in both the household and society. With the evolving and changing requirements of society, the need to improve the status of women has become a prevalent issue in India. However, till now this phrase lacks clarity i.e., what does this phrase truly mean? The term status of women, female autonomy, patriarchy, sex stratification, women's rights and men's situational advantage are commonly used internationally as well as in India. All these terms refer to the unequal position of women in comparison to men. Other crucial factors shaping the lives of women include power dynamics that are influenced by both gender, age and generation. From ancient times women have been expected to behave in a particular manner, society has assumed an ideal role that is to be played by women. Manu who was recognized as the first human in Hindu shastras was considered to be harsh towards women and as per him, women had only two tasks to perform which included performing household chores and observation of matrimonial duties. According to the rules specified by Manu in ancient scripts, women are expected to be under control and dependent upon their father before marriage and then their husband and sons. They were not allowed to make decisions and were just treated as reproductive machinery.

Due to their prescribed role, women were advised to worship their husbands and were not at all allowed to act independently. This implies that from the very beginning of the formation of society, women were restricted from participating in any kind of work other than household chores and the same ideology is still prevalent in many parts of the country. Consumer preferences of a particular gender in a particular field or disproportionate representation of women in a certain field of the economy is the result of such ideology. Social norms reinforce their lack of power by promoting behaviors like seclusion, subservience, and self-denial. Women are expected to act submissively, further restricting their independence and career opportunities.

Although the need for improvement in women's job opportunities has been recognized and received prominent attention in research and public policy, the influence on women's work conditions and earnings of these government policies and economic conditions has not resulted in significant change. Gender inequality is prevalent in both cultural and historical traditions

which specify roles to be played by men and women. The major considerable issue that persists in these traditions is the unequal division of unpaid care work. Considering the example of agriculture, earlier women used to engage in such activities as unpaid labor while men were supposed to make marketing decisions and control activities outside the field. This somehow leads to the segregation of women in the workforce and limits them to household roles. Research has posited several reasons for this outcome, including increased schooling, as well as the erosion of opportunities for women in this sector⁷. Women who are engaged in unsustainable casual jobs are offered low pay, long hours and little security which hinders their ability to express their part and continue to be discriminated against in the formal labor market. Regardless of the Equity Remuneration Act, women are hired at lower wages than males in the same profession. Employers discriminate when hiring for high-paying positions, typically favoring males over women. This apparent prejudice adds to existing gender inequity.

Constitutional Aspect and Emphasis on The Gendered Nature of The Division of Labor

Articles 14, 15, and 16 concern inclusion and equality without discrimination. These regulations define the framework for legal equality, the prohibition of gender discrimination, and equal chances in public employment⁸. In this regard, Article 15(3) permits the state to formulate particular regulations for women and children, and this is often employed to bolster women's labor protection statutes. However, unpaid domestic work conducted mostly by women—often thought to as "reproductive labor"—is not encompassed by the regulations since it falls outside of official economic categories⁹. As a result, though official employment sectors have benefited from improvements in equality among genders, domestic work remains practically covert and legally unprotected, reducing women to secondary economic roles.

Directive Principles of State Policy (Art. 39): Article 39(c) encourages the authorities to make sure that men and women receive "corresponding earnings for like function," while Article 39(a) stipulates necessary socioeconomic prospects to every citizen. Although the guidelines are instructive and not legally binding, they serve as guiding principles for developing social and economic policies¹⁰. Yet, they essentially target salaried workers while neglecting unpaid

⁷ Brendan Churchill et al., *Gendered and Generational Inequalities in the Gig Economy Era*, 55 J. Soc. 271 (2019), <https://journals.sagepub.com/doi/10.1177/1440783319893754>.

⁸ India Const. art. 14, 15, 16.

⁹ India Const. art. 15(3).

¹⁰ India Const. art. 39(a).

household employment. This absence of clear rights for irregular or informal employment perpetuates conventional gender roles, as feminine labor has monetarily depreciated, causing women to rely on male gender members and inhibiting their economic flexibility.

Marxist and Feminist theories say on reproductive labor

The premise of reproductive labor; while central of feminist and Marxist philosophy, has attracted scant attention in labor law and policy. Marxism Assessment: In their debates on workforce and business capitalism, Karl Marx and Friedrich Engels contrasted between a workforce that generates things and a workforce that reproduces one's labor force. A productive workforce generally has value materially, but reproductive labor—such as household management, infant care, and emotional support—is perceived as belonging to the "personal" or familial realm making it monetarily immaterial. The point being made here indicates that society utilizes feminine labor simply because it keeps up the general wellness and effectiveness of the conventional populace without discerning reimbursement.

Evaluation via the lens of feminism: In the 1970s, feminist scholars including Mariarosa Dalla Costa and Selma James discussed Marxist notions, contending that unpaid household labor was crucial for the capitalist system but was frequently refused both social and economic acknowledgement. They asserted that via keeping feminine labor unpaid, economic growth regimes exacerbate women's economic oppression. Feminists additionally maintained that by confining women to childcare responsibilities, the community generates a patriarchal division of labor wherein males regulate the public realm and have access to financial resources. Campaigns like The Wages for Housework aimed for legislative acknowledgement and economic remuneration for domestic work, emphasizing that this labor was as important as wage labor but was unfairly marginalized. Family Duties and Work Imbalance: Even when women are employed, they must take care of their households, support family members, and participate in emotional labor. This often leads to "double oscillates," with women balancing responsibilities at work and at home, putting pressure on their bodies and minds. The belief in unpaid household responsibilities stifles women's chances of achieving success in their careers. Labor Expectations for Extended Families: In joint family structures, women often contribute to their extended and immediate family's well-being without being paid. Although vital to the functioning of the family, this work often remains unrecognized and uncompensated.

PRECEDENT

In *Arvind Kumar Pandey & Ors vs. Girish Pandey & Ors*¹¹, the Supreme Court of India assessed the monetary award owed to the survivors of a dead housewife who lost her life in a car collision in 2006. At first, the Motor Accident Claims Tribunal dismissed reimbursement, alleging the lack of coverage on the car engaged. Considering an array of challenges, the Supreme Court held that a homemaker's considered income should be minimally equal to that of a worker earning a daily wage under the Minimum Wages Act. Acknowledging homemakers' concrete and vital actions, the Court awarded the appellants Rs. 6,00,000, demonstrating that homemakers' services have considerable, quantitative worth.

*Lata Wadhwa v. State of Bihar, (2001) 8 SCC 197*¹², In dealing with reparations for sufferers of a catastrophe, the Supreme Court of India entrusted Shri Y.V. Chandrachud to accelerate the proceedings. He employed the multiplier method, which has become standard in Indian and international legislation, according to precedent in the Safia Khatoon case and other decisions. Remuneration for homemakers, workers, and young ones is determined by reliance and age-related factors. Housewives' yearly service value initially was set at Rs. 10,000, but was later increased by the Court to Rs. 20,000, with an extra Rs. 50,000 as a standard payment. Employee remuneration was computed at 60% of their yearly salary, adjusted for age. Children got set amounts, with efforts assessed for individuals older than ten years. Shri Chandrachud imposed Rs. 1.19 crore for fatalities and Rs. 2.88 crore in interim compensation for injuries.

*Kirti vs. Oriental Insurance Company Ltd [CIVIL APPEAL NOS.1920 of 2021]*¹³, Vinod and Poonam were tragically killed in Delhi on April 12, 2014, after their motorbike was struck by a Sandro vehicle owing to reckless and careless driving. An FIR was lodged under Sections 279 and 304 IPC, backed up by statements from witnesses. Their daughters and their ageing parents brought a claim according to Section 166 of the Motor Vehicles Act. The respondents denied the claim, claiming that the passing victims were imprudent. The insurance firm first gave Rs. 6.47 lakhs and Rs. 10.71 lakhs to Poonam and Vinod, respectively. The High Court granted Rs. 22 lakhs, which was raised to Rs. 33.20 lakhs with interest at 9 per cent each year. The court's verdict recognized the economic advantage of compensating homemakers using the Replacement Method.

¹¹ *Arvind Kumar Pandey & Ors. v. Girish Pandey & Anr.*, (2024) SCC 2512 (SC) (India).

¹² *Lata Wadhwa v. State of Bihar*, (2001) 8 SCC 197 (India).

¹³ *Kirti v. Oriental Ins. Co. Ltd.*, Civil Appeal No. 1920 of 2021 (India).

The Structural and Functional Aspects of Labor in The Gig Economy

Signaling traits of Gig Work: Signaling theory discusses how businesses might hire prospective staff members when a direct assessment of their traits, such as productivity or capacity to perform, is not available. In the platform economy, where all labor is done digitally, businesses rely on signals such as certifications, schooling, evaluations, and feedback to determine if a person is qualified for the job. It is an important step in the field of gig economy since employers seldom encounter workers in person, and so the acceptability of the employment is determined by the internet reputation. For example, hiring a cab through Ola or a medical professional through Nomadhealth.com is primarily based on prior ratings, which indicate how skilled and dependable they are in their respective fields. These signals are considered reliable because they are acquired from crowdsourced data i.e., ratings from past customers. Therefore, the signals in the gig economy align closely with the qualities and skills of the worker.

Prospect for Equitable Employing

When the signals aren't sufficient and reliable for the employer to employ workers, they cover a broader range of information to determine the most suitable person for the work. The information is divided into two forms i.e., signals and indices. Signals are the information that can be controlled like education, training, and ratings whereas indices are the characteristics that are beyond the control. The best thing about indices is they cannot be faked or changed. However, the latter is not strongly connected to determining a person's capability at work and can lead to discrimination e.g., hiring someone based on their age, race, or height can lead to problematic and unfair decisions.

Cognitive Prejudices.

There are situations where biases occur unintentionally on the employer's part in the appointment process. Decisions based on characteristics such as gender can be one example, these biases are embedded in society for a longer period. There is a tendency that when employers are not sure about the ability of the candidate, they prefer people whom they are familiar with, and this applies to the employees as well they choose to join the occupation which has a higher number of their sex. Which ultimately leads to gender disparity and causes disadvantages to others in terms of wages, social security, etc. In the case of decisions based on signals, employers rely less on personal choices or indices and choose as per the qualifications, and skills. This can contribute to reducing the biases and equal opportunities will be provided to underrepresented or disproportionally represented people.

Intentional Discrimination.

Implicit bias talks about considering signals rather than indices to make appropriate decisions in appointing workers based on their skills and not on their attributes. But this doesn't eliminate the biases employers can still choose to discriminate intentionally. When the hiring is based on signals it makes it easier to identify that it is intentional bias, making it easier to penalize because it is against the social norms and policies. However, in the long run, greater job security is involved which means a bad hire will hugely cost the employer therefore the employers rely on indices to determine the ability of the person to perform. In the case of gig work, the work is short-time basis and not permanent therefore positive ratings and feedback send a strong signal to the employer stating their ability to fit into the work environment.

Additional Attention to Marginal Product

The issue of biases in hiring is one aspect of the economy to achieve the solution of economic equity. Another element is to guarantee that participants are paid fairly in their jobs. To calculate the worker's salary, the employer must use signaling theory and the neoclassical theory of economics to his contributions. Taking into consideration in case of cost or assets its quite a difficult task for the organization to differentiate among the contributions of several. If this criterion is not followed, the corporation will base its wage decision on the workers' previous salaries. In the gig economy, workers earn experience by doing a variety of short-term tasks, making it easier for the employer to determine their pay based on their ratings and reviews. As long as there is no deliberate prejudice, workers' real productivity is considered.

Gendered Segregation and Its Effects

Gender segregation is a pattern that demarcates men and women, and specifies the form in which both of them are disproportionately represented in different sectors. Women are under-represented in certain jobs and are over-represented in others when compared to the ratio of their overall employment. This segregation is visible in various proportions of the labor market. This is very much supported by the evidence of women's being part of jobs such as education, health, and clerical work. Due to other roles that have to be played by women, they are mainly employed in smaller firms or on part-time or temporary contracts. This segmentation is known as horizontal learning, where the division is based on the type of work or industry. On the other hand, there is a term called vertical segregation in which there is unequal distribution of men and women across different levels of a job hierarchy. In this type of segregation, women are mainly under-represented in high-status and paying jobs and they remain to be clustered in the

lower ranks in the work they are well-represented. On the other men tend to dominate the prestigious and high-paying jobs. An example of the same can be the role played by women in the education sector is mainly confined to acting as a teacher but men occupy the dominant position such as principal or director respectively. This trend confirms existing traditional gender roles and supports the notion that men are better suited to leadership and decision-making jobs, while women remain in supporting and lower-level positions. There are very few occupations that have an equal degree of distribution of men and women, which contributes to individuals joining the profession occupied by members of each sex. This gendered-based segregation is an important indication for understanding how the labor market operates along gender lines. It states that gender disparities are deeply ingrained in job possibilities, working conditions, and compensation. Gender segregation leads to limited professional options, access to benefits, and a lack of work stability. There are various methods to limit women's economic independence, capacity to get resources, and accelerate gender patterns that lead to women maintaining subservient positions. Ultimately gender segregation in the workplace not only reflects but also perpetuates broader gender inequalities in society.

Relevance of gig economy is increasing in India. It is playing a major role in ranging from towns to smaller cities. Companies such as Uber, Ola, amazon, Swiggy, and Zomato are some recognized employers in this sector. All these organizations emphasize providing flexibility regarding work arrangements through digital labor. Women were involved in traditional sectors playing the preferred role of a caregiver, beauty or wellness servicer. the emergence of this platform economy is quite appealing for them as other work opportunities in balance with their timing are available to them. The flexibility allows them to manage both their professional and personal responsibilities more effectively. They may also prefer these jobs because of prevalent gender norms as well as safety and mobility issues.

As per the report of the Oxford Internet Institute's fair work project around three million gig workers were registered on eleven major digital platforms in India¹⁴. Among these workers, the number of women in platform-based jobs saw a significant increase, rising by over 70% between 2018 and 2019—from 40,000 women in 2018 to 67,900 in 2019¹⁵. But the concern

¹⁴ Oxford Internet Institute, *Rating Fairness in the Indian Platform Economy: 2020 Fairwork Scores*, OXFORD INTERNET INST. BLOG (Dec. 15, 2020), <https://www.oii.ox.ac.uk/blog/rating-fairness-in-the-indian-platform-economy-2020-fairwork-scores/>

¹⁵ Sanghamitra Kar, *Women Bag Frontline Roles in Gig Economy, but Lag Behind in Wages*, THE ECON. TIMES (July 30, 2020), <https://economictimes.indiatimes.com/jobs/women-bag-frontline-roles-in-gig-economy-but-lag-behind-in-wages/articleshow/70442660.cms>.

is even after this growth women are under-represented in certain gig works such as delivery services and ride-hailing jobs. Furthermore, women are mostly represented in traditional areas such as beauty, and care work¹⁶. The growing demand for platform-based beauty and wellness services has been driven by the growing professional middle class. Platforms such as urban company have converted these traditional and informal services i.e., cleaning, into professional work. It has converted the gig economy into a commodity that fulfils the demands and needs of the busy population. Despite the professionalization, the gender pay gap between men and women continues to exist and the same goes for disproportionate division among them. A 2019 report by Team Lease estimated an 8-10% earnings gap between men and women in the gig economy, highlighting the ongoing issue of gender pay inequality¹⁷. According to the 2020 Mobile Gender Gap Report, Indian women are 20% less likely than men to own mobile phones due to cultural and social reasons. Only 21% of women use mobile internet, further limiting their ability to take full advantage of platform-based job opportunities. This digital divide significantly hampers women's engagement in the gig economy¹⁸.

Measure For Observation of Segregation

Duran dissimilarity index is recognized for measuring occupational segregation, stating that the ratio of men and women, who are required to change their jobs to attain equal distribution across occupations. For this index to be comparable over time, labor surveys must use consistent occupational classifications. However, India's latest labor survey (PLFS 2022-23) adopted the updated National Classification of Occupation (NCO-2015), whereas previous rounds between 2011-12 and 2021-22 used the NCO-2004. While the basic categories of occupations at the 1-digit levels are consistent, the precise categories at the 3-digit level vary between NCO-2004 to NCO-2015, making direct comparisons difficult. Furthermore, the covid-19 epidemic had a significant economic influence, influencing employment patterns. To investigate long-term patterns in occupational segregation prior to the pandemic, surveys from 2011-12 and 2019-20, which utilized the same categorization system (NCO-2004), were analyzed to offer a clearer picture of modifications to gender segregation in the workplace.

¹⁶ PricewaterhouseCoopers, *Workforce of the Future: The Competing Forces Shaping 2030* (Apr. 2017), <https://www.pwc.com/gx/en/services/people-organisation/workforce-of-the-future/workforce-of-the-future-the-competing-forces-shaping-2030-pwc.pdf>

¹⁷ TeamLease Services, *Employment Outlook Report 2019*, <https://www.teamleasegroup.com/employment-outlook-report-0>.

¹⁸ GSM Association, *The Mobile Gender Gap Report 2020* (2020), <https://www.gsma.com/mobilefordevelopment/wp-content/uploads/2020/05/GSMA-The-Mobile-Gender-Gap-Report-2020.pdf>.

Understanding Female Involvement in The Labor Force

Women's labor-force participation is influenced by a variety of structural and socioeconomic variables. Women's labor-force participation has increased significantly over time. Promoting and increasing women's access to the profession has an impact on economic progress. The latest PLFS Report for 2021-22 shows an increase in India's Female LFPR¹⁹. Despite the apparent lack of women in the labor sector, the rate of female unemployment has steadily increased over time, with approximately one-third of women currently taking part. Based on the latest PLFS figures, 32.8% of working-age women were employed in 2021-22, which is a 9.5% rise from 23.3% in 2017-18²⁰. The rural sector did better than the urban sector, with growth of 12.0 and 3.4 percentage points, respectively. In rural areas, the female labor force participation rate increased to 36.6% in 2021-22, compared to 24.6% in 2017-18, marking a 12.0% growth. Conversely, women's involvement in urban areas was significantly less compared to rural areas. In urban areas, the female labor force participation rate increased by 3.4% from 20.4% in 2017-18 to 23.8% in 2021-22¹¹. As per the yearly PLFS Report, Figures 1, 2 and 3 show the Female Labor Force Participation Rate for ages 15 years & above at the usual status during 2021-22²¹.

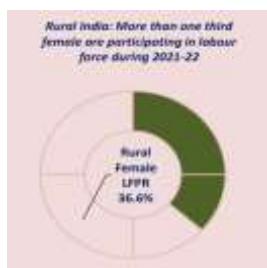


Figure 1: 36.6% of females aged 15 years & above in Rural areas are participating in the labor force, as against 78.2% of males. Female LFPR in the age group 15-59 years in Rural areas is 39.3%, as against 82.1% male. Overall LFPR in rural areas is 57.5% for persons of age 15 years & above and 60.8% for the age group 15-59 years



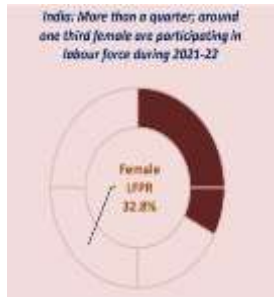
23.8% of females aged 15 years & above in Urban areas are participating in the labor force, as against 74.7% male. Female LFPR in the age group 15-59 years in Urban areas is 26.5%, as against 81.2% male. Overall LFPR in Urban areas is 49.7% for

¹⁹ Directorate General of Employment, *Female Labour Utilization in India* (Apr. 2023), [https://dge.gov.in/dge/sites/default/files/2023-05/Female Labour Utilization in India April 2023 final 1 - pages-1-2-merged_1 .pdf](https://dge.gov.in/dge/sites/default/files/2023-05/Female%20Labour%20Utilization%20in%20India%20April%202023%20final%201%20pages-1-2-merged_1.pdf).

²⁰ Directorate General of Employment, *Female Labour Utilization in India* (Apr. 2023), [https://dge.gov.in/dge/sites/default/files/2023-05/Female Labour Utilization in India April 2023 final 1 - pages-1-2-merged_1 .pdf](https://dge.gov.in/dge/sites/default/files/2023-05/Female%20Labour%20Utilization%20in%20India%20April%202023%20final%201%20pages-1-2-merged_1.pdf).

²¹ PRS Legislative Research, *Overview of Labour Law Reforms*, PRS India, <https://prsindia.org/billtrack/overview-of-labour-law-reforms>

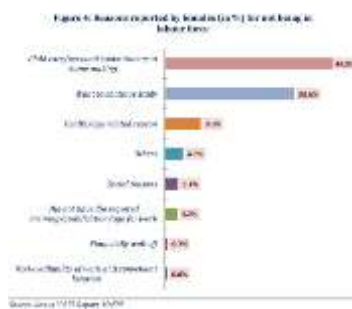
persons of age 15 years & above and 54.5% for age group 15-59 year



32.8% of females aged 15 years & above in India are participating in the labor force, as against 77.2% of males. Female LFPR in the age group 15-59 years is 35.6%, as against 81.8% male. Overall LFPR in India is 55.2% for persons aged 15 years & above and 58.9% for the age group 15-59 years.²²

Various factors influence the participation of women in the labor force, such as economic growth, educational attainment, birth rates, availability of childcare, and societal or cultural conventions. These factors function as both pushing and pulling influences, either motivating or deterring women from joining the workforce. Advancement in terms of the economy, education, and declining fertility rates results in the growth of women's labor force involvement. Despite these women face significant barriers in issues in acquiring economic opportunities. A key obstacle is the deeply ingrained social norms regarding gender roles. As per the report "Reshaping Norms of the World Bank, it is emphasized that even though there is economic development and a rise in income levels, they are not sufficient to resolve gender gaps. The social expectations regarding women's role that they should play in society often limit their ability to participate in the workforce, despite the working conditions. The Periodic Labor Force Survey (PLFS) 2021-22 clarify the reasons that are contributing to women being outside the labor force. It collects statistics on the key causes of men and women becoming unemployed. According to the article, women are primarily responsible for home activities such as childcare and domestic labor, and they struggle to combine their personal and professional lives. The lack of accessible childcare and other related services further hinders their engagement. Sociocultural conventions tend to define the role that women are supposed to play in the home, restricting them from seeking work prospects. Traditional conventions are highly established in rural communities, making it difficult for women to choose employment. Furthermore, safety concerns, instability and inadequate transportation restrict women's ability to go beyond their boundaries. Whereas men face fewer sociocultural barriers, allowing them to dominate in the workplace, contributing to gender disparity.

²²Directorate General of Employment, *Female Labour Utilization in India* (Apr. 2023), [https://dge.gov.in/dge/sites/default/files/2023-05/Female Labour Utilization in India April 2023 final 1 - pages-1-2-merged_1 .pdf](https://dge.gov.in/dge/sites/default/files/2023-05/Female%20Labour%20Utilization%20in%20India%20April%202023%20final%201%20pages-1-2-merged_1.pdf).



According to the PLFS 2021-22 results, the percentage distribution of men and women not being in the labor force for the main reasons as follows²³

EXISTING LAWS

Labor laws- labor is the subject matter under the concurrent list that is to be governed and managed by both central and state governments under the Indian Constitution. Before this law, there were around 40 central laws and more than 100 state laws regulating labor issues confusing regulations and governance. The Second National Commission on Labor (2002) to end this confusion recommended the consolidation of central laws into divisions such as industrial relations, wages, social security, safety, welfare, and working conditions. In the year 2019, the central government presented a bill to consolidate 29 labor laws into four major codes i.e., Code on Wages, 2019, Industrial Relations Code, 2020, Social Security Code, 2020, **Occupational Safety, Health and Working Conditions Code, 2020**²⁴

Code of Social Security- the emergence and growth of the modern labor market constituted two new forms of work, gig work and platform work. In India, the Code on Social Security, 2020 describes gig work as a form of economy that operates beyond the traditional occupation form. It refers to a particular form in which individuals earn through the digital platform. Digital platform plays a crucial role in the development of the digital economy. The government to ensure the development of such an economy has implemented a Dhan-Aadhaar-Mobile initiative to facilitate digital access. Its different characteristics differentiate it from traditional employment structures i.e., traditional employer-employee relationship. The aim behind the implementation of the Social Security Code was to streamline various social security laws in India. It provides with legal and comprehensive framework for the protection of workers particularly those who are employed in unorganized sectors, which involve a total

²³ PRS Legislative Research, *Overview of Labour Law Reforms*, PRS India, <https://prsindia.org/billtrack/overview-of-labour-law-reforms>

²⁴ PRS Legislative Research, *Issues for Consideration: Labour Codes*, PRSINDIA (2019), <https://prsindia.org/billtrack/prs-products/issues-for-consideration-labour-codes-3580>.

of 80 per cent of India's workforce. Even though this sector plays a crucial role in India's economy there are certain disadvantages associated with it such as it often lacks social security, employment benefits, etc. thereof this code intends to provide social security benefits to the workers to improve their situation in terms of financial as well as overall wellbeing. For providing the same social security funds will be established that will be subsidized at both the levels of government along with corporate social security. Moreover, National Social Security board is organized to examine the proper implementation and functioning of the policies and schemes suggested by the government.

Industrial Relations Code – The code consolidates three major laws related to Labor dispute and collective bargaining: the Industrial Dispute Act of 1947²⁵, the Trade Unions Act of 1926²⁶, and the Industrial Employment (Standing Orders) Act of 1946²⁷. These acts stated provisions for the prevention of layoffs, wrongful termination and the promotion of a safe and healthy working environment. It strictly dealt with the issues of illegal strikes and lockouts. The application of the Industrial Relations Code broadens the definition of a worker. It recognized fixed-term employment, offered more flexibility, and guaranteed them equal compensation, benefits, and working conditions. Regulations for strikes and lockouts were toughened, and employees were compelled to offer 14 days of notice before undertaking any of these activities. To facilitate a smooth bargaining process among employees, the notion of bargaining unions and councils was created. Furthermore, the Code requires industrial facilities with more than 20 employees to have grievance redressal processes in place, with a comparable proportion of members from both employers and employees on the committee. The committee should include an adequate amount of women to match their representation in the workforce.

Code on wages²⁸ - this code emphasizes on regulation and management of wages and bonus payment of workers in industries, business, trade, and other sectors It superseded four previous laws: the Minimum Wage Act of 1948²⁹, the Payment of Wages Act of 1936³⁰, the Payment of Bonus Act of 1965³¹, and the Equal Remuneration Act of 1976³². The code is widely adopted

²⁵ Industrial Disputes Act, Act No. 14, Acts of Parliament, 1947 (India).

²⁶ Trade Unions Act, Act No. 16, Acts of Parliament, 1926 (India).

²⁷ Industrial Employment (Standing Orders) Act, Act No. 20, Acts of Parliament, 1946 (India).

²⁸ Code on Wages, Act No. 29, Acts of Parliament, 2019 (India).

²⁹ Minimum Wages Act, Act No. 11, Acts of Parliament, 1948 (India).

³⁰ Payment of Wages Act, Act No. 4, Acts of Parliament, 1936 (India).

³¹ Payment of Bonus Act, Act No. 21, Acts of Parliament, 1965 (India).

³² Equal Remuneration Act, Act No. 25, Acts of Parliament, 1976 (India).

and applies to all employees in India, whether they work in organized or unorganized industries. This code defines earnings, salaries, and allowances; however, bonuses and travel allowances have been eliminated. The national government prescribes pay for workers in particular businesses, such as railroads and mining, while state governments determine rates for various sectors within the states they govern. Gender equality is absent in the platform economy, resulting in an obvious gender wage disparity, instability, and a lack of social security; consequently, it will be addressed in accordance with the principles outlined in this code. This code forbids gender discrimination in salary and hiring. It also created the notion of consequences for violating the restrictions outlined in this code.

There are certain downsides to this legislation, such as the lack of clarity in setting the minimum wage. Factors employed in determining minimum wages may result in an undue assignment of discretionary powers to the administrative authority. According to the regulations specified under this law, workers cannot contact the court directly; instead, they must approach the somewhat judicial or appellate body for their issues, restricting their capacity to advance to the legal system and delaying justice.

The concept of principal employer's liability might make it difficult to determine the liability and responsibility of the principal employer as the code does not make the principal employer responsible for wage payments if a labor contractor fails to pay.

Occupational Safety, Health and Working Conditions Code- this code has brought provisions for safeguarding the rights and well-being of workers in order to improve their working condition³³. The code has broadened the scope of the term factory, it states that any premise is to be considered as factory if it includes 20 workers utilizing power and 40 without power. It has set a limit on the working hour for the workers for protection of worker against any kind of exploitation to ensure that there are no overly long working days. Specific provision for the protection of women is also mentioned under this code which includes that no one can compel women to work between 7 pm and 6 am. This step is an initiative to ensure gender inclusivity in the workplace. Formal employment procedures are specified to ensure clarity in employment terms and better protection of workers' rights. This code has defined interstate migrant workers who usually migrate from one state to another for better employment opportunities. Firm

³³ Occupational Safety, Health and Working Conditions Code, Act No. 37, Acts of Parliament, 2020 (India).

workers, therefore they are not eligible for benefits like health insurance, paid time off, family leave protection, etc. that are offered to employees.

Relevance

This act integrates 13 Acts which govern well-being, security, and occupational standards. These regulations extend to manufacturing facilities, mines, harbour workers, constructing and building workers, farm labour, contractual workers, between-states migrant workers, automobile workers, advertising and marketing staff, and theatrical workers. The legislation integrates preceding Acts; nonetheless, it fails to streamline their provisions. It includes broad requirements that pertain to every business entity. It involves regulations relating to authorisation, statement filing, and workplace oversight. It contains further rules that relate to certain sorts of workers, like manufacturing and mine workers, multimedia workers, media professionals, advertising and promotion personnel, temporary labour, and workers in construction. Manufacturing and extraction activities may have been restricted to approved enterprises. In a similar vein, extra precautions could be needed by certain kinds of at-risk employees, such as temporary labourers and migrant workers. Yet, the rationale for undertaking additional preparations for other employees is uncertain. For instance, the Statute stipulates that individuals who experience impairment or giddiness shouldn't be working on building operations that pose a danger of damage. The query pertains to why such a wide safety requirement is not extended to all personnel. Comparably the statute regulates the keeping of contractual agreements for multimedia employees, highlighting the concern of precisely why such a group is given a higher priority. Likewise, the rules and regulations offers supplementary break for advertising and sales staff. It additionally states that employed media are not permitted to be at work exceeding 144 hours in a span of four weeks (a median of 36 hours of work each week). The minimal break and maximum hours of employment for all other Code-covered employees are determined by rules. The justification for treating working journalists and sales promotion personnel differently than other workers in terms of working conditions is uncertain.

Firoz Alam Vs State of Chhattisgarh³⁴

In Criminal Matter Number 60/2008, the complainant requested the annulment of the felony charges brought concerning him invalidated under Section 304A of the IPC. The complaint

³⁴ Firoz Alam v. State of Chhattisgarh, Crim. Misc. Pet. No. 36 of 2009, (Chhattisgarh HC Feb. 28, 2009).

stemmed following an occurrence on December 25, 2006, whereby the worker, Bablu Tiwari, incurred severe burns while performing duties in the petitioner's workplace and died from injuries he sustained on December 30, 2006. The complainant was beforehand sentenced and handed down Rs. 50,000 under Section 92 of the Factories Act, 1948, for infringing industrial safety requirements. He maintained that another indictment under Section 304A of the IPC was precluded by Section 300 of the CrPC as it was centered on identical grounds.

Significance

Businesses must priorities employee security and abide by the Factories Act, as highlighted throughout this instance. The combined indictment demonstrates the legal system's dedication to pursuing operations accountable for both regulatory compliance and criminal conduct that puts at risk people. Such legislative examination is intended to safeguard the interests of employees and promote secure conditions at work.

Occupational Health and Safety Association V Union of India³⁵

A non-governmental safety and health at work structure brought an application for writ under Article 32 of the Constitution, requesting standards for health and safety at work in industries, a thermal energy facility observing panel, reimbursement for employees affected by job duties health disorders, and the implementation of certain safety and health precautions. The complainant raised serious health concerns about employees at coal-fired thermal power plants (CFTPPs), such as pulmonary function abnormalities, skin disorders, and workplace dangers from dust, pollutants, and toxic chemicals. The Supreme Court underlined workers' entitlement to healthcare under Article 21, noting the significance of extensive healthcare inspections, safeguards, and collaborative leadership mechanisms in CFTPPs.

Significance

The case highlights the importance of ensuring secure environments in the workplace, acknowledging health and safety at work as an element of the right to dignity under Article 21. It stresses the necessity of preventative measures to avoid hazards at work and safeguard employees from potentially fatal operational disorders, indicating that their overall health is crucial for long-term industrial growth

³⁵ Occupational Health & Safety Ass'n v. Union of India & Ors., (2014) AIR SC 1469, 2014 Lab. I.C. 1399 (India).

Consumer Education & Research Centre V Union of India³⁶

The case demonstrates the substantial health hazards that asbestos sector workers suffer. It claims that present restrictions are insufficient and advocates for more severe restrictions in line with worldwide norms. Better medical document preservation, updated screening processes, obligatory coverage, lower exposure constraints, and less hazardous working environments are among the top priorities. The request for action addresses the infringement of labourers' basic rights and solicits reparation for individuals suffering from asbestos-related ailments. The court is anticipated to impose harsher standards and offer reimbursement to the injured labour. The present instance has important implications for labour and safety because it illustrates the serious threats to health encountered by asbestos workers and argues for tougher rules that would safeguard them.

RISKS AND OPPORTUNITIES FOR LABOR PROTECTION

Categorization Of Work

The gig economy is categorized in two forms, i.e., crowd work and work-on-demand via app. Despite the fact that they rely heavily on technology to coordinate workers with customers, they both use distinct types of labour. Although there are variances in how the platforms operate, they all suffer the same structural difficulties that result in violations of workers' rights, remuneration, and job stability.

Crowdwork: Transnational Online Tasks

It is a kind of labor that operates fully online; through the platform, workers from all over the world are linked to businesses and individuals whose interests overlap. It includes tasks ranging from the micro level, such as completing a survey, to more complicated projects, such as constructing and designing websites. The platform offers a variety of options for work allocation and payment. One such way is a competition-based framework, in which a single assignment is assigned to numerous workers, and the customer is only obligated to pay for the output that they judge to be better.

The concept of a first-come-first-serve basis or act as intermediaries, is also recognised, making it certain that workers will receive their payment directly through the portal. The feature of this platform type is that it operates online completely and there is no direct human contact which

³⁶ Consumer Educ. & Research Ctr. v. Union of India, (1995) 3 SCC 42 (India).

result in invisible work. It results in detachment from the employee and employer relationship leading to dehumanization of the workforce, as workers are just seen the extension of technology¹⁶³⁷.

Work-On-Demand Via App: Regional Tasks.

This type of platform seeks labor to execute local tasks that involve in-person interaction with clients, such as transportation or cleaning. This type of labor is typically connected with well-known platforms such as Uber, Lyft, and TaskRabbit. Apart from focusing only on physical tasks, it also emphasizes services such as legal consulting and secretarial labor. This platform provides freedom in terms of work scheduling and job kind, but it also exerts tremendous control over workers. The quality of the service provided by the worker is recorded by the means of feedback form and rating from the clients. It confirms the probability to which the worker would be continuing in the respective platform. Unlike crowdwork which does not require the worker to perform the task from any particular place this platform is limited by geography and time constraints.

Flexibility: A Double-Edged Sword

Flexibility is the most crucial feature of platform economy, with the growth of platform economy workers do experience flexibility in terms of timings, preferences, duration, etc. but this flexibility comes at a cost. The flexibility offered to businesses vs the flexibility offered to workers functions differently, it allows the business to appoint workers as per the demand and need and have to make payment for the time worked on the other side for workers flexibility means unpredictable income and irregular working hours. This form of economy might force the worker to compete for work that is only available at specific times of the day leading them to work during unsociable hours. There is a significant issue of income instability that prevails in this form of economy, by the reason of the availability of tasks and rates offered. There are chances of competition between the workers which act as a factor that contributes to driving down the wage, forcing individuals to work more hours to make ends meet.

The Human Cost: Emotional Labor and Dehumanization

The platform economy is different from the traditional occupation form. Technology has taken

³⁷Georgetown SFS, *India's Emerging Gig Economy: Shaping the Future of Work*, Issue, https://issuu.com/georgetownfs/docs/gjaa_vol.7_final/s/12573943

over the economy, which allows the work to be performed entirely by digital technologies and on digital platforms. This new formation has resulted in the dehumanization of the workforce. Workers lack a sense of belongingness and are just seen as an extension of technology. As the workers become invisible to the clients leading to a perception that their work is not “real” labor. This perception can add to poor treatment and low compensation. Certain exceptions can be seen in Work-On-Demand via App where workers are supposed to provide service to clients in person, so there is a presence of emotional labour and a sense of responsibility on the worker to maintain a positive attitude to receive good ratings and feedback.

FUTURE OF GIG ECONOMY

Reframing Labour Regulations for Social Impact and Widespread Support

The reframing of the existing labour law is crucial to have a positive and beneficial impact for the same it has to align with the evolving economic landscapes, technological advancements, and the unique needs of various sectors. The reform should take place following data analysis, strategical policymaking, and the establishment of institutions that will govern its functioning to maintain fair pay and inclusiveness.

Compliance with advanced statistical data is essential for strengthening the labour policy to examine the previous and current law enforcement practices. Examining these policies will benefit the policymakers to proceed with informed decisions as it will help them to know the perspective of the general public regarding the policy. They should concentrate on historical patterns in employment, salaries, and job satisfaction. Considering the effects of rising technologies and gig platforms on laborers would help them implement more effective worker rights protection procedures. The creation of a labor pay commission to provide workers with a fair compensation structure should be part of the rethinking of existing labor regulations. This should be followed by the establishment of minimum salaries in order to limit worker exploitation while also providing them with financial stability. Along with safeguarding workers, the body should strike a balance so that salaries and compensation do not impede industrial growth. There must be legislation governing fair remuneration for workers in the informal sector or gig economy. To keep up with the changing nature of work, considerable improvements to the labor management system are required. To maintain workers' flexibility, effective contractual labor agencies must be formed, allowing workers to perform for both

public and commercial entities. The agencies would provide contractual flexibility and enable many possibilities for workers to participate in both short- and long-term projects while earning fair salaries, regardless of gender or any other grounds of discrimination. To provide legal protection and advantages such as health insurance, welfare, and pensions, the agency should give employees with explicit contracts.

A digital literacy plan must be implemented to guarantee that everyone is conversant with the digital economy, regardless of gender, financial status, or geographic location. This workshop will teach individuals about digital technologies as well as how digital platforms work. Training sessions and workshops ought to be organized to familiarize staff with the potential and repercussions of their actions. Given the historical importance of women, unique initiatives for women must be introduced to build a more equitable digital economy in which everyone, regardless of gender, has an equal chance to participate.

For the seamless functioning of the platform economy and to ensure that workers' rights are protected adoption and effective implementation of labour laws are very important. As previously said, the gig economy falls short in terms of providing fundamental protection and benefits to workers; thus, it is critical to comply with labor law rules in order to obtain social security, medical care, and pension plans. Issues confronting gig workers must be addressed, such as guaranteeing fair treatment and suitable working hours. Funding models are essential; they should be given by both the commercial and public sectors to ensure the platform's long-term viability while providing equitable pay. An effective redressal system is required to resolve strikes and conflicts within its economy.

Women's empowerment is the major point of disagreement since they are disadvantaged for a variety of reasons, including conventional socioeconomic positions and societal perceptions. The platform economy has the potential to revolutionize women's employment opportunities. Skill development initiatives should be developed to increase their confidence; they will learn information and skills that are relevant to their jobs. The current gender inequality stigma can be alleviated by giving women access to internet platforms that allow them to engage worldwide. They should also be given financial literacy training so that they can grasp how the market works and how to successfully manage their profits and reinvest in their businesses.