



National Human Rights Commission

Proceedings of the Open House Discussion on Rights of Gig Workers

(17th December 2024, Manav Adhikar Bhavan, New Delhi)

1. An Open House Discussion (OHD) was held on 17th December, 2024 at 11 am at Manav Adhikar Bhavan, New Delhi, which was chaired by the Acting Chairperson, NHRC Smt. Vijaya Bharathi Sayani. The list of participants is **annexed** herewith. The agenda items for the meeting were as under:
 - i.) *The Informality of the Gig workers' social security benefits and their legal ambiguity;*
 - ii.) *The Deprivation of Health, Mental Health, safety and security of gig workers; and*
 - ii.) *Gender disparity and financial instability for women gig workers.*



2. **Shri Devendra Kumar Nim, Joint Secretary, NHRC** welcomed all the participants and introduced them about technical sessions. He pointed out the challenges faced by the gig workers like the lack of social security, financial instability, and poor working conditions persisting, particularly impacting women and their participation in the sector.

3. **Smt. Vijaya Bharathi Sayani, Acting Chairperson, NHRC** delivered an address and mentioned that the gig workers face significant challenges such as long working hours, financial strain, and physical exhaustion.

Over 83% of app-based drivers work more than 10 hours daily, with marginalized communities like SC/ ST disproportionately affected. Policies like "10-minute deliveries" by e-commerce platforms further increase physical strain and accident risks, pushing workers to meet unrealistic targets. Women



workers face additional hurdles, including safety risks, erratic schedules, and physical demands, discouraging their participation in the sector and raising concerns about their overall well-being. She also mentioned about the recent developments, such as the 2024 Delhi High Court ruling recognizing Swiggy delivery executives as employees and the Code on Social Security, 2020, represent progress in addressing gig workers' vulnerabilities. However, more targeted efforts are needed to ensure fairness and equity. Regulatory frameworks must address unregulated practices, power imbalances, and social security gaps by implementing schemes like life and disability cover, accident insurance, health benefits, and old-age protection. Recognizing their contributions, it is imperative to create a safer, dignified, and equitable environment for gig workers, ensuring they are not left behind in this rapidly evolving economy.

4. **Shri Bharat Lal, Secretary General NHRC** emphasized the critical need to protect and promote human rights of this segment of society, particularly in the context of the fast growing gig economy and its critical role in creating opportunities. He highlighted the importance of assessing the implementation of laws such as the Social Security Code, 2020, and other labour

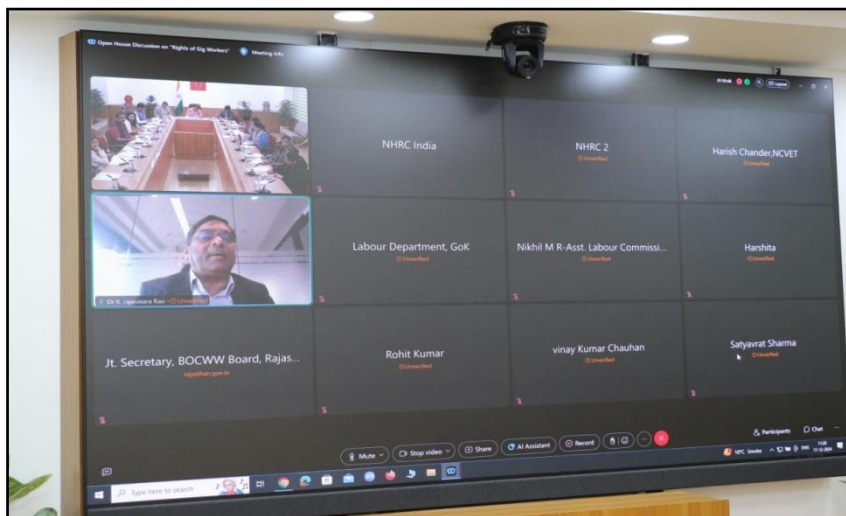


legislations designed to safeguard gig workers. Drawing attention to the deteriorating mental health of gig workers, he cited research indicating that at least 15% of India's population experiences some

form of mental health issue. He underlined the urgency of balancing economic growth with individual welfare, especially as the gig economy faces increasing pressures. While it is commendable that states like Karnataka, Rajasthan and Jharkhand have initiated efforts to provide social security for gig workers, he stressed that additional challenges must also be addressed. These include ensuring health insurance, minimum wages, and protections against unemployment. He further pointed out that the demand for hyper-fast deliveries, such as the '10-minute delivery' models, imposes undue stress on gig workers, often infringing upon their human rights.

5. **Dr. K. Rajeswara Rao, former Special Secretary, NITI Aayog** emphasized the critical need to consolidate the evolving gig economy, which is predominantly urban and significantly impacts both economic growth and worker welfare. He underscored the importance of achieving a balance between these aspects to ensure neither economic development nor the well-being of gig workers is compromised.

6. Dr. Rao noted that states like Karnataka and Telangana have already taken preliminary steps to support gig workers. To build upon these efforts, he proposed that the National Human Rights Commission (NHRC) issue advisories to key central ministries,



including the Ministry of Labour and Employment, Ministry of Social Justice and Empowerment, and Ministry of Housing and Urban Affairs. Recognizing that a substantial number of gig workers belong to marginalized communities, including Scheduled Castes (SCs) and Scheduled Tribes (STs), He emphasized the importance of extending these advisories to the Chief Secretaries of state governments and Commissioners of metropolitan cities.

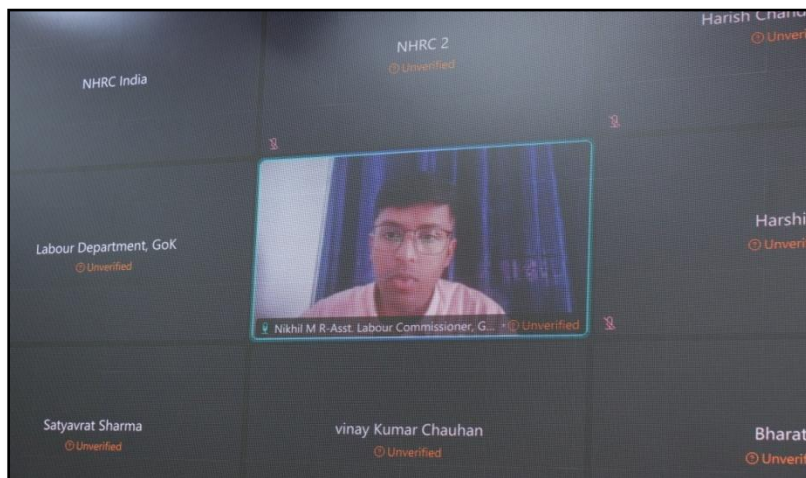
7. Highlighting that gig workers constitute approximately 50% of the urban workforce and contribute significantly to urban economies, Dr. Rao pointed out the growing participation of women in this sector, particularly in low-skill roles. To address the needs of this expanding workforce, he called for enhanced regulations and awareness initiatives. He further cited examples from countries like the United States, United Kingdom, and Brazil, which have implemented robust constitutional safeguards to protect gig workers.

8. Dr. Rao also stressed the need to empower women in the gig economy through targeted financial interventions. He recommended that the NHRC advise the Department of Financial Services and state-level industry departments to facilitate access to bank loans for women, particularly for the purchase of vehicles, including electric vehicles (EVs). He proposed that District Banking Committees play an active role in ensuring the smooth disbursement of such loans. Additionally, he emphasized the importance of providing accident insurance for gig workers and suggested granting state governments the flexibility to regulate the gig economy based on local needs. He

identified municipal corporations as key stakeholders in supporting these initiatives and ensuring their effective implementation.

9. **Mr. Nikhil M R, Assistant Labour Commissioner, Labour Department, Govt of Karnataka,** highlighted the Karnataka government’s proactive efforts in addressing the challenges of the gig worker economy. He emphasized that the government had proposed a comprehensive legislative framework, developed following extensive consultations with a wide range of stakeholders. These efforts included nearly 25–30 stakeholder engagements and tripartite consultations with the International Labour Organization (ILO), ensuring that the proposed bill was well-informed and inclusive.

10. The government’s initiative aimed to establish a foundational level of social security for gig workers, addressing several critical issues raised by the workforce. Among the key decisions was



the introduction of an increased welfare fee to directly benefit gig workers. To ensure effective implementation and administration of this welfare fee, the establishment of a dedicated Gig Workers Welfare Board was proposed.

11. Mr. Nikhil further elaborated on the categorization of welfare schemes under the proposed framework. These were divided into general schemes and specific schemes. General schemes would provide essential benefits to all gig workers from the first day of their engagement, ensuring a baseline level of social security. Specific schemes, on the other hand, would be tailored to reflect the individual contributions of each worker, enabling a more personalized approach to welfare delivery.

12. **Mr. O. P. Sarhan, Joint Secretary and Additional Labour Commissioner, Labour Department, Government of Rajasthan**, highlighted the state government's progressive

measures to enhance the welfare of gig workers. He noted that Rajasthan has taken a pioneering step by enacting the Gig Workers (Registration and Welfare) Act, 2023 aimed at addressing the social security and well-being of individuals engaged in this



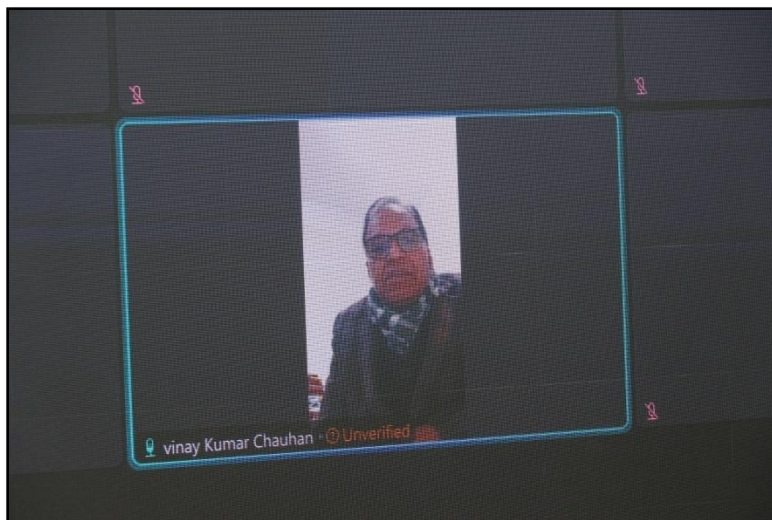
sector. Mr. Sarhan elaborated that the Act lays the foundation for a structured approach to safeguard the rights and interests of gig workers, ensuring their inclusion in the broader framework of social security.

13. Additionally, he informed that the government is in the process of drafting the rules required for the implementation of the Act. These rules, currently under review by the Labour Minister, will provide detailed guidelines and mechanisms for operationalizing the provisions of the Act.

14. **Dr. Vinay Kumar Chauhan, Managing Director, National Labour Cooperative Federation**, has submitted several comprehensive proposals to the Ministry of Cooperation, Government of India, focusing on enhancing the welfare of Labour and Forest Labour Cooperatives. In parallel, similar proposals were also presented to the Ministry of Agriculture, addressing critical concerns within the agricultural sector.

15. During these deliberations, Dr. Chauhan emphasized the urgent need to implement a Janta Personal Accident Insurance Scheme, which would provide vital financial protection to members of labour cooperatives. He proposed a cost-sharing model for the scheme, wherein the Central Government and State Governments would contribute equally to the insurance premium, each bearing 50% of the total cost. This initiative aims to offer comprehensive insurance coverage to cooperative members, safeguarding them against financial hardships arising from accidents.

16. Dr. Chauhan underscored that these proposals were not new but have been long-standing recommendations, consistently raised during various consultations with the Ministry of Labour. He further highlighted the relevance of extending such measures to gig workers, who face comparable risks and challenges.



According to him, implementing such insurance protections would significantly bolster the financial security of gig workers and cooperative members, fostering a more inclusive approach to worker welfare.

17. **Ms. Bhavya Sharma, Director of Corporate Communication and ESG, Urban Company,** shared her company's initiatives and recommendations for the National Human Rights Commission. Highlighting Urban Company's commitment to employee welfare, she mentioned the ₹100 crore investment in training and certification programs for employees, including carpenters, plumbers, and beauticians. Employees can earn up to ₹28,000 per month for 30 services, with top earners making as much as ₹45,000 per month. Additionally, the company voluntarily provides life, fatal, and health insurance to its workers.

18. To further support gig workers, Ms. Sharma proposed several suggestions for the National Human Rights Commission which are as follows:-

1. The implementation of the Code on Social Security (CoSS) should include several key initiatives to enhance the welfare of gig workers.
2. The government should introduce a maternity grant for gig workers and create creche facilities to support working mothers.

3. Rest points should be established through a Public-Private Partnership (PPP) model to provide essential amenities for gig workers during their shifts.

4. Special insurance plans, developed in collaboration with the Insurance Regulatory and Development Authority of



India (IRDAI), should be created to address risks related to air pollution, climate change, flooding, and other weather-related disruptions. This will ensure comprehensive coverage for gig workers exposed to environmental hazards.

5. To enable gig workers to achieve homeownership, traditional banking processes and requirements should be re-imagined. This can be achieved by developing affordable housing solutions specifically designed for gig workers, with tailored financial products and policies that facilitate easier access to home loans.

6. Monetary support should be provided to women gig workers to alleviate the burden of down payments when purchasing two-wheelers, further promoting gender equality within the sector. Additionally, Section 9(5) under the Goods and Services Tax (GST) Act, which imposes a 5% tax on gig workers' earnings, should be removed. This provision creates a disparity in taxation between gig workers offering housekeeping services through e-commerce platforms and those providing the same services offline. The removal of this tax would encourage the formalization of the gig economy and ensure a more equitable taxation framework.

19. **Dr. Dhanya M.B., Faculty at the V.V. Giri National Labour Institute**, presented findings from a research study conducted under the Labour Research Network Study on BRICS countries, focusing on socio-democratic dynamics, work patterns, and challenges faced by gig and platform



workers in Delhi, Kolkata, Hyderabad, and Mumbai. Based on a survey of over 1,200 workers in ride sharing, food delivery, and beauty services, the study revealed that gig work serves as the primary livelihood

for many workers. While the gig economy offers flexibility, it also entails significant income insecurity, with workers often juggling multiple platforms to manage demand fluctuations. Key findings include the under representation of women (only 10%) in gig work, particularly due to safety concerns, cultural restrictions, and skill gaps in transport-related jobs. Over 61% of workers reported income instability caused by platform deactivation often linked to consumer ratings, while 22% experienced unaddressed safety issues, particularly in transportation and delivery sectors. A notable proportion of gig workers, aged 18-24, balance financial responsibilities with educational aspirations, working up to 48 hours weekly. Additionally, nearly half the workers were recent migrants who joined platform work within six months of relocating to urban areas.

20. Dr. Dhanya emphasized actionable recommendations to address these challenges: establishing an independent grievance redressal mechanism for safety and job security concerns, mandating robust safety protocols with immediate incident response systems, and regulating algorithm-driven practices to ensure fair and transparent income distribution.

21. **Mr. Akash Gupta, Co-Founder and CEO of Zypp Electric, along with Ms. Tannaz Ahmed, Manager of Public Policy at Zypp Electric,** explained about the sustainable transportation solutions that they provide for gig workers through partnerships with Zomato, Uber, Ola, Flipkart, and Zepto. Their fleet supports 2,000 workers using electric scooters and an additional 22,000 gig partners renting these vehicles. It is put into notice that gig workers incur a maximum monthly expense of ₹5,000 for the scooters, with potential daily earnings of ₹1,000–1,500. Zypp Electric offers benefits such as Zypp Suraksha insurance, platform flexibility through the Zypp portal, and access to skill development via Zypp University. However, they particularly highlighted the challenge that they face in hiring women gig workers due to security concerns.



Considering the challenges faced by gig workers they gave following recommendations:-

1. Formally recognizing platform work within the E-Shram portal would enable gig workers to access social security and welfare schemes, with adjustments to the tax bracket



reflecting their fluctuating incomes, ensuring continued inclusion despite occasional taxable earnings.

2. Aggregators should be mandated to onboard gig workers to a centralized database, issuing unique IDs to prevent duplication and improve tracking across platforms.

3. A uniform national cess structure should be established to harmonize state and central contributions, ensuring

streamlined compliance and consistent worker benefits.

4. To support financial inclusion, tailored credit products leveraging FinTech for cash flow-based loans should be developed, moving away from collateral-based options.
5. Unsecured loans for first-time borrowers could be classified as Priority Sector Lending, with a focus on enhancing credit access for women and Persons with Disabilities (PwD).
6. Platform-led skilling initiatives should be promoted in collaboration with the Ministry of Skill Development and NSDC, issuing "Skill Certificates" or "Skill Passports" to facilitate career growth and integrate them into India's National Skill Development Policy.
7. A nodal body should be established to act as a consultative agency for gig worker policies, providing technical expertise, managing data, and coordinating with the Ministry of Labour and Employment.
8. Permitting two-wheeler operations on white number plates would improve gig workers' mobility and service efficiency, addressing key barriers in service delivery.

22. Mr. Prashant Kumar, Senior Director and Head of Public Policy, along with Mr. Rohit

Kumar, General Counsel at Ola Electric, presented key recommendations to address the challenges faced by gig workers. They stressed the urgent need for the immediate implementation of the Code on Social Security, which currently exists only in law, to ensure comprehensive coverage for gig workers. They further emphasized the importance of recognizing the gig economy as a distinct sector to effectively address its unique challenges. Highlighting the underrepresentation of women in gig work, they called for improved public infrastructure with a focus on safety to encourage greater participation by women. Additionally, they pointed out the asymmetrical earnings structure between gig workers on ride-





hailing platforms and food delivery platforms, where the former typically receive a higher percentage of the amount charged. To mitigate this disparity, they proposed that platforms establish a fixed minimum payment for gig workers to ensure equitable income distribution.

23. Mr. Shaik Salauddin, President of the Telangana Gig and Platform Workers Union

(TGPWU), emphasized the need for a long-term, 10-year strategy to address the challenges faced by gig workers. He criticized the current practice of blocking IDs and removing workers from platforms, which has exacerbated unemployment and forced affected workers to seek unstable opportunities elsewhere. He also condemned the push for 10-minute delivery times adopted by some gig platforms, noting the adverse impact on workers and customers alike. This demand for rapid deliveries forces delivery partners into unsafe working conditions, often encouraging the use of phones while driving, which increases the risk of accidents. Furthermore, he highlighted



the inadequacies in insurance policies for gig workers and raised concerns about platform rating systems that disproportionately harm workers' earnings and job stability. Mr. Shaik advocated for a structured and transparent fare system to eliminate surcharges and excessive fees, which burden workers and undermine financial stability. He urged the government to take proactive

measures to support gig workers, particularly by improving healthcare facilities and addressing challenges related to the e-Shram portal, including issues with data sharing. Additionally, he called for legally sound and comprehensible contract structures for gig workers, emphasizing the need for simplified legal language. Addressing the safety of female workers, he questioned the adequacy of security measures implemented by aggregators and called for more robust protections.

24. Another significant concern raised was the prevalence of misleading advertisements by e-platform companies, which deceive both workers and customers. He pointed to the lack of union representation and collective bargaining mechanisms as critical gaps in protecting gig workers' rights. To address these issues, he recommended that the National Human Rights Commission (NHRC) establish a dedicated committee to scrutinize the conditions of gig workers. Mr. Shaik also drew attention to the challenges posed by extreme weather conditions, where gig workers are pressured into taking deliveries due to promises of higher earnings, despite significant risks to their safety. Lastly, he highlighted the financial difficulties faced by gig workers, particularly in accessing banking and financial services, and urged reforms to address these systemic barriers.

25. Further, he gave the following recommendations:-

1. **Comprehensive Legal Framework:** Enact legislation recognizing gig workers as a distinct labor category, ensuring minimum earnings guarantees, social security contributions, and occupational safety standards.
2. **Algorithm Accountability:** Mandate transparency in algorithmic decision-making, with regular audits to prevent bias and discrimination.
3. **Paid Leave and Benefits:** Introduce policies ensuring paid sick leave, maternity/paternity benefits, and emergency financial assistance during crises.
4. **Union Representation and Collective Bargaining:** Empower workers to form unions and engage in meaningful negotiations with platforms.
5. **Implementation of Safety Measures:** Platforms must provide safety training, protective gear, and mental health resources, along with season-specific (summer, monsoon, and winter) and pollution-related health supports.

6. Grievance Redressal Mechanisms: Establish transparent, independent systems for resolving worker disputes, including appeals against deactivation.
7. A tripartite committee should be established at both the national and state levels to address the challenges faced by gig and platform workers. This committee should comprise representatives from the National Human Rights Commission (NHRC), workers' unions, and aggregator companies. The committee should convene every three months to ensure consistent dialogue, review progress, resolve disputes, and collaborate effectively in formulating policies to safeguard the rights and welfare of gig and platform workers.

26. **Mr. Swapnil Srivastava, Senior Associate, and Ms. Nadiya Sarguroh, Associate Partner at MZM Legal LLP**, contributed to the discussion by addressing critical issues affecting gig workers, particularly women. Mr. Srivastava emphasized the lack of adequate infrastructure to support female gig workers, highlighting the stigma they often face in this sector. He underscored the necessity of increasing social awareness to address these challenges and advocated for the implementation of digital literacy programs specifically designed for women, enabling them to navigate the digital platforms integral to gig work more effectively.

27. Ms. Sarguroh focused on the absence of minimum wage enforcement at the aggregator level, urging for stronger collaboration between aggregators and the government to resolve this issue.



She also stressed the importance of specialized training programs aimed at equipping women workers with advanced skills, thereby enhancing their opportunities for higher-paying roles. Additionally, she recommended the establishment of dedicated forums to provide gig

workers with a platform to voice their concerns and demands, ensuring better protection of their rights and fostering a more equitable work environment.

28. **Mr. Harish Chander, Deputy Director of the National Council for Vocational Training and Education**, underscored the critical role of upskilling in enhancing the working conditions of gig



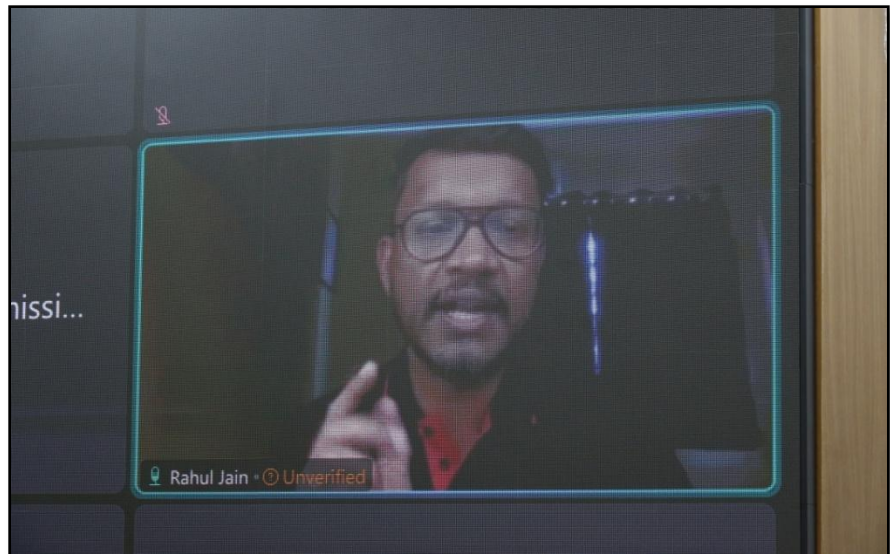
workers, particularly women. He highlighted the necessity of implementing a robust education policy that integrates vocational training, enabling gig workers to acquire new skills and pursue more sustainable career pathways. Recognizing the challenges faced by gig workers who are unable to return to traditional schooling, he

emphasized the importance of designing vocational training programs with flexible entry and exit points to accommodate their unique circumstances.

29. Mr. Chander also stressed the need for awareness programs to be initiated by the National Human Rights Commission (NHRC) to promote the value of up-skilling among gig workers. Furthermore, he advocated for providing incentives to women workers who participate in these educational initiatives, thereby encouraging greater engagement and fostering a more equitable and skilled workforce.

30. **Mr. Rahul Jain, Head – HR at Big Basket**, addressed several pressing issues faced by gig workers, with a particular focus on the challenges encountered by women in the sector. He highlighted the absence of a formal forum for lodging complaints, leaving gig workers without a structured and accessible mechanism to voice their grievances or seek resolutions. This lack of support is further exacerbated by deficiencies in basic daily facilities essential for the workers' well-being.

31. Mr. Jain also drew attention to the financial challenges faced by gig workers, particularly women, including issues with unsecured loans and the lack of clear access to wages or financial transparency, which contributes to heightened financial insecurity.



These constraints often result in women working fewer hours, thereby limiting their economic opportunities. He emphasized the need for the National Human Rights Commission (NHRC) to examine the financial conditions of female gig workers and address the gaps in the financial services available to them.

32. Furthermore, Mr. Jain called for increased awareness of the Prevention of Sexual Harassment (POSH) policies, particularly among customers, to ensure the safety and protection of female gig workers as they perform their duties. He stressed that these measures are crucial for fostering a more secure and equitable environment for gig workers.

33. While summing up, Mr. Bharat Lal, Secretary General in his concluding remarks thanked the participants for their meaningful contributions. He said that all participants are requested to send their additional comments/ inputs latest by 23rd December, 2024, Monday. This discussion has opened our eyes to certain realities on the ground and need to protect and promote human rights of these gig workers so that they are not only able to earn their livelihood and contribute in the nation building but also live with dignity.

List of Participants

NHRC Officials

1. Smt. Vijaya Bharathi Sayani, Acting Chairperson, NHRC India (Chair)
2. Shri Bharat Lal, Secretary General, NHRC India
3. Shri Joginder Singh, Registrar (Law), NHRC India
4. Shri Devendra Kumar Nim, Joint Secretary, NHRC India
5. Dr. Kanaklata Yadav, Consultant (Research), NHRC India
6. Ms. Avani Verma, JRC, NHRC India
7. Ms. Manisha Majumdar, JRC, NHRC India
8. Ms. Radhika Goel, Research Assistant, NHRC India
9. Ms. Swarna Singh, JRC, NHRC India

Participants of Open House Discussion in attendance (in-person):

1. **Ms. Bhavya Sharma**, Director of Corporate Communication & ESG, Urban Company
2. **Ms. Tannaz Ahmed**, Manager – Public Policy, Zypp Electric
3. **Mr. Prashant Kumar**, Senior Director and Head – Public Policy, Ola Electric
4. **Mr. Shaik Salauddin**, TGWPU – President, IFAT - NGS
5. **Ms. Nadiya Sarguroh**, Associate Partner, MZM Legal LLP
6. **Mr. Swapnil Srivastava**, Senior Partner, MZM Legal LLP

Participants of Open House Discussion in attendance (virtual):

1. **Dr. K. Rajeswara Rao**, Former Special Secretary, NITI Aayog
2. **Mr. Nikhil M R**, Assistant Labour Commissioner, Labour Department, Government of Karnataka

3. **Mr. O.P. Sarhan**, Joint Secretary & Additional Labour Commissioner, Labour Department, Government of Rajasthan
4. **Dr. Vinay Kumar Chauhan**, Managing Director, National Labour Cooperative Federation of India Ltd.
5. **Dr. Dhanya**, M.B. Faculty, V.V. Giri National Labour Institute
6. **Mr. Akash Gupta**, Co-Founder & CEO, Zypp Electric
7. **Mr. Rohit Kumar**, General Counsel, Ola Electric
8. **Mr. Rahul Jain**, Head-HR, Big Basket
9. **Mr. Harish Chander**, Dy. Director, National Council for Vocational Education and Training

" सर्वे भवन्तु सुखिनः
सर्वे सन्तु निरामयाः।
सर्वे भद्राणि पश्यन्तु
मा कश्चित् दुःखभाग् भवेत् । "

"May all be Prosperous and Happy,
May all be Free from Illness,
May all See what is Auspicious,
May no one Suffer"



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