

Regulating India's Gig Economy: Towards a Fair Future of Work for Women Workers

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Introduction

With the development of new technologies comes the promise of economic growth linked to higher productivity and increased efficiency for employers on one hand, and on the other hand, better safety, convenience, opportunities for reskilling/upskilling, higher flexibility, and easier connect to jobs for workers. Access to technology is considered a unifying agent. However, the allure of this technology-driven utopian world of work which is inclusive, gives workers more flexibility and incentives, and where people have time to do unpaid care and household work has to be balanced against the harsh reality of the disconnect between education and employment, and increased inequality.

In India as well, high levels of digital penetration, accompanied by good digital skills and an acute shortage of formal jobs has driven youth to opt for gig work as a primary or supplemental source of income. Numerous reports have hypothesized that gig work has proven to be a source of livelihood for people struggling to survive the COVID-19 pandemic and lockdowns. However, gig work in India, while flexible, has remained precarious, underpaid and unstable. The precarity is vastly exacerbated for women gig workers, who have to contest strict social norms and the engendered nature of work in order to participate in gig work. While the gig economy was expected to remove traditional gender barriers to financial and livelihood inclusion of women, it has proven to have a gendered impact where socio-cultural inequalities, which were previously restricted to the offline world, are now being replicated and intensified in the platform world.

In all of this, regulations in India are still playing catch up with the new emerging forms of work in the gig economy that are moving faster than the ability of institutions to regulate them. The conundrum of classifying gig work, which in turn will impact the benefits derived from such work, has long eluded India's policymakers who are reluctant to regulate technological behemoths. The research is expected to contribute to the knowledge on how gig work can be made viable for the long-term, ensuring that the promise of prosperity and upward mobility becomes a reality for India's women.

Research Objectives

The goal of the research is to develop a "Regulatory Roadmap for Gig Work", providing key recommendations on policy interventions that will foster a fair world of work for women gig workers in India. The research has the following objectives:

- Fill critical knowledge gaps regarding constraints and costs of participation in gig work for women, by developing an understanding of the gender dynamics at play.
- Analyse how gig platforms address the aforementioned barriers and constraints and outline the gaps that bar women's inclusion.
- Review current legal and regulatory provisions regarding gig workers in India, investigate government's responses, in the form of legislations and judicial pronouncements, that have implications for women gig workers.
- Identify points of potential intervention for policymakers.

- Make recommendations for regulations that would protect and champion women workers' interests on gig platforms, along the following four dimensions:
 - Safety and security
 - Data protection and privacy
 - Wage security
 - Dispute redressal

Methodology and Design

This research will use an exploratory approach to examine the gender dynamics intrinsic to new forms of gig work emerging on digital platforms in India, analyzing constraints, barriers and costs to women's participation. The data collected, consisting of interview transcripts, a wide variety of legislative and judicial publications, and company policies, will be treated to rigorous ongoing analysis. The design of this study is qualitative, explorative, descriptive and contextual in nature. Its qualitiveness, in the form of an ethnographic study that gathers observations, interviews and documentary data, will offer the opportunity to explore and uncover various barriers to women's successful participation in gig work in India, along four distinct dimensions:

- Safety and security
- Privacy and data protection
- Wage gap
- Dispute redressal

For this purpose, in-depth semi-structured interviews will be conducted with a range of stakeholders from the gig ecosystem - women gig workers, men gig workers, women not participating in gig work, experts and researchers, and trade union representatives. For the purpose of this research, platform companies and aggregators across four categories will be considered:

- Domestic Work like HouseJoy
- Beauty Services like UrbanCompany
- Cab Driving like Ola and Uber, and some women-targeted services like Koala Kabs
- Food Delivery like Zomato and Swiggy

A descriptive study will be suitable because little is known about the phenomenon of interest. Therefore, an in-depth literature review will be undertaken to critically analyse the existing labour practices within the gig economy in India and globally, the impact of increased platformization on women's labour force participation outcomes and the various attempts and failures in regulating platform companies. First, an analysis of the terms, contractual obligations and policies of major players in the digital platform space will be conducted to derive specific insights into whether private entities have been successful in fostering inclusion and empowerment of women gig workers. A regulatory analysis will then review the current legal provisions regarding gig workers in India, investigate legislative and judicial responses that have implications for platforms and/or service providers with a focus on those pertaining to women, and identify points of potential intervention. This approach will include secondary data analysis, regulatory analysis, interviews with women workers and entrepreneurs, and interviews with key stakeholders to fill critical knowledge gaps regarding the governance of gig platforms.