



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

The Gig Economy & Its Impact On Human Rights In India & Globally: A Comparative Analysis

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Abstract: The gig economy has emerged as a significant form of non-standard employment, particularly with the rise of digital platforms facilitating short-term and task-based work. While this model promises flexibility and income opportunities, it has simultaneously raised serious human rights concerns. Gig workers frequently experience precarious working conditions, including unpredictable earnings, lack of social security, limited labour protections, and excessive algorithmic control. These challenges are particularly acute for women workers, who face compounded vulnerabilities due to safety concerns, discrimination, and inadequate public infrastructure. This paper examines the impact of the gig economy on human rights in India, analyses the challenges faced by gig workers—especially women—and evaluates legal frameworks, judicial developments, and policy responses. It concludes by proposing reforms and suggestions to ensure dignity, equality, and social security for gig and platform workers.

Keywords: Gig economy, human rights, platform workers, women workers, social security

1. Introduction

According to Section 2(35) of the Code on Social Security, 2020, “gig workers” are those who work in arrangements other than the conventional employer–employee relationship.¹ While the term “gig work,” first used in 1915,² has gained prominence due to platform-based employment, it encompasses short-term, task-based jobs facilitated by digital platforms such as Uber, Ola, and Swiggy. This form of non-standard employment, which also includes flexi-work, on-call work, and freelance labour, often results in precarious working conditions. Gig workers frequently experience unpredictable earnings, limited rights and protections, and minimal control over their work hours. These precarious circumstances can undermine fundamental human rights principles enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

India's rapidly growing gig economy, projected to reach 23.5 million workers by 2030 (NITI Aayog), is becoming a major employment model, driven by urbanization, demographics, and technology. As of 2020-21, it employed 7.7 million workers across varying skill levels (47% medium-skilled, 22% high-skilled, 31% low-skilled).³

¹ Code on Social Security, § 2(35), No. 36, Acts of Parliament, 2020 (India).

² Ramy Zeid and others, 'The Gig Economy and the Future of Work: Global Trends and Policy Directions for Non-Standard Forms of Employment' (SPJ Policy & Technical Note: Social Protection & Jobs, World Bank, 2024), <http://documents1.worldbank.org/curated/en/099060524074041161/pdf/P1796471e104d70c8193971d1ead6456d2e.pdf> (last visited 20 Feb 2026).

³ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*, Policy Brief (2022), https://www.niti.gov.in/sites/default/files/202306/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf (last visited 20 Feb 2026).

The gig economy is dominated by two main types of work: "crowd-work" and "work on-demand via apps."⁴ Gig work encompasses crowd-work (online task completion) and on-demand app work (routine services like cleaning and transportation). While offering flexibility and income, the gig economy raises significant human rights concerns. Platform workers often lack labor rights, including job security, fair wages, and social security. Unregulated hours lead to exploitation, with workers facing long hours and high pressure. Limited access to grievance redressal mechanisms hinders addressing harassment, wage theft, or unsafe conditions. These violations challenge worker rights protections. Furthermore, the gig economy fosters neoliberal employment trends, creating insecure arrangements, absent social security, unpredictable wages, and worker exploitation, including dismissal threats due to intensive employer control.

2. Human Rights Violations in the Gig Economy in India

The gig work has raised concerns about the protection of rights of the workers and their social security. The challenges faced by gig workers have become a critical issue for policymakers, given the unique and often unprecedented nature of these concerns. Major of the situations (as our discussed below as well) exposes the gig workers to violation of their Right to Social Security as granted by Article-22 of UDHR⁵, Right to Fair & Just Working Conditions under Article-23 of UDHR⁶ and Right to Rest and Leisure as per Article-24 of UDHR⁷.

Gig workers face excessive workloads and long hours, with over 83% of app-based drivers working over 10 hours daily, disproportionately impacting marginalized communities (Scheduled Castes/Tribes). The "10-minute delivery" models exacerbate this, forcing unrealistic deadlines and increasing stress, physical strain, and accident risks. Extreme weather further endangers workers pressured to deliver despite safety risks for higher earnings. Limited access to banking and financial services compounds these struggles.³ These systemic issues necessitate comprehensive reforms to ensure worker safety and economic stability, addressing the challenges that negate the intended flexibility of gig work.⁸

The ride-hailing platforms like Uber and Ola have transformed regulated taxi jobs into precarious app-based roles, stripping workers of employment protections such as insurance, sick pay, and minimum wage guarantees.⁹ The International Monetary Fund has warned that the digital economy is set to erode the traditional employer-employee relationship, shifting the workforce toward individual micro-entrepreneurship in the name of flexibility but it also pushes workers into unpredictable schedules, late or non-payment issues, and exploitative conditions.¹⁰ Gig workers are frequently controlled by one-sided contracts that foster chronic low pay and limited access to dispute resolution mechanisms.¹¹ It is also aided by the rise of digital platforms has significantly impacted human rights in the labour market by commodifying work and reducing it to mere transactions, undermining its value as a source of fulfillment and human creativity.¹² This transformation has led to casualization and informalization of employment, posing serious risks to job security, fair wages, and decent working conditions. Workers face income

⁴ Valerio De Stefano, *The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowd Work and Labour Protection in the 'Gig-Economy'*, BOCCONI LEGAL STUD. RES. PAPER NO. 2682602, COMPAR. LAB. L. & POL'Y J. (forthcoming 2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2682602 (last visited 20 Feb 2026).

⁵ Universal Declaration of Human Rights, GA Res 217A (III), UN Doc A/810, art 22 (1948).

⁶ Universal Declaration of Human Rights, GA Res 217A (III), art 23, UN Doc A/810 (1948).

⁷ Universal Declaration of Human Rights, G.A. Res. 217A (III), art. 24, U.N. Doc. A/810 (1948).

⁸ National Human Rights Commission, 'Open House Discussion on Rights of Gig Workers' (2024) https://nhrc.nic.in/sites/default/files/revised_Proceedings%20GIGworkers_171202024_17012025_2_0.pdf (last visited 20 Feb 2026).

⁹ Andrew Stewart and Jim Stanford, 'Regulating Work in the Gig Economy: What Are the Options?' (2017) 28 *Economic and Labour Relations Review* 420, 424–25 https://futurework.org.au/wp-content/uploads/sites/2/2017/08/Gig_Symposium_PrePub_Stewart_Stanford.pdf (last visited 20 Feb 2026).

¹⁰ Arun Sundararajan, 'The Future of Work' (2017) 54 *Finance & Development* 24 <https://www.imf.org/external/pubs/ft/fandd/2017/06/sundararajan.htm> (last visited 20 Feb 2026).

¹¹ ESDC, *What We Heard* (n.d.) https://www.canada.ca/content/dam/esdc-edsc/images/services/foreign-workers/reports/what_we_heard_report.pdf (last visited 20 Feb 2026).

¹² Joel Bakan and Sujit Choudhry, 'Constitutional Labour Rights in the Gig Economy: Digital Platform Workers and Section 2(d) of the Charter' (14 January 2025, last revised 19 February 2025) *University of British Columbia, Faculty of Law & Centre for Global Constitutionalism, WZB Berlin Social Science Centre* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5090005 (last visited 20 Feb 2026).

instability, excessive working hours, and poor remuneration, which heighten financial insecurity and social inequality.¹³

The gig economy's reliance on algorithmic management has intensified these challenges, as workers are often penalized for issues such as low customer ratings, delays, or refusal of tasks. Such systems create excessive control mechanisms that limit worker autonomy and increase stress levels. Workers' financial difficulties are exacerbated by platforms that charge exorbitant commissions of 20–30%.¹⁴

The gig economy often obscures the employer-employee relationship, particularly with subcontracting and multi-party arrangements. This leads to disguised employment, where workers are misclassified as independent contractors despite functioning as employees. This undermines labor protections like minimum wage, job security, and workplace safety regulations, denying workers essential social protections and unemployment benefits, further increasing their vulnerability.¹⁵ This complicates efforts to secure entitlements such as collective bargaining rights or compliance with safety regulations. The frequent practice of blocking IDs and removing workers from platforms has intensified unemployment, forcing affected individuals to seek unstable and exploitative alternatives. Another major concern stems from misleading advertisements by e-platform companies, which deceive both workers and customers. The absence of union representation mechanisms has further weakened gig workers' ability to protect their rights.

Legal frameworks designed to safeguard gig workers are often poorly enforced, with employers exploiting gaps in the law to deny workers access to essential rights and protections. The power dynamics within gig platforms, characterized by algorithms that control workers' performance and compensation, further complicate efforts to ensure fair treatment.

Blinkit's ambulance service, launched in January 2025, exemplifies potential gig worker exploitation. While intended to improve emergency healthcare access, it raises concerns about delivery personnel safety and working conditions. The 10-minute response time pressures workers, increasing risks of accidents, injuries, and exhaustion. Misclassification as independent contractors often denies them benefits like health insurance, paid leave, and injury compensation, violating international labour standards for safe working conditions. January 2025 protests by cab and auto drivers boycotting Ola and Uber over 25-40% commission deductions, and their shift to platforms like Namma Yatri and Taxina with lower commissions and better wages, further highlight the need to protect gig workers from exploitative practices and ensure fair wages aligned with ILO standards.

The 2023 Pune strike by Uber and Swiggy workers, organised by the Indian Gig Workers Front, highlighted the need for stronger labour protections. The workers' demands echoed calls for legislation similar to the Rajasthan Platform-Based Gig Workers Act, 2023, which provides social security, identity cards, and a welfare fund for gig workers to combat financial insecurity and exploitation.

The *Indian Federation of App-Based Transport Workers (IFAT) v. UOI & Ors*¹⁶ case highlights the struggles of gig workers seeking social security benefits. IFAT filed a PIL in 2021 demanding economic relief and protection under the Unorganised Workers' Social Security Act, 2008. The petition argued violations of Articles 14, 21, and 23 of the Constitution, stressing that gig workers qualify as "unorganised workers." Despite the Social Security Code, 2020 aiming to include gig workers, its delayed implementation prompted the NHRC to warn the Centre. It demanded the reforms to prioritise the timely enforcement of the Code, improve worker contracts, and enhance financial aid mechanisms.

¹³Valerio De Stefano, *The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowd Work and Labour Protection in the 'Gig-Economy'* (Bocconi Legal Studies Research Paper No 2682602, 2015) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2682602 (last visited 20 Feb 2026).

¹⁴Anweshaa Ghosh and Risha Ramachandran, 'Engendering the Gig Economy in India - Policy Brief' (2022) *Institute of Social Studies Trust* https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4551740 (last visited 20 Feb 2026).

¹⁵ *ibid.*

¹⁶ *Indian Federation of App-Based Transport Workers v. Union of India and Others* [2021] SCC OnLine SC 825 (SC).

3. Challenges in Upholding the Human Rights of Women in the Gig Economy

Women workers in the gig economy face numerous challenges that hinder their participation and affect their overall well-being. Safety risks, unpredictable work schedules, and physically demanding tasks discourage women from actively engaging in the sector. These obstacles contribute to their underrepresentation, with women accounting for only 10% of gig workers. Factors such as safety concerns, cultural restrictions, and skill gaps, particularly in transport-related jobs, such as cab services of Ola, Uber and Rapido etc. further limit their involvement. Additionally, women working in sectors such as beauty services, and delivery services are often required to work long hours to earn incentives and improve their income. This practice exploits their labour and undermines their right to fair working conditions and decent wages. Such exploitative conditions compromise the well-being of women workers, placing them in vulnerable situations where they struggle to maintain work-life balance while meeting financial needs.¹⁷

Issues that women have historically faced in the workplace have been made worse by technology. Certain platforms for domestic workers, for instance, give employers the ability to choose or reject individuals according to criteria including age, gender, caste, and religion. The core rights guaranteed by international human rights laws—equality, non-discrimination, and dignity—are all violated by this discriminatory behaviour. Such biases create additional barriers for women in securing stable and dignified employment in the gig economy. A significant number of vulnerable women workers, particularly those in sectors such as domestic work, often lack awareness about the importance and content of employment contracts. This limited understanding deprives them of their right to informed consent and fair working conditions, making them more susceptible to exploitation. Without proper knowledge of their rights, these women are at higher risk of wage theft, unfair dismissals, and other forms of labour exploitation.¹⁸

Moreover, poor public infrastructure poses another major challenge for women engaged in mobile gig roles like cab driving and food delivery. The absence of safe and hygienic toilets during their work shifts violates their right to health, sanitation, and dignity.¹⁹ This lack of basic facilities not only compromises their well-being but also discourages more women from entering these sectors, limiting their economic participation.

4. Global Challenges in Upholding Human Rights in the Gig Economy

The gig economy in England and Wales has grown significantly in recent years, with gig platform workers nearly tripling in the past five years. By 2021, 4.4 million people (15% of working adults) engaged in gig work at least weekly, a substantial increase from 5% in 2016.²⁰

Many gig workers come from migrant and racialized groups, facing multiple challenges such as racism in formal labour markets, precarious citizenship status, discriminatory welfare and employment regimes, language barriers, and unfamiliarity with local employment contexts. These obstacles often push migrants toward platform work, which appears preferable to the even more precarious and exploitative work found in retail or service sectors. Platform workers also face isolation, as they are often geographically dispersed, highly mobile, and involved in short-term or task-based work.²¹ This isolation impedes collective agency and prevents effective bargaining, contributing to the absence of statutory collective bargaining in Canada and other regions.

¹⁷ National Human Rights Commission, *Open House Discussion on Rights of Gig Workers* (2024) https://nhrc.nic.in/sites/default/files/revised_Proceedings%20GIGworkers_17120224_17012025_2_0.pdf (last visited 20 Feb 2026).

¹⁸ Anweshaa Ghosh and Risha Ramachandran, *Engendering the Gig Economy in India - Policy Brief* (Institute of Social Studies Trust, 2022) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4551740 (last visited 20 Feb 2026).

¹⁹ *ibid.*

²⁰ Trades Union Congress, *Gig Economy Workforce in England and Wales Has Almost Tripled in Last Five Years – New TUC Research* (2024) <https://www.tuc.org.uk/news/gig-economy-workforce-england-and-wales-has-almost-tripled-last-five-years-new-tuc-research> (last visited 20 Feb 2026).

²¹ M Bonhomme and J Muldoon, 'Racism and Food Delivery Platforms: Shaping Migrants' Work Experiences and Future Expectations in the United Kingdom and Chile' (2024) 1 *Ethnic & Racial Studies* 1 https://labordoc.ilo.org/discovery/fulldisplay?vid=41ILO_INST:41ILO_V1&search_scope=MyInst_and_CI&tab=Everything&docid=alma995376901602676&context=L&adaptor=Local%20Search%20Engine&query=title,exact,Marches%20tropical%20et%20mediterraneans,AND&mode=advanced&lang=en (last visited 20 Feb 2026).

Gig work creates unstable incomes, disproportionately affecting marginalized groups. Research shows Black and Hispanic households experience greater financial insecurity than White households due to lower liquid wealth. Rising living costs exacerbate the struggle of low-income gig workers to earn livable wages. Lack of access to retirement savings plans further intensifies financial vulnerability, impacting approximately 40 million American workers.

China's massive gig economy, with over 200 million participants, has seen delivery times plummet by 25% in three years due to AI and automated dispatch. This efficiency drive, however, has created a highly competitive and stressful environment. In Shanghai, delivery driver accidents average one every 2.5 days. Platforms often blacklist drivers for failing to meet targets, further intensifying competition and trapping many in cycles of stress, poverty, and debt.

5. Conclusion, Reforms, and Suggestions

The gig economy should be seen as an extension of traditional employment, not a separate entity. To support gig workers, industry best practices and flexible guidelines are vital. Strengthening collective rights, rethinking labour protection laws, and reversing anti-trust restrictions on collective bargaining can enhance worker welfare and rights.

Some reforms & suggestions for the same:

- 5.1 The RAISE method offers a comprehensive approach to social security for gig and platform workers under the Code on Social Security, 2020. Its five prongs include: recognising diverse platform work for equitable schemes; permitting creative financing; considering platform-specific interests; encouraging worker enrollment through awareness campaigns; and guaranteeing benefit accessibility for all gig workers. This framework is crucial for protecting gig workers' welfare.²²
- 5.2 The Code on Social Security, 2020 empowers the Central Government to create schemes providing unorganised, gig, and platform workers and their families with benefits like maternity leave, disability cover, provident fund, and accident insurance. However, restrictive eligibility criteria often hinder access to these existing schemes. Effective implementation requires the government to address these gaps and ensure practical access to improve gig worker welfare.²³
- 5.3 Recent developments, such as the 2024 Delhi High Court ruling recognising Swiggy delivery executives as employees, mark progress in improving gig workers' legal standing.²⁴
- 5.4 Technology and innovative platform mechanisms are key to employment formalisation. Better organisational structures and defined work patterns can protect gig workers from human rights violations.²⁵ The National Social Security Board has been assigned the responsibility for recommending social security schemes for gig workers, advising the Central Government, monitoring welfare schemes, reviewing state-level record-keeping, and managing funds.²⁶
- 5.5 Skills development and employment support policies must evolve to accommodate gig work's diverse forms. For instance, Canada has implemented an IPG (Interpretations, Policies, and Guidelines) system to ensure a uniform national standard for determining employment status. Meanwhile, in the United States, over 20 states have adopted the ABC test to classify workers as either employees or independent contractors. Malta has introduced entrepreneurship education initiatives, specifically funding courses at

²² NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work, Policy Brief* (2022) https://www.niti.gov.in/sites/default/files/202306/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf (last visited 20 Feb 2026).

²³ The Code on Social Security 2020, No 36 of 2020, § 114, *Acts of Parliament* (India).

²⁴ National Human Rights Commission, *Open House Discussion on Rights of Gig Workers* (2024) https://nhrc.nic.in/sites/default/files/reviseed_Proceedings%20GIGworkers_171202024_17012025_2_0.pdf (last visited 20 Feb 2026).

²⁵ NITI Aayog, *India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work* (June 2022) https://www.niti.gov.in/sites/default/files/202306/Policy_Brief_India's_Booming_Gig_and_Platform_Economy_27062022.pdf (last visited 20 Feb 2026).

²⁶ The Code on Social Security, 2020, § 6(7), No. 36, *Acts of Parliament*, 2020 (India).

local institutions to benefit disadvantaged gig workers. These international examples provide valuable insights for India to adopt similar strategies.²⁷

- 5.6 A comprehensive mapping of the gig economy from a gender perspective is vital to understanding the distinct challenges faced by women workers. Companies should provide gender-disaggregated data to highlight differences in worker profiles and identify gender-specific concerns. Contracts must be available in local languages in a clear and comprehensible format to ensure workers fully understand their rights and responsibilities.²⁸
- 5.7 Collaborations between companies and civic authorities are necessary to improve public amenities such as toilets, lighting, and crèches. Such infrastructure can enable women to work for extended hours and enhance their earnings. Recognising that women and men have different responsibilities, platforms must implement policies that respect "care timings," offer incentives for shorter yet profitable shifts, and prioritise workplace safety with strict anti-harassment policies.²⁹
- 5.8 In Canada, the Ontario Labour Relations Board (OLRB) ruled in *Canadian Union of Postal Workers (CUPW) v. Foodora*³⁰ that platform workers were classified as "dependent contractors" under the Ontario Labour Relations Act (OLRA). Despite Foodora couriers using their own vehicles and lacking formal employment contracts, the OLRB emphasized their economic dependence and Foodora's control over their work conditions. The Board highlighted that Foodora owned the app, determined the couriers' terms and conditions, and thus classified them as employees entitled to union representation and collective bargaining. The Canadian Union of Postal Workers was subsequently certified as their exclusive bargaining agent.
- 5.9 In the United Kingdom, the landmark ruling in *Uber BV & Ors v. Aslam*³¹ and others classified Uber drivers as "workers" under employment standards legislation. The UK Supreme Court emphasised that Uber drivers faced subordination and dependence on Uber's control, which defined the conditions of their services. Drivers had limited ability to improve their economic standing beyond working longer hours, reinforcing their status as dependent workers entitled to minimum wages, paid annual leave, and whistleblower protection.
- 5.10 In British Columbia, Bill 48 amended the Employment Standards Act³² and the Workers Compensation Act to include online platform workers by classifying them as "workers" and platform companies as "employers." While this improved worker protections, Bill 48 excluded provisions for collective bargaining rights, leaving a significant gap in ensuring fair labour practices. Ontario, another Canadian jurisdiction with platform worker regulations, has faced criticism for prioritizing app-based company interests over effective worker protections.
- 5.11 In the United States, California's Bill A5³³ broadened the legal definition of "employee" to encompass many platform workers. However, platform worker protections remain vulnerable to political shifts, as seen in California, where legislative reforms can be reversed by subsequent governments.
- 5.12 As gig work continues to evolve, new forms of casual, dependent self-employment and disguised employment relationships must be examined in alignment with the ILO 1998 Declaration on Fundamental Principles and Rights at Work. Such efforts would promote fair labour practices and extend protection to gig workers. With Code on Social Security 2020 implementation, gig workers are entitled to several benefits, yet practical challenges related to eligibility requirements remain. Therefore, clear guidelines and simplified processes are essential to ensure accessible welfare benefits.³⁴

²⁷ Ramy Zeid et al, *The Gig Economy and the Future of Work: Global Trends and Policy Directions for Non-Standard Forms of Employment*, SPJ Policy & Technical Note: Social Protection & Jobs (World Bank, 2024), <http://documents1.worldbank.org/curated/en/099060524074041161/pdf/P1796471e104d70c8193971d1ead6456d2e.pdf> (last visited 20 Feb 2026).

²⁸ Anweshaa Ghosh and Risha Ramachandran, *Engendering the Gig Economy in India - Policy Brief*, Inst. of Soc. Stud. Tr. (2022) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4551740 (last visited 20 Feb 2026).

²⁹ *ibid.*

³⁰ *Canadian Union of Postal Workers v. Foodora Inc.*, 2020 CanLII 16750 (ONLRB) [Foodora].

³¹ *Uber BV & Ors v. Aslam* [2021] UKSC 5.

³² Labour Statutes Amendment Act, SBC 2023, c 44 (Can).

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³⁴ Ramy Zeid and others, *The Gig Economy and the Future of Work: Global Trends and Policy Directions for Non-Standard Forms of Employment*, SPJ Policy & Technical Note: Social Protection & Jobs (World Bank, 2024), <http://documents1.worldbank.org/curated/en/099060524074041161/pdf/P1796471e104d70c8193971d1ead6456d2e.pdf> (last visited 20 Feb 2026).

- 5.13 The contracts of the companies must be available in local languages in a clear and comprehensible format to ensure workers fully understand their rights and responsibilities.³⁵

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