

Fairwork India Ratings 2020: Labour Standards in the Platform Economy

Executive Summary

As the scale and scope of work mediated by digital platforms has grown in India, so has the number of workers registering on such platforms. This rapid growth has also raised questions about the work conditions that result from digital mediation. As in other parts of the world, platform workers in India are predominantly paid a piece rate (i.e. per task), and are typically classified by the platforms as “independent contractors”, or as driver / delivery “partners”. One major concern is that such workers do not benefit from labour regulations pertaining to wages, hours, working conditions, and the right to collective bargaining. Consequently, there is an urgent need to examine the nature of digitally-mediated work and its effect on the livelihoods of millions of workers in the country.

To this end, the Fairwork project evaluates working conditions on digital platforms and scores them according to five principles of ‘fair work’, developed through multi-stakeholder meetings at UNCTAD, the International Labour Organisation, and in-country stakeholder meetings in India, Germany, and South Africa. The five principles are Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. Evidence for compliance with these five principles is collected through desk research, worker interviews, and interviews with platform management. This evidence is used to assign a “fairwork” score to individual platforms. With a basic and an advanced point awarded for each of the five principles, a platform can earn a maximum score of ten.

The Fairwork project aims to study work conditions on platforms on an annual basis, with its scores offering an independent perspective on work conditions for policy makers, platform companies, workers, and ethically-minded consumers. In particular, it offers existing platform workers a cross-sectoral view of working conditions, and provides new entrants with a glimpse of what to expect from platform work.

This is the second year of scoring platforms using the Fairwork principles in India. Last year, twelve platforms, from sectors including ride-hailing, e-commerce, food-delivery, and home services, were scored. This year, eleven platforms were scored, with nine being repeated from the first year. Data from multiple sources indicates that, as of February 2020, an estimated three million workers were registered on the eleven platforms scored this year (see Appendix III).

Key Findings

- The 2020 platform scores show the heterogeneity in working conditions amongst platforms, corresponding to the policies and management practices that platforms have in place. Urban Company, a home services platform, tops the list of platforms studied this year, followed by Flipkart, an e-commerce platform. Interviews with managers on both platforms revealed that the Fairwork process had provided them with new perspectives from the workers' point of view - enabling them to reflect on their policies.
- While the potential of high wages and short payout cycles continues to draw workers to platform work, there was insufficient evidence that workers on seven of the eleven platforms earned the minimum wage rate after accounting for costs. Urban Company, Flipkart, Grofers, and Ola were the exceptions. This highlights the need for regulation and worker consultation on matters of pay.
- Workers have little to no social security. While some platforms provide accident insurance, workers were unclear of the procedures to make claims. Only two platforms (Urban Company and Flipkart) were able to demonstrate that additional measures were taken to actively improve working conditions.
- With the exception of Urban Company and Dunzo, there was insufficient evidence that accessible, readable and comprehensible terms and conditions were available to workers. With a growing reliance by some platforms on labour recruited from subcontractors, workers were often unclear who was responsible for their working conditions and for the payment of wages.
- Platform companies fared better when it came to the principle of Fair Management. There was sufficient evidence that eight of the eleven platforms provided due process for workers through a channel for workers to communicate and appeal disciplinary decisions including deactivations. Only Urban Company and Flipkart were awarded the advanced point. Urban Company was awarded the point for actively blocking customers who discriminate against service providers. Flipkart was awarded the point for its proactive initiatives to employ women and physically-disabled persons in its last-mile workforce.

- With the exception of Urban Company and Flipkart, platform companies fared poorly when it came to acknowledging a collective voice for workers. However, no platform was agreeable to negotiating with worker associations and unions.
- While the COVID-19 pandemic has brought to prominence the precarious livelihoods of all workers (platform or otherwise), this report shows that the pandemic has only exacerbated a precarity already endemic to platform work.

Fairwork India 2020 Scores*

Urban Company - 8

Flipkart - 7

Dunzo - 4

Grofers - 4

Amazon (ATS) - 2

Bigbasket - 2

Housejoy - 2

Ola - 2

Swiggy - 1

Uber - 1

Zomato - 1

*Score (out of 10)

Editorial

Platforms connect “individuals and organisations so they can innovate or interact in ways not otherwise possible”.¹ Digital platforms enable interaction by providing the infrastructure to mediate between actors who offer services and those who are looking for them.² With their

¹ Cusumano, M.A., Gawer, A. and Yoffie, D.B. 2019. *The Business of Platforms: Strategy in the Age of Digital Competition, Innovation, and Power*. New York, NY: Harper Collins. p.13.

² Scholz, T. 2016. *Platform Cooperativism: Challenging the Corporate Sharing Economy*. New York, NY: Rosa Luxemburg Stiftung.

ability to lower the transaction costs of matching supply and demand, platforms are considered to have the potential to address the employment challenge in the Global South.³

This report will explore the extent to which that potential is being realised in India. It examines a category of platforms which offer “work on-demand via apps” in sectors such as domestic and personal care services, logistics, food delivery, and transportation. The report points out that the growth of the platform economy has undoubtedly offered employment opportunities in a country where there is growing concern that the number of workers seeking work has far exceeded the number of jobs available. The section, Overview of the Indian Platform Economy, discusses the factors that have led to such growth.

Although digital platforms offer employment opportunities, it is far from clear whether the work offered qualifies as what the International Labour Organisation calls decent work, or “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.”⁴

A prominent issue with work on digital platforms is employment status, as most workers are not classified as employees with income security and social protection. Rather, they are usually classified as independent contractors. As a result of such classification, workers find themselves in increasingly flexible labour markets where their survival has become precarious and vulnerable. Many lack labour and income security, and work-based identity, with little sense of a future in what they are doing.⁵

This report presents the findings of a study conducted by the Fairwork India team on how platform work is perceived and experienced by workers on these platforms. The Fairwork project focuses on five core principles of fair platform work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. Scores are awarded out of ten to a platform based on whether they meet the basic standard (one point) and achieve a higher

³ 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”. World Bank. 2015. *The Global Opportunity in Online Outsourcing*. Washington, DC: The World Bank. p.46

⁴ Berg, J., Furrer, M., Harmon, E., Rani, U. and Silberman, M.S. 2018. *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*. Geneva, Switzerland: International Labour Organization.

⁵ Standing, G. 2011. *The Precariat: The New Dangerous Class*. London, UK: Bloomsbury Academic.

standard (an additional point) for each of these five principles. The first two principles ask if workers receive fair pay for their work, and if their jobs are characterised by healthy and safe working conditions. The other three focus on whether the platform's contract with the workers is fair; management processes and communication channels are clear and transparent; and platforms allow for the expression of worker voice through open worker representation.

The Fairwork India team is spearheaded by the Centre for IT and Public Policy (CITAPP) at the International Institute of Information Technology Bangalore (IIITB), along with partners at the University of Oxford and the University of Manchester. The partners at Oxford include legal experts who look at potential government-level policy actions and regulatory interventions to better protect platform workers. The team assessed evidence against each of the Fairwork principles through a combination of desk research and worker interviews conducted in Bangalore⁶ and, where possible, from evidence provided by the platforms. Given the often opaque and fast changing nature of the platform economy, reliable data is difficult to come by. Thus, a point is awarded only when there is evidence that the platform fulfils the conditions. Being a team of researchers with no affiliation with workers, platforms or government, our scores provide an independent assessment of platforms.

This is the second year of rating Indian platforms.⁷ In the first year, twelve platforms were scored. This year too, the goal was to score twelve platforms but that number came down to eleven due to a merger. The range in Fairwork scores we report here, across various principles, points to heterogeneity in the organisation of platforms across domains, and differences in their interpretation of regulation. Based on the scores and findings, some platforms have expressed an interest in creating fairer working conditions. Another purpose of the scores is to sensitise and influence the customers who seek the services offered by these platforms, to consider working conditions when choosing between them. These scores can also add to the resources available to collective bodies of workers when they raise demands. Thus, our hope is that platforms, workers, regulators, and consumers, will all use the Fairwork framework and ratings to imagine, and realise, a fairer platform economy in India.

- Balaji Parthasarathy, International Institute of Information Technology, Bangalore (IIIT-B).

⁶ The initial plan was to conduct worker interviews in Mumbai and Delhi in addition to Bangalore. But due to the onset of COVID-19, in March 2020, it was reformulated to include only the completed interviews from Bangalore.

⁷ To view the scorecard for each platform please visit: <https://fair.work/en/fw/ratings/>. Note that this year's scores cannot be directly compared with last year's scores since the scoring process and thresholds have changed between 2019 and 2020.

The Fairwork Framework

The Fairwork project studies the working conditions of digital platforms and scores them on how well they fare. Its goal is to show that better, and fairer, jobs are possible in the platform economy. To do this, the project uses five principles that digital platforms should comply with in order to be considered to be offering ‘fair work’. Fairwork scores platforms against these principles to show not only what the platform economy is, but also what it *could* be. The five Fairwork principles were initially developed at a multistakeholder workshop at the International Labour Organization. Follow-up workshops were then held for local stakeholders in Berlin, Bangalore, Cape Town and Johannesburg. These workshops, and subsequent conversations with platform 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 Indian context. Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms, can be found in Appendix I.

The Five Principles

1. Fair Pay

Workers, irrespective of their employment classification, should earn the mandated minimum wage in their home jurisdiction after taking account of work-related costs.

2. Fair Conditions

Platforms should have policies in place to protect workers from 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 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. If workers are genuinely self-employed, the terms of service 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, can 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 to ensure equity in 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 cooperate and negotiate with them.

Methodology

The Fairwork project uses three approaches to measure 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 ranked, 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, for instance the provision of particular services to workers or ongoing disputes.

In India, desk research helped identify eleven prominent platforms operating in Bangalore, based on the size of their workforce, customer base, and investments.⁸

⁸ The initial plan was to include worker interviews and evidence focused on eleven platforms that were available and popular in three metropolitan areas in different parts of India. The focus on cities in different regions was to account for variations in demand and supply of services on the chosen platforms across the country. The focus on metropolitan cities was because they are home to a large proportion of the growing Indian platform economy. See Rao, M.M. 2019. The 'gig' economy is creating lakhs of jobs, but workers don't see a future. *The Hindu*. 30 August. Accessed on 16 November from

Platform Interviews

The second method involves approaching platforms for evidence. Platform managers are interviewed and evidence is requested for each of the Fairwork principles. 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 build a representative set of experiences. They instead seek to understand the work processes and how they are carried out and managed. They allow the project team, for instance, to see contracts and learn about platform policies that pertain to workers. The interviews also allow the team to verify the policies and practices which are in place. See Appendix II for details on recruitment of workers for interviews.

Putting It All Together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. The scores are peer reviewed by the country team, the Oxford team, and two reviewers from other Fairwork country teams. This provides consistency and rigour to the scoring process. Points are only awarded if clear evidence exists 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 satisfactorily demonstrate their

<https://www.thehindu.com/business/Economy/the-gig-economy-is-creating-lakhs-of-jobs-but-workers-dont-see-a-future/article29299673.ece>. The plan to conduct interviews in three Indian cities -- Bangalore in southern India, Mumbai in the west and Delhi in the north -- had to be reformulated in the wake of COVID-19 and a nationwide lockdown by March 2020 which made it challenging to carry out fieldwork without undue risk to participants and researchers.

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. See Appendix I for further details on the Fairwork scoring system.

Overview of the Indian Platform Economy

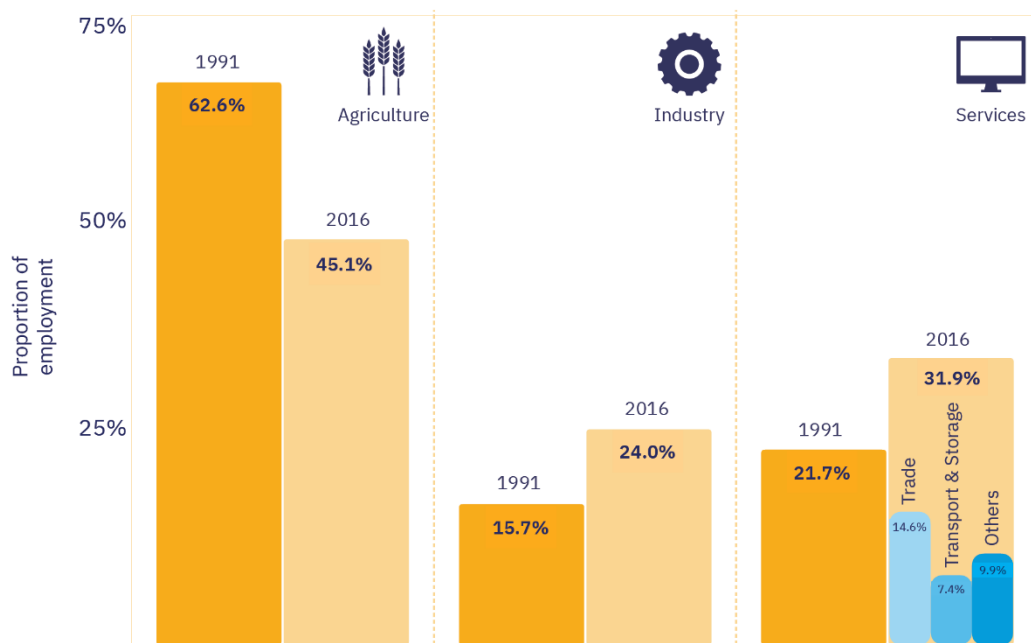
Ever since the launch of the e-commerce site Flipkart in 2007, India has witnessed the emergence of several platforms that offer “work on-demand via apps” in sectors including ride-hailing, courier services, food delivery, and domestic and personal care services (such as beauty, carpentry, electrical, or plumbing services). However, there is little reliable data on, for instance, how many platforms there are, or their revenues. Further, while the Indian government has proposed that platforms should provide data on jobs,⁹ there is no definitive estimate of the size of the platform economy workforce. By assembling evidence from various sources (see Appendix III), we estimate that the eleven platforms featured in this report have a total workforce of over three million (30 lakh) workers.

This section of the report offers an explanation for the growth of location-based platform services in terms of macro-economic shifts that have taken place in India in recent years. Later sections describe the work and work conditions in the platform economy in more detail, drawing on our study of eleven platforms using the Fairwork principles. While interviews with workers were conducted between November 2019 and February 2020 (i.e., before the outbreak of the COVID-19 pandemic in India), desk research and interactions with the platforms continued until November 2020.¹⁰

⁹ Sharma, Y.S. and Suneja, K. 2019. Professional bodies and gig economy players to file data on jobs: Govt to notify framework for collating data. *Economic Times*. 13 August. Accessed on 16 November from https://economictimes.indiatimes.com/jobs/professional-bodies-and-gig-economy-players-to-file-data-on-jobs-govt-to-notify-framework-for-collating-data/articleshow/70651772.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

¹⁰ For more on how platforms performed during the pandemic, see Fairwork. 2020. *The Gig Economy and Covid-19: Looking Ahead*. Oxford, United Kingdom. <https://fair.work/wp-content/uploads/sites/97/2020/09/COVID-19-Report-September-2020.pdf>

Figure 1: Changing proportion of employment by sector, 1991-2016



Source: Generated from references in endnotes 11 and 12

A prominent feature of the Indian economy is its decreasing dependence on agriculture for employment, as Figure 1 shows.¹¹ The figure also shows that trade, and transport and storage (service sub-sectors in which many of the platforms studied by this report operate), have led the way in offering jobs over the last two decades.¹²

Despite remaining the largest source of employment, agriculture’s contribution to gross value-added in 2016 was only 15.23 percent.¹³ The biggest contribution of 51.13 percent came from services, with the rest coming from industry. Likewise, between 1984 and 2010, the annual

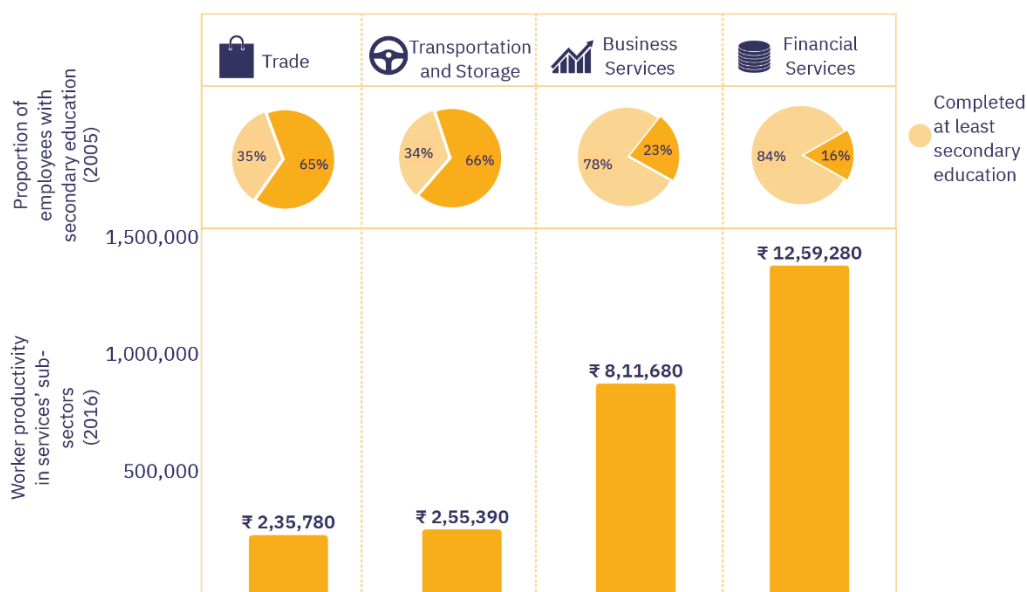
¹¹ Data accessed on 16 November from <https://databank.worldbank.org/source/world-development-indicators>

¹² Construction generated the most jobs in this period (35.74 percent). Bhattacharya, P. 2018. Which are the top sectors that generate employment in India? *Livemint*. 12 April. Accessed on 16 November from <https://www.livemint.com/Politics/7XXmUWyxkSEGKoWXJqUuHM/Which-are-the-top-sectors-that-generate-employment-in-India.html>

¹³ Data accessed on 16 November from <https://databank.worldbank.org/source/world-development-indicators>

growth in productivity in services (4.9 percent) was ahead of the national figure (3.7 percent).¹⁴ But services include a range of activities which vary in the productivity and the skills they employ. In 2016, for instance, as Figure 2 shows, the productivity per worker in trade, and in transport, storage and communications was barely a third of what it was for business services, and less than a fourth of financial services.¹⁵ Figure 2 also shows that the differences in productivity correspond to differences in education. In 2005, the share of employees with a secondary education in sub-sectors such as transport and communication, and wholesale and retail trade, was less than half of what it was in financial services and in business services.¹⁶

Figure 2: Comparing worker productivity in current Rupees (2016), and levels of secondary education (2005), by services sub-sectors



¹⁴ Amirapu, A. and Subramanian, A. 2015. *Manufacturing or Services? An Indian Illustration of a Development Dilemma*. Working Paper 409. Washington DC: Center for Global Development. Accessed on 1 November from <https://www.cgdev.org/publication/manufacturing-or-services-indian-illustration-development-dilemma-working-paper-409>

¹⁵ Bhattacharya (2018). op.cit.

¹⁶ Amirapu and Subramanian (2015), op.cit.

As the employment profile of the country has changed, those leaving agriculture have increasingly found livelihood opportunities in relatively low-value added sectors, with low educational barriers to entry.¹⁷ Cities beckon with opportunities,¹⁸ and the resulting migration is male-dominated and rarely permanent.¹⁹ Once in the city, at least some of them find work in the app-based platforms, attracted in part by the higher income, and the short and relatively predictable payment cycles, in comparison with other work alternatives.

A second factor that has facilitated the growth of the platform economy in India is the proliferation of mobile phones with internet connectivity. A country that had barely 1.1 telephones per 100 people in 1994,²⁰ had 93.27 by 2018. By 2018, 98.12 percent of all telephone connections were mobile connections, of which 34.7 percent had broadband internet access.²¹ A third factor in the growth of the platform economy has been the increasing last-mile access for platform workers to reach customers. India is the world's biggest two-wheeler (motorcycle and scooter) market,²² with a third of households owning one.²³ A fourth

¹⁷ It is suggested that, "construction is becoming a refuge employment sector as its productivity declines." See, Majid, N. 2019. *Structural Change and Employment in India*. ILO-SIDA Partnership on Employment Working Paper No.1. Geneva, CH: International Labour Organization (ILO), p.13. Accessed on 16 November from https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_735166.pdf Productivity in construction was INR 126,560 in 2106 (Bhattacharya, 2018) and, in 2005, only 14.4 percent of its workforce had a secondary education (Amirapu and Subramanian, 2015).

¹⁸ In 2012, 51.6 percent of net value-added in the economy was in urban areas although they were home to only 31.6 percent of the population. <https://databank.worldbank.org/source/world-development-indicators>

¹⁹ Tumbe, C. 2016. *Urbanisation, Demographic Transition, and the Growth of Cities in India, 1870-2020*. International Growth Centre Working Paper C-35205-INC-1. Accessed on 1 November from <https://www.theigc.org/wp-content/uploads/2016/11/Tumbe-2016-Working-paper.pdf>

²⁰ Bell, T., Adam, J.A. and Lowe, S. J. 1996. Communications. *IEEE Spectrum*. 33(1):30-41.

²¹ Department of Telecommunications (DoT). 2018. *Telecom Statistics India – 2018*. Ministry of Communications, Government of India. <https://dot.gov.in/sites/default/files/statistical-percent20Bulletin-2018.pdf?download=1>

²² Raman, A. 2020. *The Power of Two Wheels. Bike-Taxi: India's New Shared Mobility Frontier*. Ola Mobility Institute. Accessed on 16 November from <https://olawebcdn.com/ola-institute/bike-taxi-report.pdf>

²³ Kundu, T. and Bhattacharya, P. 2018. India runs on two wheels and animal carts, data shows. *Livemint*. 8 August. Accessed on 16 November from

factor is the supply of venture capital to support the expansion of the industry.²⁴ Between 2013 and 2019, of a total of US\$39.7 billion in venture capital investments in India,²⁵ an estimated US\$14.82 billion went to nine of the eleven platforms studied in this report (see Appendix IV). A final factor in this growth is an ambiguous legal environment, which is discussed in The Legal and Policy Context section of the report.

Having outlined some of the reasons behind the recent growth in location-based platform services in India, we turn to considering how work conditions have changed in the economy. Since the platforms studied in this report belong to the organised economy, the conditions of work in this segment of the economy are worth examining.²⁶ Although employment in the organised economy is relatively small, it accounted for 45.6 percent of total output in 2012.²⁷ In services too, the organised economy contributed 50.6 percent to the total sectoral output, whereas it accounted for only 25.6 percent of sectoral employment.

<https://www.livemint.com/Auto/N3Ixb0Mv3eu2vWfzeiRw3N/> India-runs-on-two-wheels-and-animal-carts-data-shows.html

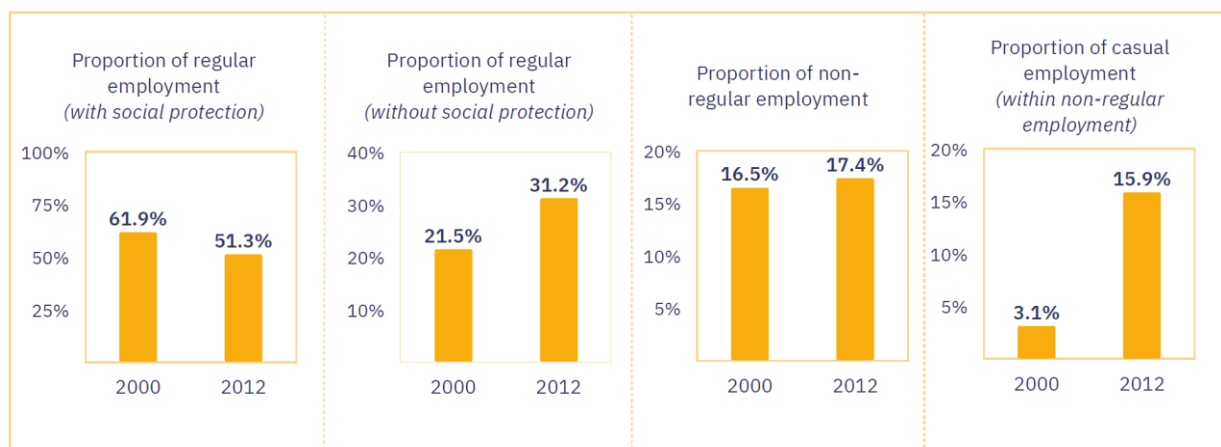
²⁴ Although most platforms are yet to show a profit, their ability to attract investments is explained not merely by the returns from service provision but also by the potential value of digital data that is generated “before, during, and after service provision”. See van Doorn, N. and Badger, A. 2020. Platform capitalism’s hidden abode: Producing data assets in the gig economy. *Antipode* 52(5):1475-1495.

²⁵ Sheth, A., and Krishnan, T.S. 2020. *Venture capital investments in India. India Venture Capital Report 2020: Perspectives on the Funding and Start-up Ecosystem*. Bain & Company. Accessed on 16 November from <https://www.bain.com/insights/india-venture-capital-report-2020/>

²⁶ “The unorganised sector [economy] 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.” Thus, the organised economy is anything that the unorganised economy is not. See, the National Commission of Enterprises in the Unorganised Sector (NCEUS). 2009. *The Challenge of Employment in India: An Informal Economy Perspective. Volume I – Main Report*. Accessed on 1 November from http://dcmsme.gov.in/The_Challenge_of_employment_in_India.pdf New Delhi: NCEUS, p.3.

²⁷ The share of the organised sector in total employment barely increased from 10.3 percent to 13.9 percent between 2000 and 2012. Majid (2019), op.cit.

Figure 3: Changing proportions of employment in the organised economy with access to social protection, 2000-2012



Source: Generated from reference in endnote 27

Despite the productivity of the organised economy, including in the services sector, Figure 3 shows that the proportion of regular employment with social protection has declined. This decline has been accompanied by an increasing proportion of regular employment without social protection, and non-regular employment, especially the casualisation of labour.²⁸ Most platform workers, euphemistically labelled “independent contractors” or “partners”, belong to either the (growing) regular non-protected or the casual worker categories. How these contractors or partners (i.e. workers) perceive and experience platforms are considered in the Theme in Focus: Precarity section. But, before that, the next section will present an overview of the legal context of the platform economy in India.

The Legal and Policy Context

Much like in other countries, Indian platform companies and workers operate within a murky and rapidly evolving legal and policy context. Two axes of contention are the classification of

²⁸ The distinction here is between regular paid employment and non-regular employment. Regular paid employment has some social security or contractual protection associated with it, while regular paid (non-protected) employment has no such security or protection. Non-regular employment includes casual employment and self-employment. An organised economy has both regular and non-regular labour, while an unorganised economy is dominated by non-regular labour. See, Majid (2019), op.cit.

workers (i.e. are they independent contractors/self-employed, or are they employees of the platform?), and the applicability of sector-specific regulations (e.g. transport or food safety) to platform companies which describe themselves primarily as technology companies.²⁹

Being treated as independent contractors limits the protections (minimum wages, working hours, gratuity pay), social security (Employees Provident Fund, Employees State Insurance), and collective bargaining rights available to platform workers under law, as orders or judgements from the Delhi³⁰ and Karnataka³¹ High Courts have indicated.³² Some have even argued that, in the absence of regulatory clarity, worker grievances should be taken up under the Consumer Protection Act instead, by treating workers as “consumers” of the platform company.³³ For the most part, platform work as a whole has remained largely invisible in the context of labour laws, including labour contracting.³⁴ It was only in 2019 that “gig” or

²⁹ Uber has argued that it is “only a provider of a technology platform to be used by drivers to offer their services to passengers and not a rental taxi provider or an agency in the sense defined by the Motor Vehicles Act.” Johnson, T.A. 2016. New Karnataka rules ‘against tech’, says Uber India. *The Indian Express*. 6 July. Accessed on 16 November from <https://indianexpress.com/article/technology/tech-news-technology/new-karnataka-rules-against-tech-says-uber-india-2902392/>

³⁰ Press Trust of India. 2017. HC asks striking drivers of Ola and Uber to end stir. *The Economic Times*. 28 February. Accessed on 16 November from <https://economictimes.indiatimes.com/news/politics-and-nation/hc-asks-striking-drivers-of-ola-and-uber-to-end-stir/articleshow/57393991.cms>

³¹ *Ms Ayantika Mondal v State of Karnataka* WP 6757/2020 (High Court of Karnataka). Also see Raj, A. 2020. Scarce work, irregular earnings: drivers, delivery agents struggle. *The Quint*. 12 May. Accessed on 16 November from <https://www.thequint.com/news/india/karnataka-gig-economy-scarce-work-irregular-earnings-drivers-delivery-agents-struggle>

³² It is worth noting that existing laws, such as those on minimum wages and maternity benefits, do not apply to most segments of the Indian labour force, and not just to platform workers. Additionally, in the wake of COVID-19, the large-scale migration of workers to their home states and the scarcity of workers in urban areas, various Indian states announced that they would relax labour laws, as they pertain to either working hours, or the monitoring of working conditions for various labour segments and sectors of work, in order to grow employment. Many of these announcements have since been withdrawn following domestic and international pressure, but others have been operationalised. See for instance, *The Hindu*. 2020. Major rehaul of labour laws in Karnataka. 23 July. Accessed on 16 November from <https://www.thehindu.com/news/national/karnataka/major-rehaul-of-labour-laws-in-karnataka/article32176633.ece>.

³³ Bapna, N. and Saxena, A. 2017. Getting Ola and Uber drivers out of the regulatory grey zone. *The Wire*. 21 March. Accessed on 16 November from <https://thewire.in/business/uber-ola-drivers-classified-consumers>

³⁴ Even if platform workers are to be treated as independent contractors, there is scope for some legal coverage under the Contract Labour Act, given the definition of “contractor” under section 2(c) of the Act. 'Contract Labour (Regulations & Abolition) Act, 1970'. n.d. *Chief Labour Commissioner*.

“platform” work even found explicit mention in a labour code. A draft Code on Social Security—the only one of four proposed labour codes that mentions this category of workers³⁵—was introduced in 2019,³⁶ studied by a Standing Committee and passed by Parliament in September 2020.³⁷ There have also been attempts to draft a law for platform work and workers by states. For instance, Karnataka³⁸ initiated discussions in 2019 to examine whether gig workers could be covered by an existing workplace-related legislation,³⁹ or whether new legislation was needed to cover gig workers.⁴⁰

<https://clc.gov.in/clc/acts-rules/contract-labour-regulation-abolition-act-1970> This Act regulates the engagement of contract labour, including work done through third party contractors. But platforms do not seem to be applying this law. See Rajkumar, M. 2020. The law for gig-workers in India. *Nyaaya*. 28 April. Accessed on 16 November from <https://medium.com/nyaaya/the-law-for-gig-workers-in-india-4163cfaee18b>

³⁵ The other three Codes are the Code of Wages Act 2019, Industrial Relations Code Code 2020, and the Occupational Health, Safety and Working Conditions Code 2020.

³⁶ In September 2020, the Code of Social Security Bill 2019 was withdrawn, and the Code of Social Security 2020 introduced and passed by Parliament. PRS. n.d. The Code on Social Security, 2020. *PRS Legislative Research*. <https://www.prsindia.org/billtrack/code-social-security-2020>

³⁷ This Code seeks to replace nine laws related to social security, including the Employees’ Provident Fund Act, 1952, the Maternity Benefit Act, 1961, and the Unorganised Workers’ Social Security Act, 2008. Social security refers to measures to ensure access to health care and provision of income security to workers. Although this Code seeks to extend social security benefits to platform workers/workers in the gig economy, it only recognises them in the context of social security, leaving them outside protections related to occupational health and safety, wages and industrial relations. The Code and the draft rules proposed to operationalise it indicate that platform companies will be required to make a contribution to workers’ social security funds. See PRS. n.d. The Code on Social Security, 2020. *PRS Legislative Research*. <https://www.prsindia.org/billtrack/code-social-security-2020> and Government of India. 2020. Draft of the Code on Social Security(Central) Rules. 2020. Ministry of Labour and Employment. <https://labour.gov.in/whatsnew/draft-code-social-securitycentral-rules-2020>

³⁸ Labour laws are legislated both centrally and by states in India.

³⁹ For an example of how existing statutory and common law can be interpreted to provide basic rights for platform workers, see Fairwork. (2020). Code of Good Practice for The Regulation of Platform Work in South Africa. Cape Town, Western Cape; Oxford, United Kingdom.

⁴⁰ *The Hindu*. 2019. Government to ensure labour benefits for gig economy workers. 21 October. Accessed on 16 November from <https://www.thehindu.com/news/cities/bangalore/government-to-ensure-labour-benefits-for-gig-economy-workers/article29760222.ece>

A second issue that affects platform workers is the classification of the platform companies and the range of entities involved in regulating different aspects of their operations.⁴¹ Historically, platform companies have argued that they are merely technology platforms.⁴² But over time, these companies have been brought under the purview of certain sectoral regulations pertaining to transportation, food delivery, and other services. For example, the Food Safety and Standards Authority has issued specific guidelines for “ecommerce food business operators.”⁴³ Similarly, the Motor Vehicles (Amendment) Act, 2019, requires platform companies offering transport services to possess an “aggregator” classification and a state license to operate.⁴⁴ The Motor Vehicle Aggregator Guidelines, 2020, provides a framework of rules for states to regulate the service conditions and tariffs of the aggregators.⁴⁵ These sector-

⁴¹ Most recently, the Code on Social Security, 2020 considers platform companies as “aggregators” -- a digital intermediary that connects users of a service with sellers or service providers -- and lists nine categories of aggregators, including “ride sharing services”, “food and grocery delivery services”, “logistic services”, “e-market place”, and “professional services provider.” See section 2(2) and The Seventh Schedule of ‘The Code on Social Security, 2020’. 29 September. Ministry of Law and Justice.

⁴² See *Satish N vs State Of Karnataka* WP No.30917/2016 (High Court of Karnataka) where it is argued that an aggregator like Uber “merely creates a technology-based platform.”

Even in official government documents, companies declare their activities in somewhat ambiguous terms. For instance, the Altered Memorandum of Association (April, 2020) of Bundl Technologies (Swiggy) includes the objective of carrying on “the business or profession of providing a platform... to facilitate transactions, commerce, electronic commerce...”. It further states that the aim is to “provide, develop, establish, run, manage, operate courier services or logistics services and manifestation for collecting and delivering whether by own arrangements, engaging third parties or through agents...” It is therefore not unreasonable to interpret Swiggy as not just a technology company but as a logistics services company managing the end-to-end courier process including the workers themselves.

⁴³ For recent directives, see Food Safety and Standards Authority of India. 2018. Direction relating to FSS (Licensing and Registration) regulations. *FSSAI*. https://fssai.gov.in/dam/jcr:9a216a62-f67c-4ba1-93e4-9ba1ec749ca3/Direction_License_Registration_13_12_2018.pdf

⁴⁴ Motor Vehicle (Amendment) Act, 2019, s. 93 r/w s.1A (‘definition of aggregator’). <http://egazette.nic.in/WriteReadData/2019/210413.pdf>

⁴⁵ These guidelines have several implications for drivers, including a cap of 20% aggregator commission per trip, limiting login hours to 12 hours at a stretch followed by 10 hours of rest and 10% cancellation charge for both driver and passenger. See Sections 13(4), 7(2)d, 14(1) of the Motor Vehicle Aggregator Guidelines, 2020. http://morth.nic.in/sites/default/files/notifications_document/Motor%20Vehicle%20Aggregators27112020150046.pdf Even before the issue of these guidelines, there has been regulation by states. For example, the Karnataka On-demand Transportation Technology Rule 2016 capped surge pricing of app-based taxi aggregators to ensure minimum earnings for non app-based cab drivers, and to protect

specific regulations can also affect the earnings and working conditions of platform workers. Given the range of entities potentially involved in regulating platform companies,⁴⁶ a concern is that this may take place without a clear demarcation of accountability between these entities.⁴⁷ As a consequence, no one entity is currently held accountable for ensuring workers' rights or regulating their working conditions in this regulatory landscape.

The dual uncertainties of employment status and regulatory classification arguably allow platform companies to make their own rules with respect to wages and working conditions. As shown in the rest of this report, these uncertainties can leave workers vulnerable. It is imperative that the labour department at the central and state levels, along with other departments and regulators, come together to draft robust legislation and regulations for platform workers and other non-standard forms of work.

Fairwork Scores

Urban Company - 8

Flipkart - 7

Dunzo - 4

consumers. Yadav, U. and Variar, M. 2016. Uber ordered to limit surge pricing, comply with Karnataka rules for taxi aggregators. *The Economic Times*, 11 November. Accessed on 16 November from

<https://economictimes.indiatimes.com/small-biz/startups/uber-ordered-to-limit-surge-pricing-comply-with-karnataka-rules-for-taxi-aggregators/articleshow/55364437.cms>

⁴⁶ Various other laws such as competition laws, the Information Technology Act 2000, and the Personal Data Protection Bill 2019 also affect platform workers. So will the Personal Data Protection Bill 2019 that is being discussed by Parliament. See. Ministry of Electronics and Information Technology. n.d. Information Technology Act 2000. *MEITY*. <https://www.meity.gov.in/content/information-technology-act-2000> and PRS. n.d. The Personal Data Protection Bill, 2019. *PRS Legislative Research*. <https://www.prsindia.org/billtrack/personal-data-protection-bill-2019>

⁴⁷ Changes to regulatory frameworks are being debated in several domains of activity in India, especially those shaped by the introduction of ICTs, and not just the platform economy. The division of labour and distribution of accountability among various regulatory authorities are a key component of this debate. See Kapur, D and Khosla, M. 2019. The reality of regulation in India. In Kapur, D and Khosla, M. (eds.), *Regulation in India: Design, Capacity, Performance*. New Delhi: Hart Publishing. However, platform services present an additional layer of complexity because their “users” include both service providers and end-consumers, which multiplies their regulatory requirements and the regulatory entities that are involved.

Grofers - 4
Amazon (ATS) - 2
Bigbasket - 2
Housejoy - 2
Ola - 2
Swiggy - 1
Uber - 1
Zomato - 1

The platform scores in this report rely on data gathered using the Fairwork Framework as laid out in the Methodology section. After desk research was conducted, workers from all eleven platforms were interviewed,⁴⁸ and evidence was collected from the platform managements of four (namely, Dunzo, Flipkart, Uber and Urban Company). Appendices I and II provide further details of the evidence used to score each point, and how it was gathered.

Fair Pay

Of the eleven platforms we studied this year, workers on eight earned the hourly minimum wage before factoring in their costs (see Appendix I for details on how the hourly minimum wage is derived). However, there was insufficient evidence that workers on Bigbasket, Housejoy and Swiggy earned the minimum wage before costs. While within Housejoy, there was sufficient evidence that beauty workers and home service providers (electricians, plumbers, technicians etc.) earn above the minimum wage, there was insufficient evidence that professional cleaning crews, hired through subcontractors, earn the minimum wage as well. On the advanced point, workers on Flipkart, Grofers, Ola, and Urban Company earned the hourly minimum wage after accounting for fuel costs (see Appendix I for an analysis of other costs which are not accounted for in our calculations.)

It is worth pointing out here that pay on platforms proved hard to estimate, with even workers finding it hard to compute their costs and hours of work. For one, even where workers made the (hourly) minimum wage criterion, they did so by working more than the 48 hour work week (see Appendix I for more details). Additionally, on some platforms, pay has several components, with incentives constituting a large share. Since incentives tended to be tied to longer hours on the platform, these too contributed to extended hours of work. Finally, even in

⁴⁸ On platforms such as Amazon, Bigbasket, Flipkart and Grofers that have large supply chains, the focus was limited to last-mile delivery workers.

cases where platforms promised a minimum guaranteed amount to workers, on the condition that they were logged on to the platform for a stipulated duration (and satisfied other conditions), earnings fell below minimum wage rates once fuel costs were taken into account.

Fair Conditions

A basic point was awarded to platforms if they were able to mitigate risks faced by workers, by offering accident insurance while logged in, safety gear and safety training (paid for and conducted by the platform), and having an SOS button or emergency helpline for workers. There was enough evidence to award the basic point to seven of the eleven platforms: Bigbasket, Dunzo, Flipkart, Grofers, Housejoy, Swiggy and Urban Company.

The advanced point was awarded to platforms that went beyond risk mitigation and took active steps to improve conditions for workers. Only Urban Company and Flipkart demonstrated sufficient evidence for this point. Urban Company provided health insurance (for top performers in selected categories), redesigned equipment to reduce material handling-related injuries and offered skill certification, while Flipkart provided career progression programs for their delivery workforce.

Fair Contracts

For Fair Contracts, platforms were awarded a basic point if a contract existed and was made readable, comprehensible and accessible to workers by the platform. There was sufficient evidence for only Dunzo and Urban Company to merit this basic point. None of the platforms in our study demonstrated sufficient evidence that satisfied *all* the criteria for the advanced point.

Fair Management

The basic point on Fair Management was awarded to platforms that demonstrated due process in decisions affecting workers. Of the eleven platforms studied, seven offered communication channels for workers that served this purpose, including helpline numbers, management-created Whatsapp groups and, in some cases, one-on-one communication channels with managers or team leads. However, workers from the other four platforms (namely Ola, Swiggy,

Uber and Zomato), were increasingly dissatisfied with the communication channels made available to them. The helpline numbers provided were either unresponsive most of the time or had premeditated responses. Workers on these platforms added that ID blocks without warning were frequent, and that there was no documented process to appeal when they were blocked (see the accounts of ID blocks in Workers' Stories section). Workers also complained that they had to report the block at the platform hub in order to be unblocked, which effectively meant losing out on daily earnings and daily / weekly incentives.

Hub-based platforms fared better with regards to the basic point for Fair Management. Workers from Bigbasket and Flipkart contacted their hub manager directly if they faced an issue, and hub-specific WhatsApp groups for workers were also maintained by the management. Housejoy and Urban Company also maintained category-wise Whatsapp groups for their workers. The concerns raised by workers on these Whatsapp groups were similar across platforms; workers recalled sorting out navigation issues, order allocations, and how to deal with rude customers. Urban Company also sent its workers multiple messages if their rating dropped below a certain threshold before blocking and re-training them. Their application also remained accessible to workers who were blocked, allowing them to appeal the blocking decision.

The advanced point for this principle is awarded to platforms that demonstrate inclusiveness by proactively seeking to employ marginalised populations. Only two platforms, Flipkart and Urban Company, were awarded this point. As detailed in the next section, Urban Company provided documentation of instances when they had publicly supported their workers who faced discrimination. They also agreed to add a no discrimination clause in the customers terms of use. Flipkart, meanwhile, provided examples of initiatives it has established to diversify its last-mile workforce by proactively employing women and physically disabled persons.⁴⁹ It also conducts sensitisation programs for its supply chain workers to ensure an inclusive working experience for differently abled and women workers. Besides its zero-tolerance policy towards sexual harassment, the platform provides training to sensitise workers to the issue, and provides separate locker rooms for men and women.

⁴⁹ Project Vividithva was introduced in 2019 to employ more women in the last-mile infrastructure, specifically as wishmasters. Flipkart also recruits interpreters to train the differently abled.

Fair Representation

The basic point on this principle was awarded where there were worker voice mechanisms and freedom of association, and the advanced point where there is evidence of worker collectivisation being permitted. One of the two examples of spaces or fora for worker voices were the regular, face-to-face meetings that Urban Company conducted with small groups of workers from each service category. These meetings were called and run by the management to take up worker concerns and facilitate a two-way conversation between workers and management. The other was the monthly town hall meetings of Flipkart which brought together workers, Team Leads, HR staff and subcontractors. These meetings serve as a channel for workers to collectively express their opinion about various policies to the management. Beyond these examples, there was no evidence of platform management supporting or acknowledging worker collectivisation in the platforms studied.⁵⁰ Furthermore, in cases where worker strikes had taken place in the past (mainly in ride-hailing and food delivery platforms), platforms had reacted in different ways. Zomato, for example, blocked the IDs of several workers who participated in a strike, as detailed in the workers' stories section.⁵¹ Additionally, the Zomato contract explicitly states that any partner who is found "indulging in acts such as creating ruckus / strike / or any activity against Zomato, which could be detrimental to the Zomato's brand and its image" will be terminated.⁵²

For the advanced point, there was insufficient evidence that any platform currently recognised, or was willing to recognise, worker trade unions. Overall, none of the platforms showed an interest in acknowledging, or encouraging, worker collectivisation.

⁵⁰ Fieldwork showed that workers formed their own Whatsapp groups to share concerns, seek help, and mobilise around demands to be placed to the platform management.

⁵¹ See also Chatterjee, S. 2019. Several Zomato delivery execs in Bengaluru suspended after protest on pay structure. *The News Minute*, 18 September. Accessed on 16 November from

<https://www.thenewsminute.com/article/several-zomato-delivery-execs-bengaluru-suspended-after-protest-pay-structure-109095>

⁵² See clause 10.2.iv.j of the Zomato delivery agreement available at <https://www.runnr.in/delivery-partner-tandc.html> (accessed on 16 November)

Platform in Focus: Urban Company

Urban Company is an at-home service provider platform headquartered in Gurugram, Haryana. Using its app and website, Urban Company connects its customers to the providers of various services, including beauty, deep cleaning and maintenance work, among others. Towards this, Urban Company first screens and onboards service providers (who it refers to as “service partners” but whom the report will refer to as “workers”, consistent with the rest of the report), trains them for specific services, assigns them jobs based on customer demand, and finally, facilitates their payment.

Conversations with Urban Company workers and data from the company indicate that most workers earn above the local minimum wage after factoring in costs. Amongst the eleven platforms scored in this report, Urban Company was the only platform to provide evidence that its workers earn above minimum wage while working (on average) a 48-hour working week for most categories of services. It is worth noting, however, that some categories of Urban Company workers, particularly beauty workers, are mandated to buy their equipment and products from the platform.⁵³ This practice increases the costs for workers, although it is justified by the platform as a means of ensuring standardised service provision.

Urban Company has introduced several innovative measures in working conditions. It provides dedicated training sessions for its workers in several service categories, including beauty and massage services, house cleaning and appliance repair, once they sign up with the platform. For many categories of work, Urban Company workers participate in training sessions over ten days and are evaluated at the end of this period. Successful workers are encouraged to apply for a Recognition of Prior Learning (RPL) certification which could prove useful towards their career progression. As of February 2020, 70 percent of Urban Company’s workforce had received this certification. Urban Company has also redesigned equipment to improve worker comfort and safety. For instance, massage tables were redesigned to make them lighter so that workers did not struggle while transporting them to customer locations. It is for these reasons that Urban Company is one of only two platforms that scored the advance point for Fair Conditions.

Urban Company workers are provided with an oral explanation of their contracts during their onboarding and training. They are also given a photocopy of the contract to keep. After

⁵³ Although Urban Company provides loans to its partners, it charges an interest rate on them that may vary between 18.5 and 23.2 percent.

engaging with Fairwork, Urban Company has agreed to translate its worker contract into multiple languages and notify workers by the first quarter of 2021.⁵⁴

Urban Company also offers clear channels of communication for workers' grievances, including a helpline and Whatsapp groups created by the management that workers found responsive. Where worker accounts are deactivated, workers are still able to access the Urban Company app and raise appeals, a provision that almost no other platform provides at present. Though the Urban Company management is yet to take proactive steps to employ marginalised groups, there were examples that showed that the management had reacted strongly to instances of discrimination against workers and / or by customers.⁵⁵ For example, Urban Company has resisted requests from some workers to segregate jobs by partner identity (based on their caste or region) and blocked a customer who did not want Muslim service providers. After engaging with Fairwork, Urban Company has also agreed to add a no discrimination clause into its customers terms of use.

Besides the helpline and Whatsapp groups that are focussed on individual grievances or queries, Urban Company has also created fora to enable conversations between workers and management to discuss collective grievances. Regular Focussed Group Discussions (FGDs) with small groups of workers are an example. These worker-centred discussions, one of which the team witnessed, are hosted either at the Urban Company offices or in cafes on the field, based on the convenience of the group. The management has also rolled out quarterly job satisfaction surveys in three languages for feedback from partners on their experience with Urban Company and their inputs on policies they would like changed. While such discussions and surveys may foster a conversation and participation by partners, these fora remain management-led. Urban Company is yet to encourage and accept worker-governed bodies as a channel for interaction between partners and management.

⁵⁴ Urban Company provided us templates of its contracts in Hindi and Kannada. Plans to translate into Tamil and Telugu are currently on hold in view of COVID-19.

⁵⁵ While the platform does have a documented zero-tolerance policy, that applies only to discrimination by and among workers but not to discrimination by customers or the platform.

Workers' Stories

Antony*, Uber cab driver

Antony (not his real name) hails from Kerala. He is 33 and married with children. Prior to joining Uber, Antony worked as a driver in Saudi Arabia. He returned to India to be closer to his family. His family resides in Kerala while he stays in Electronic City, Bangalore, sharing a flat with two others. Uber seemed the best option for him since he had previously worked as a driver. He also tried food delivery for a while, but couldn't bear the exposure to the pollution in the city that driving a two-wheeler entailed.

When we interviewed Antony on Church Street, Bangalore, he told us that he had been driving with Uber for 17 months. Until a month ago, he did not own the car he drove—he leased the car from Uber's subsidiary and had to pay Rs 17,000 a month for 16 months to clear the lease, which he just had. Antony said he drives on average for 16 hours a day everyday, which is in the highest bracket of working hours amongst our interviewees. With a sense of urgency in his voice, he said, "I needed to clear the lease right? So I had to keep driving".

Antony has his share of issues with Uber. He complained that the Uber navigation system does not take into account the traffic in the city when estimating ride durations, making the target number of rides for various incentive levels unrealistic. Frequent blocking is another threat drivers face, with implications for their daily / weekly incentives. Antony was blocked recently from the platform. "A customer had complained that my driving was rash and I was immediately blocked. I tried sending them messages and calling them but they were unresponsive. So I had to go to their office, wait in line, and ask them to unblock me only after which they let me go with a warning." Falling incentive rates are a concern as well—the weekly incentives dropped from Rs 6000 to Rs 2000 during the time he'd been with Uber.

Antony pointed out that there are no regular and reliable channels through which to raise these issues. While he did receive a couple of messages about 'Samaaj' meetings being conducted at the Uber hub, the pressure to meet his monthly lease obligations left him with little time to attend. Besides, parking space for all drivers would probably not be available. Despite moving from Saudi Arabia to Bangalore to be closer to his family, he finally visited them only last month, after clearing Uber's lease.

Vikrant*, Zomato delivery rider

Vikrant (not his real name) 35, delivers for Zomato in Koramangala, Bangalore. He hails from New Delhi and previously worked as a hotel manager in Bangalore. He later signed up with Swiggy but left after seven months because they didn't pay him enough, and he didn't like their mandatory 10-hour login policy. He then moved to Zomato and has been with the platform for the past two years.

As the interview progressed, other riders joined the conversation and we were soon talking to a group of about eight. Most of them are with Zomato (judging by their uniforms) but a couple deliver for Uber Eats and Swiggy as well. The riders highlight the major issues they have been facing with Zomato in particular, and the food delivery sector in general.

One Zomato rider complains about not receiving orders in areas other than their chosen pick-up zone (in his case, Koramangala). As a result of this rule, when workers deliver food outside of this zone, they are not allocated any orders on their way back. Riders thus incur fuel costs on their return journey, without a means of covering these costs. Unstable incentive structures are another concern. When Vikrant brings this up, the other riders immediately agree. Vikrant, who has already been blocked twice by Zomato, says, "If you cancel too many orders you get blocked. If your ID is blocked, you have to visit the office to get unblocked. Once you do, you have to start afresh with the incentive structures of a new joinee. But if you get blocked more than three times, you will be permanently blocked from the platform. We think they sometimes just block at random so that this way, they have to pay us lower incentives."

While these issues remain, and need to be resolved, Vikrant says that riders' dissatisfaction mainly stems from the long working hours combined with the lack of safety and benefits. When asked whether Zomato provided them any insurance he laughs grimly and says, "Insurance, yeah there is insurance. After death is confirmed...they roll it out based on the priority of the case. I was injured a few months back while working but they did not pay anything because I wasn't hospitalised. Recently another boy was injured and hospitalised, they rolled out 1 lakh."

Another Zomato rider adds, "In the meeting 3 or 4 months ago, they told us that if your bike is punctured, take a rental bike and finish the delivery first. If you meet with an accident, first finish the delivery and then go wherever you have to go."

Vikrant and the other riders mobilised support via Whatsapp groups and organised a strike a few months ago. Their set of demands included fixed salaries, fixed working hours and benefits like ESI and PF. While Zomato did not acknowledge the demands and the protest, the platform did block the IDs of the riders who participated in the strike. The riders say they expected this

response. As one of them said, “Zomato, Swiggy and Uber are like the Modi government. If you protest, they’ll just shut you up.”

Shifting to other platforms in the food delivery sector is also not a viable option. As an UberEats rider points out, “We just wear different colours. But we all work for the same company really.”

* Names changed to protect worker identity

Theme in Focus: Precarity

As the report pointed out in an earlier section, precarity—in the sense of labour and income insecurity, and the lack of work-based identity—has long featured in the lives of a large proportion of Indian workers. It is not new, nor unique, to platform work in India. Yet, the reasons for its existence and the characteristics it takes on specifically within platform work merit attention. Based on worker interviews in Bangalore, this section highlights the form precarity takes in platform work along these dimensions (to the extent they overlap with the Fairwork principles): income insecurity, labour insecurity (reflected in working conditions, some of which are a result of the ambiguous location of platform companies in the regulatory landscape), and a lack of work-based identity due to various models of subcontracting by platform companies.

Insecurity in income

The “gig” or “flexible” labels that are associated with platform work may suggest that platform workers take on this work part time or in addition to other work they undertake. However, workers were overwhelmingly working full time on these platforms (with Dunzo, Housejoy, and some occupations on Urban Company the exceptions) and were mainly dependent on the platforms for their livelihood. Further, the asset-light business model of platforms shifts to the worker, daily expenses like fuel and maintenance costs, unexpected costs including traffic fines and towing charges, and fixed capital costs. It is against this backdrop that the nature of precarity in income for platform workers must be understood.

Discussions with workers, and other data collected, confirms that earnings on a platform can vary widely across workers, and by work location and time of day. “Incentives” play an important role in bringing about these variations in several platforms. Shifts in income depend first on how big a chunk of the earnings comes from incentives and this is different for different platforms. For instance, incentives could constitute as much as 40-50 percent of earnings on some of the food delivery platforms;⁵⁶ and a lower but still significant percentage for drivers of cabs (about 20 percent, based on interview data). However, they barely played a part in home service platforms such as Housejoy and Urban Company, or for an ecommerce service like Flipkart.

Incentive amounts and offers also change weekly, monthly and seasonally, and at short notice: food delivery workers are offered incentives during festival seasons and cricket matches, but they also vary for less predictable reasons such as the platform’s expansion into new areas or investor pressure to stop cash burn.⁵⁷ At any given time, incentive offers also vary based on the worker’s registered geographical location within the city. Furthermore, even at the same location, and in the same time period, incentives may vary across workers depending on their experience on the platform and their relationship with it (how many times they have been blocked, or participated in strikes may make a difference, for example).⁵⁸

Besides all these variations in incentives in the short run, incentives that were offered to bring workers on board have also declined, and often with little notice. For instance, the incentives offered by Ola and Uber when they started their operations in Bangalore in 2011 and 2013

⁵⁶ *The Gig Lane*, a game based on food delivery work in Bangalore, highlights the significance of incentives: <https://www.thegiglane.com/>

⁵⁷ Medappa,K; Ray, R; and Hussain, M.S. 2020. Confronting precarious work. Beyond social security for platform workers. *The India Forum*. November 6. Accessed on 16 November from <https://www.theindiaforum.in/article/confronting-precarious-work>

⁵⁸ The opacity in how jobs are allocated, and incentives are determined, makes it difficult to pinpoint the reason for these variations. The report relies largely on our interviews and secondary literature to identify the factors that seem to matter. Workers have also tried to figure out some of these variations. As an Ola driver explained to us, he and his friends, with whom he is in touch via Whatsapp groups, observed that Ola tended to stop allocating rides to drivers who were nearing their respective incentive targets. This driver said he had experienced this often and stopped receiving rides typically when he was just a couple of rides short of his target.

respectively,⁵⁹ had declined drastically by 2017.⁶⁰ Similarly, incentive structures offered by Zomato and Swiggy too had become significantly less favorable by 2019.⁶¹ Indeed, many worker strikes and attempts at organisation among platform workers, in various parts of India, since that time have been related to this drop.⁶²

Labour insecurity and precarity in working conditions

The platform economy as it is currently structured offers workers no job security in the longer term and this presents a fundamental precarity in their work (conditions). But conversations with workers revealed that they were not assured of a job even in the shorter term, with workers on some platforms, including Zomato, Ola and Uber complaining that they had experienced temporary ID blocks and permanent suspensions without the means to appeal these decisions. The growing automation and opacity of worker management systems further complicates the process of redressal appeal.⁶³

⁵⁹ See Olacabs. n.d. Smarter, faster and better with the Ola app. *Olacabs Blog*. Accessed on 16 November from <https://blog.olacabs.com/smarter-faster-and-better-with-the-ola-app/> and Mohan, R. 2013. Uber enters India; rolls out first in Bangalore. *Yourstory*. 30 August. Accessed on 16 November from <https://yourstory.com/2013/08/uber-enters-india-rolls-out-first-in-bangalore>

⁶⁰ Vignesh, J. and Bansal, V. 2017. Uber, Ola drivers hit hard by falling incentives. *The Economic Times*. 25 January. Accessed on 16 November from <https://economictimes.indiatimes.com/small-biz/startups/uber-ola-drivers-hit-hard-by-falling-incentives/articleshow/56766997.cms?from=mdr>

⁶¹ Menezes, N. 2019. Zomato delivery executives up in arms against incentive cuts. *The Economic Times*. 17 September. Accessed on 16 November from <https://economictimes.indiatimes.com/small-biz/startups/newsbuzz/zomato-delivery-executives-up-in-arms-against-incentive-cuts/articleshow/71161229.cms?from=mdr>

⁶² For examples, refer or: Press Trust of India. 2017. Uber, Ola drivers in Bengaluru protest with indefinite fast. *Gadgets 360*. 2 March. Accessed on 16 November from <https://gadgets.ndtv.com/apps/news/uber-ola-drivers-in-bengaluru-protest-with-indefinite-fast-1665200> and *Business Today*. 2019. Zomato delivery boys go on strike in Mumbai, Bengaluru after food app cuts incentives. 18 September. Accessed on 16 November from <https://www.businesstoday.in/current/corporate/zomato-delivery-boys-executives-strike-in-mumbai-bengaluru-after-food-app-cuts-incentives/story/379576.html>

⁶³ In an extension of their asset-light models of operations, platforms have been cutting down on human management, either by delegating the task of performance assessments to customers, or by installing automated systems to assign work or address issues at work. These automated systems rely on data from workers' phones (including location data and battery levels), workers' inputs, and other metrics that are generated in the course of interactions with the app (including acceptance rates, time taken to

One of the benefits that is often associated with working on platforms is the “flexibility.” It supposedly offers workers the ability to choose when and how many hours they work for and when. While some of the workers did mention this as an advantage, the interviews also drive home the point that workers work unpredictable and long hours to achieve an income that can sustain them. Most workers interviewed worked much longer than the legally permissible 48 hour-week (without overtime wages). Moreover, these hours were not always predictable and could also involve long periods of waiting between orders for which they were not paid). Finally, not everyone had equal control over how long or when they worked. A female Swiggy worker pointed out that female workers on the platform were automatically logged out at 6:00 pm⁶⁴ based on the platform’s belief that this would ensure their safety.⁶⁵

In addition to the long-term health consequences⁶⁶ of working such long hours, workers are also faced with more immediate health concerns arising out of accidents and physical harm

deliver) in order to match workers with tasks and other aspects of management. The opacity of such systems can result in a lack of redressal mechanisms. Furthermore, “unions cannot collectively bargain with an algorithm, they can’t appeal to a platform, and they can’t negotiate with an equation.” See Gearhart, D. 2017. Giving Uber drivers a voice in the gig economy. In Graham, M. and Shaw, J. (eds.). *Towards a Fairer Gig Economy*. Meatspace Press. <https://meatspacepress.com/towards-a-fairer-gig-economy/>, p.13..

⁶⁴ See also Johari, S. 2018. Swiggy to employ 2000 women drivers in the next 5 months. *Medianama*. 19 November. Accessed on 16 November from <https://www.medianama.com/2018/11/223-swiggy-women-drivers/> and Balakrishnan, R. 2019. Swiggy’s first female delivery partner in Gujarat is now breaking barriers in Bengaluru. *YourStory*. 18 June. Accessed on 16 November from <https://yourstory.com/herstory/2019/06/swiggy-first-female-delivery-partner-gujarat> that references this time limit.

⁶⁵ It is worth noting here that this time limit is not because of legal restrictions. While Section 66(1)(b) of the Factories Act limited employment of women beyond 7:00 pm, this was declared unconstitutional by the Madras High Court (*Vasantha R. vs Union Of India* reported in (2001) II ILJ 843 [Madras High Court]) and also upheld by the Karnataka High Court (*Natural Textiles Pvt. Ltd. vs The Union Of India* reported in 2007 (3) KAR LJ 286 [Karnataka High Court]). Furthermore, a 2019 Notification in Karnataka (see Employment of women in factories in night shifts in Karnataka notification no. D 61 KaBaSe 2015 dated 20th Nov 2019) that allowed women to work night shifts in factories, and the more recent national Occupational Safety, Health and Working Conditions Code 2020, which states that women are entitled to be employed in all establishments for all types of work, including before 6 a.m. and beyond 7 p.m., with their consent (see Section 43 of the Code, [https://www.prsindia.org/sites/default/files/bill_files/Occupational percent20Safety percent20Health percent20And percent20Working percent20Conditions percent20Code percent202020.pdf](https://www.prsindia.org/sites/default/files/bill_files/Occupational%20Safety%20Health%20And%20Working%20Conditions%20Code%202020.pdf)), place the onus on the employer to put in place mechanisms to ensure the safety of the workers and prevent harassment at these times.

⁶⁶ A survey by IFAT on working conditions of Ola and Uber drivers in six cities in India reveals that 41.4 percent of workers rate their health as a one or a two on a five point Likert scale. A majority of workers

(including being mugged) during the provision of services. The lack of reliable insurance - and one that is not restricted only to severe cases - compounds this issue as the Zomato group interview in the previous section indicated.

The very location of platform companies within the Indian regulatory landscape is the reason for some of this precarity in workers' conditions. As mentioned earlier, it is unclear which laws and regulations cover platforms (technology only or domain regulations as well), and platform workers (independent contractors, employees or self-employed; whether they are subsumed under the "unorganised" label or an altogether new category). Such ambiguities add to the precarity of these workers' positions in the labour market. Critics argue that the broader landscape of labour regulations in India and recent shifts—especially the consolidation of a range of labour laws into four labour codes which have been perceived by labour unions and others as diluting existing provisions of these laws for all workers—further reinforce this precarity.⁶⁷

stay in their cars for ten to sixteen hours and 95.3 percent have no form of insurance. Indian Federation of App-based Transport Workers and International Transport Workers' Federation. 2020. *Protecting Workers in the Digital Platform Economy: Investigating Ola and Uber Drivers' Occupational Health and Safety*. Accessed on 16 November from <https://cis-india.org/raw/ifat-itf-locking-down-the-impact-of-covid-19>.

⁶⁷ These labour codes, including the Code on Social Security which explicitly mentions gig and platform workers, have been criticised for their provisions, for the procedurally non-consultative manner in which they have been drawn up and passed in Parliament, and for not stipulating a clear deadline for enforcement of the Code. While the central government has since proposed draft rules to operationalize parts of the Code on Social Security, when these rules will be implemented is unclear. See Working People's Charter. 2020. Why the new labour codes leave India's workers even more precariously poised than before. *Scroll*. 23 September. Accessed on 16 November from <https://scroll.in/article/973877/why-the-new-labour-codes-leave-workers-even-more-precariouly-poised-than-before>; Srivastava, R. 2020. There is much in the labour codes that needs to be discussed and debated. *The Indian Express*. October 3. Accessed on 16 November from <https://indianexpress.com/article/opinion/columns/economic-crisis-migrant-labour-bills-covid-19-change-6671565/> Government of India. 2020. Draft of the Code on Social Security(Central) Rules. 2020. Ministry of Labour and Employment. Accessed on 23 November from <https://labour.gov.in/whatsnew/draft-code-social-securitycentral-rules-2020> and Jha, S. 2020. Gig workers need to register, update info for social security: Draft rules. *Business Standard*, November 16. Accessed on 23 November from https://www.business-standard.com/article/economy-policy/gig-workers-need-to-register-update-info-for-social-security-draft-rules-120111500631_1.html

Lack of work-identity and precarity through contracting

In addition to the ambiguity of worker classification brought up earlier, there is a further issue around contracts that emerges for platform workers. Increasingly, components of the platform supply chain are being contracted out to entities outside of the platform company. Furthermore, these subcontracting models are still evolving (and rapidly so). Interviews and desk research suggest the prevalence of at least two types of subcontracting: that of labour and of data.

Subcontracting of the first type is of interest because it further increases the distance between workers and the platform, which has implications for their working conditions, payment, and mechanisms of grievance redressal. A van driver for Amazon who worked for a contractor said his insurance was determined by his contractor, who decided not to provide it. A Swiggy worker who worked through Shadowfax⁶⁸ said he was concerned how to reach out to Shadowfax in case he had issues with his order. In such cases, it is also difficult to determine at what stage of the order a platform hands off to subcontractors and whether the customer encounters the platform's brand or the subcontractor's. Furthermore, platform companies deploy many of these contracting models in parallel, further complicating issues of accessibility and accountability for workers. For instance, Amazon and Flipkart hire their delivery workers both directly⁶⁹ and through labour contractors such as Blowhorn, Bikeninja and Shadowfax.⁷⁰

A more recent phenomenon is of data contractors such as Betterplace who process worker data for platform companies. This raises additional concerns about the security and privacy of worker data. While the data collected by platforms from workers is cause for concern even without subcontracting, concerns about how worker data is collected, used, stored, shared with or sold to third parties, or how accessible it is to workers themselves should they wish to

⁶⁸ Shadowfax is a logistics firm that provides last mile delivery services across food, pharmaceuticals, e-commerce and other industries. Of the eleven platforms in our study, five (Amazon, Bigbasket, Flipkart, Swiggy and Zomato) outsource some of their last-mile deliveries to Shadowfax. See <https://www.shadowfax.in/> (accessed on 16 November).

⁶⁹ Such as with the AmazonFlex model. See <https://flex.amazon.in/> (accessed on 16 November).

⁷⁰ While these are the more prominent names, many smaller labour contractors are also used by the platforms.

port or transfer their work experience with other job providers, or check the veracity of their data, are thrown into sharper relief with the entry of subcontractors.⁷¹

Impact and Next Steps

This report not only highlights the work opportunities generated by the platform economy; it also highlights how the work is mostly characterised by low pay, poor conditions, inequity, and a lack of agency and voice. But there is no basis for workers who find their jobs through platforms to be denied the key rights and protections that their counterparts in the formal sector enjoy. It is to bring about change in the conditions of work, that Fairwork engages with platforms, consumers, government, platform workers and their representatives.

Notwithstanding their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. The scores show that the platform economy, as we know it currently, takes many forms, with some platforms displaying greater concern for workers' needs than others. Thus, there is nothing inevitable about the working conditions in the platform economy. The Fairwork project—by highlighting the contours of today's platform economy—helps paint a picture of what it could become.

In this second year of scoring in India, Fairwork deepened its engagement with platforms. This year, we engaged with four platform companies—Dunzo, Flipkart, Uber and Urban Company—to take an active role in improving the conditions and standards of work in the platform economy and for these to become encoded and formalised. For example, as a result of our collaboration, Urban Company agreed to translate its contracts with workers into Hindi, Tamil, Telugu and Kannada and make them available on the worker application by March 2021.

⁷¹ For more on data rights that platform workers require, see IT for Change. 2020. Labour law must recognise platform workers' rights. IT for Change. Accessed on 16 November from <https://itforchange.net/labour-law-platform-workers-rights-data-digital-economy> For more on the surplus value that such data assets have the potential to generate and worker efforts to reclaim such data assets, see, van Doorn and Badger (2020), op.cit. Also see Lomas, N. 2020. Ola is facing a drivers' legal challenge over data access rights and algorithmic management. *Techcrunch*. 11 September. Accessed on 16 November from <https://techcrunch.com/2020/09/10/ola-is-facing-a-drivers-legal-challenge-over-data-access-rights-and-algorithmic-management/>

In addition, Urban Company has also agreed to add a no discrimination clause to their customers' terms of use which explicitly prohibits customers discriminating against workers.

Fairwork's engagement with policy makers and the government is meant to ensure that platforms' business imperative and workers' needs are balanced. Policy advocacy efforts by Fairwork advocate the extension of relevant legal protections to all platform workers, irrespective of their legal classification.

Central to the Fairwork model are workers and workers' representatives. Through continual engagement with workers' representatives and advocates, Fairwork is committed to support workers in asserting their rights and requirements in a collective way. A key challenge in the platform economy is that workers are often isolated, atomised, and placed in competition with one another. The platform work model presents challenges for workers to connect and create networks of solidarity. Despite this, many of the workers interviewed have started to organize, through WhatsApp groups to provide mutual support,⁷² and through emerging unions and organizing at the national level.⁷³ Fairwork's Principle 5 in particular, which involves fair representation for workers, is a means of drawing attention to worker voice.

Human empathy is a powerful force that Fairwork's theory of change draws on. Through the yearly ratings the aim is to empower platform users with enough information to make informed decisions about which platform they would like to give their business to. Consumers can use the scores to choose the highest scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions. The scores enable consumers to be workers' allies in the fight for a fairer platform economy. The scores can also help inform the procurement, investment and partnership policies of large organisations, including firms or resident welfare associations, keen to ensure they are supporting fair labour practices.

⁷² Several food delivery and ride-hailing workers we interviewed say they are part of *ad hoc* WhatsApp groups where members share information about wages or the location of platform offices. In some cases, workers also send out SOS messages seeking help when facing a "fraud" customer, in the event of a robbery, or even a punctured tire.

⁷³ A recent example is the All India Gig Workers' Union that was formed in August, 2020 with members in the Delhi-National Capital Region. See Chhabra, R. 2020. Striking for more wages, Swiggy workers champion collective care. *NewsClick*. 18 September. Accessed on 16 November from <https://www.newsclick.in/striking-wages-swiggy-workers-champion-collective-care>

Fairwork in 2021

Fairwork's research thus far, has revealed at least two directions along which future work must proceed to better understand platform work. First, as platforms modify their service offerings to respond to demands for profitability with shifting business conditions. The COVID-19 pandemic, which has hastened the adoption of some platform services by customers over offline alternatives, while diminishing others, is one instance of the shifting conditions. The pandemic, and the ensuing lockdowns, have brought to the fore the precarity faced by platform workers who provide essential (and invaluable) services.

Among the various ways by which platforms respond to shifting business conditions is to rely on a range of work arrangements, from employees with benefits, to part time piece-rate workers, to using workers provided by man-power agencies. As this segmentation of gig workers is continuously evolving, future work will attempt to focus on the 'weakest-link' i.e., on the more precarious work arrangements within each platform rather than on all platform workers. It will also require alternative approaches to identifying and interviewing workers, engaging with platform management, and perhaps even revisiting which platforms and sectors to study.

Second, research thus far has also made evident that while platform management, policy makers and government, workers and unions, and consumers are the immediate stakeholders in the platform economy, this economy is sustained by a larger ecosystem: investors and venture capitalists, both foreign and domestic, freelancers and third-party firms that design and develop technologies for platform companies, data contractors who store worker data for the platforms, and 'man-power' agencies that provide the workforce for these platforms.⁷⁴

⁷⁴ Firms which provide platform companies with technological and user-interface design are an example of such actors. In an interview with the Fairwork team on 12th November 2020, Rahul Gonsalves, CEO of Obvious (<https://obvious.in/>), a design consultancy with several platform companies as clients, explained that, in the early days (2013-2015) of platform companies, the focus was on using design to encourage consumers to use platforms regularly. As a result, initial versions of worker-facing applications had limited features. This gradually evolved to today's worker applications which are a full-fledged suite of products. According to Gonsalves, this shift in platforms' attention to the worker application corresponded with a gradual (and planned) decrease in the incentives offered to workers. He highlights that, as an external agency, Obvious does push for particular perspectives, and that individuals within platform companies do incorporate suggestions that can be equitable for multiple stakeholders. Gonsalves goes on to argue that design can influence policy and wonders what a set of principles, akin to the Hippocratic Oath taken by doctors, for designers and platform-developers would look like.

Looking ahead, we hope to identify, engage and influence actors upstream in the ecosystem as they are equally relevant in Fairwork's vision for a fairer world of work.

Appendix I: Fairwork Scoring System

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, 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). This appendix explains the Fairwork scoring system.

Each Fairwork Principle is divided into two thresholds. Accordingly, for each Principle, the scoring system allows one ‘basic point’ to be awarded corresponding to the first threshold, and an additional ‘advanced point’ to be awarded corresponding to the second threshold (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.

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 pertain to data gathered between November 2019 and November 2020. Worker interviews were conducted between November 2019 and February 2020, while desk research and engagement with platform managers continued upto November 2020.

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

Principle 1: Fair Pay

Threshold 1.1 – Pays at least the local minimum wage (one point)

Irrespective of the employment status of the worker, workers earn at least a local minimum wage, or there is a policy which requires payment above this level.

The threshold for 1.1 is based on the level for a local minimum wage.⁷⁵ Workers on the platform must earn more than the minimum wage in their working time,⁷⁶ and this can be evidenced by either:

- A policy that guarantees the workers receive at least the local minimum wage in their working time; or
- The provision of summary statistics of transaction data.

In the case of (b), the platform is asked to submit a weekly earnings table (see Table 2) that averages worker earnings and worker hours for any three-month period over the previous twelve months.

Table 2. Weekly Earnings Table.

Weekly earnings	X to (X+(X/2))		(X+(X/2)+1) ⁷⁷ to 2X	>2X
Active hours less than 40 hours/week (part-time)	%	%	%	%
Active hours between 40 and 48 hours/week (full-time)	%	%	%	%
Active hours more than 48 hours/week (full-time plus overtime)	%	%	%	%

⁷⁵ Prev 39

⁷⁶ Prev 40

⁷⁷ The “+1” is one unit of the lowest denomination of the currency, to ensure a boundary between the two figures.

Note: X = the local minimum wage, calculated at 45 hours per week. This row is filled out by the Fairwork team, before submitting it to the platform for completion.⁷⁸

Threshold 1.2 – Pays the minimum wage plus costs (one additional point)

Workers earn at least the local minimum wage after work-related costs, or there is a policy which requires payment above this level.

The threshold for the minimum wage plus costs varies between different kinds of platform work. In order to establish a threshold, the platform is asked to provide an estimate for work-related costs, which are then checked (by the Fairwork team) through worker interviews.⁷⁹ To be awarded this point, there must be either:

- A policy that guarantees workers earn at least the local minimum wage plus costs; or
- Evidence from the platform that workers earn at least the local minimum wage plus costs.

The evaluation of Fair Pay for the India scoring drew more specifically on the self-reported earnings obtained through worker interviews for all platforms. It also relied on a tabulation of worker earnings or payslips from the platform managements who provided us evidence. The award of the basic point was based on whether workers' hourly earnings without costs met the (adapted) state minimum wage threshold. The award of the advanced point depended on workers reaching this figure after factoring in their costs.⁸⁰ For both points, the study used the Karnataka state floor level daily minimum wage figures⁸¹ under the semi-skilled workers

⁷⁸ The table contains four columns of data. The first is the percentage of workers earning less than the minimum wage (2X). The rows represent less than full time, full time, and full time with overtime.

⁷⁹ Prev 43

⁸⁰ For home service providers on Housejoy and Urban Company, material costs and other operational costs not including fixed capital costs are reflected. For workers on other platforms, costs including food, data costs, vehicle maintenance costs, traffic infractions costs and fixed capital costs such as onboarding fees, vehicle and smartphone costs have not been accounted for.

⁸¹ See Karnataka State Floor Level Minimum Wages. Notification no: KAE31LMW2017 Accessed on 16 November from [labour.kar.nic.in/labour/Minimum percent20Rates percent20of percent20Wages percent20for percent20The percent20Year percent202019-20.htm](http://labour.kar.nic.in/labour/Minimum%20Rates%20of%20Wages%20for%20The%20Year%202019-20.htm). Since the Karnataka government does not classify delivery workers, beauty workers and other occupations into specific skill categories, this report has used Karnataka's 'car drivers' and 'light vehicle drivers' categories as a point of reference to categorize delivery workers, cab and autorickshaw drivers as semi-skilled. Similarly, since there was

category (skilled category for Urban Company and Housejoy workers). This number was multiplied by six (one rest day per week) for the weekly minimum wage, and then divided by the weekly working hours limit of 48 hours⁸² to arrive at an hourly minimum wage.⁸³

Principle 2: Fair Conditions

Threshold 2.1 – Mitigates task-specific risks (one point)

There are policies to protect workers from risks that arise from the processes of work

This threshold requires the platform to ensure safe working conditions, and that potential harms are minimised.⁸⁴ For 2.1, this means identifying task-specific risks for the worker when for example, a vehicle is used, or during interaction with customers. The specific practices leading to the awarding of this point vary by the type of work and the risks involved.

To be awarded a point for 2.1, the platform must demonstrate that:

- There are policies or practices in place that protect workers' health and safety from task-specific risks.

Threshold 2.2 – Actively improves working conditions (one additional point)

There are proactive measures to protect and promote the health and safety of workers or improve working conditions

For 2.2, the threshold is higher, involving practices that go beyond addressing the task-specific risks, to policies promoting greater health and safety or improvements in working

no identifiable state or national level classification for beauty workers, electricians, technicians and other home service providers, they are classified as skilled workers for the purposes of scoring.

⁸² See Section 51 of The Factories Act, 1948. Accessed on 16 November from https://labour.gov.in/sites/default/files/Factories_Act_1948.pdf

⁸³ Hourly wages are a more precise indicator than daily wages given that workers on platforms work long hours. For this year's study, the minimum wage calculations do not consider two wage provisions. First, that workers are entitled to overtime pay for hours in excess of 48 hours a week. Second, workers are also entitled to a weekly rest day for which they are to be paid. See Section 7 (3) of The Code on Wages (Central) Rules, 2020, Accessed on 16 November from <https://labour.gov.in/whatsnew/gazette-notification-draft-code-wagescentral-rules-2020>

⁸⁴ Prev 44

conditions, beyond what is specified by local regulations for employment. For example, an insurance policy that covers workplace accidents would meet the threshold for 2.1, while one that also covers the worker or their family outside of work would meet 2.2. As policies and practices may be focused on the specific form of work, the examples that meet the threshold may vary by the type of work.

To be awarded a point for 2.2, the platform must demonstrate that:

- There is a documented policy (or policies) which promotes the health and safety of workers or improves working conditions, going beyond addressing task-specific risks.

In the Indian case, interviews and observations of workers at work for all the platforms, and documentation of insurance schemes, training sessions and equipment redesign from the three platforms that provided evidence, were used to arrive at these scores. Observations of training, safety and orientation sessions in the offices of two platforms were also relied on. For the basic point, examples of mitigating risks faced by workers, such as by offering accident insurance, safety gear and safety training paid for and conducted by the platform, and having an SOS button or emergency helpline for workers, were considered. For the advanced point, scores relied on instances and policies that went beyond task-specific risks such as facilitating skill certifications, personal loans, comprehensive health insurance for workers and redesigning equipment to accommodate worker needs.

Principle 3: Fair Contracts

Threshold 3.1 – Clear terms and conditions are available (one point)

The terms and conditions are transparent, concise, and provided to workers in an accessible form.

The threshold for 3.1 involves demonstrating that the terms and conditions of the contract issued to workers are available in an accessible form.⁸⁵ Platforms must demonstrate that the contracts are accessible for workers at all times, whether through the app itself or direct communication with the worker. This is necessary for workers to understand the requirements of their work. The contracts should be easily understandable by workers, and available in the language/languages commonly spoken by the workers on the platform.

⁸⁵ Prev 45

To be awarded a point for 3.1, the platform must demonstrate all of the following:

- The contract is accessible to workers at all times; and,
- The contract is written in clear and comprehensible language that
- the worker could be expected to understand; and,
- The contract is issued in the language/languages spoken by workers on the platform.

Threshold 3.2 – The contract genuinely reflects the nature of the employment relationship (one additional point)

The party contracting with the worker must be subject to local law and be identified in the contract. If workers are genuinely self-employed, the terms of service must be free of clauses which unreasonably exclude the liability of the platform for harm caused to the workers in the course of carrying out their duties.

The threshold for 3.2 involves the platforms demonstrating that the contract issued to workers accurately describes the relationship between the platform, the workers, and the users. When there is an unresolved dispute over the nature of the employment relationship, a point will not be awarded.

To be awarded a point for 3.2, the platform must demonstrate that:

- The employment status of the workers is accurately defined in the contract issued by the platform; and,
- The self-employed status of the worker is adequately demonstrated and free from unreasonable clauses; or,
- There is no unresolved dispute about the nature of the employment relationship.

The Fairwork India scoring relied on digital or hard copies of contracts that workers showed the researchers, and copies of contracts provided by platform management. If a contract (or Terms and Conditions document or employment agreement) existed and was made accessible, readable, and comprehensible to workers by the platform 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 genuinely reflect the nature of the employment relationship and that they do not have clauses that unreasonably excluded liability on the part of the platform.

Principle 4: Fair Management

Threshold 4.1 – There is due process for decisions affecting workers (one point)

There is a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There is a clear channel of communication to workers involving the ability to appeal management decisions or deactivation.

The threshold for 4.1 involves a platform demonstrating the existence of defined processes for communication between workers and the platform. This includes access by workers to a platform representative, and the ability to discuss decisions made about the worker. Platforms must evidence that information about the processes is also easily accessible to workers.

To be awarded a point for 4.1, the platform must demonstrate all of the following:

- The contract includes a documented channel for workers to communicate with a designated representative of the platform; and
- The contract includes a documented process for workers to appeal disciplinary decisions or deactivations; and,
- The platform interface features a channel for workers to communicate with the platform; and,
- The platform interface features a process for workers to appeal disciplinary decisions or deactivations; and,
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.

Threshold 4.2 – There is equity in the management process (one additional point)

There is evidence that the platform is actively seeking to prevent discrimination against workers from disadvantaged groups.

To be awarded a point for 4.2 the platform must demonstrate the following:

- It has a policy which guarantees that it will not discriminate against persons on the grounds of race, gender, sex, sexual orientation, gender identity, disability, religion or belief, age or any other status which is protected against discrimination in local law; and,

- Where persons from a disadvantaged group (such as women) are significantly under-represented among its workers, it has a policy to identify and remove barriers to access by persons from that group, to improve representation; and
- It takes measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief; and
- 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; and
- It has mechanisms to reduce the risk of users discriminating against any group of workers in accessing and carrying out work.

In the India case, points for this principle were awarded based on worker interviews supplemented by documentation on available communication channels, grievance redressal and appeals processes to restore deactivated IDs, the platform company's sexual harassment and zero tolerance discrimination policies, and details of inclusion initiatives provided by the platform managements mentioned earlier. Focus Group Discussions among workers at an Urban Company office were also observed in order to score this principle.

Principle 5: Fair Representation

Threshold 5.1 – There are worker voice mechanisms and freedom of association (one point)

There is a documented process through which worker voice can be expressed. There is no evidence of freedom of association being prevented by the platform. There is no evidence that platforms refuse to communicate with designated representatives of workers

The first step for the justification of

5.1 is establishing the platform's attitude towards and engagement with workers' voice. This includes both listening to and responding to worker voice when raised with the platform, as well as documenting for workers the process for engaging the platform in dialogue. Workers should be able to organise and associate with one another, regardless of employment status. Workers must not suffer discrimination for doing so. This includes the freedom to associate beyond the remit of organisational spaces (for example, via instant messaging applications).⁸⁶

⁸⁶ Prev 47 (para w 46 was deleted)

To be awarded a point for 5.1, a platform must demonstrate that:

- There is a documented process for the expression of worker voice.

Threshold 5.2 – There is a collective body of workers that is recognised, and that can undertake collective representation and bargaining (one additional point)

There is a collective body of workers that is publicly recognised and the platform is prepared to cooperate with collective representation and bargaining (or publicly commits to recognise a collective body where none yet exists)

This threshold requires the platform to engage with, or be prepared to engage with, collective bodies of workers that could take part in collective representation or bargaining. The collective body must be independent of the platform. It may be an official trade union, or alternatively a network or association of workers. Where such organisations do not exist, the platform can sign a public statement to indicate that they support the formation of a collective body.

To be awarded a point for 5.2, the platform must:

- Publicly recognise an independent, collective body of workers or trade union and not have refused to participate in collective representation or bargaining;
- If such a body does not exist, it must:
- Sign a public statement of its willingness to recognise a collective body of workers or trade union.

For this principle, the India report relied on desk research for evidence of platforms curbing workers' freedom to associate in addition to accounts from worker interviews. Documented processes/channels that enable worker voice (like Urban Company's Focus Group Discussions) and formation of collectives, and platform evidence suggesting public recognition of a workers' collective body, were also used as evidence.

Appendix II: Identifying Platforms and Workers

The top twelve platforms that provided location-based platform work in India in 2020 were identified based on the size of their workforce, customer base and investment. During the course of the study, Uber Eats was acquired by Zomato, and therefore removed from the study. For each of the remaining eleven platforms, worker interviews were conducted, platform evidence was sought, and secondary research carried out.

Worker interviews were conducted with six to ten participants for each of the eleven platforms, through fieldwork undertaken in Bangalore between November 2019 - March 2020. The goal of the interviews was to build an understanding of the conditions of work in the platform economy. In total, 113 workers were interviewed in a total of 92 interviews, with interviews ranging between 15 to 90 minutes. Most were conducted by two research assistants 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 include cases of intervention when there is 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, and academic publications were added.

A decision was made to not rely on platforms to access workers in order to avoid any harm to potential participants or biased responses. The study was advertised in worker WhatsApp groups, where available, after securing the consent of the group owners. Only workers who expressed an interest in participating in the research were recruited.

Efforts were made to capture as much variety among workers as possible. For the domestic service platforms, the aim was to cover the top four occupations on the platform. Similarly, for ride-hailing platforms a minimum number of auto rickshaw drivers (two), along with 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. Unfortunately, it was not possible to capture all variations of work; for example, part-time workers who only worked at night, or exclusively on the weekends, on the food delivery platforms Swiggy and Zomato, were not included.

Workers on ride-hailing and food delivery platforms were identified in public spaces and recruited after explaining the study and securing their consent to participate. Food-delivery platform workers were also covered by identifying restaurants with high delivery volumes. As workers on domestic service and hub-based delivery platforms were harder to reach, participants were recruited by placing orders for services / goods from addresses that

researchers had access to. Once the transaction was complete, and ratings were provided, workers were asked if they would participate in the study. Workers were also recruited at check-in points in offices and apartment complexes that the researchers had access to. Female beauty workers were interviewed by a female researcher since these platforms provide same-sex services only.

Participants in the study (except for those participating in group interviews) were compensated with either a gift card, monetarily, or by purchasing additional services as suggested by the participants. Three participants refused compensation.

Appendix III: Estimates of Platform Workforces

Pan-India estimates of platform workers and employees⁸⁷

Platform Name	Platform Workers	Employees	Sources ⁸⁸
Ola and Uber	2,200,000 (2019)	Ola: 4,150 Uber: 2,400	https://inc42.com/buzz/jobs-are-being-created-ola-uber-added-2-2-mn-jobs-niti-aayog-ceo-kant/ https://www.livemint.com/companies/start-ups/ola-to-fire-1-400-employees-as-revenue-down-by-95-in-2-months-11589961627720.html https://www.business-standard.com/article/companies/uber-trims-a-quarter-of-its-india-workforce-lays-off-600-employees-120052600120_1.html
Swiggy	250,000 (2019)	10,000	https://www.livemint.com/companies/start-ups/swiggy-raises-43-million-to-expand-new-businesses-11586170828417.html https://careers.swiggy.com/
Zomato	230,000 (2019)	4,000	https://twitter.com/deepigoyal/status/1169552564184113153?lang=en https://www.business-standard.com/article/companies/covid-19-impact-zomato-to-cut-13-jobs-asks-for-organisation-wide-paycuts-120051500765_1.html
Flipkart (Ekart)	120,000 [#]	36,000	Flipkart (Ekart) https://www.owler.com/company/flipkart?pendo=kUUes6C7jD_rqETPliseSRbPimA

⁸⁷ This table is meant to be indicative of how the operations of platforms rely on a high ratio of service workers, most of whom work with little or no wage or social protection, to employees working for the platform management. Neither is the number of employees / workers precise, nor is the distinction between the two categories. Thus, it is possible that at least a certain proportion of platform management employees also work without any wage or social protection.

⁸⁸ All sources in this table were accessed on 16 November.

Amazon (ATS)	100,000 ^{#*}	50,000 (2018)	<p>The expectation is that Amazon will have at least 100,000 workers since its market share nearly equals that of Flipkart https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/flipkart-is-no-1-in-india-but-faces-formidable-foe-in-amazon-say-experts-54083920</p> <p>In addition, Amazon says it hires 100,000 seasonal workers. https://www.thehindu.com/business/Industry/amazon-india-creates-over-1-lakh-seasonal-job-opportunities-ahead-of-festive-season/article32729807.ece</p> <p>https://www.thehindubusinessline.com/info-tech/amazon-india-to-hire-over-2000-people-for-tech-and-non-tech-roles/article25624631.ece</p>
Housejoy	65,000	350	<p>https://www.housejoy.in/ https://www.owler.com/company/housejoy</p>
Urban Company	25,000	1,300	<p>https://www.urbancompany.com/about https://craft.co/urbanclap</p>
Bigbasket	18,800*	4000	<p>Using daily order volume of 283,000 and assuming 15 orders delivered per worker https://economictimes.indiatimes.com/small-biz/startups/newsbuzz/e-grocers-like-bigbasket-grofers-others-surge-ahead-on-deliveries/articleshow/75284089.cms?from=mdr https://craft.co/bigbasketcom</p>
Dunzo	18,000 (2019)	500	<p>https://yourstory.com/2019/08/dunzo-bicycle-delivery-partners https://www.owler.com/company/dunzo1</p>
Grofers	12,600*	3400	<p>Using daily order volume of 190,000 and assuming 15 orders delivered per worker https://economictimes.indiatimes.com/small-biz/startups/newsbuzz/e-grocers-like-bigbasket-grofers-others-surge-ahead-on-deliveries/articleshow/75284089.cms?from=mdr</p> <p>https://craft.co/grofers</p>
Total	3.03 Million		

Notes:

Flipkart (Ekart) and Amazon (ATS) estimates includes workers across the supply chain.

* Approximations used for Amazon (ATS), Bigbasket and Grofers.

Appendix IV Funds Raised by Platforms

Platform	Company Name	Funds Raised ⁸⁹, 2013-2019 (USD billion)
Flipkart	Flipkart Internet Private Limited Instakart Services Private Limited	7.09
Ola	ANI Technologies Private Limited	3.60
Swiggy	Bundl Technologies Private Limited	1.47
Bigbasket	Supermarket Grocery Supplies Private Limited	0.99
Zomato	Zomato Media Private Limited	0.80
Grofers	Grofers India Private Limited	0.59
Urban Company	UrbanClap Technologies India Private Limited	0.18

⁸⁹ Platform funds raised data accessed on 16 November from Crunchbase.com.

Dunzo	Dunzo Digital Private Limited	0.07
Housejoy	Sarvaloka Services On Call Private Limited	0.03
Total		14.82

Note: Amazon and Uber have been excluded since their Indian operations are funded internally.

The table below shows the cumulative funds raised by nine platforms between 2013 and 2019. The nine platforms included are Bigbasket, Dunzo, Grofers, Housejoy, Ola, Swiggy, Urban Company, Zomato.⁹⁰ Amazon and Uber have been excluded since their Indian operations are funded internally.

Year	Total Platform Funds (9 platforms)
2013	0.42
2014	2.25
2015	2.06
2016	0.2
2017	6.21
2018	2.4
2019	1.27

⁹⁰ Platform funds raised data accessed on 16 November from Crunchbase.com.

Appendix V: Additional Resources

Additional Resources on platform work in India

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