



International Journal of Humanities & Social Science Studies (IJHSSS)

A Peer-Reviewed Bi-monthly Bi-lingual Research Journal

ISSN: 2349-6959 (Online), ISSN: 2349-6711 (Print)

ISJN: A4372-3142 (Online) ISJN: A4372-3143 (Print)

Volume-IX, Issue-II, March 2023, Page No.74-85

Published by Scholar Publications, Karimganj, Assam, India, 788711

Website: <http://www.ijhsss.com>

DOI: 10.29032/ijhsss.v9.i2.2023.74-85

Gig Economy, Changing Nature of Workforce in India and Government Regulation

Lakpha Sherpa

*Assistant Professor, Department of Political Science, Sree Chaitanya College, Habra
West Bengal State University, India*

Abstract:

With certain shift in social, economic, cultural and technology has marked the impact in labour market, for instance automation of service and of commerce. Gig economy and its worker is a product of such shift in the society. Change in occupation and in the approach to working address a challenge to society, policymakers and the law, which have to deal with new structures of production. Gig economy has escalated in India, if India has to foster its economy it has to ruminant over and take the gig economy meditatively. The momentary impact of it will be painful but in the long-term if they impart preferable government regulations, improve infrastructure and the supply chain mechanism all over the country, allocate opportunities in Government and private sector and allocating specific training to a large population it will be a huge boon to the nation. This paper tries to understand this new workforce in gig economy, takes a deeper look at the benefits and challenges of gig economy, their rights and the obligations of the state to protect them. The paper additionally aims to discuss the loopholes in the Social Security Code 2020.

Keywords: Gig economy, workforce, technology, Social Security Code.

Introduction: The gig economy is a rapid growing phenomenon in today's society, where individuals work on a freelance or contract basis rather than being employed full-time by a single employer. The change in the traditional employment structure is fueled by the advancement of technology and the changing cultural and economic landscape. The Social Security Code had defined Gig worker as, "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] Over the past decade, there has been a shift in the traditional labour market with a rise in freelance and task-based economies. This is accelerated by the emergence of digital platforms, making it easier to connect job seekers with job providers at low cost and maximum flexibility. Gig work is associated with and connected to the economy's widespread changes and does not remain an isolated trend. Advancements in technology and globalization have pressured companies to respond swiftly to the changes in the market. From this point of view, the emergence of

unconventional gig work is an underlying component of today's world of work (Weil D, 2019, p.148-149).

The change in the paradigm of economic structure by gig economy has provided a huge impact in the nature of workforce. Gig economy which appears as a challenge to the conventional labour market. There are various advantageous related with this, both from the employer and worker's point of view. Some advantageous incorporate in this new business model include fluid human capital, extensive access to talent, expanded efficiency and cost cutting from employer's point of view. For worker the gig economy gives flexibility in working on multiple projects simultaneously, autonomy and opportunity to choose when and where to work and can earn more with different ventures. There are few issues related with it which incorporates vulnerability, workers being unwelcoming to corporate culture, worker's pay and insurance, unpredictable working hours and absence of social contract. To cope with the issue of gig economy Indian government has introduced Social Security Code 2020 which has its own flaws and strength.

The current study synthesis the theme and narratives around gig economy from the perspective to give a clear picture of how this new economic model is changing the nature of workforce in India, the benefits and challenges of gig economy and how far the new regulation of government is able to provide security to them. This paper was reviewed and explained with the help of secondary data obtained through different journals, previous research papers and other useful internet material.

Gig Economy: Nature and attributes: "There are laws enacted for businesses and there are laws enacted for people. What the sharing economy did was create a third category: people as businesses." Airbnb's co-founder Brian Chesky's has articulated his views to give an outline of the "gig economy" [Ramesh V & Probal B, 2017]

Despite its widespread usage and popularity the term gig economy is not properly defined. In recent years it has widened its scope and inclusion of activities. The gig economy can be seen as a part of a wider category of "non-standard employment" where the work offered is contingent and non-permanent. [Kalleberg, A. L, 2000 p. 341-365] Different approaches are adopted to define the concept gig economy, like the length of working relationship, legal classification of worker and type of work they perform. [De Stefano, V 2016 p. 471-473] The International Labour Organization (ILO) has defines the gig economy as encompassing two types of jobs: First, micro tasks which can be performed by online and organized on a global scale ('crowd work'). Second, services enabled by online companies using websites and mobile apps that are typically performed locally (i.e on-demand services). The ILO also points out that the classification of gig work is vague and hence needs to be taken into account while considering any statistics on the gig economy.

[Watson et al 2021 p.327-361] Make an extensive literature review and has articulated a comprehensive definition of gig-work based on two sets of characteristics, viz

1. Primary characteristics

- a) Project-based compensation
 - b) All gig work is temporary
 - c) Involves some level of flexibility in when/how/where the work is performed
2. Secondary characteristics (common to many but not all gig workers)
- a) Work is facilitated using a technologically enabled network
 - b) Working remotely
 - c) Intermediary or agency-based work.

Basically, gig is a temporary or contractual job. It denotes a short-term contract of a freelance work as opposed to a permanent job. Worker are paid for each individual gig they do like food delivery or a car ride, instead of monthly salary/day-wage/hourly wage, example- OLA, Uber, Swiggy etc. So a gig economy is a free market system in which temporary position are common and organizations contract with independent workers for short-time engagements.

Who constitutes the gig workforce?

The scope of gig economy is vague hence researchers faced challenges to measure it, which is not surprising as it is difficult to measure something that's yet to be defined. Are giggers unemployed, employed (if yes that under what contract) but with the side job, independent contractors, or all of the above? De Stefano notes that a vast majority of giggers are usually classified as "independent contractors" [De Stefano, V 2016 p.478] but, as Manyika et al. Put it, there is not a fixed criterion that can be used to classify independent workers [Maniyak, j. et al, 2016 P. 19-20]. Focusing on three factors, namely a high degree of autonomy, payment by task, assignment or sales, and short-term relationship between the worker and client, [Maniyak, j. et al, 2016 p. 20-21] the author argue that there's a, more or less clear difference between independent workers and other types of employment. Excluding (sub)contractors or temporary workers alike "permeates who have long-term contracts and are excepted to work regular hours" [Maniyak, j. et al, 2016 p. 21] franchise owners and other representatives of fissured work, they attempt to measure the scope of gig economy somewhat more conservatively.

Exploring the structure of independent workers of U.S.A and E.U countries, depending on the reason of gig work engagement, the McKinsey report differentiate between four types of giggers: free agents who derive their primary income from independent work and prefer it that way, casual earners who gig in order to supplement their income, also by choice, reluctants whose primary income comes from gigs but would prefer a traditional jobs, and the financially strapped who gig for supplemental income, but would prefer not having to [Maniyak, j. et al 2016 p. 47].

Emergence of Gig Economy: "The gig economy is not new people have always worked gigs but today when most people refer to the "gig economy," they're specifically talking about new technology-enabled kind of work" Ms. Molly Turner, Lecturer, University of California Berkeley and the former Director of Public Policy for Airbnb.

The academic and journalist research explore the area of gig economy recently, but its ‘offline’ version, along with other form of non-standard employment, has been around for more than a few decades. As Muntaner puts it, it has been more than four decades of shift in labour markets in which contracts with unlimited duration, 40-hours per week, including benefits, have seen a steady decline as a “standard” form of employment. This shift from standard to non-standard mode of employment can be understood in two ways possibly with the foremost being a relative loss of workers’ bargaining leverage due to the economic crisis of 2008 as put forward by Friedman [Friedman, G 2014 pp.171-188] and latter being a proliferation of information technology, enabling employers to make the most of their current advantage as interviews with platform CEO-s [Arcidiacono, D, et al 2018 p. 278]

In the past 13 years, it can be witnessed a dramatic rise in apps market which opened a lot of opportunities for both giggers and users of gig services, since both the iOS app store and the Google Play store opened for business, with the iOS app store counting almost 4,5 million apps in 2020, and its counterpart almost 3 million [Statista 2020]. As Arcidiacono et al. pointed out by quoting Robin Chase, “everything that can become platform, will become a platform.” With work platformizing ever more under the “participatory ethos of Internet culture.” [Arcidiacono, D et al 2018 p. 276] Platformization of work is undeniably giving more flexibility to both worker and employers, the author see gig economy as the newest economic paradigm.

The emergence of gig economy was further fueled by the advent of high-speed internet connectivity and powerful computer; furthermore the smartphone technology has been the biggest game changer in the last decade among technological advancements, facilitating communication between clients, workers, businesses and other stake holders. These developments in ICT sector, along with new industry 4.0 technologies, are changing the nature of work from standard employment to non-standard employment. Along changing the nature of work this new development also helping the organization in restoring to downsizing and cost-cutting while facilitating industries and people to adopt new forms of flexible work, leading to the flourishing of the gig economy. Furthermore the current spread of the novel coronavirus disease (COVID-19) across the globe has further shown the importance of such technology-based work, where companies are encouraging working from home and gig work.

Benefits and challenges of gig economy: The rise and development of gig economy provides opportunities and challenges for all the participants, whether its employee or employer. Seen as an impetus for independent work by eliminating a ruin framework in which labourer are paid below the limit, overworked and unprepared for change, the gig economy has the capability of enormous productivity gain. Among the main benefits of the gig economy that inspire and draw a number of participants are:

1. Reducing unemployment: Gig economy has expanded the availability of jobs and improved labour force participation due to flexibility of timing. Work-life balance and independence: Gig work provides worker to choose their work independently i.e, opt

for preferred job roles and organizations, the number of work hours and holidays. It allows the the potential to have work-life balance in their routines and choose the kind of work that they find to be meaningful. It further gives them an opportunity to work in diverse role and enhance their portfolio.

2. Reducing cost: Under gig economic employers can reduce inefficiencies and low cost by introducing dual job system within their organization, which is combination of high paid commitment employees and low paid freelance workers. Fortune 500 companies are now leveraging online freelance platform to source specialized talent. Some Indian companies find that processes of conventional staffing do not always align with their operations. Case studies of Fortune 500 companies reported that while previously the teams determined what work was performed, work now determines the composition of the team. Moreover, while companies previously made a choice between freelancers and permanent employees, these option are now coexist. [Kathuria R, Kedia M, Varma G, Bagchi K, Khullar S 2017 p. 6].

3. Preference for Contract/Flexible Work: Standard jobs in both private and public sector are gradually declining, as young professionals, led by millennials and women, look for more flexibility and challenging work that offers new learning. In the organized manufacture sector, an increase has been seen in the share of temporary or contractual jobs, from 25 per cent in 2010 to 38 per cent in 2017.[Annual Survey of Industry. (2017)]

4. Flexible work arrangements: Many skilled workers are adopting the culture of gig economy as it provide independent and flexible work nature which helps them to maintain time for other important engagement like higher studies.

5. Gender Equality: Gig economy facilitates in empowering women financially apart from it, women's participation in this work culture also contribute to the economic growth of the country. According to 2015 report published by McKinsey Global Institute, if India increases its female WPR by 10 per cent points by 2025, the country's GDP could rise by as much as 16 per cent as compared to the business-as-usual scenario. A study conducted by Better Place reveals that women hired in delivery roles by online delivery giants such as Amazon and the Walmart-owned Flipkart have had no problem in being accepted by customers. This finding has been replicated by food delivery apps such as Swiggy and Zomato as well. Gig work has opened avenues for social and economic emancipation of women, but what remain concerning is the discrepancy in pay provided to male and female delivery executives¹.

6. Productivity and specialization: The ascent of the gig economy is probably going to increment overall productivity because of expansion in workforce participation rates and further developed admittance to bring down wage labourer from abroad, prompting more specialization and normalization of work. Associated worldwide work markets will prompt an ascent in economic productivity even in nations in Europe which now have a deficiency in the supply of labour. Owing to the standardized rules, in a gig-

world, low salaried service workers from developing countries can now earn more by engaging in similar job profiles in established economies. There is no entry obstruction and all that is needed is access to mobile/internet and electricity connections. The rise in labour productivity as well as increase in per-capita income can happen not only because of presence in gig work but also from the structural transformation brought in through technological innovation. [Bassanini A., Scarpetta S. (2002) p. 399-405]

The individual who decide independent work as the primary income have higher levels of satisfaction than individual who choose traditional jobs. Besides the benefits of gig economy, this free market presents some obstacles that gig workers should take into consideration:

1. Independent Contractors, Not dependent Employees: In the gig economy, worker is used as independent contractors instead of being given the status of an employee. Their employment is characterized by a short-term contract as opposed to permanent employment. Unlike full-time personnel, they are not included in the regular payrolls and social protection benefits (like, insurance, medical leave, provident fund, maternity/paternity leaves etc) offered by corporation. Also they are not involved inside the circle of national labour laws as well. This increases significant moral concerns with regard to job safety and how gig work can place relatively low-skilled workers in a disadvantageous place with little or no negotiating power.

2. Social and regulatory challenges: A sector that holds guarantee is likewise laden with challenges, both social and regulatory, the latter is only to be expected since online freelancing and non-standard work are relatively new phenomenon with significant bearing on the functioning of labour markets. On the social side, typically deep rooted obstruction to growth is the general perception related to online freelancing. A stakeholder referenced how freelancer was treated as a “second grade” to individual with permanent jobs in the Indian society. The stability and security of standard jobs is still seen to be superior option among the old generation. This clear tenacity in mentality can affect the freelance market. This insight is frequently supported by the anomaly in pay for freelancer- in specific cases they have to go without work for several months [Kathuria R, Kedia M, Varma G, Bagchi K, Khullar S, 2017 p. 23].

3. Poor Working Conditions: In extremely poor working conditions, many gig workers can find working long hours without set working hours, no safeguards against unfair dismissal, no right to redundancy compensation and no right to earn the national minimum wage, paid trips or sickness pay. As gig worker WFH, they have a propensity for to miss out on building frameworks and shaping relations with other workforce. Female gig workers are particularly helpless to gender biases in payments i.e, they are less likely to be paid for doing the same task/jobs than men, and are also not include within the scope of laws that ensure their safety at work e.g, Prevention of Workplace Sexual Harassment ACT, 2013.

4. Absence of social and job security: Most position in the gig economy is temporary, contractual or flexible and there is paucity of job security because as once the task is complete, their jobs get over. The labourer in the steadily expanding position of gig economy gets no social protection. Even though the labour acquires way of life benefits, it is challenging for them to find more conventional benefits, example being paid on time. In such cases work uncertainty along with monetary unsteadiness can be a source of major stress for such worker. In such cases state should provide social security benefits to the worker. More importantly, the gig workers must be categorized in a better position so that they can benefit from the same advantages as an employee of the company, especially when their work and time analogous to that of an employee [Ria Kasliwal 2020 p. 8]

Changing nature of workforce in India: Working environment is going through massive changes, so is the way people function within them. The gig economy has without a doubt prompted India's work culture transformation, superseding the conventional relationship between the employer and the employee, one with greater autonomy and flexibility. In a developing country like India, the gig economy's potential is tremendous if harnessed appropriately [Goenka, 2020]. India has recently witnessed a rapid growth in the gig economy and gig work. India has turned into the world's fifth biggest labour market for gig worker after USA, China, Brazil and Japan. With 15 million skilled individuals, India represents nearly 40% of all freelance work accessible around the world, supporting the ever-increasing need for contract-based jobs [Prerna S, 2019]. In January, 2020 ASSOCHAM estimated that India's gig economy rate 17% to \$455 billion by 2023. NITI Aayog in a report title "India's Booming Gig and Platform Economy" estimated that the gig economy employed 77 lakh employees in 2020-21 which made up 1.5 per cent of India's total labour force or 2.65 per cent of the non-agricultural workforce. By 2029-30, there will be 2.35 crore workers in the gig economy, which anticipated that gig workers will account for 6.7 per cent of India's non-agricultural workforce and 4.1 per cent of all income [NITI Aayog, 2022].

Historically, India's primary sector was agriculture and has been the main source of employment. For several years the majority of people were employed in agriculture and related activities. However, trade liberalization in the early 90s saw a structural transformation as agriculture's share in employment fell from 68.5 % in 1983 to around 46.1% in 2015-16. The development of technology and Artificial Intelligence has brought new job opportunities for established industries. Nonetheless, it is wrong to expect that technology is only a privilege of the skilled and an opportunity for the formally employed. Technology is not only creating jobs for less educated [James B, 2014] it is also providing opportunity for informal workers to use technology and digital platform in their work. The informal sector not just involves huge part of India's existing workforce; it likewise retains new entrants to the workforce every year. More than 90% of India's workforce constitutes the informal sector. Agriculture, and Forestry, Fishing, trade, Hospitality, Community, Social and Personal Service, Real Estate and Construction, and Manufacturing are the

leading sectors for engaging informal sector in India. Due to its large size, it is no surprising that it has kept on drawing consideration from various interests like policy makers, legislators, economist, lawyers and tax authorities in informal sector. While specific surveys and studies about gig economy remain sparse, accessible reports demonstrate that it is fairly sizeable and is encountering quick development.

Over the last decade there has been a shift in workforce in India with rampant growth of gig economy, some of the factor that empower growth are, persistent supply of low-end workers from rural to urban centers owing to decline in agriculture, along with the low barriers of entry into the platforms, upsurge of mobile with internet connectivity, increase last mile access for platform workers to reach customers and increasing supply of venture capital to support the market.

The rise of gig economy changing the basis of the employer-employee relationship and worker rights, including gig workers in legal framework and social security benefits is essential. Today India has well-invested structures of labour laws for the protection of the workers from unfair and exploitative practice of employers but its focuses only on the organized sector worker. However the labour law failed to keep its pace with the changing times, leaving the large informal sector workers unprotected against the adverse practices by the employers. A paper by the Indian think tank Observer Research Foundation noted that dispute redressal, ombudsman, emergency button for physical safety, social security, and contractual protection as key areas for regulatory intervention [Kasliwal R, 2020 p. 1-14]

Regulatory Framework for Gig Economy in India: The Indian Parliament, in a bid to rationalize the 44 labour codes in India, consolidated them into four labour codes and enacted on 2020. The four labour codes are the Code on Wages, 2019; Industrial Relations Code, 2020; Code on Social Security, 2020; and Code on Occupational Safety, Health and Working Conditions, 2020. The larger objective of the Code is to provide social security benefits to all employees and workers, irrespective of belonging to organized or unorganized sector. Out of four labour codes it is only Code on Social Security, 2020 that highlighted the provisions for gig workers, platform workers and unorganized workers, the three other codes are silent on the policies toward gig workers. Expanding the scope of social security, the Code on Social Security, 2020 defines it as “the measures of protection afforded to employees, unorganized workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in case of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of right conferred on them and schemes framed, under this code”. The code acknowledges gig and platform workers outside the traditional employer-employee relationship. The code further states that although they are not considered employees, such workers may be provided with certain social security benefits at the discretion of the central government on matters relating to; (a) life and disability cover; (b) health and maternity benefits; (c) old age protection; and (d) any other benefit as may be determined by the

central government [Manishii P. and Nataha S., (2020)]. The code proposes for the setting up of a Social Security Fund for social security benefit of gig economy employees.

Notwithstanding, the code fails to include gig workers in the laws governing wages, occupational safety, or industrial relation in the social security legislation. The loopholes concerning the code are analyzes as follows;

1. The primary problem with the code is that it doesn't give gig workers basic employment right like minimum wage protection and workplace security.

2. Although Social Security Code defined unorganized worker, gig worker and platform worker separately, it has been suggested that unorganized workers is the larger set with gig and platform workers as its subsets. Thus there is an overlap of the definitions of these three type of worker which will create more confusion [Sivapriya A. & Priyanka, 2020]

3. Undoubtedly, there is a provision in the code for the establishment of Social Security Fund but no rules have been prescribed for the use of the aforementioned Social Security Fund. Additionally, the Central Government is given the authority to exempt any category of established from the liability of contributing to the Social Security Fund, but the necessary criteria for exemption are unclear [Soumyarendra B, 2020]

4. The Social Security Code embraces a welfare-based approach towards social security and makes it obligatory and not mandatory for the central and state governments to frame and notify from time-to-time suitable welfare schemes. The Code treats the workers as beneficiaries who are dependent on the government's benevolence. The benefits are not treated as a matter of right of the workers. Gig workers can claim the benefits provided under the Social Security Code but cannot claim labour right.

5. The centralization of powers and authority becomes a significant problem. The Board (tasked with creating schemes) and the funds intended to finance such schemes have both been established at the central level. A central authority has also been given the registration aspect. The effective execution of such programs, however, may be further hampered by such centralization given that labour is included in the concurrent list (xxii) [Santosh. M, & Kingshuk S, 2021]

Being account for a start in the right direction, it constitute many issues, they won't be sufficient to adequately safeguard the rights of gig workers. Workers on gigs must have job stability, the freedom to organized unions, and being covered by universal minimum wage that extends to all forms of employment. Additionally, gig workers need to establish legally recognized unions so that their pay is decided through collective bargaining rather than just the needs and wants of service aggregators [Hannah J. & Chris L K, 2019 p. 5-12]

Conclusion and the Way Forward: The gig economy believed to be an important economic change, since the last decade has grown at a much higher rate than ever before, this new business model of the gig economy is expected to continue driving the future of

work as it continues to upend the traditional ways of working. It has allowed employees to earn more autonomy and flexibility. The flexibility of work has resulted in the increased participation of platform and gig workers, and it also targets various persons to get engaged in the delivering of services but at the same time it leads to the lack of formal service providers. As it marked a paradigm shift in the workforce, it also created new difficulties in labour law. A new legal reform is required to address these new difficulties, and as a result the Ministry of Labour and Employment has released the Social Security Code 2020.

The Social Security Code is the law that offers numerous benefits to the labourer and workforce of the country. Provisions related to pension fund, state insurance, maternity benefit, unemployment benefit, compensation in case of sickness or accident happened during the course of employment, etc, all covered into it. But the Code failed to answer the legal protection of the gig workers, more concrete provisions should be devised by the legislature. Yet, this endeavor made by the legislative department for protection of gig worker is exceptionally appreciable. A modern problem need modern solution hence the labour law should be reformed to meet the modern challenges more conveniently. Government should re-frame a law by holding consultations with employers, unions, workers and other stakeholders.

Additionally, it should be top priority to gather data on gig workers for labour market statistics so that suitable policy decision can be made in near future, which permits decent working, condition to be laid out in gig work. To assess the nature and quality of jobs in the gig economy, new standards and methods must be created. This would enable the creation of suitable policies that will aid decision-makers in doing their informed decisions. Further it would close a crucial knowledge vacuum and improve awareness of the realities of flexible work arrangements. The government must act on urgent basis to draft a reform labour code to address the immediate concerns of extending social security benefits to gig workers, who relentlessly serve the need of the Indian people right at their doorstep.

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