# Fairwork India Ratings 2021: Labour Standards in the Platform Economy

## Executive summary

This report brings together the Fairwork project's third annual study of work conditions of gig workers on digital platforms in India. The past year has been marked by the unprecedented social and economic consequences of the COVID-19 pandemic. Amidst a pandemic-ravaged economy, when India's real gross domestic product shrank by 8.0 percent in 2020–2021,[i]" the increasing role of the gig economy was evident."[ii] But the impact has varied by sector. For instance, demand for the ride-hailing sector declined due to the mobility restrictions imposed either by the government, or self-imposed by consumers, to avoid the risk of contagion.[iii] However, these mobility restrictions only increased the demand for delivery and e-commerce platforms among those unable or unwilling to leave their homes to satisfy their personal needs.[iv]

This year, 11 platforms were evaluated by the Fairwork India team at the Centre for IT and Public Policy (CITAPP), International Institute of Information Technology Bangalore (IIITB), in partnership with the global Fairwork network. The evaluation relies on the five Fairwork principles—Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. Evidence of compliance with these five principles was collected through desk research, worker interviews, and interviews with platform management. The collected evidence was then used to assign a score to individual platforms. Scores are awarded out of 10, based on whether a platform meets the basic standard (one point) and a higher standard (an additional point) for each of these five principles.

The range in scores we report here highlights the heterogeneity in the organisation and operation of platforms across service-domains. The scores offer platforms a comparative framework to gain insights into the implications of various business models for their workers; for policy makers, it should clarify that not allservice-domains and platforms should be regulated identically. Workers are given a- view of working conditions across service-domains in the platform economy, and the scores add to the resources available to them when they collectively raise demands. Another purpose of the scores is to increase the awareness and sensitivity of consumers to the working conditions on these platforms. Thus, our hope is that platforms, regulators, workers, and consumers/users, will all use the Fairwork framework and ratings to imagine, and realise, a fairer platform economy in India.

**Key findings**

1. The Fairwork India 2021 scoring was carried out during a challenging year for gig workers because of the COVID-19 pandemic, the associated lockdowns, and the absence of reliable safety nets.
2. While not all platforms experienced a decline in demand for their services, workers' take-home earnings declined across all the platforms studied , in part owing to the increase in work-related costs (such as fuel costs and platform commissions). This decline is also in keeping with the long-term decline in the incomes of workers due to a decrease in rate cards and incentives. This year, BigBasket, Flipkart, and Urban Company committed to ensuring that all gig workers on their platforms will earn at least the hourly local minimum wage after factoring in their work-related costs.
3. While several platforms introduced COVID-19 safety measures, along with improvements to their insurance policies for their gig workers, only Flipkart and Urban Company were awarded the basic and advanced points under the Fair Conditions principle. Besides offering COVID-19-specific income protection this year to their gig workers, both platforms have also committed to compensating loss of income that would extend to situations beyond COVID-19.
4. BigBasket, Flipkart, Swiggy, and Zomato were awarded the basic point under Fair Contracts. Flipkart, Swiggy, and Zomato modified their contracts for gig workers to reduce the asymmetry in liabilities between gig workers and platforms, which earned them the advanced point in Fair Contracts as well.
5. Platforms fared relatively well under the Fair Management principle, with BigBasket, Dunzo, Flipkart, PharmEasy, Swiggy, Urban Company and Zomato all awarded the basic point. BigBasket, Flipkart, Swiggy, and Urban Company also scored the advanced point as they have now adopted policies against the discrimination of their gig workers, and have committed to regular, independent audits to ensure there are no biases in their work allocation systems.
6. Representation through a collective body or trade unions is a vital dimension of fairness at work. It is disconcerting to note that despite the rise in gig worker collectivisation in the country, none of the platforms studied expressed  a willingness to recognise a collective body of workers. Consequently, no platform earned either the basic or the advanced point on this principle.

# Editorial: Is the Platform Economy Really Creating 'Good Jobs'?

By providing the infrastructure to connect actors who offer services with those who demand them, digital platforms lower the transaction costs of matching supply and demand for work

opportunities.[v] Specifically, digital platforms make information about demand more easily available to smartphone-wielding workers, while providing consumers with convenient access to inexpensive services.[vi] As a result, platforms are viewed as having the potential to address the challenge of widespread underemployment and unemployment in the Global South, especially among youth.[vii]

This report examines platforms that offer work on-demand via apps or gigs, in service-domains including domestic and personal care , logistics, food delivery and transportation in India. The report points out that the growth of the platform economy has undoubtedly offered work opportunities in a country where the number of those seeking work has consistently exceeded the number of jobs available.[viii] However, there is growing concern about the work offered by platforms. It is far from clear whether their business models, which rely on being "asset-light", on engaging workers as "independent partners", and managing their work processes with algorithms, provide work that qualifies as what the International Labour Organisation terms "decent work".[ix]

In a recent article, a senior platform executive noted that some of these concerns are fair, and that as the digital platform industry grows," the more responsible and thoughtful it needs to be in everything it does."[x] In particular, the executive stated that "firms can't seek rising valuations, on the one hand, and treat their gig workers unfairly, on the other." However, he also went on to claim that "expecting a nascent industry to transform labour market conditions overnight is both unrealistic and unfair", and implored the reader to acknowledge that what "platforms have done is nothing short of a miracle both in terms of creating jobs as well as paying a fair wage."

This so-called miracle is explained in terms of how the innovative application of technology to create "efficient online 'marketplaces'" has enabled most platforms to extend "pay-outs beyond the minimum wage specified by the government." The executive added that, notwithstanding such payments, "it is unrealistic to expect the e-commerce industry to create jobs that are probably as well paying or fulfilling as their more upmarket cousin—the IT industry". He also cautions against "premature regulation" as that would be tantamount to "throwing the baby out with the bathwater."

There are reasons to suggest that these claims about a job-creation miracle, and the frequent reference to the fairness of platforms, are exaggerated. Empirically, as this report will show, the evidence does *not* support the claim that a majority of gig workers are paid a fair wage. Rather, the evidence shows that only a limited number of workers are able to earn a minimum wage, once work-related expenses are factored in. Therefore, drawing a comparison between the labour market for youth who have "migrated from rural farmlands", to the labour market for

much better paid STEM college graduates employed by the Indian IT industry,[xi] is unrealistic and not borne out on the ground.

There are also analytical shortcomings to the argument about "efficient marketplaces". First, markets are not merely mechanisms for economic transactions; they are also social institutions enacted by actors with varying degrees of economic power.[xii] It is to prevent powerful actors from exercising control over markets that state regulation is critical.[xiii] This is especially true of digital platforms, which are two-sided markets that generate network externalities to affect both competition and consumer choice. [xiv] While there is little doubt that digital platforms have increased work opportunities, the fact that gig workers find it hard to make a minimum wage only highlights how participating in increasingly flexible labour markets can lead to "working poverty"[xv]– giving the lie to arguments about "premature regulation". Although what qualifies as reasonable regulation merits debate, the clear *need* for regulation is not in question.

A second issue with the argument of efficient marketplaces is that they fail under conditions of information asymmetry. Platforms may be "revolutionary"—in as far as consumers rate every transaction, and workers with higher ratings get more assignments and the opportunity to improve their earnings—but workers rarely have access to the algorithmic logic or the criteria that determine how the ratings are used to evaluate their performance. In a process characterised by opacity, workers have little control over their future opportunities.[xvi]

All of these points bring us back to a normative question: what is meant by "fair"—and for whom? It is to provide specificity to the notion of fairness in platform work that we focus in this report on five principles—Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation, as perceived and experienced by gig workers. We evaluate platforms against these principles to show not only what the platform economy is, but also what it *can* be. Ultimately, our goal is to show that better, and fairer, jobs are possible in the platform economy.

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# The Fairwork Framework

Fairwork evaluates the working conditions of digital platforms and rates them on how well they do. To do this, we use five principles to determine whether the platforms are offering 'fair work'. The five Fairwork principles were developed at a number of multi-stakeholder workshops at the International Labour Organisation. Follow-up workshops were then held for local stakeholders in Berlin, Bangalore, Cape Town and Johannesburg. These workshops, and subsequent conversations with gig workers, platforms, trade unions, regulators, academics, and labour lawyers, allowed the project to revise and fine-tune the principles, and ensure that they were applicable to the local contexts. Further details on the thresholds for each principle, the criteria used to assess the collected evidence to score platforms, the process of recruiting workers for interviews, and details on the workforce of the platforms being evaluated can be found in Appendices 1–3.

**The five principles**

1. Fair Pay
Workers, irrespective of their employment classification, should earn a fair income in their home jurisdiction after taking account work-related costs. We assess earnings according to the hourly local minimum wage, as well as the current living wage.

2. Fair Conditions
Platforms should have policies to protect workers from occupational risks arising from the processes of work, and should take proactive measures to protect and promote the health and safety of workers.

3. Fair Contracts
Terms and conditions of work should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract must be free of clauses which unreasonably exclude liability on the part of the platform.

4. Fair Management
There should be a documented process through which workers can be heard, appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms must be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the management of workers on a platform (for example, in the hiring, disciplining, or firing of workers).

5. Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to engage and negotiate with them.

**Methodology**

The Fairwork project uses three approaches in parallel to study fairness at work.

Desk Research

The process starts with desk research to gain an understanding of the platforms in operation by identifying the largest and most influential ones. This research establishes the range and types of the platforms that will be rated, and identifies points of contact or ways to access workers. Desk research also serves to identify any public information that could be used to score a platform. The information could pertain, for instance, to the provision of particular services to workers, or to ongoing disputes. Desk research helped identify 11 prominent platforms operating in Bangalore and Delhi, based on the size of their workforce, consumer base, and investments.

Platform Interviews

The second method involves approaching platforms for evidence. Platform managers are interviewed and evidence is requested for each Fairwork principle. This step provides insights into the operation and business models of the platforms, and opens up a dialogue through which platforms can agree to implement changes. In cases where platform managers do not agree to engage with Fairwork, scoring is limited to evidence obtained through desk research and worker interviews.

Worker Interviews

The third method involves interviewing workers of each platform. These interviews do not aim to be a statistically representative set of worker experiences. Rather, they are a means to examine platforms' policies and practices as they pertain to the Fairwork principles. Specifically, they seek to gain insight into how work is carried out, and how work processes are managed and experienced, on platforms. More broadly, the interviews also situate platform work in the careers of workers by understanding their motivation for entry into a platform, how long they envision undertaking gigs on the current platform before seeking an alternative either on another platform or in a different service-domains, and how their experience of gig work is shaped by their interaction with fellow workers and the labour market.

Putting It All Together

Drawing on multiple sources offers the opportunity to triangulate evidence. Once the evidence is gathered it is subject to peer review, with final scores collectively decided by the Fairwork country team and reviewers from other Fairwork country teams. This lends consistency and rigour to the scoring process. Points are only awarded if clear evidence or commitments exist for each threshold.

**How We Score**

Each Fairwork principle is broken down into two points: a basic point and a more advanced point that can only be awarded if the basic point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question; it simply means that we were unable to evidence its compliance. Acknowledging that the conditions platforms offer workers change in response to economic and social pressures, the report also showcases the changes that platforms are making toward implementing the principles – from measures being initiated to those that are commitments, not all of which may merit a point. Reading the scores with the changes will provide a glimpse into how the platform economy is likely to evolve.

## Overview of the Platform Economy in India

The dominant feature of the Indian labour market is its informality, meaning jobs that lack contracts, paid leave and other benefits. [xvii] In 2017–2018, an estimated 90.7 percent of employment in India was informal.[xviii] The ongoing pandemic has only made things worse, with an estimated half of formal salaried workers moving into informal work between late 2019 and

late 2020.[xix] While there is a clear administrative distinction between formality and informality, the formal/informal sectors must be understood as "a series of transactions that connect different economies and spaces to one another", rather than in dichotomous terms.[xx] Indeed, in India, 5.2 percent of informal employment in 2017–2018 was to be found in the formal sector, indicating outsourcing practices.[xxi]

With rampant informality all over the Global South,[xxii] and amidst the excitement generated by "digital disruption",[xxiii] platforms have framed themselves as "a revolution in labour markets, suggesting that they can help lift people out of poverty,"[xxiv] with gig work seen as offering a win-win situation for both job providers and job seekers.[xxv] Some have gone further to claim that platforms serve as "on-ramps to formalisation in the Global South."[xxvi]

Similar arguments about the formalising effects of the platform economy have been widely made in the Indian context in recent times.[xxvii] One report, published by a think tank affiliated with a platform, has argued that "digitalisation / platformisation of work has given rise to a new classification of labour—platform labour—different from the traditional dichotomy of formal and informal labour."[xxviii] Ironically, while the report cites a number of seminal studies that point to the futility of viewing employment in terms of a formal/informal dichotomy, by highlighting platform labour as a new classification, the report is simply adding a third—leaving the analytical superiority of a trichotomy unclear.

The report argues that since the platform economy straddles the formal / informal dichotomy by, for instance, offering workers reliable payments and credit access, while allowing them to retain the flexibility of choosing their work hours, it "expedites the 'formalisation 'process of the economy as a whole" by "plugging in a tech tool to streamline the process with an algorithmic coherence." The technological determinism and unidirectionality of this posited trajectory ignore the long history of how such projections of social change have come to nought—from Marxist assertions about the inevitable transition to communism, or the assertions of modernists about the promise of mass-consumption societies.

Even assuming that platformisation offers "a plethora of benefits to workers and the economy at large" it is unclear how it will inevitably lead to formalisation. Various studies have confirmed the lack of "systematic links" between information technologies and employment, and that the broad relationship between technology and work can only be understood as a "complex interaction within a social system" comprising "management decisions, systems of industrial relations, cultural and institutional environments and government policies."[xxix]

The report spells out five broad policy initiatives for the Indian government to unlock the potential of jobs in the post-COVID-19 world. Foremost, it calls for the restructuring of "social

security nets in tandem with the classifications recognised in [the] Code on Social Security, 2020". It is noteworthy that, among the four codes recently passed by the government to overhaul labour laws in the country, the Code on Social Security identifies for the first time the gig worker and platform work as distinct categories.[xxx] The other three codes make no reference to either category. While the acknowledgement of the need for social security for gig workers and platform work is welcome, the silence of the report on the other codes, especially the Code on Wages, 2019,[xxxi] and the Industrial Relations Code, 2020,[xxxii] is hard to overlook. More so, because wages and management control, as our research shows, goes to the heart of discontent with platform work, as reflected in increasing protests by workers across the country.

The think tank's report also calls on the government to design progressively universal, portable, and inclusive social protection, upskill young workers, and ensure access to credit and finance. It states: "platformisation of everyday must go hand-in-hand with the financialisation of everything." Thus, the report places the onus on government policies to unlock the potential of the platform economy. Yet, it is the report's silence about changes to management decisions, and in systems of industrial relations, that speaks loudly.

The silence should perhaps not come as a surprise. The sweeping claim by the report that "the platform economy leverages both demography and technology to promote financial and social inclusion across India",ignores that connections in the informational economy are made "according to criteria of valuation and devaluation enforced by social interests that are dominant in these networks."[xxxiii] We hope the Fairwork India 2021 Report provides a means by which to understand how platform work values and devalues the social interests of gig workers.


## Legal and Policy Context


The contentious relationship between gig workers and the platforms they work for continues to define the platform economy. Last year's Fairwork India 2020 report [xxxiv] highlighted the disparities between employees and gig workers (aka "independent contractors") along several dimensions, including social security benefits, gratuity pay, collective bargaining rights, minimum wage protection, and working hours. Stakeholders across the Indian platform economy—including workers, collectives, platforms, and the state—have responded differently to this disparity over the past year.

Since the state significantly shapes economic and labour market policies, [xxxv] the Indian Federation of App-based Transport Workers (IFAT), along with two gig workers, filed a Public Interest Litigation [xxxvi] in September 2021 to  either affirm the employer–employee relationship

between them and platforms or to demand recognition of gig workers under the Unorganized Workers Act, 2008, in order to bring gig workers under the purview of the existing social security system. The litigation follows the UK ruling in the matter of Uber BV and Ors (appellants) v. Aslam and Ors (respondents),[xxxvii] and relies on the tests of economic control, supervision, and integration to contend that there exists an employee–employer relationship between platforms and gig workers, despite the claims made by platforms.[xxxviii] The appeal for recognition as unorganised workers aims to ensure the inclusion of gig workers in the social security schemes of the Central Government applicable under this Act[xxxix]

Although the state has not yet taken cognizance of the existence of an employee–employer relationship between platforms and their workers, it has taken steps to acknowledge and recognise platform workers as a distinct category with rights. For example, the E-shram portal[xl] hosts a National Database of Unorganized Workers (NDUW) as a registry for unorganised workers to access social security. By December 2021, the database recorded registrations of more than 700,000 platform workers.[xli] Despite these registrations, the E-shram portal is mired in administrative hurdles.[xlii] As mentioned in the previous section, the Code on Social Security, 2020, is a parallel effort to bring Indian platform workers under the purview of social security schemes.

While social security concerns are being addressed with new regulations, existing regulation could also be leveraged to address the immediate occupational risks faced by platform workers. For instance, applying the definition of "hours of work" under the Motor Transport Workers Act, 1961[xliii] to platform workers would allow for the inclusion of workers 'time spent on: 1) delivering and servicing consumer orders, and traveling to and from consumers to the hub (running time); 2) waiting for orders/payments from consumers ("at the disposal of the employer"); 3) waiting for orders from restaurants or hubs (subsidiary work); 4) picking up an attached or leased vehicle; 5)  the upkeep of vehicles; 6) waiting at the hub or operation center for resuming work or for registering their attendance (period of mere attendance).

The Karnataka Motor Vehicle Rules, 1989, limits the weight that can be carried by workers on vehicles with and without permits; these provisions could provide respite for gig workers engaged in delivery service platforms. Similarly, applying the remedial provisions, redressal mechanisms, and the policies concerning criminal violence, service user violence, violence at work, and worker-on-worker violence (internal and external violence) in the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 (POSH Act), and the Industrial Employment (Standing Orders) Act, 1946, would also benefit gig workers.[xliv]

## Fairwork Scores 2021

Flipkart: 7
Urban Company: 5
BigBasket: 4
Swiggy: 4
Zomato: 3
Amazon: 1
Dunzo: 1
PharmEasy: 1
Ola: 0
Porter: 0
Uber: 0

**Pay**

Our research showed that the take-home earnings of gig workers declined in 2021. This could be attributed, in part, to the decline in demand for some services  (such as ride-hailing).[xlv] Increases in work-related costs (such as fuel costs and platform commissions) during the second wave of the COVID-19 pandemic, along with continued decrease in rate cards and incentives, also contributed to a decline in incomes.[xlvi] This year, only BigBasket, Flipkart and Urban Company were awarded the basic point because of the commitment they have made to paying workers the hourly local minimum wage after factoring in work-related costs (see Changes in Focus section, below). To make the advanced point, workers had to earn at least the local living wage after costs, with the living wage figure derived from Wage Indicator's living wage benchmark for India.[xlvii] No platform was awarded the point this year.

**Conditions**

Gig workers face several risks during the course of their work. To the list of risks workers routinely face, including road accidents, theft, violence, and adverse weather conditions, there was the risk of COVID-19 infection in 2020-2021. We examined the measures platforms had taken, and drew on our worker interviews, and desk research, to determine whether workers felt supported and protected by platforms in navigating these daily and longer-term risks.

The basic point was awarded to platforms that mitigated occupational risks and had a policy for data protection.[xlviii] Amazon, Flipkart and Urban Company were awarded the basic point this year, taking into account their accident insurance policies, the steps taken to improve claims

processes and raise awareness of accident insurance, provision of masks, sanitizers, a COVID-19 vaccination drive and insurance cover, and the presence and responsiveness of their emergency helplines. As will be pointed out in the Changes in Focus section, other platforms have either committed to, or have initiated, action along these lines as well.

The advanced point this year was awarded to platforms that provided monetary support to workers during difficult circumstances, and ensured that their standing on the platform was not affected when they returned from a leave of absence. Flipkart and Urban Company were awarded the advanced point for committing to policies to provide such support in specified circumstances and for demonstrating that workers 'standing did not fall upon taking leave.

## Contract

The basic point under Fair Contract was awarded to platforms that met two thresholds. One, they had to provide accessible, readable and comprehensible agreements and, two, they had to have a process of notifying workers prior to any changes in their contractual terms. Only BigBasket, Flipkart, Swiggy and Zomato were awarded this point because of their measures to enhance comprehensibility, [xlix] including the provision of multi-lingual agreements, and a commitment to a process/policy for notifying workers of changes in their terms of engagement within a specified time before its enforcement.

This year, the advanced point for Principle 3 focused on the power asymmetry between platforms and workers, and the limited negotiating capacity of the latter. It was awarded to platforms that incorporated relatively symmetric and balanced clauses, particularly those relating to liability and dispute resolution. Of the 11 platforms, three (Flipkart, Swiggy and Zomato) incorporated symmetric limited liability clauses in worker agreements. [l] We also evaluated the arbitration clauses and dispute resolution clauses of these platform agreements to examine the extent of worker autonomy enabled in the dispute resolution process. Swiggy and Zomato provided workers some autonomy in choice of arbitrator or jurisdiction of court. [li]

## Management

The basic point on Fair Management was awarded to platforms that demonstrated due process in decisions affecting workers. The existence of policies that detailed this process, and its effective communication to workers, was essential to be awarded the basic point.  BigBasket, Dunzo, Flipkart, PharmEasy, Swiggy, Urban Company and Zomato were awarded the basic point in Fair Management because they had policies for grievance redressal (including Prevention of Sexual Harassment policies), and either functioning communication channels (WhatsApp groups

or chat options with the ability to reach a human representative) or detailed plans of action for improving their redressal systems (see Changes in Focus section).

The advanced point for this principle is awarded to platforms that demonstrate inclusiveness by proactively seeking to employ marginalised populations and by taking an active stance to eliminate discrimination on their platforms. BigBasket, Flipkart, Swiggy and Urban Company were awarded the point this year. As a first step, these platforms have included policies and initiatives on inclusion, adopted non-discrimination policies, that some of them prominently display them on their sites and apps. They have also committed to regular audits of their work allocation processes, whether manual or automated.

### Representation

The basic point on this principle required that documented mechanisms existed for worker voices to be expressed, that freedom of association would not be inhibited, and that the management would be willing to recognise or negotiate with a collective body of workers. The threshold for the advanced point of this principle requires workers to have a say in the conditions of their work and that platforms support democratic governance. No platform scored either point on Fair Representation this year despite the recent emergence of collective bodies representing gig workers.[lii]

## Changes in Focus

Since the platform economy, like the economy at large, is never in static equilibrium, the conditions offered by platforms to workers constantly evolve. These changes could be driven by inputs from workers and their representatives, learnings from the best practices of platforms in the global Fairwork network, or from platforms responding to economic and social pressures.

Against this backdrop, the goal of this section is two-fold. First, it showcases the changes that platforms are making toward fulfilling the thresholds, from measures just being initiated to those that are firm commitments—not all of which may merit a point since the translation of policies into practice is rarely instantaneous. Thus, reading the scores in conjunction with this section will provide a glimpse into how the platform economy is likely to evolve. Second, the showcasing is also meant to help other stakeholders within this economy, especially workers and their representatives, to anticipate changes in work conditions, and to hold the platforms accountable for the changes promised and listed below.

- **Minimum wage with costs commitment:** BigBasket instituted a "Gig Workers Payment policy"[liii] (effective from December 1, 2021) which ensures that all gig workers earn at least the hourly minimum wage after factoring in work-related costs (which will be decided in periodic consultation with workers). Flipkart publicly committed on December 2, 2021 to ensuring hourly minimum wage after costs for all last-mile delivery gig workers engaged by Flipkart (Instakart) and those workers who are subcontracted. [liv] Urban Company committed on November 30, 2021 to ensuring that its workers' earnings do not fall below the prescribed hourly minimum wage after factoring in workers' job-related costs. Additionally, Urban Company has expressed willingness to publish an earning index for its workers every six months.

- **Making insurance more accessible:** Although most platforms didn't score against the first threshold of Principle 2 ("mitigates task-specific risks") this year, platforms have taken proactive steps in this regard. For instance, Swiggy has changed their communication and insurance policies to increase awareness amongst workers and to make the insurance claims process easier. [lv] Similarly, Zomato is working towards increasing awareness of their insurance policies and claims procedures amongst their workers.

- **Paid leave and safety nets:** Only two platforms fulfilled the second threshold of Principle 2 ("provides a safety net"). Flipkart committed to instituting a paid leave policy for the health protection of its gig delivery workforce with compensation that will match the worker's daily average earnings, by April 2022. Urban Company has committed to a loss of pay scheme for its workers by Q1 2022. The scheme will draw on a consultative process with workers to identify a list of situations and hardships that would be covered under the scheme.

- **Legible contracts:** Platforms fared better against this principle, with four platforms making the basic point. Changes worth noting are the steps Swiggy has taken to re-write its agreement, to make it shorter and more comprehensible for workers on the platform.

- **Changes enforced after prior notifications:** Some platforms have incorporated clauses / policies to ensure that workers are notified of any change in working conditions ahead of implementation. Flipkart, for instance, approved a "Change Communication Policy" this November, which details communication timelines for various policy changes. Swiggy has incorporated a clause to ensure that any change in the T&C is notified within a specified time period ahead of its implementation. Zomato will introduce a similar policy by January 2022.

- **Reducing asymmetries in liabilities:** Some platforms have agreed to incorporate symmetric liability and indemnity clauses in their worker agreements. Swiggy has incorporated a limited liability clause with an explicit pecuniary cap for any liability claims against workers, save any criminal liability claims and any claims arising from any unlawful commissions or omissions by workers. Zomato will enforce a similar clause by

January 2022. Zomato will also incorporate clauses to refund any wrongful monetary losses suffered by workers in identified circumstances. Effective April 2022, Flipkart will incorporate a reverse indemnification clause that entitles workers to claim indemnity from the platform in case of any loss they suffer owing to the platform's negligence or other listed omissions or commissions in their worker agreements.

- **Improving grievance redressal mechanisms:** Some platforms have instituted a plan of action to improve their grievance redressal processes for workers. For instance, Swiggy will revamp their delivery partner system interface to improve the ease of raising and tracking tickets and will deploy these policies by March 2022. Zomato will update its training material to make workers more aware of their ability to dispute penalties, and the mechanisms to do so.
- **Auditing work allocation:** While this condition ("periodic audits to check for algorithmic biases in the outcomes of work allocation") was incorporated in our scoring process in 2021, BigBasket, Flipkart, Swiggy and Urban Company have committed to instituting regular audits to check for bias in the outcomes of their (manual or automated) work allocation processes / systems.

## Workers' Stories

**Girish\***
**Porter, Bangalore**

Girish (name changed to protect worker identity), 38, is the sole earner for a family of four in Bangalore. He has been working as a goods vehicle driver for several years. He used to offer his services to vegetable vendors, picking up loads on his Piaggio Ape from KR market and delivering them to the Tannery Road market until it was relocated in 2018. That's when his friend referred him on Porter. Until the first lockdown in March 2020, Girish was able to take home INR 30,000 a month working long hours on Porter. Even during the first lockdown, he was able to earn INR 2000 a day before costs. Since then, however, his earnings have declined. He spends most of his day waiting for jobs on the platform. If he gets three trips a day, he considers it a good day. To add to his woes, diesel prices have risen sharply but Porter's ratecard has not kept pace. In fact, Porter's commission, which was five percent when he joined in 2019, had risen to 15 percent by 2021.

Girish was spotted parked on the side of a road frantically calling the Porter call center on a rainy morning in early September 2021. He explained that he had been waiting for over an hour to have a trip cancelled since the customer decided he didn't want the service anymore. "They are

always in favour of the customer" he said, pointing to the dashboard of his Porter app, and the fact that the application does not permit drivers to cancel trips. In July, Girish had to ask two customers to cancel their trips since the Porter app wrongly assigned him a trip that was over 10 kms. away. Such trips make little economic sense since Porter does not compensate drivers for their time and diesel to reach the consumer to execute the job. After one such cancellation, he was blocked from the platform for seven days.

Porter's unwillingness to listen to their drivers 'concerns doesn't stop there, as Porter insists that drivers display the Porter banner on the side of their trucks (at the driver's own cost), while traffic authorities in Bangalore penalise drivers for advertisements on vehicles.[lvi] Girish, like other drivers, has had to pay fines or offer a bribe. Porter, however, remains unrelenting in its effort to leverage drivers 'trucks for free marketing. Girish finds that Porter either denies access to drivers who have removed the banner or imposes a 20 second penalty during which drivers cannot accept trips.

Despite the issues he faces, Girish says he will continue with Porter. He finds that the alternative—truck stands—have taken a turn for the worse, with Porter's low rates now the de facto benchmark for customers. Girish hopes that there will one day be job benefits like Provident Fund for having worked for over two years on Porter. For now, he expects very little: "They have not given me even four paise, nothing during the lockdown, not even a mask, there is nothing here".

Image: Porter drivers in Bangalore made to cover up the Porter advertisement by traffic authorities (left) and then forced to reveal it to Porter when asked to take photos of their vehicle (right). Source: Fairwork team.

**Hussain***
**Dunzo, Delhi**

Hussain (name changed to protect worker identity), 38, is a rider with Dunzo and a single parent to three young children. He migrated to Delhi from Uttar Pradesh with his family 10 years ago, seeking a better life. After a few odd jobs, Hussain onboarded with Dunzo in 2019 as a full-time rider. The onset of the pandemic last year, however, dashed Hussain's dreams as Dunzo slashed incentives, as a result of which his earnings dropped sharply. Even after working more than 14-hour days, Hussain says he isn't left with enough to provide for his family. Additionally, working these long hours also means that he doesn't get to spend time with his children; every day he has to choose between working to feed his family or staying back to care for them. He says, "If I calculate the total amount after deducting all expenses including petrol then I am left with INR

14,000 every month. And I need to look after my kids too. I have two boys and a girl and she is really young. Which means that on some days I cannot work so that I can look after her. I can't do anything; sometimes I am stuck."

Hussain highlights the prevalence of micro-aggression and discrimination in platform work. He recalls a recent instance of this. "In January this year, my t-shirt was worn out so I went to the hub to request for a new one as I cannot log in without wearing the branded shirt. The hub manager Varun (name changed) asked me to pay a fee of INR 300 once again, which I couldn't afford at that point. While I was sitting there, another rider who belonged to the same caste as Varun, walked in and received a t-shirt free of cost. And I just sat there in my torn shirt not knowing who to talk to about this."

Unfortunately, Hussain's example isn't a one-off instance. As in any workplace, micro-aggressions and biases are prevalent in platform work as well. While Hussain's story illustrates this along the lines of caste, over the years, workers have also mentioned instances of bias in work allocation along other axes, including regional origin, gender, religion, and age. It is worth noting that workers have pointed to such instances not only when it involves direct interaction with a human. But, such biases may also be coded into automated work allocation systems and their algorithms. In our interviews last year, a female delivery rider mentioned being automatically logged out by the algorithm at 6:00 PM,[lvii] just before the evening/dinner rush, which limited her earnings and demotivated her from working with the platform.[lviii]

It is to check such bias, that Principle 4.2 includes the threshold of "periodic audits in work allocation process", in addition to the broader issues of discrimination and proactive employment of marginalised communities. This year, four platforms have committed to conducting independent periodic audits of their work allocation systems for bias. However, we see this as only the first step towards creating a fairer and more welcoming workplace for gig workers like Hussain.

*Names changed to protect worker identity*

## Theme in Focus: The Formal / Informal Work Dichotomy in the Gig Economy

While the gig economy has been celebrated by some as formalising the Indian workforce, our research finds that the formal / informal work dichotomy tells us little about the work and lives of gig workers. If anything, we found that gig work intertwines attributes associated with both

formal and informal work. In this section we examine two dimensions of work where this intertwining is especially prominent in gig work: the combination of predictable pay cycles but unpredictable income; and the co-existence of formalised grievance redressal channels established by platforms, and worker-led networks and channels for routing concerns that are seldom recognised formally.

An oft-quoted reason for casting gig workers as formal workers is that gig work pays them according to a predictable schedule, compared to informal work. Our findings support this observation for the most part, with platform companies paying their riders and delivery partners on a weekly, biweekly or monthly schedule. However, what also became obvious in the interview was that workers seldom knew or understood how much they would be paid. Even in cases where workers earned more than in their previous jobs,[lix] the unpredictability of that income significantly impacted workers 'ability to plan their expenses and lives.[lx] The unpredictability of income was rooted in a number of factors: first, it was hard to predict demand for work on any given day; second, workers were not clear about the basis on which they were allocated jobs; and third, the payment per task changed frequently and often without advance notice or consent from workers.

In terms of the first factor, demand varied seasonally, diurnally, and by location, within a city. The pandemic and lockdowns further affected this, with work from home and lockdown restrictions dictating when and where groceries, rides, or personal care services were in demand. The opacity of the (manual or automated) work allocation and ratings followed by most platforms made it even harder for workers to predict how much they would make per task or per day. Finally, the dynamic restructuring of incentive and other payment structures added a further layer of complexity to predicting incomes. For instance, Uber and Ola have done away with the incentive component of pay (other than a bonus if vaccination certificates are uploaded), while there were multiple instances of workers on platforms like PharmEasy who were moved from salaried to piece-based status without advance notice or choice.

If pay was simultaneously more and less predictable for gig workers as outlined above, grievance redressal and organising for collective demands was another dimension along which the formal and informal were intertwined in gig workers 'lives. While all the platforms we examined had some mechanism for workers to reach out to them, especially for individual complaints, the responsiveness and efficacy of these channels left much to be desired. Furthermore, there were barely any channels for collective complaints or concerns. To make up for this, and for a few years now, gig workers networks on social media (on Whatsapp, Telegram, Twitter),[lxi] as well as organisations (the Indian Federation of App-based Transport workers (IFAT), and the All India Gig Workers 'Union (AIGWU) among others).

Although these organisations are not formally recognised by the platforms workers have nevertheless managed to leverage them, and their social media networks, to undertake collective action to improve their work conditions. They have also reached out to the state to demand regulations to control platform behaviour, and to their consumers asking them to rethink their consumption and behaviour with gig workers. This year has seen an increase in all three types of collective action in gig work (localised strikes, formal strikes, and online activism) and their intertwining. [lxii] Thus, here too, a tapestry of officially recognised and unofficial mechanisms are shaping how gig workers interact with various actors in the gig economy.

## Impact and Next Steps

In its third year of study, the Fairwork project deepened its engagement with the platform economy. A sign of growing visibility and awareness amongst key stakeholders was the participation this year of seven platforms in the research. Meanwhile, our engagement with worker representatives, though limited due to COVID-19, has continued this year through discussions with members of IFAT and the United Food Delivery Partners Union (UFDPU).

This increase in engagement allowed us to play a part in catalysing positive changes in the conditions for workers across principles, as listed in the Changes in Focus section. These changes are steps toward our vision of a fairer platform economy, but their implementation and impact need monitoring. The Fairwork project will also continue to engage with workers to understand their changing needs as a means of refining the Fairwork principles. What was disconcerting this year was that no platform committed to engage with worker collectives. However, it is only through such engagement with workers that meaningful platform and service-domain specific change can be brought about.

Through our scores, we also hope to provide conscientious investors and consumers with an indicator and a scale to be intentional about the platforms they choose to interact with. Our yearly ratings give consumers the ability to choose the highest scoring platform operating in a service-domain, thus pressuring platforms to improve their working conditions. In this manner, we enable consumers and investors to be allies in the fight for a fairer gig economy. Beyond individual consumer choices, we hope our scores can also help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

There is nothing inevitable about poor working conditions in the gig economy. Notwithstanding their claims to the contrary, platforms have substantial control over the nature of the jobs that

they mediate.  There is no basis to deny workers on platforms the key rights and protections that their counterparts in the formal sector have long enjoyed. The Fairwork India 2021 scores show that the gig economy takes many forms, with some platforms displaying greater concern for workers 'needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work—by highlighting the contours of today's gig economy—paints a picture of what it could become.

**The Fairwork Pledge**

As part of envisioning a fairer platform economy, we have introduced a Fairwork pledge. This pledge harnesses ethically minded organisations to support fairer platform work. Organisations like universities, schools, businesses, and non-profit organisations—irrespective of whether or not they make use of platform labour—can make a difference by supporting labour practices guided by our five principles of fair work. Those who sign the pledge get to display our badge on organisational materials.

The pledge can be signed at two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them decide which platforms to engage with. We are proud to announce that three organisations have signed on as Fairwork Supporters, with more committing to do so soon.[lxiii] A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice. More information on the Pledge, and how to sign up, is available on the Fairwork website.[lxiv]

# Appendix 1: Fairwork Scoring System

The five Fairwork principles were developed through an extensive review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform companies, policy makers, trade unions, and academics), and in-country stakeholder meetings held in India (Bangalore and Ahmedabad), South Africa (Cape Town and Johannesburg) and Germany (Berlin). They have since been updated regularly by Fairwork to capture the changes in the platform economy. This appendix explains the Fairwork scoring system.

Each principle is divided into two thresholds. Accordingly, for each principle, the scoring system allows a 'basic point' to be awarded corresponding to the first threshold(s), and an additional 'advanced point' to be awarded corresponding to the second threshold(s) (see Table 1). The advanced point under each principle can only be awarded if the basic point for that principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

*Table 1: Fairwork Scoring System*

| Principle | Basic Point | | Advanced Point | | Total |
|---|---|---|---|---|---|
| Fair Pay | 1 | + | 1 | = | **2** |
| Fair Conditions | 1 | + | 1 | = | **2** |
| Fair Contracts | 1 | + | 1 | = | **2** |
| Fair Management | 1 | + | 1 | = | **2** |
| Fair Representation | 1 | + | 1 | = | **2** |
| **Maximum possible Fairwork Score:** | | | | | **10** |

A platform can therefore receive a maximum Fairwork score of ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the months between March 2021 and December 2021, and are valid until November 2022. The latest version of the *Fairwork Gig Work Principles* (21.01) is given below, along with explanatory notes on how they have been operationalised in India to gather evidence that included worker interviews in Bangalore and Delhi, discussions with seven platform managements, and desk research.

**Principle 1: Fair Pay**

***Threshold 1.1 – Pays at least the local minimum wage after costs (one point)***
*Gig workers often have substantial work-related costs which include direct costs the worker incurs in performing the job. The costs could include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, data charges and vehicle insurance.[lxv] Work-related costs mean that workers' take-home earnings could fall below the local minimum wage.[lxvi] Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, which are also considered active hours.[lxvii] To achieve this point, platforms must demonstrate that work-related costs do not push workers below the local minimum wage.*
The platform must satisfy the following:
- workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs. In order to evidence this, the platform must either: (a) have a documented policy that guarantees the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data.

***Threshold 1.2 – Pays at least a local living wage after costs (one additional point)***
*In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that workers earn a living wage.*
The platform must satisfy the following:
- workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs. In order to evidence this, the platform must either: (a) have a documented policy that guarantees the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data.

The evaluation drew on the self-reported earnings obtained through worker interviews for all eleven platforms in Bangalore and in Delhi, platform evidence on earnings and any policies they had committing to state minimum wage levels after costs. The study used the daily minimum wage amount in the semi-skilled or skilled categories (as applicable) for Zone I (under the Bruhat Bengaluru Mahanagara Palike) for Bangalore, and under the Government of NCT for Delhi. This number was multiplied by six (one rest day per week) for the weekly minimum wage, and then divided by the hours in a standard work week (48 hours) to arrive at an hourly minimum wage.

For the advanced point, the "typical family" living wage range for India from WageIndicator for 2019 was used as the starting point.[lxviii] Since the range applies across India, and Bangalore and

Delhi are amongst the most expensive cities to live in India, the upper-end of the range was selected. Using the Ministry of Statistics and Program Implementation's Consumer Price Indices as a multiplier, the living wage for 2021 was computed to be INR 26,904 per month or INR 129.30 per hour. This number was also discussed with two platform work union representatives who found the figure to be an acceptable basis for a net living wage.

**Principle 2: Fair Conditions**

***Threshold 2.1 – Mitigates task-specific risks (one point)***
These are policies to protect workers from risks that arise from the processes of work. Gig workers may encounter a number of risks in the course of their work, including accidents and injuries, harmful materials, and crime and violence. To achieve this point platforms must show that they are aware of these risks, and take steps to mitigate them.[lxix]

The platform must demonstrate that:
- there are policies or practices in place that protect workers' health and safety from task-specific risks.
- they take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

***Threshold 2.2 – Provides a safety net (one additional point)***
Gig workers are vulnerable to abruptly losing their income due to unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, gig workers usually don't qualify for protections such as sick pay, because of their independent contractor status. Acknowledging that most workers are dependent on income from the platform for their livelihood, platforms can achieve this point by compensating for loss of income due to inability to work.

The platform must satisfy BOTH of the following:
- take meaningful steps to compensate workers for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform should not be negatively impacted.

Interviews of workers on all the platforms; documentation of insurance schemes, helplines, training sessions, equipment redesign, and data policies from the platforms; and desk research were used to arrive at these scores. For the basic point, we considered policies and initiatives crafted to mitigate risks faced by workers, such as the provision of accident and medical insurance, of safety gear (including masks and sanitisers during COVID) and safety training paid

for and conducted by the platform, and the presence of an SOS button or emergency helpline for workers, as well as the ease of use and responsiveness of such initiatives on the ground as reported by workers. For the advanced point, scores relied on the existence of a paid leave policy (including but not limited to COVID-related monetary support and loss of pay schemes) and its implementation.

### Principle 3: Fair Contracts

***Threshold 3.1 – Provides clear and transparent terms and conditions (one point)***
*The terms and conditions governing platform work are not always clear and accessible to workers.[lxx] To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the platform breaches those conditions.*
The platform must satisfy ALL of the following:
- the party contracting with the worker must be identified in the contract, and be subject to the law of the place in which the worker works.
- the contract is communicated in clear and comprehensible language that workers can be expected to understand.
- the contract is accessible to workers at all times.
- every worker is notified of proposed changes in a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.

***Threshold 3.2 – Does not impose unfair contract terms (one additional point)***
*In some cases, especially under 'independent contractor' classifications, workers carry a disproportionate share of the risk in the contract. They may be liable for any damage arising in the course of their work, and be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that the risks and liabilities of engaging in the work is shared between parties.*
Regardless of how the platform classifies the contractual status of workers, the contract must have BOTH these characteristics:
- neither include clauses that exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions.
- not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

The scoring for this principle relied on copies of contracts that workers showed the researchers, and copies of contracts provided by platform management. If a contract (or Terms and Conditions or employment agreement) existed and was made accessible, readable, and comprehensible to workers by the platform, changes to terms were notified to workers and such

changes did not reverse existing benefits or expectations that workers relied on.  a basic point was awarded. For the advanced point, the platform's terms and conditions for all categories of workers were analysed to assess if they had clauses that unreasonably excluded liability on the part of the platform, including clauses that symmetrically limited worker liability towards platforms and provisioned for worker autonomy in dispute resolution.

## Principle 4: Fair Management

### *Threshold 4.1 – Provides due process for decisions affecting workers (one point).*
*Gig workers can experience arbitrary deactivation; be barred from accessing the platform without explanation, and lose their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.*

The platform must satisfy ALL the following:
- there is a channel for workers to communicate with a human representative of the platform. This channel must be documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.
- there is a process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process must be documented in the contract and available on the platform interface.[lxxi]
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

### *Threshold 4.2 – Provides equity in the management process (one additional point)*
*Most platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities through their design and management. To achieve this point, platforms must show they have policies to minimise risks of users discriminating against workers, and workers are assured that they will not be disadvantaged through management processes. If a traditionally disadvantaged group is significantly underrepresented on their platform, steps should be taken by the platform to identify and remove barriers to inclusion.*

The platform must satisfy ALL of the following:
- a policy which ensures the platform does not discriminate on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.

- where persons from a disadvantaged group (such as women) are significantly under-represented among its workers, it seeks to identify and remove barriers to access for persons from that group.
- there are practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- if algorithms are used to determine access to work or remuneration, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- there are mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Points for this principle were awarded based on worker interviews supplemented by documentation provided by platforms on available communication channels, as well as policies and processes in place for grievance redressal, dispute resolution and prevention of sexual harassment. For the advanced point, documentation from platforms on their anti-discrimination and inclusion policies and practices, and on their process for auditing bias in work allocation, were examined in addition.

## Principle 5: Fair Representation

***Threshold 5.1 – Assures freedom of association and the expression of collective worker voice (one point)***
*Freedom of association is a fundamental right for all workers, and enshrined in the Indian Constitution, constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions. However, rates of organisation amongst gig workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice.*
The platform must satisfy ALL the following:
- there is a documented mechanism for the expression of collective worker voice.
- there is a formal policy of willingness to recognise, or bargain with, a collective body of workers or trade union, that is clearly communicated to all workers.[lxxii]
- freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform.[lxxiii]

***Threshold 5.2 – Supports democratic governance (one additional point)***
*While rates of organisation remain low, gig workers' associations are emerging in many service-domains and countries. We are also seeing a growing number of cooperative worker-owned*

*platforms. To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically-governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the platform.*

The platform must satisfy at least ONE of the following:

- workers play a meaningful role in governing it.
- it publicly and formally recognises an independent collective body of workers, an elected works council, or trade union.
- it seeks to implement meaningful mechanisms for collective representation or bargaining.

For this principle, we relied on desk research for evidence of platforms curbing workers 'freedom of association, in addition to accounts from worker interviews. Documented processes/channels that enable worker voice and the formation of collectives, and platform evidence suggesting public recognition of a workers 'collective body, were also used for scoring.

## Appendix 2: Identifying Platforms and Workers

Eleven platforms that provided location-based gig work in India in 2021 were identified based on the size of their workforce, the services they offered, their consumer base and the investment they had attracted. Two platforms (Grofers and HouseJoy) which were scored in 2020 were dropped, and two (PharmEasy and Porter) were added instead. For each of these platforms, worker interviews were conducted, evidence from managements sought, and desk research carried out. While our worker interviews in 2020 were conducted in Bangalore, in 2021 we interviewed workers in Bangalore and Delhi.

For each platform, 19-20 worker interviews were conducted, divided evenly between Bangalore and Delhi during the period May 2021 - November 2021. The goal of the interviews was to build an understanding of the conditions of work in the platform economy as they evolved throughout the year. In total, 222 workers were interviewed, with interviews lasting up to 90 minutes. Interviews were conducted by four research associates with input from other team members. In parallel, platforms were contacted for evidence on conditions of work, including data on their workers, and examples of management action across the principles. These included cases of intervention when there was discrimination, helping workers file insurance claims, setting up training programs, and holding meetings with workers. Finally, inputs from secondary sources such as news articles, reports, social media and academic publications were taken into account.

Efforts were made to capture as much variety among workers as possible. For the domestic service platform, Urban Company, the aim was to cover multiple occupations on the platform

(salon, appliance and electrical repair, cleaning, plumbing and carpentry). Similarly, for ride-hailing platforms, autorickshaws and a variety of cab categories (hatchback, sedan, SUV) were included. Where possible, attempts were made to speak to under-represented groups, such as women in the delivery and ride-hailing sectors.

A decision was made to not rely on platforms to access workers in order to avoid any harm to potential participants or biased responses. Workers were recruited through advertisements on Facebook, using our social networks, by snowballing and by availing services. Workers were interviewed only after explaining the study and securing their consent to participate. Most interviews this year were conducted telephonically given the protocols around COVID-19, but a small number of face-to-face interviews were also conducted. Where workers were recruited by availing services, they were asked if they would participate in the study once the transaction was complete. Participants in the study (except for those participating in group interviews) were compensated monetarily, or by purchasing additional services as suggested by the participants. Ten participants declined compensation.

## Appendix 3: Estimates of Gig Workers and Employees on Platforms in India

| Platform | Gig Workers | Employees | Sources |
|---|---|---|---|
| Ola | More than 300,000 | 7900 | https://economictimes.indiatimes.com/tech/startups/ola-gmv-has-crossed-pre-pandemic-levels-ceo-bhavish-aggarwal-says/articleshow/86005653.cms?from=mdr<br>https://craft.co/ola-ani-technologies-pvt |
| Zomato | More than 300,000 | 8000 | https://economictimes.indiatimes.com/tech/startups/zomato-q2-revenue-surges-to-rs-1024-crore-firm-invests-in-curefit-magicpin-and-shiprocket/articleshow/87632474.cms?from=mdr<br>https://craft.co/zomato |

| Uber | More than 250,000 (3.5 million drivers and couriers globally) | 23,700 (Globally) | https://www.livemint.com/companies/news/uber-commits-rs-100-crore-towards-driver-welfare-initiatives-11635762142922.html https://investor.uber.com/news-events/news/press-release-details/2021/Uber-Announces-Results-for-First-Quarter-2021/ https://craft.co/uber |
|---|---|---|---|
| Swiggy | More than 250,000 | 11,000 | https://www.business-standard.com/article/companies/swiggy-food-delivery-revenue-up-56-in-h1-doubles-from-level-before-covid-121112300279_1.html https://craft.co/search?layout=list&order=relevance&q=swiggy |
| Porter | 150,000 | 300 | https://porter.in/ https://porter.in/about-us |
| Flipkart | 120,000 (2020) | 16,000 | https://www.moneycontrol.com/news/business/companies/flipkart-employees-to-return-to-office-for-three-days-a-week-starting-december-2021-7168331.html |
| Amazon | 100,000 (workers + employees) | | https://timesofindia.indiatimes.com/business/india-business/amazon-p-india-this-year/articleshow/85861669.cms |
| Urban Company | 32,000 (Globally) | 1300 (2020) | https://www.urbancompany.com/about https://craft.co/urbanclap |

| BigBasket | 19,000 (2020 estimate) | 5500 | While BigBasket has been reluctant to disclose the number of workers on its platform (link below), based on rise in demand, we expect a rise in number of delivery workers from last year. https://economictimes.indiatimes.com/tech/technology/Bigbasket-grofers-expect-surge-in-demand-after-stricter-curbs-in-maharashtra/articleshow/82166440.cms https://craft.co/Bigbasketcom |
|---|---|---|---|
| Dunzo | 18,000 (2019) | 900 | https://gadgets.ndtv.com/apps/features/indian-startups-101-dunzo-ceo-co-founder-kabeer-biswas-all-you-need-to-know-2382255 |
| PharmEasy | More than 3500 | 1600 | Based on an order volume of 2 million per month (link below) and 572 estimated monthly deliveries per worker (based on Fairwork research) https://economictimes.indiatimes.com/tech/startups/pharmeasy-buys-medlife-creates-indias-largest-online-pharmacy/articleshow/82936685.cms?from=mdrlans-to-hire-8000-direct-workforce-in https://craft.co/pharmeasy |

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# Endnotes

[i] Real GDP growth was in decline for a few years: from 8.3 percent in 2016-17, to 6.8 percent in 2017-2018, to 6.5 percent in 2018-2019, to 4.0 percent in 2019-2020. Accessed from Reserve Bank of India. (2021). *Reserve Bank of India—Annual Report 2020-21* . Reserve Bank of India. (pp. 315) https://www.rbi.org.in/Scripts/AnnualReportPublications.aspx?year=2021

[ii] Ministry of Finance, Government of India. (2021). *Economic Survey 2020-21 (*Volume 1; Volume 2, pp. 348). https://www.indiabudget.gov.in/economicsurvey/ebook_es2021/index.html

[iii] PTI. (2020, May 20). COVID-19: Ola to layoff 1,400 staff as revenues decline by 95 per cent. *The New Indian Express.* https://www.newindianexpress.com/business/2020/may/20/covid-19-ola-to-layoff-1400-staff-as-revenues-decline-by-95-per-cent-2145730.html ; ofIndia rides business "adversely affected" by second Covid-19 wave, says Uber chief. (2021, May 6). *The Economic Times.* https://economictimes.indiatimes.com/tech/technology/uber-india-business-hit-severely-due-to-covid-19-second-wave-dara-khosrowshahi/articleshow/82425035.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

[iv] Bhalla, K. (2021, May 21). BigBasket claims $1 B\bn gross sales in FY21; Expects FY22 to be even bigger. *Inc42 Media.* https://inc42.com/buzz/bigbasket-claims-1-bngross-sales-in-fy21-expects-fy22-to-be-even-bigger/ ; Sharma, N. (2020, December 10). Good times for e-pharma. *The New Indian Express.* https://www.newindianexpress.com/cities/delhi/2020/dec/10/good-timesfor-e-pharma-2234275.html

[v] Cusumano, M. A., Gawer, A., & Yoffie, D. B. (2019). *The Business of Platforms: Strategy in the Age of Digital Competition, Innovation, and Power.* Harper Business.

[vi] International Labour Office. (2021). *The Role of Digital Labour Platforms in Transforming the World of Work.* International Labour Office. http://www.ilo.org/global/research/global-reports/weso/2021/WCMS_771749/lang--en/index.htm

[vii] Youth unemployment is a particularly pressing concern. Of the world's 1.2 billion people between the ages of 15 and 24, 87 percent are to be found in the Global South, two thirds of whom are either unemployed or "trapped in low quality jobs". Accessed from Kuek, S. C., Paradi-Guilford, C., Fayomi, T., Imaizumi, S., Ipeirotis, P., Pina, P., & Singh, M. (2015). *The Global Opportunity in Online Outsourcing*. World Bank Group. (pp. 46) https://openknowledge.worldbank.org/handle/10986/22284

[viii] Unemployment among those in the 15-30 year age group is particularly prominent. It increased consistently for all levels of education, between 2011-2012 and 2018-2019, The higher the education level, the higher the unemployment: by 2018-2019, a third of those with an undergraduate degree of higher in the age group were unemployed, a number that jumps to 42 percent for women. Accessed from Azim Premji University. (2021). *State of Working India 2021: One year of Covid-19* . Azim Premji University. (pp. 41–42) https://cse.azimpremjiuniversity.edu.in/state-of-working-india/swi-2021/

[ix] The ILO defines decent work as "work that is productive; ensures equality of opportunity and treatment for all women and men; delivers a fair income, security in the workplace and social protection for families; provides prospects for personal development; and gives workers the freedom to express their concerns, organise and participate in decisions that affect their working lives." Accessed from Berg, J., Furrer, M., Harmon, E., Rani, U., & Silberman, M. S. (2018). *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World.* International Labour Office. http://www.ilo.org/global/publications/books/WCMS_645337/lang--en/index.htm

[x] Hari, T.N. (2021, October 18). Are e-com companies creating "good" jobs? *Mint*, (pp. 12)

[xi] STEM refers to science, technology, engineering and management. Dey, S. (2017). *The Evolution of the IT Engineer in India: Looking Back to See Ahead*. International Institute of Information Technology, Bangalore.

[xii] Swedberg, R. (2005). Markets in society. In R. Swedberg & N. J. Smelser (Eds.), *The Handbook of Economic Sociology*, Second Edition. Princeton University Press. (pp. 233–253); Also, the case of the Dunzo worker in the Worker Story section illustrates how social norms influence labour markets.

[xiii] Evans, P. B. (1995). *Embedded Autonomy: States and Industrial Transformation*. Princeton University Press.

[xiv] Rysman, M. (2009). The economics of two-wided markets. *Journal of Economic Perspectives*, 23(3), (pp.125–143). https://doi.org/10.1257/jep.23.3.125

[xv] ILO (2021), *op.cit.*

[xvi] *ibid.*

[xvii] The National Commission for Enterprises in the Unorganized Sector (NCEUS) uses the terms "informal" and "unorganized" interchangeably. "The unorganized sector consists of all unincorporated private enterprises owned by individuals or households engaged in the sale and production of goods and services operated on a proprietary or partnership basis and with less than ten total workers." Unorganized workers refers to "those working in the unorganized sector or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment and social security benefits provided by the employers." Accessed from National Commission for Enterprises in the Unorganized Sector (NCEUS). (2009). *The Challenge of Employment in India: An Informal Economy Perspective.* National Commission for Enterprises in the Unorganized Sector (NCEUS). (pp. 3). https://cse.azimpremjiuniversity.edu.in/wp-content/uploads/2017/10/NCEUS2009_ChallengeofEmploymentinIndia.pdf:

[xviii] ieeMurthy, S. V. R. (2019). Measuring Informal Economy in India _ Indian Experience. *7th IMF Statistical Forum: Measuring the Informal Economy,*14-15 November, Washington DC https://www.imf.org/en/News/Seminars/Conferences/2019/03/25/7th-statistical-forum

[xix] Azim Premji University (2021) *op.cit.*, (pp.21)

[xx] Roy, A. (2005). Urban informality: Toward an epistemology of planning. *Journal of the American Planning Association*, 71(2), (pp.147–158). https://doi.org/10.1080/01944360508976689

[xxi] Murthy (2019). *op,cit.*

[xxii] Kuek *et al* (2015). *op.cit.*

[xxiii] Hill, J.B. (Ed.). (2017). *Leading through digital disruption: Gartner: Insights on Spotting and Responding to Digital Disruption*. https://www.gartner.com/imagesrv/books/digital-disruption/pdf/digital_disruption_ebook.pdf

[xxiv] Graham, M., Lehdonvirta, V., Wood, A., Barnard, H., Hjorth, I., & Simon, D. P. (2017). *The Risks and Rewards of Online Gig Work At the Global Margins.* Oxford Internet Institute. \

[xxv] Kuek *et al* (2015). *op.cit.*

[xxvi] Randolph, G., & Galperin, H. (2019). *New Opportunities in the Platform Economy: On-ramps to Formalization in the Global South.* Think-20 Japan 2019. (pp. 6) https://t20japan.org/policy-brief-new-opportunities-in-the-platform-economy/

xxvii A recent State Bank of India report argues that the pandemic-induced emergence of the gig economy has facilitated higher formalisation of the economy, at rates possibly much faster than most other nations. See, SBI Research. (2021). Ecowrap: Share of informal economy may have shrunk no more than 20% from 52% in FY18 (Issue No. 43, FY22). State Bank of India. (pp. 1) https://sbi.co.in/documents/13958/10990811/281021-Ecowrap_20211029.pdf/b0625dda-46bf-1f1e-2998-3c58c94dd156?t=1635409920832 . A report by the Smahi foundation also asserts that "the gig economy is also working towards government's objectives by formalizing the hitherto informal workforce through large-scale usage of the JAM (Jan Dhan Aadhaar Mobile) trinity." See, Bhandari, R., Joshi, N. & Chandorkar, A. (2020). *Platform Based Gig Economy: Policy Perspectives to Drive an Atmanirbhar Sector* . Smahi Foundation of Policy and Research. (pp. 23) https://smahifoundation.in/media/2021/08/Platform-Based-Gig-Economy.pdf

xxviii Ola Mobility Institute (OMI) describes itself as "a new-age policy research and social innovation think tank, focused on developing knowledge frameworks at the intersection of mobility innovation and public good…." and is funded by ANI Technologies Pvt. Ltd., the parent company of brand Ola (see: https://ola.institute/). Since Ola employs more workers than any other platform in India, in a domain that is much larger than all others (ride-hailing), the report is used to gain insight into how platforms conceptualise work. This section complements the discussion in the Editorial. See, Ramachandran, S & Raman, A. (2021). *Unlocking jJobs in the Platform Economy: Propelling India's Post Covid Recovery.* Ola Mobility Institute. https://olawebcdn.com/ola-institute/OMI_Platform_Economy_Report.pdf

xxix Castells, M. (2010). *The Rise of the Network Society: Vol.I Information Age. Economy, Society and Culture,* (2nd edition). Wiley-Blackwell

xxx A gig worker is "a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationships." Platform work refers to "a work arrangement outside of a traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment." Accessed from: The Code on Social Security, 2020, No. 36 of 2020 § 2 (35), 2(60) https://labour.gov.in/sites/default/files/SS_Code_Gazette.pdf ; It must be noted that although the Code on Social Security under Section 2(61) defines platform workers as persons engaged in or undertaking platform work, any mention of the term 'gig work' or 'gig worker' in this report (save the Legal and Policy section) refers to workers engaged in or undertaking geographically-tethered digital platform labour.

xxxi The Code on Wages, 2019, No. 29 of 2019 (2019). https://egazette.nic.in/WriteReadData/2019/210356.pdf

xxxii The Industrial Relations Code, 2020, No. 35 of 2020 (2020). https://egazette.nic.in/WriteReadData/2020/222118.pdf

xxxiii Castells, M. (2002). Preface: Sustainable cities: Structure and agency. In P. Evans (Ed.), *Livable Cities?: Urban Struggles for Livelihood and Sustainability.* . University of California Press. (pp. ix–xii)

xxxiv Parthasarathy, B., Srinivasan, J, Neerukonda, M, Taduri, P, Ustek-Spilda, F., Vadekkethil, A.C., Graham M., &, Heeks R. (2020). *Fairwork India Ratings 2020: Labour Standards in the Platform Economy.* Fairwork. https://fair.work/wp-content/uploads/sites/131/2021/01/Fairwork_India_2020_report.pdf

xxxv Agarwala, R. (2020). Informal workers and the state in India. In M. Chen & F. Carré (Eds.), *The Informal Economy Revisited* (1st Edition). Routledge. (pp. 239–245)

xxxvi The Indian Federation of App-based Transport Workers (IFAT) & Ors v Union of India & Ors, W.P.(C) No. 001068/2021 (Supreme Court of India)

xxxvii The Uber BV ruling concluded that the respondents (platform workers) were indeed workers under the relevant laws in the UK, stating that the "true agreement" between parties may not always be representative of the terms and conditions that may be so signed or agreed by the said parties, including explicitly releasing both the parties from any obligations from an employee-employer relationship: See,
Uber BV and Ors (appellants) v. Aslam and Ors (respondents), [2021] UKSC 5 (Supreme Court, UK; February 19, 2021). https://www.supremecourt.uk/cases/docs/uksc-2019-0029-judgment.pdf

xxxviii These tests for determining an employee-employer relationship have also been propounded in several Indian precedents: See, Dhrangadhara Chemical Works Ltd. v/s State of Saurashtra & Ors, AIR 1957 SC 264 (Supreme Court of India); Hussainbhai, Calicut v/s Alath Factory Thezhilali Union, Kozhikode & Ors, (1978) 4 SCC 257 (Supreme Court of India); Ram Singh v/s Union Territory of Chandigarh, (2004) 1 SCC 126 (Supreme Court of India)

xxxix The schemes include the Indira Gandhi National Old Age Pension Scheme ( https://nsap.nic.in/login/cbtMainPage.html); the Family Benefit Scheme (https://transformingindia.mygov.in/scheme/national-family-benefit-scheme/#:~:text=The%20scheme%20aims%20to%20provide,bracket%20of%2018%2D64%20years.); the Janani Suraksha Yojana (https://www.nhp.gov.in/janani-suraksha-yojana-jsy-_pg); the Janshree Bima Yojana (http://www.rsby.gov.in/); the Aam Admi Bima Yojana (https://pmmodiyojana.in/lic-aam-aadmi-bima-yojana/); and the Rashtriya Swasthya Bima Yojana (https://www.india.gov.in/spotlight/rashtriya-swasthya-bima-yojana).

xl Press Information Bureau, Government of India. (2021, August 26). Registration of unorganized workers begins across the country as government launches the E-Shram portal. https://eshramwebportal.azureedge.net/nduwwsmedia/sites/default/files/pdf/press-release/Delhi.pdf

xli Prabhakar Reddy Vemireddy. (2021). Starred Question No. 132, Rajya Sabha, Ministry of Labour and Employment, Government of India. https://pqars.nic.in/annex/255/As132.pdf

xlii Rathi, A., Sekharan, A., Tandon, A., Furtado, C., Chami, N., Sanjay, S., Krishnakumar, S., & Prasad, V. (2021). *A Civil Society Agenda on e-Shram.* Centre for Internet and Society; IT for Change. https://cis-india.org/raw/cis-itfc-a-civil-society-agenda-for-e-shram-dec-21-pdf

xliii The Motor Transport Workers Act, 1961, Act 27 of 1961 § 2(f). https://www.indiacode.nic.in/bitstream/123456789/16412/1/motor_transport_workers_act_1961.pdf

xliv It must be noted that these provisions and examples are merely illustrative.

xlv Our findings in 2021 were also evident in 2020 as this report highlights. See, Ehrbeck, T.,Gupta, H., Klemperer, S., & Ramachandran, A. (2020). *The Digital Hustle: Gig Worker Financial Lives Under Pressure.* Flourish Ventures. https://flourishventures.com/wp-content/uploads/2020/10/FlourishVentures-GigWorkerStudy-India-FINAL-2020-09-29.pdf

xlvi Others have also noted the decrease in rate cards and incentives. See,: Vignesh, J., & Bansal, V. (2017, January 25). Uber, Ola drivers hit hard by falling incentives. *The Economic Times.* https://economictimes.indiatimes.com/small-biz/startups/uber-ola-drivers-hit-hard-by-falling-incentives/articleshow/56766997.cms; Menezes, N. (2019, September 17). Zomato delivery executives up in arms against incentive cuts. *The Economic Times*. https://economictimes.indiatimes.com/small-biz/startups/newsbuzz/zomato-delivery-executives-up-in-arms-against-incentive-cuts/articleshow/71161229.cms?from=mdr; Sharma, N. ( 2021 September 17). India's delivery workers are driving a

conversation about long hours and low pay. *Quartz.* https://qz.com/india/2051605/indias-gig-workers-use-social-media-to-lobby-for-better-work/

xlvii See Appendix I for details on how the hourly local minimum wage, the hourly living wage, and the costs considered in our study were derived. were derive

xlviii That said, this year, we saw a rise in the selfies required of workers to verify that they were wearing masks and that they did not have a temperature, a key symptom of COVID-19.

xlix WMost platforms provided some form of onboarding training which can, in theory, act as an excellent forum to explain these terms.;However, we found these trainings to be more focused on soft skills and consumer engagement.

l It must be noted that these limited liability clauses are limited only to claims/liability of workers towards the platforms and are not inclusive of any criminal liability or any pecuniary harm caused by the worker to the platforms due to any aversion of law.

li All the challenges under 3.1 and 3.2 were further magnified where the workers were employed through subcontractors.

lii While management-sanctioned collective bodies or collective action mechanisms seemed absent, we also found that there was an increase in grassroot-level resistance by gig workers this year. Some of these actions were consequences of the work conditions unleashed by the pandemic and subsequent lockdowns in India. For instance, our worker evidence showed that Dunzo—which was allowed to operate during the lockdowns of 2021 for grocery and other essential deliveries—onboarded a number of riders to its fleet by June 2021, including people who had lost their livelihoods during the pandemic. As a way to deal with its growing fleet size (and despite the increased market demand), Dunzo decreased rate cards for workers. In response, our evidence indicated that some workers orchestrated localised log-outs to protest these changes introduced by the platform.

liii BigBasket. (2021, December 8). Post | Feed | LinkedIn: Saying no to *jugaad.* https://www.linkedin.com/feed/update/urn:li:activity:6874189827059855360/

liv Stories, Team Flipkart. (2021, December 2). The Flipkart Group's Instakart – a fair employment opportunity provider. Flipkart Stories. https://stories.flipkart.com/instakart-fair-employment-gig-workers-benefits/

lv Swiggy Diaries. (2021, November 30). An update on our delivery partner focused initiatives – Swiggy Diaries. https://blog.swiggy.com/2021/11/30/an-update-on-our-delivery-partner-focused-initiatives/

lvi Philip, C. M. (2019, January 9). Demand for ads on cabs soars, transport department says it's illegal. *The Times of India.* https://timesofindia.indiatimes.com/city/bengaluru/demand-for-ads-on-cabs-soars-transport-dept-says-its-illegal/articleshow/67445169.cms ; Delhi Outdoor Advertisement Policy, 2008, (2008) (Municipal Corporation of Delhi). https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvTmV3SXRlbV8xMTlfRGVsaGlfb3V0ZG9vcl9hZHZ0X3BvbGljeTIwMDgucGRm ; Bruhat Bengaluru Mahanagara Palike Advertisement Rules, 2019, Notification No. UDD 439 MNU 2018 (2019). https://opencity.in/documents/bengaluru-bbmp-advertisement-rules-draft-2019: Rule 9 of the Bruhat Bengaluru Mahanagara Palike Advertisement Rules, 2019 states that vehicles cannot carry advertisements without obtaining permission from the RTO.

lvii This policy has since been scrapped by the platform.

lviii Other examples of algorithmic bias abound in platform work and are aided by the opacity of such systems. See Muller, Z. (2020). Algorithmic harms to workers in the platform economy: The case of Uber. *Columbia Journal of*

*Law and Social Problems*, 53(2), (pp. 167–210):  Booth, R. (2021, October 5). Ex-Uber driver takes legal action over 'racist 'face-recognition software. The Guardian. https://www.theguardian.com/technology/2021/oct/05/ex-uber-driver-takes-legal-action-over-racist-face-recognition-software; Pandey, A., & Caliskan, A. (2021). Disparate Impact of Artificial Intelligence Bias in Ridehailing Economy's Price Discrimination Algorithms. Proceedings of the 2021 AAAI/ACM Conference on AI, Ethics, and Society, (pp. 822–833). https://doi.org/10.1145/3461702.3462561

[lix] We learnt from our interviews that many workers found work on these platforms because their own business folded, or because the company where they worked had folded and had not yet re-opened following the pandemic and lockdown. Many such workers may not have liked gig work but said they had little choice, and did not want to risk starting a new job given the uncertainties of a third wave. They wanted to continue in their gig jobs which they viewed as 'pandemic-proof' (Flipkart, Amazon, PharmEasy) so they could make ends meet.

[lx] Unpredictability hit some harder than others. We found that cab drivers with car loans suffered the most, with several instances of vehicles being repossessed when drivers were unable to pay back loans especially during the second lockdown when there was no moratorium on loan repayment.

[lxi] Messaging apps such as Whatsapp and especially Telegram are a popular means for individual gig workers, and their collectives, to stay in contact. . The audio-messaging feature is widely used and groups are usedto share a variety of messages, including asking for help when vehicles are seized, or whey they break down, posting details on checks by RTO officials, topushing back against new regulations, such as the Karnataka Electric Bike Taxi Scheme, 2021, and (during the lockdown) to check whether Uber/Ola had enough demand to merit a return from their villages for drivers.

[lxii] The strike by Urban Company beauticians in 2021 started out as a localised strike but then took advantage of the existing buzz about gig workers' poor working conditions on social media (especially Twitter). Formalised unions such as IFAT and AIGWU provided them help and solidarity in structuring their demands. See, Dhawan, H. (2021, October 17). Workers are taking on gig giants, one tweet at a time. *The Times of India.* https://timesofindia.indiatimes.com/home/sunday-times/workers-are-taking-on-gig-giants-one-tweet-at-a-time/articleshow/87078290.cms

[lxiii] These supporters are IIIT-Bangalore, OnionDev Technologies Private Limited (Gramvaani) and Parikrama Humanity Foundation.

[lxiv] Fairwork. (n.d.). Join the Pledge: Together for Fair Platform Work! Retrieved December 18, 2021, from https://fair.work/en/fw/join-the-pledge-together-for-platform-work/

[lxv] Work-related costs do not include vehicle payments, transport to and from the job (unless in-between tasks), nor taxes, social security contributions and health insurance.

[lxvi] The ILO defines minimum wage as the "minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract." Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO's Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.

[lxvii] In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs. These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined  to include both direct and indirect working hours.

lxviii Living Wage Series—India—September 2019—In Indian Rupee, per Month. (2019, September). WageIndicator Subsite Collection. https://wageindicator.org/salary/living-wage/archive-no-index/india-living-wage-series-september-2019

lxix The starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."

lxx Parthasarathy, B. *et al* (2020). *op.cit.*

lxxi Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of seeking human mediation.

lxxii For example, "[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions."

lxxiii See the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087), which stipulates that "workers and employers, without distinction, shall have the right to establish and join organisations of their own choosing without previous authorisation" (Article 2); "the public authorities shall refrain from any interference which would restrict the right or impede the lawful exercise thereof" (Article 3) and that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority" (Article 4). Similarly the ILO's Right to Organise and Collective Bargaining Convention, 1949 (C098) protects the workers against acts of anti-union discrimination in respect of their employment, explaining that not joining a union or relinquishing trade union membership cannot be made a condition of employment or cause for dismissal. Out of the 185 ILO member states, currently 155 have ratified C087 and 167 have ratified C098.