

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

LEGAL PROTECTION OF GIG WORKERS AGAINST HARASSMENT AND DISCRIMINATION IN INDIA

AUTHORED BY - GOKUL RAJ M
BBA., LLB (Hons)¹

CO-AUTHOR - DR RAJESH KANNA R

Abstract

The rapid expansion of the gig economy in India—driven by digital platforms such as ride-hailing, food delivery, and freelance marketplaces—has fundamentally altered traditional employment relationships. Gig workers, typically engaged on a task-based or contractual basis, occupy a precarious legal position as they are generally classified as independent contractors rather than employees. This classification has significant implications for their access to legal protection, particularly in relation to harassment and discrimination in the workplace. Despite their growing contribution to the economy, gig workers remain inadequately protected under existing labour and employment laws, exposing them to vulnerabilities including arbitrary termination, algorithmic bias, unsafe working conditions, and limited grievance redressal mechanisms.

The Indian legal framework has begun to recognize gig workers through legislative developments such as the Code on Social Security, 2020, which formally defines “gig workers” and extends certain social security benefits to them. However, this recognition is limited in scope and does not equate gig workers with traditional employees, thereby excluding them from comprehensive protections available under labour laws. As a result, protections against workplace harassment and discrimination remain fragmented and indirect, often relying on general constitutional guarantees and sector-specific laws rather than a dedicated regulatory regime.

In the context of harassment, the applicability of laws such as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) to gig

¹ Students, vels institute of science, technology and advanced studies (VISTAS)

workers remains ambiguous. The Act primarily applies to formal workplace settings with defined employer-employee relationships, making its extension to platform-based work uncertain. Scholars have argued for a purposive interpretation of the law to include gig workers within its ambit, but in practice, enforcement remains inconsistent and largely dependent on platform policies rather than statutory mandates. Furthermore, gig workers often operate in decentralized and public spaces, which complicates the identification of the “workplace” and the assignment of liability for harassment.

Discrimination within the gig economy also manifests in novel forms, particularly through algorithmic management systems that determine work allocation, ratings, and remuneration. Emerging regulatory discussions in India highlight the need to ensure that such automated systems do not result in discriminatory outcomes, emphasizing accountability for platform operators.

However, the absence of explicit anti-discrimination provisions tailored to gig work means that workers must rely on broader constitutional protections under Articles 14, 15, and 21, which guarantee equality, non-discrimination, and the right to life and dignity.

While these provisions provide a normative foundation, their practical enforcement in gig work contexts is limited due to procedural and evidentiary challenges.

Additionally, existing labour laws such as the Contract Labour (Regulation and Abolition) Act, 1970, and general contract law offer only partial and indirect safeguards. These frameworks primarily address issues of contractual obligations and welfare measures but do not adequately address power imbalances or provide robust mechanisms to tackle harassment and discrimination in platform-mediated work environments. The lack of formal employment status further weakens gig workers’ ability to seek remedies through labour courts or industrial dispute mechanisms.

Recent policy developments and judicial discourse indicate a growing recognition of these gaps. Parliamentary committees and policy bodies have recommended clearer legal obligations for digital platforms, improved grievance redressal systems, and enhanced social security coverage for gig workers. However, comprehensive legislation specifically addressing harassment and discrimination in the gig economy is still lacking.

In conclusion, while India has taken initial steps toward recognizing and regulating gig work, the legal protection of gig workers against harassment and discrimination remains insufficient and fragmented. There is an urgent need for a dedicated legal framework that redefines employment relationships in the gig economy, extends existing workplace protections to non-traditional workers, and establishes effective enforcement mechanisms. Such reforms are essential to ensure dignity, equality, and security for gig workers in an increasingly digitalized labour market.

Chapter 1

Introduction

The rapid expansion of the gig economy in India has significantly transformed traditional employment structures and labour relations. With the rise of digital platforms such as Uber, Swiggy, and Zomato, a new model of work has emerged that prioritizes flexibility, autonomy, and task-based engagements over long-term employment. This platform-based system enables service providers to connect directly with consumers through mobile applications, thereby eliminating conventional employer-employee relationships. As a result, millions of individuals—including youth, migrant workers, and those from the informal sector—have increasingly turned to gig work as a primary or supplementary source of livelihood. This shift reflects broader economic and technological changes, including urbanization, digitalization, and the demand for on-demand services.

While the gig economy has created new economic opportunities and enhanced labour market participation, it has also introduced a range of legal and social challenges. One of the most pressing concerns is the ambiguous legal status of gig workers. Typically classified as independent contractors rather than employees, gig workers fall outside the protective framework of traditional labour laws. Consequently, they are often excluded from essential rights and benefits such as minimum wages, social security, job security, and workplace safety regulations. This lack of formal recognition creates a significant gap in legal protection, particularly in relation to issues of harassment and discrimination.

The absence of a clearly defined employer-employee relationship further complicates accountability in cases of workplace misconduct. Gig workers frequently interact with customers, platform algorithms, and sometimes third-party entities, making it difficult to

identify responsibility for harassment or discriminatory practices. Reports of gender-based harassment, caste-based discrimination, religious bias, and unfair treatment by customers or platform systems have become increasingly common. For instance, female delivery workers may face safety risks during late-night assignments, while workers from marginalized communities may experience biased ratings or denial of services based on identity. Despite these challenges, gig workers often lack access to effective grievance redressal mechanisms, leaving them vulnerable and without adequate remedies.

In response to the evolving nature of work, legislative developments such as the Code on Social Security, 2020 have attempted to recognize gig and platform workers as a distinct category within the labour framework. This recognition marks a significant step toward formalizing gig work and extending certain benefits. However, the scope of protection under the Code remains limited, as it primarily focuses on social security measures such as insurance and welfare schemes. It does not comprehensively address critical issues like workplace harassment, discrimination, or the need for robust enforcement mechanisms. Furthermore, the implementation of these provisions is still in its early stages, raising concerns about their practical effectiveness.

From a constitutional perspective, gig workers are entitled to fundamental rights such as equality before the law and protection against discrimination. However, the application of these rights in the context of decentralized and digitally mediated work environments remains uncertain. Unlike traditional workplaces, gig platforms operate through complex technological systems that blur the lines of accountability and jurisdiction. This creates challenges in enforcing constitutional protections and ensuring that gig workers can effectively exercise their rights.

Another important dimension of this issue is the role of technology in shaping work conditions. The algorithm-driven nature of platform work introduces the concept of “digital discrimination,” where automated systems influence job allocation, performance ratings, and even account deactivation. These algorithms often operate without transparency, making it difficult for workers to understand or challenge decisions that affect their livelihoods. For example, biased customer ratings or opaque performance metrics may lead to reduced work opportunities or unfair penalties. This lack of transparency raises serious concerns about fairness, due process, and the protection of workers’ rights in a digital environment.

Moreover, the regulatory framework governing platform companies remains underdeveloped. There is limited clarity regarding the legal responsibilities of these companies toward gig workers, particularly in relation to ensuring safe working conditions and preventing discrimination. While some platforms have introduced internal policies and support systems, these measures are often voluntary and lack legal enforceability. As a result, gig workers continue to operate in a precarious environment with minimal institutional support.

In light of these challenges, it becomes essential to critically examine the existing legal framework governing gig workers in India. This study focuses specifically on the issue of harassment and discrimination, aiming to identify gaps in current laws and policies. It also seeks to analyse judicial responses, if any, and evaluate the effectiveness of emerging regulatory approaches. By exploring these aspects, the research highlights the need for comprehensive legal reforms that address the unique characteristics of gig work while ensuring adequate protection for workers.

Ultimately, the protection of gig workers against harassment and discrimination is not merely a legal issue but also a matter of social justice and human dignity. As the gig economy continues to expand, it is imperative to develop an inclusive and responsive legal framework that balances innovation with worker protection. This requires a collaborative effort involving lawmakers, judiciary, platform companies, and civil society to ensure that the benefits of the digital economy are equitably distributed. Through this study, an attempt is made to contribute to the ongoing discourse on labour rights and to advocate for a more just and accountable system for gig workers in India.

Object & Scope of the Study

The object of this study is to analyze legal protections available to gig workers against harassment and discrimination in India. It examines constitutional provisions, labour laws, and the Code on Social Security, 2020. The scope includes platform-based workers in sectors like transportation and delivery. It also identifies gaps in implementation and enforcement. Comparative insights are included to strengthen the analysis.

Research Problem / Research Statement

Gig workers in India face harassment and discrimination without adequate legal remedies due to their ambiguous employment status. Existing labour laws do not fully recognize or protect them. There is a lack of clear accountability for digital platforms. This creates a regulatory gap affecting workers' rights. The study addresses this gap and its legal implications.

Research Questions

What is the legal status of gig workers in India?

Do existing laws adequately protect them from harassment and discrimination? What are the key gaps in the current legal framework?

How have courts interpreted gig worker rights? What reforms are necessary for better protection?

Hypothesis

The study hypothesizes that the current legal framework in India is insufficient to protect gig workers from harassment and discrimination. Their classification as independent contractors limits access to labour protections. It further assumes that legal recognition and targeted reforms can improve their condition. Strengthening platform accountability is also essential. Proper regulation can ensure fair and safe working conditions.

Methodology

The research follows a doctrinal and analytical approach. Primary sources include statutes, case laws, and government reports. Secondary sources include books, journal articles, and reports by organizations like the International Labour Organization. Comparative analysis with foreign jurisdictions is also used. The study critically evaluates existing legal frameworks.

Limitations

The study is limited by the lack of specific case laws on gig worker harassment in India. It relies largely on secondary data and legal analysis. Rapid developments in the gig economy may affect the relevance of findings. Comparative analysis may not fully apply due to jurisdictional differences. Field-based empirical data is not included.

Literature Review

Existing literature highlights the vulnerability of gig workers in the absence of formal protections. Reports by the International Labour Organization stress the need for social security and legal safeguards. Scholars have discussed misclassification and lack of accountability in platform work. However, limited research exists on harassment and discrimination in the Indian context. This study aims to fill that gap

Legal Rules for Gig Workers in India

1. Introduction

Outside standard job setups, people working via apps like those for rides or meals find unclear rules around their rights. Not built into old work laws meant for regular jobs, gaps show where support drops off. Shaped by shifting policies, the system for platform-based labour stays split, still taking form. Because of how things stand now, protection lags behind need

Out there, without labels, rules just fade away - especially when it comes to mistreatment, bias, or fairness at work. Even though new laws have taken steps toward acknowledgment, full safeguards haven't caught up yet.

2. Constitutional Framework

Though no law directly covers them, India's Constitution quietly shields gig workers anyway. Built-in rights step in where specific rules have yet to arrive. Protection shows up through broader promises, not written statutes. When laws lag behind reality, constitutional values still hold ground. Workers find support not in new acts, but old guarantees. Even without named clauses, fairness finds a way.

Everyone stands equal under the law because Article 14 says so. Laws must treat each person the same way, no exceptions. That rule applies everywhere within its reach. Fairness isn't optional here - it is required. Protection doesn't shift based on who you are. The system holds itself to this standard daily. No favor, no denial - just balance.

Nobody gets treated unfairly because of their faith, skin color, social ranking, gender, or where they come from. Discrimination based on these things is banned under Article 15.

Article 19(1)(g) ensures the freedom to practice any profession or carry on any occupation.

A person's life matters, so does their sense of worth - livelihood fits within that space. What keeps

someone alive also shapes how they are treated. Survival isn't separate from respect. Earning a living ties into both being safe and feeling seen. How one lives connects deeply to whether they can support themselves. Dignity shows up not just in words but in work too.

Even though everyone should have these rights, making them real in the gig economy gets messy - there's often no clear boss, just scattered ways of working. Some researchers say leaving gig workers out of job safeguards brings up deep questions about fairness and human worth

1. Labor Law Framework
2. Traditional Labor Laws

Labor rules in India include:

Industrial Disputes Act 1947 Employees State Insurance Act 1948 Employees Provident Funds Act 1952 Payment of Gratuity Act 1972

Working within a boss-staff setup forms the base of such rules. Because those doing gig jobs count as self-employed, these regulations simply do not apply - leaving them without guarantees on pay floors, retirement support, or safe job conditions

Left out like this, gig workers face serious risks - unfair treatment slips through. Protection fades when it matters most.

Code on Social Security 2020

A fresh chapter begins with the 2020 rules around social security. These guidelines now include what was long overlooked. Instead of ignoring certain groups, they bring them into view. Because gaps existed before, changes were needed. Over time, how support is given has shifted. Now recognition appears where it once did not. What used to be invisible becomes part of the system. Through updated terms, inclusion takes shape slowly

Gig workers Platform workers

Now recognized by India's legal system like never before.

Government gets power under The Code to create welfare programs that include: Life and disability insurance

Health and maternity benefits Old age protection

The Code comes with certain constraints

Workers in the gig economy stay outside the employee category under its rules Benefits are discretionary and dependent on government schemes

Still, tackling harassment or discrimination isn't its main aim

So even though the Code acknowledges things, actual rights might still go unprotected. It shows up without guaranteeing full coverage

1. Unorganized Workers Framework

Before the 2020 rules came along, a law from 2008 aimed at helping unorganized labor tried to offer some support. Yet gig workers were left out of that plan entirely- implementation lagged, details blurred.

For now, getting rules followed stays tough - actual reach to support services hardly improved. Still, the system struggles where it counts most

2. Judicial Methods and Legal Precedents

From court rulings often comes clarity on gig workers' rights. How judges see an employer-employee bond shapes everything else that follows. Their reading of laws sets boundaries where none seemed to exist before.

Indian Federation of App-Based Transport Workers (IFAT) v. Union of India (2021)

Into the Supreme Court walked a plea for gig workers' safety nets. A case opened not just claims but hopes. Before judges sat an appeal grounded in fairness. Benefits once distant now stirred in court air. For those who ride apps and deliver dreams, support flickered into legal light.

Workers on gigs deserve safeguards much like regular staff, claimed the appeal.

One thing became clear after the incident: governments must act when things go wrong. Still, companies running online services cannot escape their part either.

Significance:

Out of nowhere, a courtroom challenge shifts how gig work is seen under India's constitution and job laws. Not only does it question current norms, but also pulls informal labor into sharper legal view. Suddenly, what was once ignored begins demanding attention alongside established rights. Instead of staying invisible, these workers now stand at the edge of landmark recognition. All at once, old boundaries start feeling less fixed.

Dharangadhara Chemical Works Ltd. v. State of Saurashtra (1957)

A judge's decision long ago shaped how we spot a real job link. Not every work setup counts

the same way under law. What matters most is who holds the reins. Power to direct steps marks the line between worker and independent roles. Courts look at who sets the rules, not just titles on paper.

Relevance:

Workers in the gig economy might seem self-employed, yet how much direction they get from apps could redefine their status. Control often blurs the line between contractor and staff member. When digital platforms guide tasks closely, legal labels may not reflect reality. What appears freelance on paper sometimes functions more like a job. The key question centers on who really decides how work gets done.

Hussain Bhai took a stand against Alath Factory. That year, 1978, saw the clash reach courts. Workers joined under Thezhilali Union. A fight unfolded - not loud - yet firm. One man faced an industry. Voices rose through legal halls. Decisions followed, quiet but heavy

Not ownership, but who holds the financial reins mattered most to the judges. What counted wasn't the title on paper, instead it was where real influence sat.

Relevance:

Most people who work gig jobs rely heavily on apps or websites to earn money. Because of this, it makes sense that they should be seen as real workers by law.

Uber BV v. Aslam (UK Supreme Court, 2021) (Comparative Reference)

Not long ago, a judge decided that people driving for Uber fit the label of workers. These individuals now qualify for basic pay rules along with certain safeguards. One ruling reshaped how such platform-based jobs are viewed legally.

Relevance to India:

This ruling carries weight in India's discussions about gig workers, even if it does not set a legal requirement. Its impact shows up in how courts and lawmakers think about status and rights.

Emerging Legal Developments

Recent policy discussions and parliamentary recommendations emphasize: Mandatory registration of gig workers

Clear obligations on platform companies Expansion of social security coverage

Still, enforcement varies widely. Laws that fully tackle harassment and bias have yet to appear

Critical Analysis

Right now, the rules on the books fall short in more ways than one Ambiguous Employment Status

Working through gigs leaves people stuck between two worlds - called independent but treated like staff, yet shielded by neither label. Not quite worker, not truly contractor, protection slips away each time rules get tested.

Limited Reach of Social Security Rules

What good is being seen if there's no real power behind it? Empty gestures replace true fairness when laws won't back up claims. Visibility alone changes nothing without teeth in the rules

Absence of Anti Discrimination Rules

Right now, rules fail to cover online abuse driven by automated systems. What slips through the cracks? How tech amplifies unfair treatment without clear accountability. Digital spaces operate in gray zones where old regulations lose grip. Loopholes let harmful patterns continue unchecked behind screens.

Weak Enforcement Mechanisms

Most safeguards fail because they're rolled out badly.

A beginning has been made with laws for gig workers in India, though it remains fragile. Not every gap is covered by what the Constitution offers alongside the 2020 social security code. Slow movement appears through court decisions, nudging recognition closer. Yet change must come from new laws to handle issues like unfair treatment, abuse, and who takes responsibility.

Conclusion:

This chapter presents the concluding analysis of the study on legal protection of gig workers against harassment and discrimination in India. It brings together the insights derived from both doctrinal and empirical research to provide a comprehensive understanding of the issues examined throughout the study. The chapter aims to synthesize the key findings, evaluate the effectiveness of the existing legal and institutional framework, and propose practical as well as legal recommendations. The focus is on bridging the gap between law and practice while ensuring that gig workers are afforded dignity, equality, and protection in an evolving digital economy. The concluding discussion also reflects on the broader implications of the research in shaping labour policy, promoting social justice, and strengthening regulatory frameworks in India.

BIBLIOGRAPHY

Books

- Malik, P.L., *Handbook of Labour and Industrial Law*, Eastern Book Company.
- Srivastava, S.C., *Industrial Relations and Labour Laws*, Vikas Publishing.
- Deakin, Simon and Wilkinson, Frank, *The Law of the Labour Market*, Oxford University Press.
- Davidov, Guy, *A Purposive Approach to Labour Law*, Oxford University Press.
- Prassl, Jeremias, *Humans as a Service: The Promise and Perils of Work in the Gig Economy*, Oxford University Press.

WEBLIOGRAPHY

- Ministry of Labour and Employment, Government of India – Official website containing labour codes, notifications, and policy updates on gig and platform workers.
- NITI Aayog Reports on Gig Economy – Policy papers and reports analyzing gig work trends and workforce conditions in India.
- International Labour Organization (ILO) – Resources on gig economy, platform work, labour standards, and worker protection.
- PRS Legislative Research – Summaries and analyses of labour laws, including the Code on Social Security, 2020.

WHITE BLACK
LEGAL