



7-18-2024

Karnataka Government Must Revisit Gig Workers Bill, Make It More Inclusive

Babu Mathew

Saurabh Bhattacharjee

Madhulika T

Follow this and additional works at: <https://repository.nls.ac.in/popular-media>



Part of the [Labor and Employment Law Commons](#), [Public Policy Commons](#), [State and Local Government Law Commons](#), and the [Transportation Commons](#)

Karnataka government must revisit gig workers Bill, make it more inclusive

The Bill has been favourably received by several commentators, but a closer inspection of the text of the Bill reveals glaring omissions, which if left unaddressed are likely to undermine the Bill's objectives.



Babu Mathew



Saurabh Bhattacharjee



Madhulika T

Last Updated : 17 July 2024, 20:49 IST

Follow Us :



0



Gig workers prepare to deliver orders outside Swiggy's grocery warehouse at a market area in New Delhi. Credit: Reuters photo

A year after Rajasthan released the first legislation on gig and platform workers in India, the Karnataka government has followed suit and released the Karnataka Platform-Based Gig Workers (Social Security and Welfare), Bill 2024.

ADVERTISEMENT

At the outset, it is notable that the Bill is a more expansive version of the Rajasthan legislation, which was narrowly restricted to social security. In contrast, the Bill in Karnataka in addition to social security also contains provisions on algorithmic

transparency, compulsory notice requirements, and grievance redress among other relevant provisions.

The Bill has been favourably received by several commentators, but a closer inspection of the text of the Bill reveals glaring omissions, which if left unaddressed are likely to undermine the Bill's objectives.

Aside from the substantive gaps in the Bill, the process adopted for the release of the Bill itself suffers from a consultative deficit. Significantly, the Bill was placed in the public domain for only 10 days for suggestions. Worse, the Bill was initially made available only in English, with the Kannada version of the Bill only being released after vociferous demands by trade unions. Regrettably, the Kannada version was released close to the deadline, effectively closing all possibilities for any meaningful engagement of gig and platform workers with the Bill.

Substantively, the Bill fails to address several of the recent international developments on protections extended to gig and platform workers, including those related to earnings, working hours, wage fluctuations, arbitrary incentive schemes, and the common practice of hire and fire done through the terminology of 'deboarding' from the platform.

One of the common misconceptions about gig and platform workers is that they are well-remunerated, and enjoy flexible working hours. Nothing could be further from the truth. Several studies establish diminishing earnings and long working hours for gig and platform workers, especially those in the ride-hailing and food delivery business.

According to a recent report titled 'Prisoner on Wheels', of the 10,000-odd cab and delivery drivers surveyed across eight cities in India, 43.1 per cent of cab drivers were found to earn less than Rs 500 per day after deducting costs such as food and fuel, while 32 per cent of delivery workers were found to earn between Rs 201-400 as net earnings per day. It is notable that these earnings of the workers do not correspond to a fair eight-hour workday. Gig and platform workers often work far beyond the stipulated workday, with the same report finding that over 60 per cent of surveyed cab drivers work at least 12 hours a day, while 55 per cent of delivery workers work at least 10 to 12 hours a day.

The Bill regrettably neither provides for a minimum guarantee of wages, nor does it regulate working hours of gig and platform workers, despite mounting evidence of low wages and prohibitive working hours. Ideally, the government must include a provision in the Bill providing for a minimum guarantee of wages, and must also notify a minimum wage through an appropriate minimum wage notification taking into consideration the significant fact that several gig and platform workers often incur their own expenditure for fuel, maintenance, and capital costs.

The most glaring lacuna in the Bill is the failure to institutionalise collective bargaining and operationalise the fundamental right to Freedom of Association guaranteed by Article 19(1)(c) as a fundamental right in the Constitution of India. As far as the recognition of trade unions and the right to collective bargaining is concerned, the Industrial Relations Code has adopted far-reaching provisions by providing for compulsory recognition of unions and compulsory collective bargaining. There are strong reasons to adopt these provisions for gig and platform workers.

A core protection offered by the Bill is the provision of social welfare benefits for gig and platform workers through the means of collecting a welfare fee, which is a percentage payable by the aggregator on the pay received by a gig and platform worker per transaction. However, not only does the Bill bypass the full meaning of 'per transaction' and restrict it only to the part that deals with the pay of the gig and platform worker, it also does not spell out the welfare schemes guaranteed as an entitlement for the workers from the funds collected under it. The failures of the implementation of welfare schemes under the Building and Other Construction Workers Act, despite the collection of a massive corpus through cess, are widely documented. It would be a tragedy to allow a similar fate to befall this legislation.

In all, while the Karnataka government's efforts to pass a Bill on gig and platform workers are commendable, passing the legislation hastily, without adequate consultation, creates more problems than it solves. Bengaluru is believed to have the highest percentage of gig and platform workers in India, and any regulatory model introduced in Bengaluru and Karnataka sets a precedent for how gig and platform work is regulated across the country.

Therefore, the Karnataka government has a significant responsibility to revisit the Bill and have more broad-based and widespread consultations with workers, unions, and labour activists on the Bill to ensure that protections provided to workers don't fall short of ongoing global thinking in this sector.

(The writers thank Mohan Mani and Jasoon Chelat for their inputs to this article. Babu Mathew is visiting professor, NLSIU, and chairperson, committee on Karnataka Labour Policy, Government of Karnataka. Saurab Bhattacharjee is associate professor, NLSIU and Co-Director, Centre for Labour Studies, NLSIU. Madulika T, is research associate, Centre for Labour Studies, NLSIU)

Published 17 July 2024, 20:49 IST

Karnataka News

Karnataka

Opinion

Panorama

