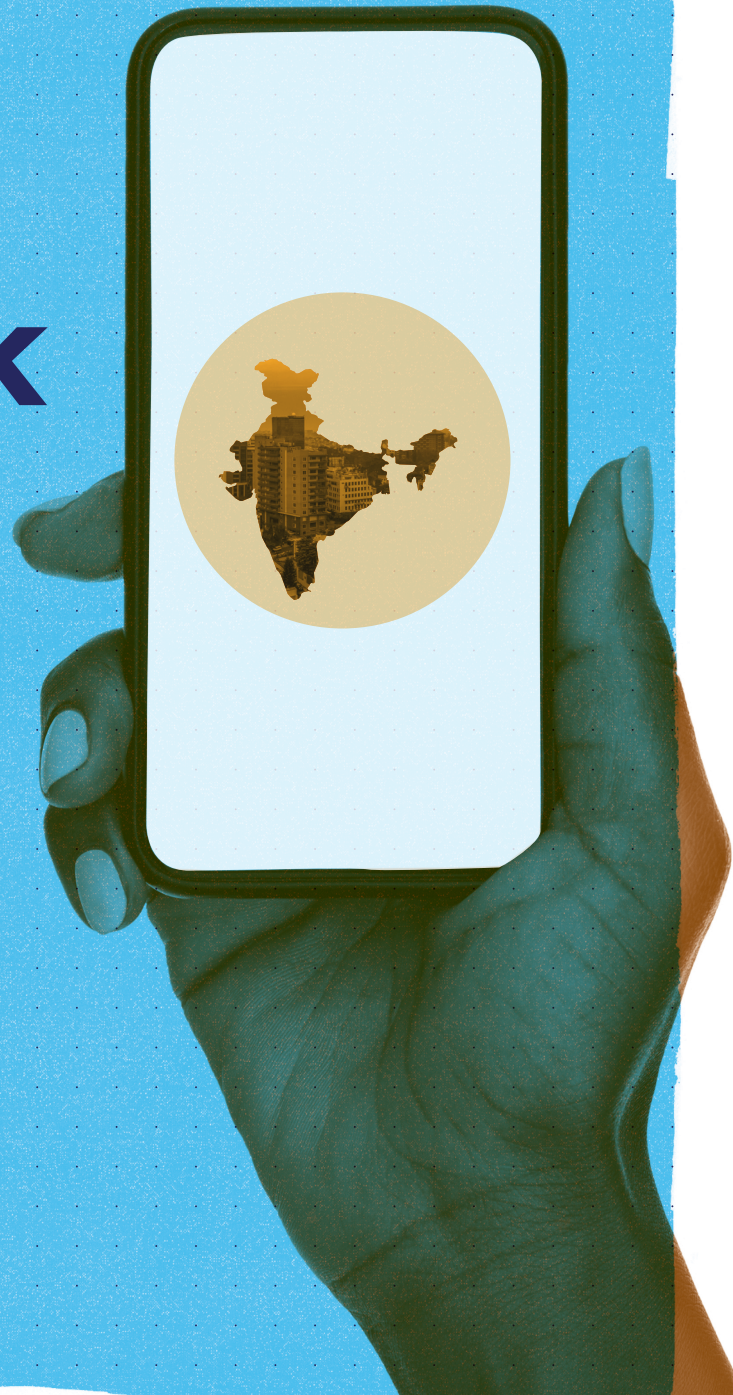


Fairwork

**LABOUR STANDARDS**

**IN THE PLATFORM ECONOMY**

# Fairwork India Ratings 2023



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# Executive Summary

**This report presents the Fairwork project’s fifth annual study of the work conditions of platform workers on digital labour platforms in India. This year, the report is structured around the theme of worker alienation. It examines how working conditions—and interactions with platforms, consumers, fellow workers and regulatory agencies—contribute to worker alienation. This alienation is deeply intertwined with the discrimination that platform workers face due to social identities such as caste, class, gender, and religion.**

This year, the Fairwork project evaluated 12 platforms in India. The Fairwork India team is led by the Centre for Information Technology and Public Policy (CITAPP) at the International Institute of Information Technology Bangalore (IIITB) together with the Oxford Internet Institute at the University of Oxford. The team assessed evidence against five Fairwork principles (Fair Pay, Fair Conditions, Fair Contracts, Fair Management, Fair Representation) drawing on desk research, worker interviews conducted in Bengaluru, Delhi, Kochi, and Thiruvananthapuram, and evidence provided by platforms. The platforms have been scored out of ten, with a point awarded only when there is sufficient evidence that the platform fulfils the conditions for each of the five principles. When platforms take steps to either design or implement policies that are likely to help them meet the principles, these steps are listed in the Changes in Focus section. Thus, the score for a platform should be read alongside the Changes in Focus section, i.e., bearing in mind the policies being considered or rolled out by platforms to improve their terms of engagement with workers.

The scoring process is an independent assessment of platforms led by a team of researchers with no affiliation to platforms, workers, or the government. The range in Fairwork scores reported here, across the five principles, points to heterogeneity in the organisation and operation of platforms across sectors of the economy. We hope that platforms, consumers, workers and regulators will all use the Fairwork framework and ratings to envision and realise a fairer platform economy in India. Based on the scores and findings, some platforms have already expressed an interest in creating fairer working conditions for their workers. Consumers can use these scores to make informed decisions about which platforms to use. These scores can serve as additional resources for collective worker bodies when they raise demands. We also hope that the findings of this report will provide regulators with a basis to formulate policies for the platform economy in consultation with other stakeholders, including workers, platforms, and venture capitalists.

# Key Findings

## There are two highlights of this year's research.

First, the Fairwork India team decided to include BluSmart in the ratings – a ride-hailing platform aggregator that owns electric vehicles. This differentiates it from the other platforms in this sector that operate on “asset-light” models. In its first year of participation in the Fairwork ratings, BluSmart scored higher than more established platforms in the ride-hailing sector, with 5 points out of 10. Thus, there is room for cautious optimism that BluSmart's operational model might represent a step towards better conditions for drivers in the platform economy.

Second, a survey of 963 consumers was conducted across the 12 platforms ranked by Fairwork India. The survey gauged the awareness and perception of the working conditions of platform workers amongst consumers in 12 major cities. Significant support for the issues raised by the Fairwork principles in the largest cities, which are the most valuable markets for the platforms, signals a strong source of support for bringing change to working conditions in the platform economy.



### FAIR PAY

**bigbasket, Flipkart, and Urban Company were the only platforms with a minimum wage policy to ensure that all their workers earn at least the hourly local minimum wage after factoring in work-related costs.**

No platform made the second point of the Fair Pay principle, which requires platforms to provide sufficient evidence that workers earn at least the local living wage after work-related costs. However, Urban Company has made a public commitment to ensure that its workers earn at least the local living wage after factoring in work-related costs (detailed in the Changes in Focus section).



### FAIR CONDITIONS

**Amazon Flex, bigbasket, BluSmart, Flipkart, Swiggy, Urban Company, Uber, Zepto and Zomato were awarded the first point under the Fair Conditions principle for providing adequate safety equipment and periodic safety training to their workers.**

Only bigbasket, Swiggy, Urban Company, Zepto and Zomato were awarded the second point for providing workers with accident insurance coverage at no additional cost, monetary compensation for income loss in cases where they were unable to work due to medical reasons other than accidents, and for ensuring workers' standing was not negatively affected when they returned after a break taken with prior notification given to the platform.



## FAIR CONTRACTS

**Seven out of 12 platforms were awarded the first point for the Fair Contracts principle. bigbasket, BluSmart, Dunzo, Swiggy, Urban Company, Zepto and Zomato were awarded this point for ensuring the accessibility and comprehensibility of their contracts, and for having a protocol for data protection and management of worker data.**

bigbasket, BluSmart, Urban Company, Zepto, and Zomato met the requirements for the second point under Fair Contracts by adopting a change notification clause in their contracts, reducing asymmetries in liability (such as by a provision to compensate workers for losses due to app malfunctions), adopting a Code of Conduct for their subcontractors, and making the variables of pricing transparent where dynamic pricing was used.

## FAIR MANAGEMENT



**Amazon Flex, bigbasket, BluSmart, Flipkart, Swiggy, and Zomato were awarded the first point for the Fair Management principle for providing due process in decisions affecting workers, and channels for workers to appeal disciplinary actions.**

There was sufficient evidence only from BluSmart and Swiggy to meet the second point for the principle. They institutionalised the conduct of regular, external audits to check for biases in their work allocation systems, in addition to adopting policies against the discrimination of platform workers.



## FAIR REPRESENTATION

**Representation through a collective body or trade union is a vital dimension of fairness at work.**

It is disconcerting that despite the rise in platform worker collectivisation across the country, over the past four years, there was insufficient evidence from any platform to show a willingness to recognise a collective body of workers. Consequently, no platform could be awarded a point for Fair Representation this year.

# Hopeful Regulation, Uncertain Implementation

**2023 was a milestone year for platform workers in India: foremost, the Leaders' Declaration at the 18th G20 summit, held on 9 and 10 September in New Delhi,<sup>1</sup> called for ensuring “adequate social protection and decent working conditions for gig and platform workers.”<sup>2</sup> Even as India led the crafting of the global declaration, changes were also afoot within the country.**

Prominent was the passage of The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, which calls for the establishment of a platform-based gig workers' Welfare Board to oversee the mandatory registration of all digital intermediaries (platforms) operating in the state, all platform workers working for them, and every transaction that takes place on the platforms.<sup>3</sup> The Board will charge a fee for each transaction to fund welfare provision for platform workers. Similarly, Karnataka announced the provision of accident and health insurance to all platform workers in the state.<sup>4</sup> These declarations and policies, described in more detail in the Legal Context section below, raise hope of at least some change for the better in the lot of platform workers—contingent, of course, on implementation.

However, other signs reinforce the adage, *plus ça change, plus c'est la même chose* (the more things change, the more they stay the same). In the Fairwork India 2022 report, 12 platforms scored 30 points out of a possible 120, whereas 12 platforms scored 37 points this year. The increase in aggregate scores can be interpreted as signalling modest improvements in the policies and practices of certain platforms, which are elaborated later in this report. There are, however, two caveats.

Firstly, in the list of 12 platforms scored this year, BluSmart replaced PharmEasy.<sup>5</sup> Whereas BluSmart scored 5/10, PharmEasy scored 0/10 last year. BluSmart was included this year because the platform owns the electric cabs which are leased to its drivers. This practice stands in sharp contrast to the 'asset-light' model that is otherwise the norm in the platform economy.

Secondly, for the fourth consecutive year, no platform earned a point either for ensuring that workers earn a living wage (Principle 1.2) or for having provisions in place for fair representation (Principle 5). Although platforms are open to addressing the grievances of workers on an individual basis, they refuse to entertain any direct negotiations with collectives on issues that pertain to the workers' shared interests (such as ensuring a living wage or even the local minimum wage).<sup>6</sup> This, in part, is because platforms are not legally required to discuss with bodies representing the collective interests of workers who are still (mis)classified as independent contractors. Platforms have also repeatedly argued that conceding the right to collective bargaining could lead to trade unions becoming interlocutors, thus rendering the process 'political'.

## THE INABILITY TO INFLUENCE, EITHER DIRECTLY OR INDIRECTLY, HOW PLATFORMS ADDRESS THE ISSUES THAT CONCERN WORKERS HAS CONTRIBUTED TO ALIENATION OR ESTRANGEMENT.

This reference to the ‘political’ by platforms is curiously selective. On the one hand, the extensive social ties between representatives of platforms and those in the State have been documented.<sup>7</sup> On the other hand, the implications of the limited ability of workers to influence the State are evident in the report on the gig and platform economy released in 2022 by NITI Aayog, the Government of India’s premier think tank.<sup>8</sup> The report acknowledged the limited potential for collective bargaining due to the unwillingness of platforms to recognise and negotiate with worker associations. However, it did nothing to address the issue by, for instance, recommending representation and bargaining powers for platform workers in the Industrial Relations Code, 2020.<sup>9</sup> Similarly, despite acknowledging that income insecurity

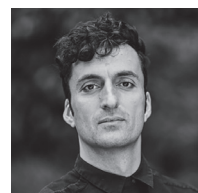
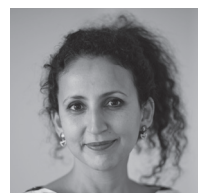
among workers resulted from the burden of being paid by task, the report failed to make any recommendations concerning the Code on Wages, 2019.<sup>10</sup>

The inability to influence, either directly or indirectly, how platforms address the issues that concern workers has contributed to alienation or estrangement. This alienation takes at least three forms: in the relation of labour to the act of production within the labour process; in pitting worker against worker; and in the relation of labour to its product. This process and experience of alienation is explored later in the Theme in Focus section.

In addition to worker interviews and platform evidence, another source of primary data this year was a survey of 963 consumers in 12 cities serviced by the platforms scored in this report. The survey explored consumer awareness of the conditions of platform workers. It also explored consumers’ perceptions of the role of platforms and governments in improving these conditions.

## FAIRWORK INDIA TEAM

Balaji Parthasarathy, Janaki Srinivasan, Mounika Neerukonda, Bilahari M, Aditya Singh, Raktima Kalita, Meghashree Balaraj, Kavita Dattani, Anjali Krishan, Funda Ustek-Spilda and Mark Graham



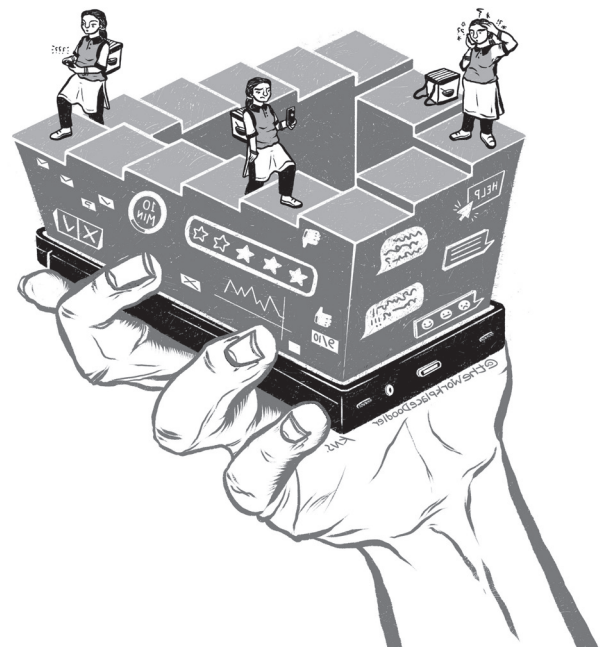
## THE FAIRWORK PROJECT

# Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital platforms. Our ratings are based on five principles that digital labour platforms should ensure in order to be considered to be offering basic minimum standards of fairness.

We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it could be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Center. Our growing network of researchers currently rates platforms in 39 countries across five continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work. In India, this research is led by the Centre for Information Technology and Public Policy, at the International Institute of Information Technology Bangalore.





# Fairwork countries

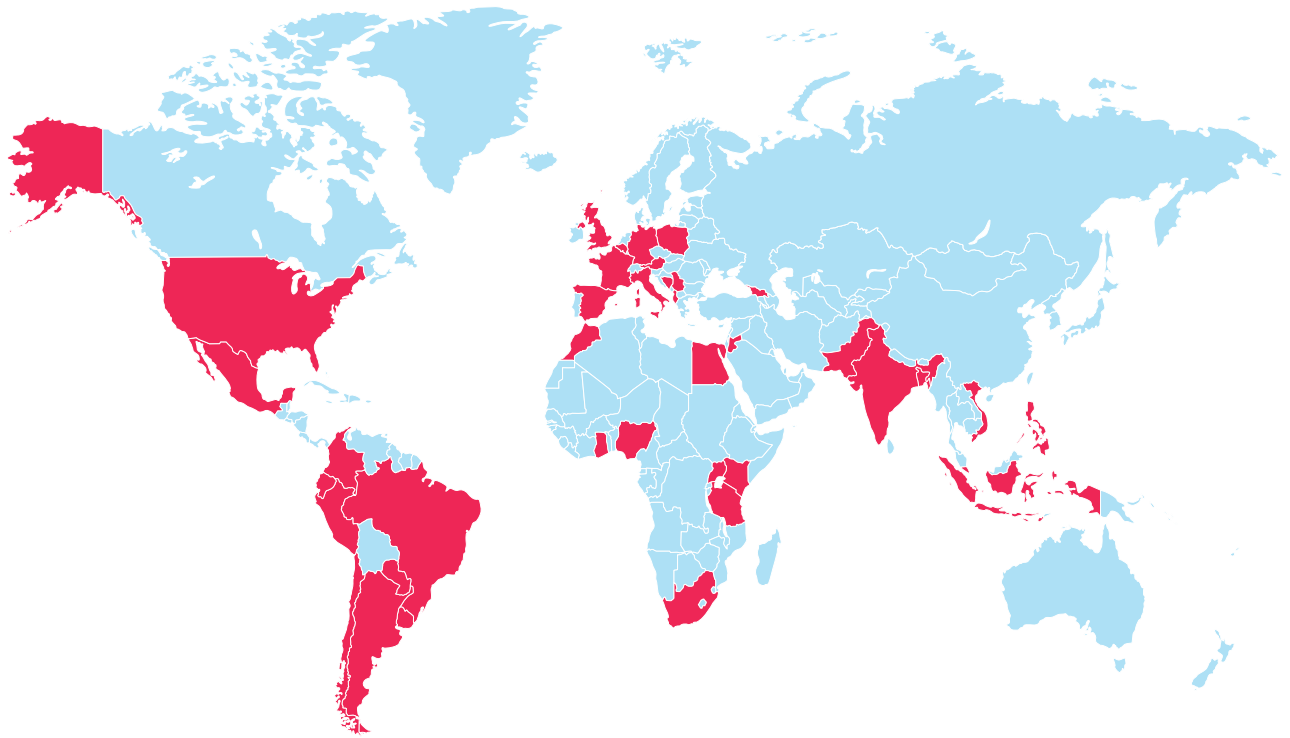


Figure 1. Fairwork currently rates platforms in 39 countries worldwide.

## AFRICA

Egypt, Ghana, Kenya, Morocco, Nigeria, South Africa, Tanzania, Uganda

## ASIA

Bangladesh, India, Indonesia, Jordan, Lebanon, Pakistan, Philippines, Singapore, Vietnam

## EUROPE

Albania, Austria, Belgium, Bosnia, France, Georgia, Germany, Italy, Poland, Serbia, Spain, UK

## SOUTH AMERICA

Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay

## NORTH AMERICA

Mexico, USA

# The Fairwork Framework

Fairwork evaluates the working conditions of digital labour platforms and ranks them on how well they do. To do this, we use five principles that digital labour platforms should ensure to be considered as offering ‘fair work’. The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation (ILO). To ensure that these global principles were applicable in the Indian context, we have subsequently revised and fine-tuned their operationalisation over the years. Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms can be found in the Appendix.

## STEP 1 The Five Principles



### Fair Pay

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



### Fair Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work and should take proactive measures to protect and promote the health and safety of workers.



### 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. Regardless of the workers’ employment status, the contract should be free of clauses which unreasonably exclude liability on the part of the service user and/or the platform.



### 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 should be transparent and result in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).



### 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.

## STEP 2

# Methodology Overview

The Fairwork project uses three approaches to effectively measure fairness of working conditions on digital labour platforms: desk research, approaching platforms for evidence, and worker interviews. Through these three methods, we seek evidence on whether platforms operate in accordance with the five Fairwork Principles.

### Desk research

Each annual Fairwork ratings cycle starts with desk research to map the range of platforms to be scored, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each platform, we also gather and analyse a wide range of publicly available documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces. Desk research also flags any publicly available information that could assist us in scoring different platforms: for instance, the provision of particular services to workers, or the existence of past or ongoing disputes.

Once the list of platforms has been finalised, each platform is invited to participate in Fairwork's annual ranking study and provided with information about the process. This year, twelve prominent platforms operating in Bengaluru, Delhi, Kochi and Thiruvananthapuram were identified based on the size of their workforce, consumer base, and investments.

### Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to submit evidence and discuss the platform's degree of compliance with each of the Fairwork principles. Evidence may include published policies and/or standard operating procedures, public commitments, and website/app functionality. This evidence provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managers do not agree to participate in the research, we limit our scoring to evidence obtained through desk research and worker interviews.

### Worker interviews

The third method is interviewing platform workers directly. In India, 359 workers were interviewed across four cities. These interviews do not aim to be a statistically representative set of experiences. Rather, they are worker case-studies to examine platforms' policies and practices in the field as they pertain to the Fairwork principles. Specifically, they seek to gain insight into how work is carried out, and how work processes are managed and experienced, on platforms. More broadly, the interviews also situate platform work in the careers of workers by understanding their motivation for entry into platform work, how long they envision undertaking work on the current platform before seeking an alternative either on another platform or in a different sector, and how their experience of platform work is shaped by their interaction with fellow workers and the external labour market.<sup>11</sup> These interviews also enable Fairwork researchers to see copies of the contracts issued to workers and to access the app interface, including payout and support screens.

The worker interviews are semi-structured and make use of a series of questions relating to the five Fairwork principles. In order to qualify for the interviews, workers have to be over the age of 18 and have worked with the platform for at least three months. The interviews were conducted in Assamese, English, Hindi, Kannada, Malayalam, and Telugu.

### 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. Points are only awarded if sufficient evidence exists for each threshold.

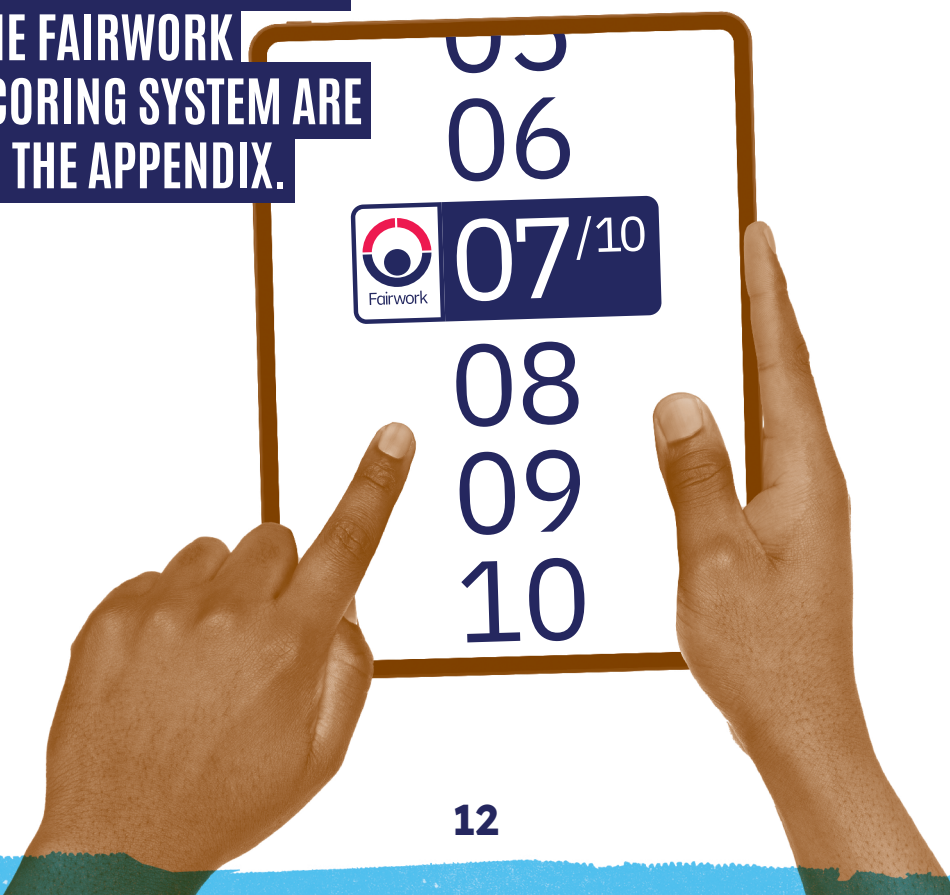
## How we score

Each of the five Fairwork principles is broken down into two points: a first point, and a second point that can only be awarded if the first point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are unable to evidence its compliance.

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores.

The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them being awarded or not, are then passed to the platforms for review. Platforms are given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

**FURTHER DETAILS ON  
THE FAIRWORK  
SCORING SYSTEM ARE  
IN THE APPENDIX.**



## THE LEGAL CONTEXT

# Welfare and Social Protection in the Platform Economy

The highlight of this year was the passage of The Rajasthan Platform Based Gig Workers (Registration and Welfare) Act, 2023, in July, taking the first step towards providing social security for platform workers.

As Fairwork has highlighted over the last four years, platform-based gig work barely provides what the ILO defines as decent work.<sup>12</sup> This Act promises to introduce a degree of security in a setting where workers are entitled to little.

Broadly, this Act mandates the registration of all “platform-based gig workers” in Rajasthan, introduces a fee for aggregators<sup>13</sup> on every digital transaction made by consumers on the platforms, creates a Welfare Fund for gig workers that will be financed by this fee, and creates a Welfare Board to oversee welfare policies and grievance redressal for workers. Aggregators operating in the state are required to register with the Board and to share with it a list of all their workers.<sup>14</sup> The Act also lays down penalties for aggregators that fail to comply with the provisions.<sup>15</sup> The Welfare Board set up by the Act will have six representatives from the state<sup>16</sup> and two each from aggregators, workers’ associations, and members of civil society. At least one-third of the members have to be women. The Board is to oversee the registration of workers and aggregators operating in the state; ensure that the transaction fee deduction mechanism is integrated into platform applications; monitor schemes for the social security of these workers; and ensure that worker rights are protected and that their grievances are settled in a time-bound manner. Significantly, the Act recognises a number of these aspects—being registered with the government, access to social security schemes, opportunities to file

grievances, and participating in discussions for their welfare—as the rights of platform workers.

While the rules for implementing the Rajasthan Act are yet to be framed, the Act marks a turning point in providing social security to platform workers for at least three reasons. First, the Act introduces the idea of a transaction-based fee towards building a social security fund. This helps bypass the argument offered by platforms that they cannot be held accountable for the social security of workers, who often provide services on multiple platforms through the practice of “multi-apping”. Second, the composition of the Board ensures that workers have representation in the decisions that affect their working conditions. This is especially important given workers currently possess no bargaining or negotiating rights with platforms.

**WHILE THE RULES FOR IMPLEMENTING THE RAJASTHAN ACT ARE YET TO BE FRAMED, THE ACT MARKS A TURNING POINT IN PROVIDING SOCIAL SECURITY TO PLATFORM WORKERS.**



Finally, the steps that led to the enactment of this legislation are also significant. When the Union Government enacted the new labour codes in 2019 and 2020,<sup>17</sup> critics pointed out that they had been passed without consulting worker groups on their interests.<sup>18</sup> The drafting of the Act in Rajasthan, on the other hand, involved platform worker unions in public consultations and stakeholder meetings to seek their recommendations.<sup>19</sup> Additionally, it also drew on insights from older labour movements.<sup>20</sup>

The passage of this Act in Rajasthan also suggests that after years of organising for their rights and entitlements, and of raising claims with the State, platform workers are now starting to be recognised as a political constituency. Their interests have, consequently, become a topical issue for lawmakers in and beyond Rajasthan. During the Karnataka Legislative Assembly Elections, held in May 2023, the manifesto of the main opposition party, the Indian National Congress, promised the establishment of a platform workers' Welfare Board with a seed fund of INR. 30,000 million.<sup>21</sup> In August 2023, the Tamil Nadu government announced that it would establish a Welfare Board for platform workers.<sup>22</sup> More recently, the Karnataka state government rolled out a scheme for accident and life insurance.<sup>23</sup>

While these developments offer hope, regulatory ambiguities continue. For instance, several aspects of the Rajasthan Act require further scrutiny and monitoring: to name a few, the effective utilisation of the funds accumulated in the Welfare Fund; the outcomes that will result from having just two platform workers on a Board of 12 members; and how to treat the actions of subcontractors (a crucial component of the platform business model at present, and one that controls the wages, incentives and contracts of a significant share of workers across platforms) under this Act. Furthermore, this Act is only a small step towards addressing the larger issues that platform-based gig workers face. To date, no legislation in India has addressed the question of a minimum wage or the long working hours which lie at the heart of their 'flexploitation'.<sup>24</sup> There is, of course, the broader question of when the Union Government's Code on Social Security (2020) will be implemented as no timeline has been announced. Unless these persistent challenges are addressed, workers will continue to be alienated from the regulatory process.

# Fairwork India Scores 2023

Minimum standards  
of fair work

bigbasket	6 /10	● ● ● ● ● ● ○ ○ ○ ○
BluSmart	5 /10	● ● ● ● ● ○ ○ ○ ○ ○
Swiggy	5 /10	● ● ● ● ● ○ ○ ○ ○ ○
Urban Company	5 /10	● ● ● ● ● ○ ○ ○ ○ ○
Zomato	5 /10	● ● ● ● ● ○ ○ ○ ○ ○
Zepto	4 /10	● ● ● ● ○ ○ ○ ○ ○ ○
Flipkart	3 /10	● ● ● ○ ○ ○ ○ ○ ○ ○ ○
Amazon Flex	2 /10	● ● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Dunzo	1 /10	● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Uber	1 /10	● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Ola	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○
Porter	-	○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT:

[WWW.FAIR.WORK/INDIA](http://WWW.FAIR.WORK/INDIA)



**Principle 1:  
Fair  
Pay**



**Principle 2:  
Fair  
Conditions**



**Principle 3:  
Fair  
Contracts**



**Principle 4:  
Fair  
Management**



**Principle 5:  
Fair  
Representation**

	1.1	1.2	2.1	2.2	3.1	3.2	4.1	4.2	5.1	5.2	Total
<b>bigbasket</b>	●	○	●	●	●	●	●	○	○	○	6
<b>BluSmart</b>	○	○	●	○	●	●	●	●	○	○	5
<b>Swiggy</b>	○	○	●	●	●	○	●	●	○	○	5
<b>Urban Company</b>	●	○	●	●	●	●	○	○	○	○	5
<b>Zomato</b>	○	○	●	●	●	●	●	○	○	○	5
<b>Zepto</b>	○	○	●	●	●	●	○	○	○	○	4
<b>Flipkart</b>	●	○	●	○	○	○	●	○	○	○	3
<b>Amazon Flex</b>	○	○	●	○	○	○	●	○	○	○	2
<b>Dunzo</b>	○	○	○	○	●	○	○	○	○	○	1
<b>Uber</b>	○	○	●	○	○	○	○	○	○	○	1
<b>Ola</b>	○	○	○	○	○	○	○	○	○	○	-
<b>Porter</b>	○	○	○	○	○	○	○	○	○	○	-

The scores in this report rely on data collected using the Fairwork Framework as described in the Methodology Overview of this report. Following desk research, the Fairwork India team interviewed workers from the 12 platforms in four cities and collected evidence from the platforms who engaged with us.<sup>25</sup> The appendix provides further details of the evidence used to score each point in 2023 and how it was collected.



# Explaining the scores

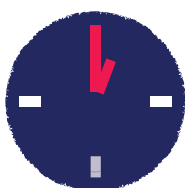


## Fair Pay

The first point under Fair Pay ensures workers earn at least the local minimum wage after work-related costs.<sup>26</sup> Of the 12 platforms evaluated this year, the same three platforms that scored a point last year, bigbasket, Flipkart, and Urban Company, were awarded the first point under Fair Pay. In addition to ensuring that payments are made in full and on time, all three platforms have a publicly available minimum wage policy stating that their workers will earn at least the

hourly local minimum wage after factoring in work-related costs such as fuel, vehicle maintenance, insurance, and data.<sup>27</sup>

The second point under Fair Pay is awarded to platforms whose workers earn at least the local living wage after costs.<sup>28</sup> Like last year, there was insufficient evidence to award any platform this point.



## Fair Conditions

Platform workers face several risks during their work—including road accidents and injuries, theft, crime and violence, and adverse weather conditions. For this principle, we examined measures adopted by platforms to mitigate these risks, drawing on worker interviews to explore the awareness and effectiveness of these policies.

This year, the first point was awarded to Amazon Flex, bigbasket, BluSmart, Flipkart, Swiggy, Uber, Urban Company, Zepto, and Zomato. These platforms ensured that task-specific risks were mitigated by providing workers with adequate safety equipment and periodic safety training.

These platforms also included provisions such as SOS buttons, black-zoning high-risk areas,<sup>29</sup> buddy systems,<sup>30</sup> and other emergency response facilities to ensure adequate support to mitigate the risks of lone working.

The second point was awarded to bigbasket, Swiggy, Urban Company, Zepto, and Zomato for providing workers with accident and general health insurance at no additional cost, monetary compensation for income loss in cases where they were unable to work due to medical reasons other than accidents, and ensuring that workers' standing was not negatively affected when they returned after a break taken with prior notification given to the platform.



## Fair Contracts

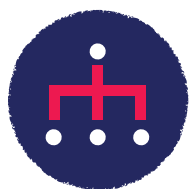
This principle examined whether platform workers are provided accessible and comprehensible contracts with terms and conditions that do not impose asymmetric liabilities on workers. This year, bigbasket, BluSmart, Dunzo,

Swiggy, Urban Company, Zepto, and Zomato were awarded the first point under Fair Contracts for taking steps to improve accessibility through multi-lingual contracts that were clear and readily available to workers.

Additionally, platforms that scored the first point under this principle had protocols for adequate, responsible, and ethical data protection and management of worker data.

The second point under Fair Contracts requires that the platform notify workers of changes in their terms of engagement within a specified time ahead of enforcing these changes. It also requires that contracts do not impose asymmetric terms on workers and that workers do not bear disproportionate liabilities. bigbasket, BluSmart, Urban Company, Zepto, and Zomato were awarded this point for having a change notification clause in their contract and for having contracts which do not exempt the platforms from liabilities for working conditions. In addition to relative symmetry in their other liabilities, in 2023, these platforms

introduced a clause in their contracts to compensate workers for losses they might incur due to app malfunctions or for failures of the platform's systems or networks. The 2023 thresholds for the second point under Fair Contracts also include subcontracted workers and dynamic pricing. Platforms that use subcontractors and were awarded the second point also introduced provisions in their contracts stating that workers onboarded through subcontractors would enjoy at least the same terms and conditions as those onboarded directly, and that there was a process in place to monitor their working conditions. Further, platforms that use dynamic pricing for services included a provision in their contracts specifying the variables used to determine pricing.



## Fair Management

Amazon Flex, bigbasket, BluSmart, Flipkart, Swiggy, and Zomato were awarded the first point under Fair Management for providing due process in decisions affecting workers and providing channels for workers to meaningfully appeal disciplinary actions. These platforms had effective grievance redressal policies and multiple channels, such as ticketing systems, chat-based solutions, and call-back features that provided access to a human representative (in multiple regional languages) for all workers, including those who had been deactivated. The existence of multiple channels and escalation protocols allowed workers to communicate with the platform to resolve grievances and meaningfully appeal penalties, low ratings, and ID blocks.

The second point under Fair Management was awarded to BluSmart and Swiggy. Both platforms ensured adequate policies and processes to protect workers against discrimination and sought to remove barriers and promote inclusion for workers from disadvantaged and underrepresented groups. They also institutionalised the conduct of regular independent external audits of their algorithms to ensure they were free of bias, allowing them to sufficiently meet the thresholds for Principle 4.2.



## Fair Representation

To be awarded the first point for Fair Representation, platforms must have documented mechanisms for the collective expression of the voices of all workers, ensure that workers' freedom of association is not inhibited, and should have a written statement of willingness to recognise or negotiate with a collective, independent body of workers.

There was insufficient evidence from any of the 12 platforms for even the first point under Fair Representation in 2023. Despite multiple instances of workers' protests and strikes across the country and the many legislative changes within the platform economy this year, platforms in India have remained unwilling to systematically recognise or negotiate with workers' collectives.<sup>31</sup>

# Changes in Focus

Platforms hold the potential to enable changes to improve the lot of their workers. The changes implemented by platforms are motivated by various factors. The motivations include insights from the evidence collected by Fairwork India, especially from interviews with workers and their representatives; learning from the practices of other platforms in the global Fairwork network; and responses to broader economic and social pressures. For instance, the findings of the consumer survey, described in the Pathways to Change section below, could be a source of such pressures.

Against this backdrop, the goal of this section is two-fold. The first goal is to showcase the policy changes that platforms have either committed to or are in the process of making to meet the Fairwork thresholds.

These do not yet merit a point since translating policies into practice is rarely instantaneous. However, these changes are presented here as they can potentially improve the conditions for platform workers. Thus, reading the scores in conjunction with this section will provide a glimpse into how the platform economy is likely to evolve. Second, the showcase is meant to help other stakeholders within this economy, especially workers and their representatives, anticipate changes in work conditions and hold the platforms accountable for the promised changes listed below.

## Urban Company

Urban Company has committed, in a public document, to ensuring that all active service providers receive compensation equal to or exceeding the local living wage after accounting for work-related costs<sup>32</sup> In terms of the Fair Management principle, it has committed to investigating complaints against workers before initiating a cancellation process from November 2023, so that there is a transparent redressal procedure. The platform has also committed to enhancing its feedback handling mechanisms, introducing improved consumer feedback tags by replacing subjective ones with specific objective criteria to make the feedback process more transparent and equitable as demanded by worker groups.<sup>33</sup> It also plans to redesign its ratings appeal system by excluding unjustifiably low ratings, removing feedback from habitual low raters, and using the aggregate ratings from their last 150 jobs to evaluate its workers. Urban Company has also instituted a formal policy this year to proactively hire workers from disadvantaged backgrounds, including persons with disabilities.



# Workers' Stories:

## Gendered Narratives

### Kavya in Bengaluru, and Kamala in Delhi

This section draws on the experiences of two women workers interviewed as part of fieldwork undertaken by Fairwork India since 2020, to illustrate the gendered nature of alienation in platform work. Their names have been changed to protect their identities.

#### Background on Kavya and Kamala

Twenty-five-year-old Kavya was working with a food delivery platform in Bengaluru in February 2020.<sup>34</sup> After losing her job at a call centre, she was left with debts to pay off. Having spent six months unable to find employment, she was referred to the platform by a friend who told her that she could earn between INR 25-30,000 a month. However, Kavya's actual earnings were less than half this amount. She made INR 11,000 the first month, of which INR 5000 went towards bike rent and fuel costs. Kavya had to borrow to pay her room rent for that month and get by.

Kamala, a 43-year-old woman in Delhi, has been a full-time worker on a grocery delivery platform since December 2022.<sup>35</sup> She lost her previous job as a security guard when her employer decided she could not continue as a guard past a certain age. She joined the platform to make ends meet and was hired through a subcontractor. Kamala lamented that despite working full time, she only made about INR 15,000 a month (which falls below the local minimum wage) after costs. However, she told us she was compelled to continue working for the platform because "I won't get any other job because of my age, and I don't have other skills either."

#### Experience of the platform economy

Kavya and Kamala both highlighted how they did not have a say in their working time on the platform despite the "flexible" nature of their work. Kavya pointed out that the platform automatically logged her and all women delivery workers out at 6:00 pm, citing safety reasons.<sup>36</sup> "I joined this platform so that I could make some money; I have a lot of debt. I thought I could make at least INR 25,000 a month because that is what everyone told me. But I hardly get 10 orders a day when I am logged in for almost 10 hours. I cannot continue here like this."

Kamala also wanted to work at night to earn some extra income. Although the platform has no restriction on working hours for women, Kamala said: "We request our manager to not send us to remote locations [that she described as dark and difficult to locate addresses within]. But they just scold us and say we have to do whatever work and location we are allocated. He says if we don't want to, we can sit at home." Kamala has "fought with the platform a lot about this" and explained that "If a female worker is willing to work at night, they should try not to give her orders that are far away. Usually, female workers don't prefer working at night. But under extreme distress, some have to work at nights also. However, they don't understand this."

While Kavya was disallowed by her platform from working beyond 6:00 pm, and Kamala was allowed to work all hours, what is common in their experiences is that neither felt they were being heard about when and in what conditions they wished to work. This, in turn, limited their economic opportunities or compromised their safety.

If Kavya and Kamala felt that the platform was not listening to them, they were equally alienated by consumers' assumptions about their competence or the spaces they could legitimately inhabit.<sup>37</sup> Kamala recalled that "Once, a customer placed an order for two packets of biscuits worth INR 50. He provided a location and then called to direct me to a different location nearby which was confusing to navigate to. Next, his place was on the fifth floor, and the floor had doors to three apartments, none of them with an apartment number. To resolve this, I contacted the customer again. But instead of providing any assistance, he became agitated and scolded me, saying that if I didn't know how to work, I should just sit at home." Later, when Kamala brought this to the manager's notice, he dismissed her experience saying, "Some customers are like this only." She was unaware of any action taken against the consumer.

While experiences with troublesome consumers, and lukewarm responses from managers are hardly unique to female platform workers, the castigation to "sit at home" is

what made Kamala (and other female workers interviewed by Fairwork India) interpret such experiences as gendered.

If Kamala and others spoke of feeling unheard by their hub and line managers, Kavya spoke of the difficulties of being the sole female worker for the platform in her area. She said, "Every morning I wake up and I think today I should login at 6:00 am and start working but their [her male colleagues'] words just give me such a headache. They take my phone, check the incentives and earnings and say that I won't make enough in this job and that I should work in a mall. Some 5-6 of them come and start talking to me like this. One man even forwarded my resume to somebody he knew for a job while I was just waiting at the restaurant for my order. I didn't even ask him. That is why I stopped waiting around in that area. It really discourages me." Kavya eventually stayed away from her peers, unwilling to suffer the constant discouragement from them.

The experiences of Kavya, Kamala and other female platform workers encountered in Fairwork's fieldwork show how their interactions with the platform, consumers, and colleagues contributes to their alienation.<sup>38</sup> These experiences also partially explain why, despite initiatives by platforms to hire more women, the participation of women in the platform economy remains low.<sup>39</sup>



# The Promise of Democratisation, the Experience of Alienation

The 2022 NITI Aayog report argues that platform work is “fundamentally gender, race, caste, and age agnostic. Any willing individual armed with an internet-enabled smartphone and a vehicle (motorised or even non-motorised), can monetise their assets, and earn a livelihood. Therefore, this democratising of access to jobs, with low entry barriers, creates equal opportunities for all, which overtime can lead to improvement in the socioeconomic status of marginalised groups.”<sup>40</sup>

The NITI Aayog report is not entirely wrong to claim that platform work is agnostic to various social distinctions. Indeed, at least as a policy commitment, platforms are open to hiring people irrespective of social background, not least because the Indian Constitution prohibits any form of discrimination by citizens.<sup>41</sup> But not looking past access to platforms is to turn a blind eye to the alienation workers experience in various forms when at work. As mentioned in the Editorial, this is experienced in three ways—during the production process, between workers, and from the product.

Taylorism 2.0 or “Taylorism on steroids.”<sup>42</sup> The division of labour on platforms obscures “the purpose of the specific activity” and ensures “that the labour process in its entirety is unknown to any single worker.”<sup>43</sup> For workers, this alienation from the production process is reflected in many ways, none more so than during work allocation, a process which is increasingly organised through automated algorithms that structure the worker’s day.

The organisation of platform work has been labelled

## THE USE OF ALGORITHMS TO ALLOCATE WORK NOT ONLY ALIENATES WORKERS FROM THE LABOUR PROCESS BUT ALSO ALIENATES WORKERS FROM OTHER WORKERS.

At one level, workers are told that their tasks, such as delivering a food order, or picking up and dropping off a passenger, can be performed by any licensed worker who signs up on the platform. This means they are easily replaced and substitutable. For instance, a logistics and grocery delivery worker, who was participating in a strike protesting changes in his rate card in Bengaluru, recalled being reminded that “we are free to leave if we don’t want to work, there are always more people willing to work.”<sup>44</sup> In practice, however, workers are not treated as substitutable; rather, they are graded by algorithms using a range of parameters to decide who is to be allotted which task. More often than not, workers are unaware of these parameters, never mind how the parameters are given different weights in response to shifting demand.<sup>45</sup> The resulting opacity leads to a sense of powerlessness and alienation in workers, transcending their financial vulnerability.<sup>46</sup>

The use of algorithms to allocate work not only alienates workers from the labour process but also alienates workers from other workers. For instance, the gamification of apps results in competition between newcomers and older hands with different rate cards, in a context of declining numbers of orders per worker. A cab driver in Thiruvananthapuram said that “the number of orders I receive are very few. This has happened because the number of people working on the platform has increased. So, people who have joined recently receive more orders. For someone like me, who has been here for longer, the orders in a day are very few.”<sup>47</sup> In the absence of any algorithmic audit, or a means of ensuring the explainability of the algorithm, workers experience alienation in a platform economy in which they “cannot collectively bargain with an algorithm, they can’t appeal to a platform, and they can’t negotiate with an equation.”<sup>48</sup>

Workers also experience “active alienation”<sup>49</sup> in the production process, in this case, service delivery, which demands interacting with consumers. This interaction can be fraught with uncertainty, which is why, in mid-2023, beauticians with Urban Company protested job losses due to their IDs being blocked with little warning, for reasons that included low ratings from their consumers.<sup>50</sup> Our fieldwork showed that platform workers could not always effectively appeal against low ratings from individual consumers; nor was there a possibility of reversing low ratings. Further, workers observed that it took relatively few low ratings and negative reviews to result in a sharp fall in cumulative ratings (a basis for work allocation), whereas improving it required a significant number of high ratings and positive reviews. The uncertainty about the influence of consumer ratings on platforms and being unable to contest decisions, due to the ideology that the “customer is always right”, reinforces the sense of powerlessness and alienation.<sup>51</sup>

Ironically, as consumers are nudged by marketing campaigns to continually consume mass-produced goods and services to feed capitalism’s constant quest for profit, they too experience powerlessness and alienation.<sup>52</sup> To manipulated consumers, ratings are palliative. They provide consumers an opportunity to enjoy a sense of managerial control and offer them some degree of authority in their status as consumers. Since evaluations by the consumer-manager are not bound by any norms of fairness, workers can be humiliated, and “customer ratings systems elevate both the capriciousness and the casual bigotry of the public.”

## UNCERTAINTY ABOUT THE INFLUENCE OF CONSUMER RATINGS ON PLATFORMS AND BEING UNABLE TO CONTEST DECISIONS, DUE TO THE IDEOLOGY THAT THE “CUSTOMER IS ALWAYS RIGHT”, REINFORCES THE SENSE OF POWERLESSNESS AND ALIENATION.

Thus, as technology allows organisations to follow an “institutional data imperative”, to collect, analyse and use as much data as possible to create various digital scoring and ranking methods, it has “stratifying effects” and creates a “new economy of moral judgement.”<sup>53</sup>

In India, where the economy is largely unregulated by the institutional structures of the state, regulation is provided by discriminatory social structures based on identities such as caste, gender, and religion, whose influence extends to formally regulated sectors.<sup>54</sup> As these identities intersect to give India its social face, platform workers, who benefit from little state regulation, are caught in an asymmetrical relationship with consumers and platforms, and left vulnerable to capricious ratings, bigotry, and moral judgement.

There is no doubt that most platforms take a stance against the most egregious forms of bigotry by explicitly stating, in their consumers’ terms and conditions, that discriminating against workers will not be tolerated. In one instance, after a consumer asked that food not be delivered by a Muslim, the platform cancelled the order, and the CEO tweeted, “food does not have a religion”.<sup>55</sup> However, the same platform later produced an advertisement that drew on a Dalit cinematic character to portray waste collection in a manner that was widely perceived as reinforcing demeaning occupational and caste stereotypes.<sup>56</sup> The platform promptly removed the advertisement, claiming it only wanted to “spread awareness about the.... benefits of recycling in a humorous way.”<sup>57</sup>

It is perhaps not surprising that, in order to limit public relations embarrassments, platforms apologise for discriminatory acts that gain media attention. But there is little public acknowledgement of the discrimination that workers face—not just as one-off “humorous” acts, but as frequent occurrence in various guises in their working lives. For instance, a grocery delivery worker in Kochi said, “Most customers here are North Indians. They don’t allow us inside. There are Brahmins with *kōlams*<sup>58</sup> drawn in front of their house. They will ask us not to come into the house and will ask us to keep it outside. When they place an order, they know our names and other details. So, based on that, they will not even open their doors. They will ask us to keep it there and leave.” However, the worker has never raised the issue with the platform, seeing it as futile.

Faced with the pressure to meet delivery targets and the frequency with which he encounters such issues, he said, “Once we give an order, our priority is to give the next order.” He further added, “This is people’s behaviour”.<sup>59</sup>

What is true of caste also applies to gender and social class. “While women workers struggle with gender inequality within the sector, they also simultaneously are dealing with sexism and gender stereotypes in the outside world with consumers and clients. Female cab drivers succumb to these disadvantages the most due to the long-believed and popular misconception that women are bad drivers. Women cab driver have reported that consumers cancel on them shortly after they see a woman cab driver’s name.”<sup>60</sup>

Platform workers (like other domestic service providers) are typically allowed only to use the service lifts in apartment complexes. The consequences can be dire if they are found using the passenger lifts reserved for residents and their visitors.<sup>61</sup> This is another illustration that bigotry and discrimination are not binary variables. Rather, they come in various shades, most of which are neither reported to the platform nor gain any attention on social media. Thus, despite proffering democratising access, digital platforms reproduce socio-economic inequities to reinforce the argument that “democracy in India is only a top-dressing on an Indian soil which is essentially undemocratic.”<sup>62</sup>

**PLATFORM WORKERS, WHO BENEFIT FROM LITTLE STATE REGULATION, ARE CAUGHT IN AN ASYMMETRICAL RELATIONSHIP WITH CONSUMERS AND PLATFORMS, AND LEFT VULNERABLE TO CAPRICIOUS RATINGS, BIGOTRY, AND MORAL JUDGEMENT.**



## MOVING FORWARD

# Platform Changes

This section brings together the latest changes that platforms have agreed to make in their policies and practices, in consultation with Fairwork India, to improve the conditions of their workers.

### Fair Pay:

bigbasket redesigned its app interface to enhance transparency in the payment structure and provide workers with visibility into their earnings, including flagging the minimum payout and reimbursements workers will receive in light of their minimum wage policy. Pilots for this redesign were underway in August 2023; the redesigned app will be live at all stores by November 2023 and for all subcontracted workers from December 2023.

Urban Company has committed to onboarding an external auditor by 31 October 2023 to conduct periodic audits of its payment calculation and reimbursement systems to check for failures in their monthly earning guarantee program. It has also committed to improving general awareness among workers of its minimum wage policy.

### Fair Conditions:

Urban Company has committed to expanding the types of safety equipment it provides workers, at no additional cost, by 31 October 2023.<sup>63</sup>

bigbasket and Zepto have instituted formal policies on Loss of Standing to ensure that workers who go on leave from the platform are not penalised upon their return.

### Fair Contracts:

BluSmart has made contracts available in regional languages. Dunzo also rolled out contracts in multiple languages on the app in mid-September 2023. Data protection is another critical aspect of agreements between workers and platforms. When onboarding with a platform, workers are typically required to share information that is personal and sensitive. Starting this year, the privacy policies of BluSmart, Zomato, and Swiggy detail the categories of data they collect from their workers, along with the purpose for which it is collected, and specify that they are bound by their policy to protect this data.

Another aspect of the Fair Contracts principle pertains to advance notification of change. Urban Company's contracts now state that should they discontinue any part of their operations, which may result in revoking access to the platform, they will provide a 30-day notice to the affected workers. In such cases, Urban Company has also committed to repurchasing any bespoke products that workers are required to stock.

BluSmart has modified the terms of its agreement, wherein penalties for delaying the return of a leased vehicle are now pro-rata, and workers are allowed to appeal these penalties. BluSmart's agreements now also have a financial cap on the liabilities of its workers. bigbasket, BluSmart, Urban Company and Zepto have agreed to compensate their workers for any losses they may incur due to app malfunctions or failures in the platform's systems or networks.



bigbasket, Swiggy, and Zepto have introduced new provisions in their agreements with subcontractors, requiring that workers under subcontractors receive at least the same work conditions as those onboarded directly by the platform.

### **Fair Management:**

To create an equitable work environment, BluSmart has instituted an anti-discrimination policy, a diversity and inclusivity policy, and a technology audit policy aimed at improving their technology stack to benefit their drivers.

It also organised a consultation meeting with women drivers to ascertain their working hours and other concerns and subsequently revamped safety measures for women drivers. To improve transparency, BluSmart made work allocation parameters and processes available to workers in three languages (English, Hindi, and Kannada) on the app interface. BluSmart and Swiggy also conducted their first round of external audits of their work allocation processes to uncover bias.

# Pathways to Change

The Fairwork project's growing relevance to debates on platform work in India has continued in its fifth year. This has included engaging with platforms, and with other key stakeholders, including trade unions, regulators, researchers and consumers.

In addition to interacting with workers during fieldwork, Fairwork India actively participated in worker meetings and gatherings, maintaining consistent involvement with worker collectives such as IFAT (Indian Federation of App-Based Transport Workers) and the Rajasthan App Adharit Shramik Union (Rajasthan App-Based Workers' Union). This helped us understand the challenges and issues affecting workers collectively and individually. A highlight of this year was Fairwork India's regular contribution to stakeholder meetings in Rajasthan that led up to The Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023. Fairwork was also invited to participate in conferences and workshops nationwide to share its work on platform work and to engage with workers, researchers, and policymakers.<sup>64</sup>

With consumers being prominent stakeholders in the platform economy, a survey of 963 consumers was conducted in 12 cities, across the 12 platforms ranked this year.<sup>65</sup> The goal was to gauge the awareness among consumers of the conditions that platforms workers experience.

The survey also explored consumers' perceptions of the role of platforms and government in improving the conditions of platform workers.

A majority of consumers agreed that workers need to be paid a living wage after accounting for work-related costs such as fuel, meals, and uniforms and expressed support for different measures to ensure workers are paid a living wage (Figure 2).<sup>66</sup> The measures included reduced platform commission, higher consumer delivery fees, increased tipping, and government regulation.

Eighty percent of consumers across all 12 cities were aware that platform workers often work long hours, drive in adverse weather, and deal with abusive consumers. A significant percentage strongly agreed that platforms and government regulation must strive to ensure safe working conditions including health and accident insurance and amenities for workers' safety and rest (Figure 3). Incidentally, in a recent meeting with the platforms, the Bengaluru police have proposed measures for safety training and awareness, and emergency protocols, for platform workers in the city.<sup>67</sup>

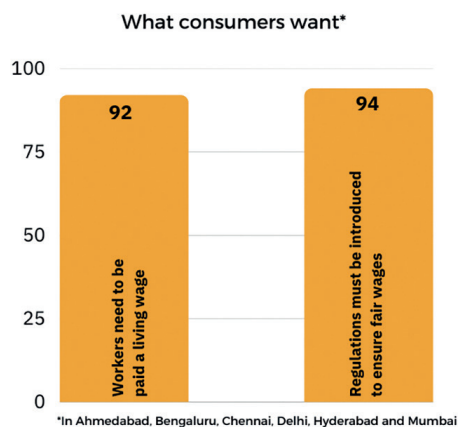


Figure 2: Consumers want workers to be paid fair wages

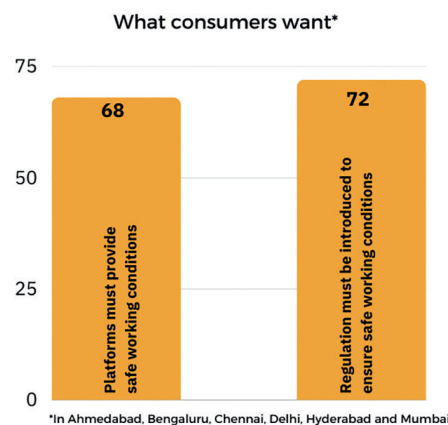


Figure 3: Consumers want safe working conditions for workers

Consumers recognised pay and conditions as the most important standards determining fair work. Sixty-six percent of consumers in the large cities strongly agreed that the government must act against platforms that repeatedly fail to offer their workers either fair pay or fair conditions. Also, 83 percent in large cities said that platform workers should not be classified as self-employed.

In terms of management, a majority of consumers strongly agreed that regulation is needed for the work-allocation process, and to protect workers against discrimination (Figure 4).

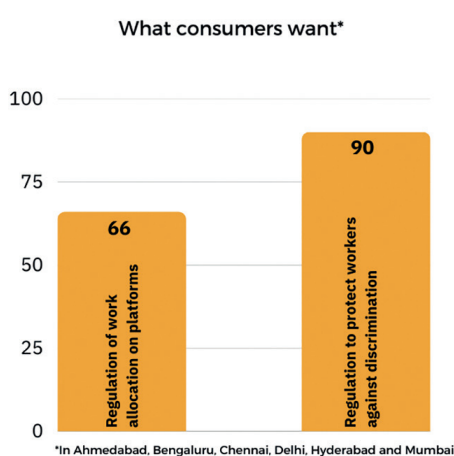
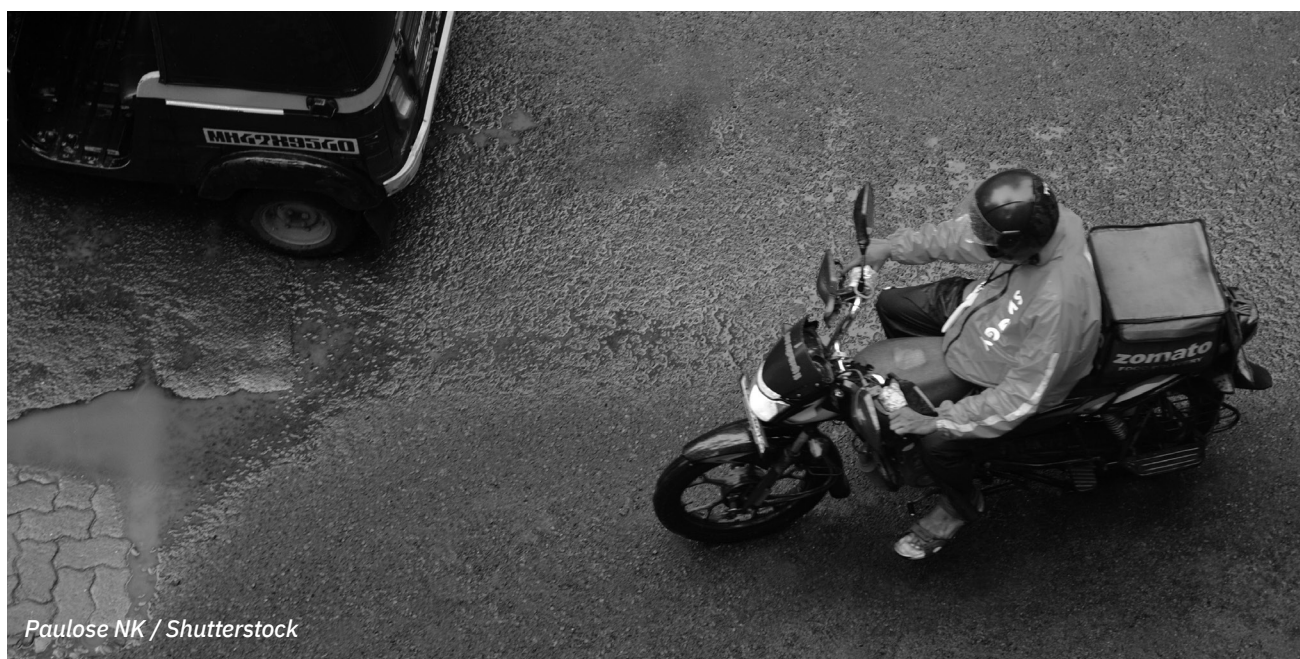


Figure 4: Consumers want workers to be protected from discrimination

Contrary to the position taken by platforms, consumers overwhelmingly supported fair representation for platform workers. Ninety one percent of respondents in the large cities agreed that platforms must discuss the shared concerns of workers. They also agreed that workers should have a say in the decisions affecting them, the right to form collective groups, and that platforms must be willing to recognise and negotiate with these collective worker groups.

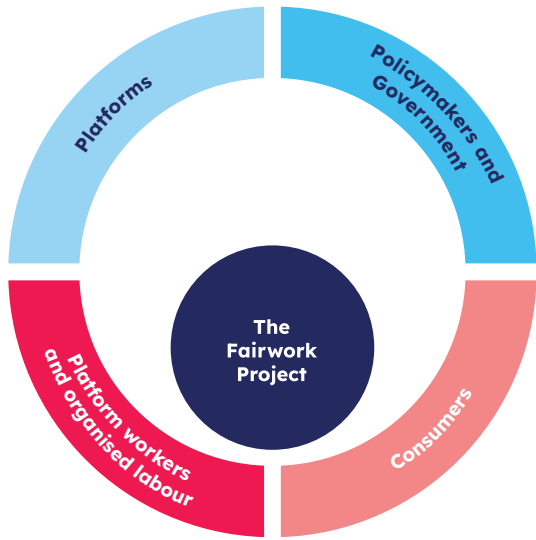
This continued engagement with platforms, workers, regulators, and consumers allows Fairwork to play a vital role in positively changing workers' lives. Additionally, we also hope that Fairwork's annual ratings provide conscientious investors and ethically minded consumers a tool to make informed decisions when choosing amongst platforms, thus contributing to pressure on platforms to improve their working conditions and their scores.

In the consumer survey, we found that 93 percent of the respondents in large cities would be more likely to use platforms that are independently certified as treating their workers fairly. In this way, we also allow consumers and investors to be workers' allies in fighting for a fairer platform economy. Beyond individual consumer choices, we hope the scores can help inform the procurement, investment, and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.



Paulose NK / Shutterstock

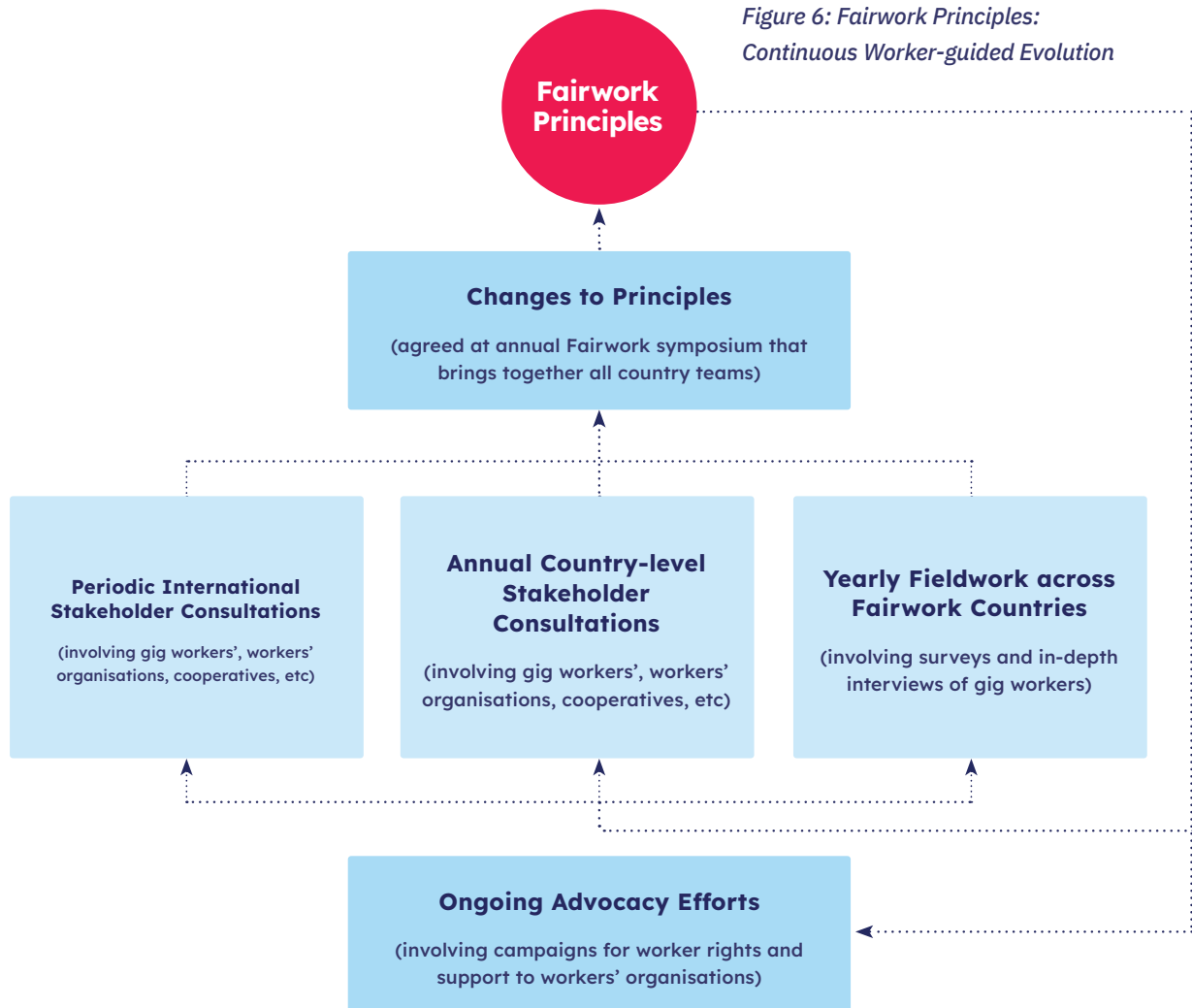
Figure 5: Fairwork's Pathways to Change



There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed.

Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by highlighting the contours of today's platform economy – paints a picture of what it could become.

Figure 6: Fairwork Principles: Continuous Worker-guided Evolution



# The Fairwork Pledge

As part of this process of change, we have introduced the Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer platform work. Organisations like universities, schools, businesses, and charities who make use of platform labour can make a difference by supporting the best labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on company organisational materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice.

**MORE INFORMATION ON THE PLEDGE, AND HOW TO SIGN UP, IS AVAILABLE AT**

**[WWW.FAIR.WORK/PLEDGE](http://WWW.FAIR.WORK/PLEDGE)**





## APPENDIX I

# Fairwork Scoring System

## Which companies are covered by the Fairwork principles?

The ILO defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”.<sup>68</sup> That includes digital labour “marketplaces” where “businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time”.<sup>69</sup> Marketplaces that do not facilitate labour exchanges - for example, Airbnb (which matches owners of accommodation with those seeking to rent short term accommodation) and eBay (which matches buyers and sellers of goods) are obviously excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models.<sup>70</sup>

Fairwork’s research covers digital labour platforms that fall within this definition that aim to connect individual service providers with consumers of the service through the platform interface. Fairwork’s research does not cover platforms that mediate offers of employment between individuals and employers (whether on a long-term or on a temporary basis).

Fairwork distinguishes between two types of these platforms. The first, is ‘geographically tethered’ platforms where the work is required to be done in a particular location such as delivering food from a restaurant to an

apartment, driving a person from one part of town to another or cleaning. These are often referred to as ‘gig work platforms’. The second is ‘cloudwork’ platforms where the work can, in theory, be performed from any location via the internet.

The thresholds for meeting each principle are different for location-based and cloudwork platforms because location-based work platforms can be benchmarked against local market factors, risks/harms, and regulations that apply in that country, whereas cloudwork platforms cannot because (by their nature) the work can be performed from anywhere and so different market factors, risks/harms, and regulations apply depending on where the work is performed.

The platforms covered by Fairwork’s research have different business, revenue and governance models including employment-based, subcontractor, commission-based, franchise, piece-rate, shift-based, subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).



## How does the scoring system work?





















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, policymakers, trade unions, and academics), and in-country meetings with local stakeholders.

Each Fairwork Principle is divided into two points. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first threshold, and an additional second point to be awarded corresponding to the second threshold (see Table 1). The second point under each Principle can only be awarded if the first 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 10 points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the 8 months between January 2023 and August 2023, and are valid until October 2024.

Table 1 Fairwork: Scoring System

Principle	First point	Second point	Total
 <b>Principle 1: Fair Pay</b>	 Ensures workers earn at least the local minimum wage after costs	 Ensures workers earn at least a local living wage after costs	 <b>2</b>
 <b>Principle 2: Fair Conditions</b>	 Mitigates task-specific risks	 Ensures safe working conditions and a safety net	 <b>2</b>
 <b>Principle 3: Fair Contracts</b>	 Provides clear and transparent terms and conditions	 Ensures that no unfair contract terms are imposed	 <b>2</b>
 <b>Principle 4: Fair Management</b>	 Provides due process for decisions affecting workers	 Provides equity in the management process	 <b>2</b>
 <b>Principle 5: Fair Representation</b>	 Assures freedom of association and the expression of worker voice	 Supports democratic governance	 <b>2</b>

Maximum possible Fairwork Score



## Principle 1: Fair Pay

### 1.1 - Ensures workers earn at least the local minimum wage after costs (one point)

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle<sup>71</sup>. Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.<sup>72</sup> Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, such as mandatory training, which are also considered active hours. To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

#### The platform takes appropriate steps to ensure both of the following:

- Payment must be on time and in-full.
- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs<sup>73</sup>.

### 1.2 - Ensures workers earn at least a local living wage after costs (one additional point)

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that work-related costs do not push workers below local living wage.

#### The platform takes appropriate steps to ensure the following:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs.<sup>74</sup>

## Principle 2: Fair Conditions

### 2.1 Mitigates task-specific risks (one point)

Platform workers may encounter a number of risks in the course of their work, including accidents and injuries, harmful materials, and crime and violence. To achieve this point platforms must show that they are aware of these risks and take basic steps to mitigate them.

#### The platform must satisfy the following:

- Adequate equipment and training are provided to protect workers' health and safety from task-specific risks.<sup>75</sup>

These should be implemented at no additional cost to the worker.

- The platform mitigates the risks of lone working by providing adequate support and designing processes with occupational safety and health in mind.

### 2.2 - Ensures safe working conditions and a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms should ensure that workers are compensated for loss of income due to inability to work. In addition, platforms must minimise the risk of sickness and injury even when all the basic steps have been taken.

#### The platform must satisfy ALL of the following:

- Platforms take meaningful steps to ensure that workers do not suffer significant costs as a result of accident, injury or disease resulting from work.
- Workers should be compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.
- The platform implements policies or practices that protect workers' safety from task-specific risks.<sup>76</sup> In particular, the platform should ensure that pay is not structured in a way that incentivizes workers to take excessive levels of risk.

## Principle 3: Fair Contracts

### 3.1 Provides clear and transparent terms and conditions (one point)

The terms and conditions governing platform work are not always clear and accessible to workers<sup>77</sup>. To achieve this point, the platform must demonstrate that workers are able to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the other party breaches those conditions.

### **The platform must satisfy ALL of the following:**

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract/terms & conditions are presented in full in clear and comprehensible language that all workers could be expected to understand.
- Workers have to sign a contract and/or give informed consent to terms of conditions upon signing up for the platform.
- The contracts/terms and conditions are easily accessible to workers in paper form, or via the app/platform interface at all times.
- Contracts/terms & conditions do not include clauses that reverse prevailing legal frameworks in the respective countries.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

### **3.2 – Ensures that no unfair contract terms are imposed (one additional point)**

In some cases, especially under ‘independent contractor’ classifications, workers carry a disproportionate amount of risk for engaging in a contract with the service user. They may be liable for any damage arising in the course of their work, and they may be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that risks and liability of engaging in the work is shared between parties.

### **Regardless of how the contractual status of the worker is classified, the platform must satisfy ALL of the following:**

- Every worker is notified of proposed changes in clear and understandable language within a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.
- The contract/terms and conditions neither include clauses which exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions. The platform takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

- In case platform labour is mediated by subcontractors: The platform implements a reliable mechanism to monitor and ensure that the subcontractor is living up to the standards expected from the platform itself regarding working conditions.
- In cases where there is dynamic pricing used for services, the data collected, and calculations used to allocate payment must be transparent and documented in a form available to workers.

## **Principle 4: Fair Management**

### **4.1 Provides due process for decisions affecting workers (one point)**

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and potentially losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the service user or the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.

### **The platform must satisfy ALL of the following:**

- There is an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe. There is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface<sup>78</sup>.
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

#### 4.2 – Provides equity in the management process (one additional point)

The majority of platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities in their design and management. For example, there is a lot of gender segregation between different types of platform work. To achieve this point, platforms must show not only that they have policies against discrimination, but also that they seek to remove barriers for disadvantaged groups and promote inclusion.

##### Platforms must satisfy ALL of the following:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.<sup>79</sup>
- The platform has measures in place to promote diversity, equality and inclusion on the platform. It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

### Principle 5: Fair Representation

#### 5.1 Assures freedom of association and the expression of worker voice (one point)

Freedom of association is a fundamental right for all workers and enshrined in the constitution of the International Labour Organisation, and the Universal

Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions. However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice.

##### Platforms must satisfy ALL of the following:

- There is a documented mechanism<sup>80</sup> for the expression of collective worker voice that allows ALL workers, regardless of employment status, to participate without risks.
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the platform interface.<sup>81</sup>
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation.<sup>82</sup>

#### 5.2 Supports democratic governance (one additional point)

While rates of organisation remain low, platform workers' associations are emerging in many sectors and countries. We are also seeing a growing number of cooperative worker-owned platforms. To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the platform.

##### The platform must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing it.
2. In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation<sup>83</sup>.

## APPENDIX II

# Operationalising Data Gathering in India

This year, 12 platforms that provided location-based platform work in India were identified based on the size of their workforce, the services they offered, their consumer base, and the investment they had attracted. In the list of platforms evaluated last year, BluSmart replaces Pharmeasy as the twelfth platform. For each of these platforms, worker interviews were conducted, evidence from management was sought, and desk research was carried out.

We conducted 359 worker case-studies, with 30 workers per platform,<sup>B4</sup> across four cities, Bengaluru, Delhi, Kochi and Thiruvananthapuram, between March and July 2023. A decision was made to expand field work to include Thiruvananthapuram as a second city in southern Kerala to reach out to a larger pool of workers in a smaller urban agglomeration. Not all platforms operated in all four cities. The goal of the interviews was to build an understanding of the conditions and process of work in the platform economy, the way it is carried out and managed, and its evolution throughout the years. Interviews were conducted by five research associates with input from other team members. In parallel, platforms were contacted for evidence on conditions of work, including data on their workers, and examples of management action across the principles. Finally, inputs from secondary sources such as news articles, reports, social media, and academic publications were taken into account.

Efforts were made to capture as much variety among workers as possible. For the multiple service platform, Urban Company, the aim was to cover multiple occupations on the platform (salon, AC, appliance, and electrical repair, cleaning, plumbing, and carpentry). Similarly, for ride-hailing platforms, a variety of cab categories (hatchback, sedan, SUV, and EVs) were included across the different locations in the studied cities. Where possible, attempts were made to speak to under-represented groups, such as women in the delivery and ride-hailing sectors.

A decision was made to not rely on platforms to access workers to avoid any harm to potential participants, or biased responses. Workers were recruited through our social networks by snowballing and by availing services.

In cases where the total number of workers on a particular platform was limited in a city, we contacted and interviewed a few workers who took part in previous years' research. This allowed us to also observe changes in the worker's experience on the platform over the years and hold platforms accountable for any commitments they previously made.

In all cases, workers were interviewed only after explaining the study and securing their informed consent to participate. Interviews were conducted face-to-face or by phone, depending on the schedule and convenience of interviewed workers. Where workers were recruited by availing services, they were asked if they would participate in the study once the transaction was complete. Participants in the study (except for those participating in group interviews) were compensated monetarily, or by purchasing additional services as suggested by the participants. Seventy-three participants declined compensation.

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## ENDNOTES

<sup>1</sup>G20 (2023) *G20 New Delhi Leaders' Declaration*. Available at: [https://www.g20.org/content/dam/gt20/gt20\\_new/document/G20-New-Delhi-Leaders-Declaration.pdf](https://www.g20.org/content/dam/gt20/gt20_new/document/G20-New-Delhi-Leaders-Declaration.pdf) (Accessed: 15 September 2023).

<sup>2</sup>The Fairwork India report studies the conditions of gig workers working on location-based digital platforms. The report uses platform workers and gig workers interchangeably. This usage draws from the Code on Social Security, 2020, which defines a gig worker "a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship." *Code on Social Security*. (2020) § 2 (35). Available at: [https://labour.gov.in/sites/default/files/ss\\_code\\_gazette.pdf](https://labour.gov.in/sites/default/files/ss_code_gazette.pdf) (Accessed: 5 October, 2023). Platform work is defined as "a work arrangement outside of a traditional employer- employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment." *Ibid*. § 2 (60).

<sup>3</sup>The Act uses a definition similar to the Code on Social Security to refer to gig workers. *The Rajasthan Platform Based Gig workers (Registration and Welfare) Act*. (2023) § 2(e). (RPBGWA) Available at: [https://prsindia.org/files/bills\\_acts/bills\\_states/rajasthan/2023/Bill30of2023Rajasthan.pdf](https://prsindia.org/files/bills_acts/bills_states/rajasthan/2023/Bill30of2023Rajasthan.pdf) (Accessed: 16 September 2023). A platform is defined as "an online transaction based arrangement of work that may involve a person or persons providing goods and services and a person or persons receiving goods and services against a specified rate of payment." *Ibid*, § 2 (f). Where the Act refers to the Welfare Board and Welfare Fund, it uses the term "platform-based gig worker".

<sup>4</sup>Sastry, H M S. (2023) 'Karnataka Govt rolls out health, accident insurance to gig economy workers', *Deccan Herald*, 11 September. Available at: <https://www.deccanherald.com/india/karnataka/karnataka-govt-rolls-out-health-accident-insurance-to-gig-economy-workers-2680823> (Accessed: 14 September 2023).

<sup>5</sup>Since 2022, PharmEasy has been plagued by challenges, with questions being posed about its survival. See Variyar, M. (2022) 'New course for ailing PharmEasy: Are the troubles terminal or transient?'. *Economic Times*, 11 November. Available at: <https://economictimes.indiatimes.com/news/morning-brief-podcast/morning-brief-podcast-new-course-for-ailing-pharmeasy-are-the-troubles-terminal-or-transient/podcast/95438771.cms?from=mdr> (Accessed: 19 September 2023). Since the problems continue to affect the operations of the platform, Fairwork decided to stop scoring PharmEasy. For a report on the predicament of Pharmeasy, see Meghani, V. (2023) 'What went wrong at PharmEasy and can it find a cure?', *Forbes India*, 11 July. Available at: <https://www.forbesindia.com/article/take-one-big-story-of-the-day/what-went-wrong-at-pharmeasy-and-can-it-find-a-cure/86535/1> (Accessed: 19 September 2023).

<sup>6</sup>Once again, a recent development raises hopes of change. AIGWU – All India Gig Workers Union. (2023) In an important win for AIGWU, during the conciliation process with UC, the District Labour Commissioner in Gurgaon has identified the UC partners as full time workers who deserve overtime pay and asked them to open the blocked IDs', [Twitter] 11 August. Available at: [https://twitter.com/aigwu\\_union/status/1690012355525050369?t=f5l8ac8u08\\_pa\\_DE4CbZEq&s=08](https://twitter.com/aigwu_union/status/1690012355525050369?t=f5l8ac8u08_pa_DE4CbZEq&s=08) (Accessed: 27 September 2023); Kumar, C. (2023) 'After months of perseverance, women #gigworkers initiated the first ever formal collective bargaining process with #UrbanCompany in India'. [Facebook] 18 July. Available at: [https://facebook.com/story.php?story\\_fbid=pfbid0YL1M2s-BCTVUiNyLeXhcWsGcU7e3EF4dswvqKcSKY3bYjJoyPWs2LrpXvuxw8eCX-l&id=100006801822216&mibextid=Nif5oz](https://facebook.com/story.php?story_fbid=pfbid0YL1M2s-BCTVUiNyLeXhcWsGcU7e3EF4dswvqKcSKY3bYjJoyPWs2LrpXvuxw8eCX-l&id=100006801822216&mibextid=Nif5oz) (Accessed: 27 September 2023)

<sup>7</sup>Sonal, S. (2022) 'Inside Ola's lobbying blitz to find a parking spot in India's policy circles', *The Ken*, 6 July. Available at: <https://the-ken.com/story/inside-olas-lobbying-blitz-to-find-a-parking-spot-in-indias-policy-circles/> (Accessed: 18 September 2023).

<sup>8</sup>NITI Aayog (2022) *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*. New Delhi: Government of India. Available at: [https://www.niti.gov.in/sites/default/files/2023-02/25th\\_June\\_Final\\_Report\\_27062022.pdf](https://www.niti.gov.in/sites/default/files/2023-02/25th_June_Final_Report_27062022.pdf) (Accessed: 14 September 2023). The NITI (National Institution for Transforming India) Aayog, came into being on 1 January 2015 to replace the Planning Commission. NITI Aayog is "developing itself as a state-of-the-art resource centre with the necessary knowledge and skills that will enable it to act with speed, promote research and innovation, provide strategic policy vision for the government, and deal with contingent issues."

<sup>9</sup>The Gazette of India (2020) *Industrial Relations Code: 35 of 2020*. Available at: <https://egazette.nic.in/WriteReadData/2020/222118.pdf> (Accessed: 14 September 2023).

<sup>10</sup>The Gazette of India (2019) *Code on Wages*. Available at: <https://egazette.nic.in/WriteReadData/2019/210356.pdf> (Accessed: 14 September 2023).

<sup>11</sup>See Appendix II for details on recruitment of workers for interviews this year.

<sup>12</sup>"Decent work" involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men". International Labour Organisation. (no date) '*Decent Work*'. Available at: <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm> (Accessed: 12 September 2023).

<sup>13</sup>The Act defines an aggregator as "a digital intermediary for a buyer of goods or services to connect with a seller or services provider, and includes any entity that coordinates between one or more aggregators for providing the services." RPBGWA, § 2(a): so, services." RPBGWA, § 2(a).

<sup>14</sup> RPBGWA, § 8. The government will use this database to register all platform workers in Rajasthan. The automated registration of workers is an important introduction, as opposed to previous initiatives, where the onus of registration was on workers. For instance, in August 2021, the Union Government introduced the e-Shram portal, which hosts a National Database of Unorganized Workers. The portal, however, has been unable to meet its targets: in 2022-23, only 11.7 million workers were registered against a target of 50 million. Several critics have pointed to the shortcomings of asking workers to self-register on the portal, as it absolves the State and platforms of the responsibility for collecting data. The portal has also faced administrative hurdles and is subject to technical glitches. Rajora, S. (2023) 'Despite Centre's continued push, fresh registrations on e-shram portal fall', *Business Standard*, June 30. Available at: [https://www.business-standard.com/industry/news/e-shram-portal-despite-centre-s-continued-push-fresh-registrations-wanes-123063000635\\_1.html](https://www.business-standard.com/industry/news/e-shram-portal-despite-centre-s-continued-push-fresh-registrations-wanes-123063000635_1.html) (Accessed: 11 October 2023); Mehrotra, S. and K. Sarkar (2022). "By Putting the Onus of Registration on Workers, E-Shram Ignores Responsibility of Employers." *The Wire*, January 20. Available at: <https://thewire.in/labour/by-putting-the-onus-of-registration-on-workers-e-shram-ignores-responsibility-of-employers> (Accessed: 11 October 2023).

<sup>15</sup>The Act defines a penalty of up to INR 500,000 and up to INR 5,000,000 on the first and subsequent failures to comply, respectively. RPBGWA, § 17(1).

<sup>16</sup>The departments from the State whose members will constitute part of the Board are the Department of Labour, Department of Information and Technology, Department of Social Justice, Department of Transport and the Department of Finance. RPBGWA, § 3(3).

<sup>17</sup>Three of these new labour codes are mentioned in the Editorial section. The fourth is the Occupational Safety, Health, and Working Conditions Code, 2020. The objective behind these codes was to simplify and modernise 29 labour laws that had been in operation until 2019. These objectives, however, have been subject to criticism on the grounds that consolidation has led to further complications in definitions, and has introduced several anti-labour provisions, such as dilution of the right to strike and protest. Matthew B. (2021) 'From Labour and Capital to Labour for Capital', *Economic and Political Weekly*, 39(25). Available at: <https://www.epw.in/journal/2021/39/comment/labour-and-capital-labour-capital.html> (Accessed: 28 September 2023). It is important to note that among these four codes, "gig worker" and "platform worker" find mention only in the Code on Social Security, 2020.

<sup>18</sup>Working People's Charter. (2020) 'Why the new labour codes leave India's workers even more precariously poised than before', *Scroll*. 30 September. Available at: <https://scroll.in/article/973877/why-the-new-labour-codes-leave-workers-even-more-precariously-poised-than-before> (Accessed: 12 September 2023).

<sup>19</sup>For instance, in January 2023, a public consultation was held in Jaipur, which included unions representing workers' interests and organisations working on the rights of platform workers in Rajasthan. Fairwork. (2023) 'Fairwork India presents at Rajasthan public meeting on platform work', *Fairwork*, 16 June. Available at: <https://fair.work/en/fw/blog/fairwork-india-presents-at-rajasthan-public-meeting-on-platform-work/> (Accessed: 12 September 2023).



- <sup>20</sup>RPBGWA Welfare Board similar to the one established by The Maharashtra Mathadi, Hamal and other Manual Workers Act, 1969. This Act too, provides for the representation of workers' interests through a Welfare Board, in an arrangement to address shortcomings similar to those faced by platform workers—the absence of worker representation and negotiating power.
- <sup>21</sup>Bhutani A. (2023) 'Platform workers Will Be Decision Makers in Upcoming Elections: Union Leader', *The Quint*, 3 May. Available at: <https://www.thequint.com/news/gig-workers-decision-makers-elections-rajasthan-karnataka-welfare-board/> (Accessed: 12 September 2023).
- <sup>22</sup>Sivapriyan ETB. (2023) 'TN to constitute welfare board for platform workers.' *Deccan Herald*. 15 August. <https://www.deccanherald.com/india/tamil-nadu/tn-to-constitute-welfare-board-for-gig-workers-2648757> (Accessed: 12 September 2023).
- <sup>23</sup>Sastry, *op. cit.*
- <sup>24</sup>For the use of the term 'flexploitation', see Foti, A. (2017) *General Theory of the Precariat: Great Recession, Revolution, Reaction*. Amsterdam: Institute of Network Cultures. Available at: <https://networkcultures.org/wp-content/uploads/2017/09/ToD25-Precariat-AlexFoti.pdf> (Accessed: 27 September 2023).
- <sup>25</sup>This year, the platforms included Amazon Flex, bigbasket, BluSmart, Dunzo, Swiggy, Uber, Urban Company, Zepto and Zomato. The Fairwork project is bound by a non-disclosure agreement with all these platforms. As a consequence, the discussions with the platforms, and their submissions and verbatim commitments, are not explicitly cited in the report. Instead, they have been paraphrased, leaving their essence and spirit unscathed.
- <sup>26</sup>The study used the daily minimum wage figures in the semi-skilled (INR 576) or skilled categories (INR 625) (as applicable), as published by the Government of Karnataka for Zone I (Bengaluru) (<https://www.simpliance.in/minimum-wages/Karnataka>, accessed on 02 March 2023) for Bengaluru; semi-skilled (INR 700) or skilled categories (INR 770) (as applicable), as published by the Government of the National Capital Territory ([https://labour.delhi.gov.in/sites/default/files/Labour/generic\\_multiple\\_files/minimum\\_wages\\_current.pdf](https://labour.delhi.gov.in/sites/default/files/Labour/generic_multiple_files/minimum_wages_current.pdf), accessed on 02 March 2023) for Delhi; and semi-skilled (INR 490 for two-wheel and 580 for van and auto-rickshaw drivers) or skilled categories (INR 498) (as applicable), as published by the Government of Kerala (<https://lc.kerala.gov.in/minimum-wage-notifications>, accessed on 03 March 2023) for Kochi and Thiruvananthapuram. This number was multiplied by six (one rest day per week) for the weekly minimum wage, and then divided by the hours in a standard work week (48 hours) to arrive at an hourly minimum wage.
- <sup>27</sup>bigbasket's public commitment can be found here: [https://www.linkedin.com/posts/bigbasket-com\\_at-bigbasket-we-believe-in-building-enduring-activity-7005079061626597376-nyc4/](https://www.linkedin.com/posts/bigbasket-com_at-bigbasket-we-believe-in-building-enduring-activity-7005079061626597376-nyc4/); Flipkart's public commitment can be found here: <https://stories.flipkart.com/fair-work-principles-and-transparency-for-delivery-partners-at-the-flipkart-group/>; Urban Company's public commitment can be found here: <https://www.urbancompany.com/partner-welfare-policy/>
- <sup>28</sup>The living wage figures were obtained from the WageIndicator Foundation in 2022. Region-specific data was used, and the upper end of the range for "typical family (urban)" was selected for urban Karnataka, Delhi and Kerala as applicable for 2023.
- <sup>29</sup>Platforms create a heat map of crime-prone areas based on the experiences of delivery workers (being robbed of their valuables, or the item being delivered, not being paid for the order etc.) in that city.
- <sup>30</sup>This system allows workers on the platforms to seek help from other workers in case of emergencies. This allows the platforms to tap into their worker networks and mobilize help faster. The system is voluntary, and workers can choose to opt out.
- <sup>31</sup>See for example, Shubhiksha G.V. (2023) 'Swiggy delivery partners strike in Tamil Nadu, put forth 30 demands', *The Newsminute*, 23 May. Available at: <https://www.thenewsminute.com/tamil-nadu/swiggy-delivery-partners-strike-tamil-nadu-put-forth-30-demands-177535/> (Accessed: 18 September 2023).
- <sup>32</sup>Urban Company's public commitment on living wage is available at: [www.urbancompany.com/partner-welfare-policy/](http://www.urbancompany.com/partner-welfare-policy/).
- <sup>33</sup>Gaur, N. (2023) 'Urban Company Workers hit the Streets Against ID Blocking, Rating System', *NewsClick*, 12 July. Available at: <https://www.newsclick.in/urban-company-workers-hit-streets-against-id-blocking-rating-system> (Accessed: 28 September 2023)
- <sup>34</sup>Interviewed 4 February 2020
- <sup>35</sup>Interviewed 26 March 2023
- <sup>36</sup>The platform has since withdrawn this policy.
- <sup>37</sup>In Indonesia, Nigeria and Philippines, women ride hailing workers face frequent cancellations, which led to a female motorcycle driver in Indonesia asking male consumers if they would prefer driving. Fairwork (2023) *Gender and Platform Work: Beyond Technosolutionism*. Available at: <https://fair.work/en/fw/publications/gender-and-platform-work-beyond-techno-solutionism/> (Accessed: 24 September 2023). A female grocery delivery worker interviewed in Bengaluru on 10 August 2022, reported that consumers are sometimes surprised to see a female delivery worker. This was also echoed by an e-commerce female worker interviewed Kochi on 21 March 2023, that consumers would say, "Wow! They have lady staff too?" She added, "After 6 PM, male consumers have remarked, "Oh, are you working after 6 PM? You should finish before 6 PM."
- <sup>38</sup>The broader Fairwork network and other reports have also pointed to the ways in which women feel alienated in the platform economy. See, for instance, the references in Endnotes 37 and 60.
- <sup>39</sup>Taskmo estimates women's participation in the gig economy in India at 28%.in 2022. See India Today (2022) '*Despite rise in gig economy, women's participation still less than 30%*'. Available at: <https://www.indiatoday.in/education-today/jobs-and-careers/story/despite-rise-in-gig-economy-women-s-participation-still-less-than-30-1985236-2022-08-08> (Accessed: 27 September 2023). Other estimates suggest that female workers constitute 0.5% and 1% of the workers in the food-delivery and ride-hailing sectors. See numbers cited in Raj, A (2023) 'Women at (gig) work: When financial freedom comes at a cost.' *The Indian Express*, 14 May. Available at: <https://indianexpress.com/article/cities/delhi/women-at-gig-work-unruly-customers-job-insecurity-prejudice-against-women-financial-freedom-comes-at-a-cost-for-women-working-as-delivery-executives-cab-drivers-8607997/> (Accessed: 27 September 2023). A recent report highlighted that the low labour force participation rate of women in India is shaped by social norms that restrict both the supply of and demand for women workers in the economy: Kavya and Kamala's experiences, as well as the skewed distribution of female platform workers between various sectors, reinforce this point in the context of platform work. See Centre for Sustainable Employment, Azim Premji University (2023) *State of Working India: Social identities and labour market outcomes*. Available at: [https://cse.azimpremjiiuniversity.edu.in/wp-content/uploads/2023/09/State\\_of\\_Working\\_India\\_2023\\_ecopy-1.pdf](https://cse.azimpremjiiuniversity.edu.in/wp-content/uploads/2023/09/State_of_Working_India_2023_ecopy-1.pdf) (Accessed: 27 September 2023)
- <sup>40</sup>NITI Aayog (2022), *op.cit.* p.56, emphasis added.
- <sup>41</sup>Article 15(2) of the Constitution of India states: "No citizen shall on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to: (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public." While the phrases "access to shops" and use of "places of public resort" in the Article might appear restrictively worded, the intent behind the framing of this Article was to prohibit discriminatory practices where certain groups leveraged their relative advantage in a market to exclude other groups. Specifically, BR Ambedkar stated that the term shop in the Article was used "in the most generic sense." The Supreme Court too has pronounced that establishments providing any service can fall under the ambit of Article 15(2). In this sense, a "shop" is an expression of abstract transactions in the market. See Bhatia, G. (2016) 'Horizontal Discrimination and Article 15(2) of the Indian Constitution: A Transformative Approach.' *Asian Journal of Comparative Law*, 11(1). Available at: <https://doi.org/10.1017/asjcl.2016.5> (Accessed: 28 September 2023). However, in the absence of an overarching civil rights law akin to, for example, the Civil Rights Act in the United States, Article 15(2) only provides a restricted, case-by-case solution to structural problems of private acts of discrimination.
- <sup>42</sup>Noponen, N., *et al.* (2023) 'Taylorism on steroids or enabling autonomy? A systematic review of algorithmic management', *Management Review Quarterly*. Available at: <https://doi.org/10.1007/s11301-023-00345-5> (Accessed: 26 September 2023) (Accessed: 22 September 2023)
- <sup>43</sup>Kassem, S. (2023) *Work and Alienation in the Platform Economy: Amazon and the Power of Organisation*. Bristol: Bristol University Press.
- <sup>44</sup>Interviewed 25 April 2023.

<sup>45</sup>What sets digital platforms apart is the granularity of (collected, observed and inferred) data they capture, and how the data is used to train and fine-tune their AI/ML algorithms. Workers themselves are not privy to this data and the inferences that platforms draw from it (such as who should be allocated a job, or is likely to be a fraud). Besides, this data may also be sold to third parties, such as microfinance companies, or advertisement agencies by the platform. As the implications of data gathering and use on platforms are qualitatively different than what came before, platform workers are doubly alienated from the product of their labour: not only are they alienated from the value their service generates, they are also distanced from data on how they rendered that service, or their everyday interactions and struggles, all of which go into rebuilding the platform's systems to improve their effectiveness, as well as bringing in a revenue for the platform from the monetisation of this data.

<sup>46</sup>Paul, G., Bierman, A. and Schieman, S. (2021) 'Über-alienated. Powerlessness and alone in the gig economy', *Work and Occupation*, 48(4), pp.399-431 Available at: <https://doi.org/10.1177/073088842110247> (Accessed: 24 September 2023)

<sup>47</sup>Interviewed 2 June 2023. Competing for pay has become especially relevant amidst rising inflation. A study of 924 workers working for a food delivery platform, reports that the real incomes of workers joining the platform between 2019 and May 2022, when compared to their previous jobs, had either decreased for 34.9 percent of workers or remained the same for 22.1 percent. The 43.2 percent of workers who reported an increase, also reported working longer hours. See, National Council of Applied Economic Research (2023) *Socio-economic impact assessment of food delivery workers*. Available at: [https://www.ncaer.org/wp-content/uploads/2023/08/NCAER\\_Report\\_Platform\\_Workers\\_August\\_28\\_2023.pdf](https://www.ncaer.org/wp-content/uploads/2023/08/NCAER_Report_Platform_Workers_August_28_2023.pdf) (Accessed: 24 September 2023). p.45. The study also reported that the average monthly real incomes of workers studied, and their ability to meet household expenditure, had declined across cities of all sizes. For example, in 2019, workers in Tier 1 cities (population greater than 5 million according to the Census of India 2011) earned an average monthly real income of INR 13,923. By May 2022, this figure had declined to INR 13,438. Aggregate real income across all tiers for the same period declined from INR 13,470 to INR 11,963. Long-shift workers (those working 11 hours a day or longer, and who formed 55.6 percent of the sample), "were breaking even in 2019 and 2020 but not in 2021 and 2022." This was attributed to rising fuel costs and overall inflation as workers have found it "increasingly difficult to meet monthly expenditure out of the monthly income earned from the platform" (p. 47). *The State of Working India 2023*, report referred in Endnote 39, corroborates that wages across industries for salaried workers between 2021 to 2022 have remained stagnant even as employment rates have increased. Earnings for self-employed workers, on the other hand, have decreased. A recent article further states that it is not enough to merely track employment figures, when real wages across the economy have been stagnant. In 2021-22, for instance, the growth of real wages was below 1 percent. Dreze, J. (2023) 'Wages are the worry, not just unemployment', *The Indian Express*, 13 April. <https://indianexpress.com/article/opinion/columns/jean-dreze-writes-wages-are-the-worry-not-just-unemployment-8553226/> (Accessed: 24 September 2023).

<sup>48</sup>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. Available at: <https://meatspacepress.com/towards-a-fairer-gig-economy/> (Accessed: 27 September 2023).

<sup>49</sup>Marx (1844), op.cit.

<sup>50</sup>The strikes were widely reported in the media. See for example, Cariappa, N. (2023) 'Karnataka: Angry Urban Company Workers Plan Nationwide Protests', *NewsClick*, 10 July. <https://www.newsclick.in/karnataka-angry-urban-company-workers-plan-nationwide-protests> (Accessed: 17 September 2023). Dasgupta, S. (2023) 'Urban Company Workers Protest Job Losses After Blocked IDs, 'Unrealistic' Rating Requirements', *The Wire*, 14 July. <https://thewire.in/labour/urban-company-workers-protest-job-losses-after-blocked-ids-unrealistic-rating-requirements> (Accessed: 17 September 2023).

<sup>51</sup>In another instance of consumer bias by a platform, consumers have an option to repeat a worker if they liked their service. But workers are not offered the same option. The platform claims that workers can choose not to service a particular consumer provided they have a strong reason, but the app design does not allow workers to proactively indicate which consumers they would like to service again. For workers, such a design reaffirms the differential treatment that consumers and workers are subject to by platforms.

<sup>52</sup>de la Cour, N. (2021) 'Platform Capitalists Are Turning Customers Into Managers in Disguise'. *Jacobin*, 9 June. <https://jacobin.com/2021/09/platform-capitalists-gig-economy-employee-ratings-reviews-yelp-door-dash-uber-lyft-management-discipline-prosumption> (Accessed: 17 September 2023).

<sup>53</sup>Marion F. and Healy, K. (2017) 'Seeing like a market'. *Socio-Economic Review*, 15(1), pp.19-29. Available at: <https://academic.oup.com/ser/article/15/1/9/2656165> (Accessed: 18 September 2023).

<sup>54</sup>Harris-White, B. (2003) 'Inequality at Work in the Informal Economy: Key Issues and Illustrations', *International Labour Review*, 142(4), pp. 459-469. Available at: <https://onlinelibrary.wiley.com/doi/10.1111/j.1564-913X.2003.tb00540.x> (Accessed: 26 September 2023).

<sup>55</sup>Singh, K. (2019) 'The bigotry of one Indian customer has united arch-rivals Zomato and Uber Eats', *Quartz*, 1 August. Available at: <https://qz.com/india/1679804/zomato-and-uber-eats-unite-on-twitter-to-support-muslim-exec> (Accessed: 27 September 2023). It is worth noting that discrimination is seldom a case of workers either being allowed to work or not; often, workers from marginalised communities have to mould their conduct to be found acceptable. This year's fieldwork in Bengaluru found that, during their training by a platform, female Muslim platform workers were advised to avoid wearing a burqa when visiting consumers on the pretext that consumers were often uncomfortable with it. One worker interviewed in Bengaluru, on 18 June 2023, confirmed that she faced disapproval when she visited a consumer's residence wearing a burqa. Upon bringing this up with the platform, she was again told that women were "not supposed to go to work in a burqa, because some customers may not like it."

<sup>56</sup>The advertisement featured Aditya Lakhia, who played the character of Kachra (the name also means garbage or rubbish in Hindi) in the Hindi film *Lagaan*, to represent different objects such as a paperweight, a hand towel, a table. Khan, R. (2023) 'Zomato's 'Kachra' ad: The caste-blind social illiteracy of corporate India', *The Indian Express*, 8 June. Available at: <https://indianexpress.com/article/opinion/columns/zomato-kachra-ad-caste-blind-social-illiteracy-of-corporate-india-8652865/> (Accessed: 19 September 2023).

<sup>57</sup>Twitter (2023) 'On world environment day, our intent was to spread awareness about the potential of plastic waste and benefits of recycling in a humorous way' [Zomato] 8 June. Available at: [https://twitter.com/zomato/status/1666699937646624768?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etwteemembed%7Ctwtterm%5E1666699937646624768%7Ctwgr%5Efc2dbdf205338e7a3f5d2e3b69ca-721c717ed6e9%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fthewire.in%2Fcaste%2Fzomato-deletes-ad-backlash-dehumanising-portrayal-kachra-lagaan](https://twitter.com/zomato/status/1666699937646624768?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwteemembed%7Ctwtterm%5E1666699937646624768%7Ctwgr%5Efc2dbdf205338e7a3f5d2e3b69ca-721c717ed6e9%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fthewire.in%2Fcaste%2Fzomato-deletes-ad-backlash-dehumanising-portrayal-kachra-lagaan) (Accessed: 17 September 2023).

<sup>58</sup>Kōlam is a daily ritualistic floor art form drawn by Hindu women in south India. It is a symbol of auspiciousness and divinity, kōlam is made with rice flour. Nagarajan, V. (2018). *Feeding a Thousand Souls: Women, Ritual and Ecology in India*. New York, NY: Oxford University Press.

<sup>59</sup>Interviewed 13 July 2023.

<sup>60</sup>Outlook Web Archive (2023) 'Harassment, Discrimination, Extra Burden: Women In Gig Economy', *Outlook India*, 15 May. Available at: <https://www.outlookindia.com/national/harassment-discrimination-extra-burden-women-in-gig-economy-news-286360> (Accessed: 27 September 2023)

<sup>61</sup>Gurmat, S. (2022) 'India's platform workers blame platforms for ignoring a wave of religious attacks', *Rest of World*, 16 November. Available at: <https://restofworld.org/2022/indias-gig-workers-religious-attacks/> (Accessed: 27 September 2023).

<sup>62</sup>*Constituent Assembly Debates* (1948) Vol. 7 November 4. Available at: [https://eparlib.nic.in/bitstream/123456789/762996/1/cad\\_04-11-1948.pdf](https://eparlib.nic.in/bitstream/123456789/762996/1/cad_04-11-1948.pdf) (Accessed: 27 September 2023)

<sup>63</sup>Zomato has piloted rest facilities for platform workers in Gurgaon and Bangalore in 2023, giving them access to amenities such as first-aid, restrooms, drinking water, Wi-Fi, and mobile charging points See Bagchi, D. (2023) 'Drinking water, toilets, first aid— Zomato introduces 'rest points' for delivery partners', *The Print*, 16 February. Available at: <https://theprint.in/india/drinking-water-toilets-first-aid-zomato-introduces-rest-points-for-delivery-partners/1376733/> (Accessed: 29 September 2023); Thadhagath, P.V. (2023) 'Zomato launches south India's first resting point in Bengaluru', *The Hindustan Times*, 11 June. Available at <https://www.hindustantimes.com/cities/bengaluru-news/zomato-launches-south-indias-first-resting-point-in-bengaluru-101686479580621.html/> (Accessed: 27 September 2023).

<sup>64</sup> Fairwork India was invited to present its findings and research by the Kerala State Planning Board at the International Labour Conclave in Thiruvananthapuram, Kerala on 24 and 25 May, and by the international conference on 'New Technologies and the Future of Work in the Global South' held by the Institute of Human Development, Delhi, on 17, 18, 19 July 2023.

<sup>65</sup> The survey was designed by Fairwork India, and conducted by a Bengaluru-based market research agency. Consumers were surveyed in Ahmedabad, Bengaluru, Chandigarh, Chennai, Delhi, Guwahati, Hyderabad, Indore, Kochi, Kolkata, Lucknow and Mumbai in July and August 2023. Through a combination of online and face-to-face surveys, a range of responses, from 'strongly agree', 'somewhat agree', 'neutral', 'somewhat disagree' to 'strongly disagree' were used to evaluate consumers' perceptions on statements pertaining to the conditions of gig workers. Since consumers in the largest cities, Mumbai (population: 12,691,836), Delhi (population: 10,927,986), Bengaluru, (population: 5,104,047), Hyderabad (population: 3,597,816), Ahmedabad (population: 3,719,710), and Chennai (population: 4,328,063) are of the most commercial significance to platforms and, consequently, have the most exposure to the services offered and the conditions of platform workers, their perception were separately examined. Population of cities in India 2023. Available at: <https://worldpopulationreview.com/countries/cities/india> (Accessed: 27 September 2023). Although no comprehensive data source on the revenues or the number of consumers for platforms by city exists, the following media reports are indicative of the importance of these urban markets to the platform economy. Autocar India News. (no date) 'Top 5 cities with highest Uber usage in 2019', *Autocar India*. Available at: <https://www.autocarindia.com/car-news/top-5-cities-with-highest-uber-usage-in-2019-415418> (Accessed: 27 September 2023); Ghosh, S. (2022) 'These 3 Indian cities placed more food orders than the entire population of Canada: Study', *Curly Tales*, August 31. Available at: <https://curlytales.com/these-indian-cities-placed-more-food-orders-than-the-entire-population-of-canada-study/> (Accessed: 27 September 2023); TNN (2021) 'Metro cities are major demand drivers for Swiggy Instamart', *The Hindu Businessline*, 29 August. Available at: Accessed on 27 September 2023. <https://www.thehindubusinessline.com/companies/metro-cities-are-major-demand-drivers-for-swiggy-instamart/article65826373.ece> (Accessed: 27 September 2023).

<sup>66</sup> All the percentages in this section are significant at 95% confidence level using a two tailed p-test. Percentages are shown for responses which correspond to both 'strongly agree' and 'somewhat agree' in the responses to the survey questions, unless indicated otherwise.

<sup>67</sup> Philip C.M. and Goenka, T. (2023) 'How Bengaluru police is taking the lead in ensuring gig workers' safety', *MoneyControl*, 25 September. Available at: <https://www.moneycontrol.com/news/business/how-bengaluru-police-are-taking-the-lead-in-ensuring-gig-workers-safety-11423341.html> (Accessed: 27 September 2023)

<sup>68</sup> International Labour Organisation (2021) *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*. Geneva: International Labour Organisation. p. 31. Available at: [https://www.ilo.org/global/research/global-reports/weso/2021/WCMS\\_771749/lang--en/index.htm](https://www.ilo.org/global/research/global-reports/weso/2021/WCMS_771749/lang--en/index.htm) (Accessed: 28 September 2023).

<sup>69</sup> Ibid.

<sup>70</sup> De Stefano, V. (2016) *The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig-economy'*. Geneva: International Labour Organisation. p. 1 Available at: [https://www.ilo.org/travail/info/publications/WCMS\\_443267/lang--en/index.htm](https://www.ilo.org/travail/info/publications/WCMS_443267/lang--en/index.htm). (Accessed: 28 September 2023).

<sup>71</sup> Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.

<sup>72</sup> In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs and undertaking mandatory training (i.e., training activities that must be completed for workers to continue accessing work on the platform). These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.

<sup>73</sup> In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost.

<sup>74</sup> In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data evidencing all workers earn a minimum wage after costs.

<sup>75</sup> The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."

<sup>76</sup> Ibid.

<sup>77</sup> The ILO's Maritime Labour Convention, 2006 (MLC 2006), Reg. 2.1, and the Domestic Workers Convention, 2011 (C189), Articles 7 and 15, serve as helpful guiding examples of adequate provisions in workers' terms and conditions, as well as worker access to those terms and conditions.

<sup>78</sup> Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating it for human mediation.

<sup>79</sup> In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.

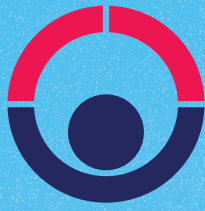
<sup>80</sup> A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL workers to participate in regular meetings with the management.

<sup>81</sup> For example, "[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions."

<sup>82</sup> See the ILO's Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087), which stipulates that "workers and employers, without distinction, shall have the right to establish and join organisations of their own choosing without previous authorisation" (Article 2); "the public authorities shall refrain from any interference which would restrict the right or impede the lawful exercise thereof" (Article 3) and that "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority" (Article 4). Similarly the ILO's Right to Organise and Collective Bargaining Convention, 1949 (C098) protects the workers against acts of anti-union discrimination in respect of their employment, explaining that not joining a union or relinquishing trade union membership cannot be made a condition of employment or cause for dismissal. Out of the 185 ILO member states, currently 155 ratified C087 and 167 ratified C098.

<sup>83</sup> If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the platform, the platform should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers' queries to its communication with the existing representative body.

<sup>84</sup> The one exception was bigbasket, where 29 workers were interviewed.



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