Algorithmic management in the platform workplace:
Thinking through a regulatory response in the Indian context

Nandini Chami, IT for Change, 16 November 2024

Presentation outline

- Algorithmic management in the platform workplace and some concerns we have from platform business practices in the Indian context
- IT for Change's views on the draft Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill, 2024 - provisions on algorithmic management
- Reflections for the Indian context - wrt regulatory deficits

What is algorithmic management in the platform workplace?

Algorithmic management can be defined as "the use of computer-programmed procedures for the coordination of labour input."

Algorithmic management is usually a core constituent element of a semi-automated decisionmaking system.

As Biacco et al (2022) argue in their background paper for the EU-ILO joint project on the future of work, "Even the most advanced models of algorithmic management, such as those used in digital labour platforms, still require intensive human intervention for the design, maintenance, and troubleshooting of the algorithms, and for dealing with exceptional cases or unforeseen situations. Thus, in practice even the most highly automated forms of algorithmic management are cases of "conditional automation", where algorithms deal with a number of predefined situations with interventions of human managers when necessary."
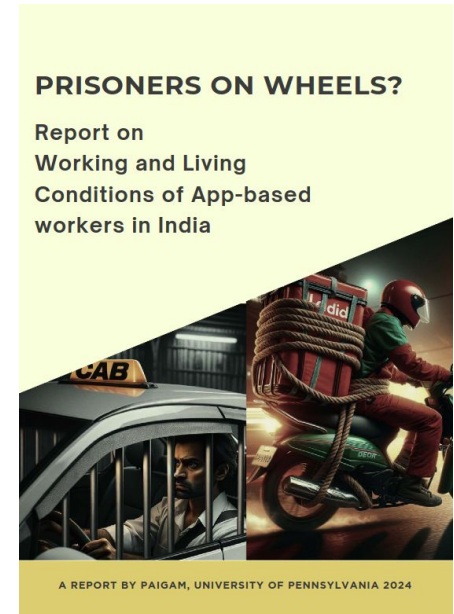
As the ILO Background Paper to the 2025 International Labour Conference points out, algorithms give rise to a number of transparency questions in relation to work management in the platform environment:

• the fair allocation of work and the possibility of discriminatory biases

• the quantity and timing of work made available to workers;

• the calculation of remuneration;

• the rating of the workers;

• the sanctions applied to workers; and

• the deactivation of workers from a platform

India - worker experiences of algorithmic management

Paigam study of 10,000 cab drivers and delivery workers in 8 Indian cities (2024)

- 68% of respondents reported algorithmic management is opaque, inscrutable. "With little or no information on how rides are fixed or allotted, how earnings and deductions are decided, the drivers/riders are in the dark in terms of how the algorithms work or are made to work by the aggregator companies."
- Workers have no control over the use of aggregate data collected and re-used by platform companies


PRISONERS ON WHEELS?

Report on Working and Living Conditions of App-based workers in India

CAB

A REPORT BY PAIGAM, UNIVERSITY OF PENNSYLVANIA 2024

slot-based platform work – Fairwork India 2024's analysis of the de-flexibilisation of platform work.

Slot-based platform work reduces "autonomy and flexibility to workers to choose when, for how long, and what jobs to work, their ability to make these choices has only narrowed".

Zomato GIGS: segmenting the work day into 13 slots where in each slot, delivery payments are at a different rate.

THIS IS ALGORITHMIC WAGE DISCRIMINATION - Veena Dubal, 2023 – transferring price discrimination from the consumer segmentation strategy to the worker management/labour control context by the digital platform

Fairwork

LABOUR STANDARDS IN THE PLATFORM ECONOMY

Fairwork India Ratings 2024
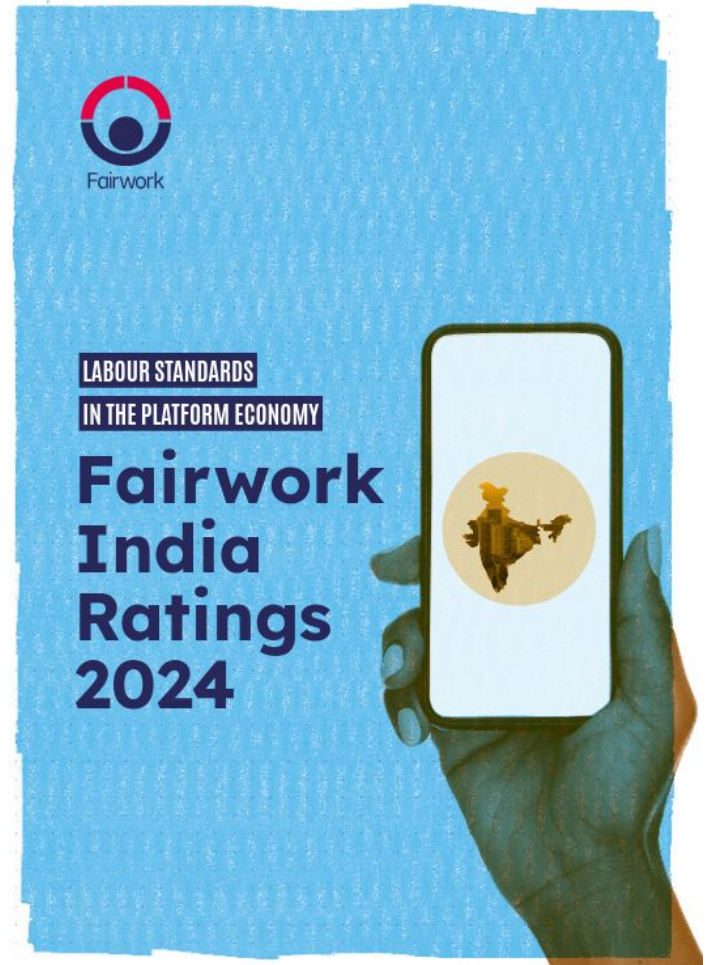
Our comments on the draft Karnataka Platform Based Gig Workers (Social Security and Welfare) Bill 2024 - from our joint submission

Definitions clause:

"Automated monitoring and decision making systems" means systems which make decisions solely by automated means with no or minimal human intervention

[Needs to account for the use of wide set of computer-programmed procedures for the coordination of labour input, including those with intensive human involvement, since the dominant case is partial/conditional automation]

Section 14 of the draft Karnataka Bill

14 1(1) The aggregator must proactively communicate the following information regarding the each platform based gig worker,in writing, in Kannada, English or any other language listed in the Eighth Schedule of the Constitution known to the platform based gig worker:

i) the main parameters which, either individually or collectively, are the most important for determining the allocation of work, the distribution of work, the assessment of work carried out, remuneration for work carried out, the grounds for denial of work and grounds for termination of contract or off-boarding of workers from the platform.

Section 14 (contd.)

(ii) the rating system and other metrics, if any, set up by the aggregator and its role in determining dimensions of work outlined in sub-section (1) of this Section;

(iii) categorisation of platform based gig workers, on the basis of the quality of service rendered, log-in time, or any other

(iv) the personal data of the respective platform based gig worker available with the aggregator, such as personal data

which is processed by the aggregator, including the purposes for which such personal data is processed;

(v) any other information that may be prescribed by the State Government

Section 14 of the draft Karnataka Bill (contd.)

Need to address slot-based platform work:

The aggregator and its automated monitoring and decision making system must provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the platform based gig

worker.

Explanation: A work environment that is safe and without risk to the health of the platform based gig worker includes ensuring that the platform based gig worker shall have adequate periods of rest during the work day and during the work week, access to sanitary and rest facilities, including reasonable travel time to and from such facilities.

Data sharing obligations – an area that needs to be deepened/addressed in the Karnataka bill

Real time data sharing about workers on-boarded (especially given complaints about workers' data being deleted after disputes) - in connection with social security entitlements

Also, taking a leaf out of Lagos State when thinking about compliance:

"Uber is breaking the laws of Lagos State by its reported failure to grant the Ministry of Transportation access to its database via an API integration. This is because such a refusal contravenes the provisions of the Lagos State taxi-hailing regulation which mandates every taxi-hailing company to do so."

NEWS, POLICY AND TECH · 🕐 3 minute read

Lagos government begins impounding Uber/Moove vehicles over failure to provide access to database

Ejike Kanife
8 months ago

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Some questions in relation to regulatory deficits at the national level

Algorithmic work management and employment relationship

Control through algorithm/geolocation services proof of employment relationship - Spain, High Court of Justice (Tribunal Superior de Justicia) núm. 1 de Oviedo, Case No. ECLI: ES:TSJAS:2019:1607, 25 July 2019

A presumption of an employment relationship with delivery platforms applies where "the activity of persons providing paid services ... by employers who exercise entrepreneurial powers of organization, direction and control directly, indirectly or implicitly, by means of algorithmic management of the service or working conditions, through a digital platform".

Question for the Indian context. Employer controls the conditions of work. Without employment status clarity, how do we get the platform to fix the algorithmic workplace?

Algorithmic transparency and its limits

"The defendant company's conduct consisting of its persistent refusal – arising from its failure to comply with a conduct considered mandatory – to communicate to the applicant trade unions the information [on the algorithm and its operational logic provided for by law] with the exclusion of the source codes and mathematical formulae used to create the computer platform, the only elements that may be covered by industrial or commercial secrecy … must be declared contrary to trade union freedom."

Source: Labour Court of Palermo, Filcams CGIL Palermo and others v. Foodinho S.R.L., 20 June 2023.

Question for the Indian context: Algorithmic transparency and freedom of association - the collective rights dimension; defining algorithmic transparency and limits (IP not an excuse)