



Safety and health protections for gig and platform workers under the new labour codes

M Ramya

Department of Labour Law and Administrative Law, The Tamil Nadu Dr. Ambedkar Law University, Tamil Nadu, India

Abstract

The rapid growth of gig and platform-based work in India has created unprecedented opportunities for flexible employment but has simultaneously exposed workers to heightened occupational safety and health risks. Traditional labour laws often fail to address the vulnerabilities of this workforce, which includes delivery personnel, ride share drivers, and freelance digital service providers. The enactment of the Occupational Safety, Health, and Working Conditions Code, 2020, under India's new labour codes, marks a critical step toward integrating gig workers into the formal safety and welfare framework. This article examines the scope and effectiveness of these provisions in protecting gig workers from occupational hazards, ensuring access to health facilities, accident compensation, and welfare measures. It critically evaluates challenges in enforcement, including the informal nature of platform work, lack of employer accountability, and digital monitoring limitations. By analysing case studies, government notifications, and comparative international practices, the study underscores the need for adaptive policy mechanisms that balance flexibility with worker protection. The article concludes that strengthening regulatory oversight, mandating platform accountability, and extending social security benefits are essential to safeguarding the health and well-being of gig and platform workers in India's evolving digital economy.

Keywords: Gig economy, platform workers, occupational safety and health, occupational safety health and working condition code 2020, labour law, india, worker protection, social security, digital employment, workplace welfare

Introduction

The gig economy in India has witnessed explosive growth in recent years, fuelled by technology, mobile connectivity, and platform - based business models. Workers engaged in app-based services such as delivery partners, ride-hailing drivers, freelance digital professionals perform critical roles without always enjoying the legal protections afforded to traditional employees. While the flexibility of such work is often celebrated, the occupational risks faced by gig workers are frequently under regulated. The enactment of the Occupational Safety, Health, and Working Conditions Code, 2020 as a part of India's major labour law reform that presents a potential turning point. Coupled with the Code on Social Security, 2020^[7], these laws promise to formalize safety and welfare measures for gig workers. This article critically examines the new legal framework, evaluates its capacity to safeguard gig and platform workers' health and safety, identifies gaps in enforcement, and proposes policy recommendations for bridging these weaknesses.

The Gig And Platform Workforce: Scale, Nature, And Risks

Gig workers and platform workers are a heterogeneous and growing portion of the workforce in India. According to the Ministry of Labour & Employment, citing a NITI Aayog report, an estimated 7.7 million gig or platform workers existed in 2020 - 21, with numbers expected to swell to 23.5 million by 2029 - 30. These workers often fall under non-traditional employment relationships: many are independent contractors, paid per task, or platform-defined jobs rather than receiving hourly wages or salaries.

Certain occupational hazards come with the nature of gig work. For example, food delivery workers can be exposed to road accidents, working for long hours, fatigue, and bad weather conditions. Ride hail drivers are also vulnerable to accidents and face stress related to long shifts, low stability

of income, and lack of rest. Digital freelancers might go through ergonomic problems, mental pressure, or overwork without regular breaks. Moreover, since most gig workers are not formally employed, they don't have workplace safety measures, health insurance, and accident compensation.

These risks are mitigated, at least legally, by labour laws in traditional employment sectors; but for gig workers, the absence of a formal employer and employee relationship has historically limited their access to these protections.

Legal Framework: New Labour Codes In India

1. Overview of the Labour Codes

In a far-reaching reform, India consolidated many archaic labour laws into four major "Labour Codes": the Code on Wages, the Industrial Relations Code, the Code on Social Security, and the Occupational Safety, Health and Working Conditions Code.

1. The Occupational Safety, Health and Working Condition Code, 2020 (No. 37 of 2020)^[10] consolidates and updates 13 old labour laws pertaining to safety, health, welfare, and working conditions.
2. The Code on Social Security, 2020^[7] provides a definition and makes available the scheme for social security measures for gig and platform workers.

These reforms were notified as part of a broader rationalization of labour regulation definitions under the Codes.

2. Definitions under the Codes

A significant advance is the legal recognition of "Gig Workers" and "Platform Workers" in the Code on Social Security. According to Section 2 of that Code

1. A Gig Worker is someone who performs work outside a traditional employer and employee relationship, usually through digital platforms.

2. A Platform Worker is defined more specifically as a person who engages via an online platform to provide services, solving specific tasks in return for payment.

This recognition is vital for the first time, these categories are explicitly included in social security legislation.

Occupational Safety And Health Provisions Under The Occupational Safety, Health And Working Conditions Code

While the Code on Social Security deals with welfare, the Occupational Safety, Health and Working Conditions Code directly addresses health and safety in the workplace include

1. Coverage of Establishments and Workplaces

The Code applies to a wide range of establishments, including factories, mines, construction sites, and “other establishments” as defined by the law, one key question arises: how far does the Occupational Safety, Health and Working Conditions Code apply to gig workers who do not operate in traditional “establishments”? The law is structured around physical establishments, which may not always map neatly onto platform-based work environments.

2. Duties of Employers and Aggregators

The Occupational Safety, Health and Working Condition Code imposes duties on “occupiers” who is persons in control of establishments to ensure safe working conditions, provide welfare facilities, medical examination, and training for workers. For gig work, this raises interpretative challenges: can digital platforms or aggregators be considered “occupiers”? The Code does not always explicitly clarify this, which may limit its direct applicability to platform-based work.

3. Health Check - Ups and Medical Provisions

The Code mandates periodic medical examination for workers, especially those exposed to hazardous processes. Such provisions, if extended or adapted to gig workers who face risks such as road accidents or overuse injuries, could significantly enhance safety. However, implementation must be tailored: mobile and location-based working requires innovative delivery of health services, e.g., via mobile clinics, insurance tie-ups.

4. Working Hours and Rest

The Code regulates working hours, ensuring rest, intervals, and limiting spread of work over a day. For gig workers, especially delivery or ride-hailing drivers, the flexibility that defines the job also makes them vulnerable to overwork and fatigue. The challenge lies in enforcing regulated rest periods when the “employer” is not directly assigning hours.

5. Inspection and Enforcement

To enforce safety and health norms, the Code empowers inspectors. However, the fragmented nature of gig work and lack of physical workplaces may hinder traditional inspections. This could necessitate new enforcement mechanisms like digital audits, platform-based compliance reporting.

Social Security Protections For Gig And Platform Workers

While the occupational safety, health and working condition Code focuses on workplace safety, the Code on Social Security, 2020 [7] is where gig workers obtain formal recognition and potential welfare benefits.

1. Social Security Fund

The Code mandates the establishment of a Social Security Fund to finance schemes for gig and platform workers which is covering life or disability insurance, accident cover, health and maternity benefits, and old-age protection.

2. Sources of Funding

One notable funding source is contributions from aggregators which is the platforms. Aggregators may be required to contribute 1-2% of their annual turnover, capped at 5% of the amount paid to gig workers. This mechanism ties platform revenues to worker welfare, although its real-world implementation remains to be tested.

3. Registration and Facilitation

The Code provides for the registration of gig and platform workers on national databases. For instance, the e-Shram portal, launched in August 2021, is intended to register unorganized workers, including gig workers. The government has also proposed helplines and facilitation centres to help these workers enrol in social security schemes.

4. Scheme Implementation

Though the Code mandates these schemes, many are yet to be fully implemented. According to official sources, stakeholder consultations are ongoing with aggregators, worker organizations, and policy think tanks. The actual rollout of social security benefits will largely determine whether platform workers truly gain protection.

Challenges And Gaps In The Current Framework

Despite these progressive steps, there are several limitations and implementation challenges

1. Ambiguity in Legal Roles

As mentioned earlier, the Occupational Safety, Health and Working Condition Code’s applicability to gig workers is not always clear because “occupiers” are defined in relation to physical establishments. Platforms may escape direct liability under safety norms due to this ambiguity.

2. Enforcement Difficulties

Traditional inspection systems are not designed for a dispersed, mobile workforce. Ensuring compliance from platforms spread across cities and rural areas will require innovative mechanisms beyond on-site inspections.

3. Limited Awareness

Many gig workers may not even be aware of their rights under the new Codes. Without effective outreach, registration on e-Shram and enrolment in social security schemes may remain low.

4. Capacity Constraints

State labour departments, already burdened, may find it difficult to monitor and audit platform compliance. Labour inspectorates need more resources, training, and digital tools to handle this new category of workers.

5. Financial Sustainability

While aggregator contributions are mandated, the ceiling on contributions 5% of payments might not generate adequate funds if platforms under-declare or circumvent obligations. Moreover, platforms may resist or legally challenge these requirements.

6. Worker Autonomy vs Protection Trade – Off

One of the defining features of gig work is flexibility. However, imposing stringent Occupational Safety and Health requirements may restrict this flexibility. Policy must carefully balance worker autonomy with safety obligations.

Comparative And Global Perspectives

To understand the Indian context better, it's useful to compare with how other countries regulate Occupational Safety and Health and social protections for gig workers. In the European Union, several countries require platforms to provide social insurance and health benefits and some have introduced minimum work standards, including rest breaks and safety training. In the United States, although there is no uniform federal Occupational Safety and Health regime for gig work, some states and cities have enacted local rules or collective agreements like ride-sharing companies offering drivers limited health benefits or access to rest facilities. India could learn from such models. Particularly, the use of predictive analytics and digital monitoring to assess risk could be valuable recent academic work has suggested using AI and machine learning to predict workplace hazards in real time. Moreover, insights from gig workers' own experiences such as how delivery workers navigate algorithmic management and waiting times provide a basis for worker-centric policy design.

Policy Recommendations

Based on the analysis, the following policy recommendations may help strengthen safety and health protections for gig and platform workers

1. Clarify Legal Definitions and Responsibilities

Amend or issue regulations under the Occupational Safety, Health and Working Condition Code to explicitly define platforms or aggregators as “occupiers” or otherwise liable under safety and health provisions.

2. Innovative Enforcement Mechanisms

Use digital tools like apps or platform dashboards to collect data on working hours, incidents, rest breaks, and near-misses. Enable remote inspections and risk assessments.

3. Strengthen Registration and Outreach

Expand awareness campaigns for gig workers about their rights under labour codes. Increase registration on the e-Shram portal by simplifying the process and using local outreach via worker organizations.

4. Capacity Building

Train labour department inspectors in digital inspection, platform auditing, and mobile work risk assessment.

5. Financial Mechanisms and Social Fund Management

Monitor aggregator contributions transparently. Consider matching contributions or providing incentives for platforms that exceed the minimum. Ensure that the Social Security Fund is well-governed, with representation from workers and aggregators.

6. Health Delivery Innovation

Set up mobile health clinics, tie up with insurance providers, or leverage telemedicine to deliver health-checks and medical care to gig workers who operate across geographies.

7. Worker Participation in Policy Design:

Institutionalize mechanisms where gig workers participate in policymaking like social security boards, safety committees to ensure their experiences inform regulation.

Conclusion

India's new labour codes particularly the Occupational Safety, Health and Working Condition Code, 2020 ^[10] and the Code on Social Security, 2020 ^[7] represent landmark reforms that bring gig and platform workers for the first time within the ambit of legal protections. The explicit definitions of gig and platform workers, the provision for a social security fund, and the safety obligations introduced by the Occupational Safety, Health and Working Condition Code are promising developments. However, realizing their full potential demands resolute action: clarifying legal roles, innovating enforcement, raising awareness, building capacity, and ensuring sustained funding. Without these, there is a risk that the codes remain more aspirational than transformative. Given the projected growth of gig workers to over 23 million by 2029 - 30, as per government estimates, the stakes are high. Effectively safeguarding the health and safety of this workforce is not only a matter of social justice but critical for India's economic future. As platforms proliferate and the nature of work evolves, regulatory systems must adapt to protect those who power the digital economy.

References

1. Ministry of Labour Employment - Occupational Safety, Health and Working Conditions Code, 2020.
2. VV Giri National Labour Institute - FAQs on Occupational Safety, Health and Working Condition Code, 2020.
3. Ministry of Labour Employment - Social security benefits for gig workers.
4. Ministry of Labour Employment - Code on Social Security, definitions of gig and platform worker, 2020.
5. Ministry of Labour Employment - Press release on definitions and fund contributions.
6. Ministry of Labour Employment - Assessment of gig workers under social security code.
7. The Code on Social Security, full text. Chapter IX covers gig and platform workers, including health, maternity, life/disability, 2020.
8. <https://eshram.gov.in/>
9. https://niti.gov.in/sites/default/files/2023-02/25th_June_Final_Report_27062022.pdf
10. Occupational Safety, Health and Working Conditions (OSH) Code, 2020 - full text.
11. PIB Press Release - Code on Social Security, Towards Universal and Inclusive Social Protection. Government overview of how gig/platform workers are included, 2020.
12. PIB Press Release - Occupational Safety, Health and Working Conditions (OSH) Code. Focus on safety, health, working conditions reform, 2020.
13. Nishith Desai Associates - Handbook on New Labour Codes - legal and policy analysis.
14. Labour Ministry Press Information: Social Security for Gig and Platform Workers - committee formed, fund, welfare benefits.
15. Labour Ministry Press Information: Social Security Benefits to Gig Workers - details on aggregator

- contributions (1-2% turnover), cap, ESIC, health, maternity, old age.
16. Ministry of Labour Employment (MPI) - Social Security for Unorganized Workers - helpline, registration, welfare schemes.
 17. Labour Ministry Press Note - India's Labour Reforms: Simplification, Security, and Growth - outlines extended social security, health, provident fund.
 18. OSH Code Gazette Notification (DGfASLI) - official code text, obligations for employers, workplace safety.
 19. Draft Model Law for Platform-Based Gig Workers (Vidhilegalpolicy) - proposes more robust protections (life/disability, health, injury) than currently in codes.
 20. India Today - "From gratuity to gig worker insurance ..." explains gig worker health protection, insurance, social security fund.
 21. Hindustan Times - how labour codes benefit gig / platform workers, aggregator contribution, safety.
 22. Times of India - "Explained: How India's labour codes will reshape ... wage, social security and workplace norms."
 23. Business - "Gig Workers Secured Under New Labour Codes ... aggregators must pay 2% of turnover."
 24. Economic Times Wealth - "New labour codes explained: 10 types of employees ..." (includes gig/platform workers).
 25. Indian Federation of App-based Transport Workers (IFAT) news - urging the government to implement social security provisions.
 26. Times of India - gig workers say labour reforms leave major gaps: safety, long hours, lack of inclusion in OSH code.
 27. Organiser.org - commentary: "Historic shift in worker rights: New labour codes give gig workers legal recognition ..."
 28. Pawar A. "Gig Workers and Employment Laws" (HPNLU) - argues that gig workers are *not* covered by OSH Code; safety exclusion.
 29. Ramaswamy R. "An analysis of the impact of India's Labour Codes on its unorganized sector" - academic article assessing social security and safety.
 30. Chelat J. "Shifting the Focus to Technological Control in Work Regulation" (NLS Academy) - looks at labour law reforms, control, and regulation in gig economy.
 31. Legal Service India - "Employment Without Protection: A Legal Analysis of Gig Work in India" - critical of discretionary nature of schemes, lack of OSH protection.
 32. IJLMH - "Platform-Worker Safety in India's Gig Economy" - detailed legal analysis of safety, algorithmic risk, labour codes.
 33. Saxena R. "Intelligent Approaches to Predictive Analytics in Occupational Health and Safety in India" - applies predictive analytics to occupational health risk, including for informal / gig workers.
 34. Patel V, Chesmore A, Legner C. "Trends in Workplace Wearable Technologies ... for Next-Gen Occupational Safety, Health ..." - although not India-specific, relevant to future safety for on-road gig workers.
 35. Rahman MH, Hasan MR, *et al.* "Predictive Health Analysis in Industry 5.0 ..." - systematic review; relevant to gig workers in construction sector too.
 36. HPNLU Report (Pawar) - gig workers are largely excluded from OSH Code, raising concerns about safety.
 37. Legal Service India - argues that social security schemes for gig workers under new codes are discretionary, not guaranteed.
 38. Platform Worker Safety (IJLMH) - notes algorithmic control, lack of worker representation, insufficient complaint mechanisms.
 39. Times of India (News) - gig workers voice concern that aggregator contribution may not translate into real benefits, and safety in real-world working conditions is still uncertain.
 40. Business-Standard commentary - on the shift from old labour laws to inclusive codes for gig workers.
 41. Times of India - critical discussion on OSH applicability, commuting accidents, health safety.
 42. Legal Service India - detailed critique of legal gaps in protection for gig workers.
 43. HPNLU paper - warns that OSH Code's coverage does not automatically extend to gig workers, raising risks.
 44. Recognition vs Implementation: The Code on Social Security, legally recognizes gig/platform workers and mandates welfare schemes, 2020.
 45. Health Maternity Benefits: The Code envisages schemes for health, maternity, life/disability, old age.
 46. Safety Under OSH Code: The OSH Code is meant to ensure safer working conditions, but there is debate over whether gig workers are fully covered.
 47. Preventive Health: New requirement for free annual health check-ups (for certain workers) underscores a shift to preventive occupational health.
 48. Risk of Exclusion: Several analyses (HPNLU, Legal Service India) argue that gig workers, particularly those without fixed worksites, might slip through safety net cracks.