

Covid-19 and Platform Work:

Reflections on Institutional
Policy Responses

Issue Brief
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Covid-19 and Platform Work: Reflections on Institutional Policy Responses

Issue Brief

The impact of Covid-19 on labor and employment has been profound. The nature of the pandemic and combative public health measures, including lockdowns and constraints on mobility, had unique implications for different sectors of the economy. Informal workers, who constitute 80% of the total employed workers in India (over 90% in the urban economy), emerged as most vulnerable. Informal workers' vulnerability is caused by their historically exploitative working conditions and persistent exclusion from protective legislations and social security systems. Similarly, workers engaged by digital labor platforms, who are rapidly constituting a new precariat in urban India, faced widespread loss of livelihood and erosion of rights during the pandemic.

The Pandemic and Precarity

Covid-19 has impacted the platform economy unevenly. Ride hailing and personal services shut down abruptly and were slower to recover in the initial days of the outbreak in India. Over the course of the pandemic, restrictions on mobility altered consumption patterns in ways that have only led to digital platforms becoming more pervasive and expansive.¹ New firms, service lines and consumer segments have opened up to accommodate the switch from brick-and-mortar retail to online consumption.² The government has recognized many of these as providing essential goods and services. As such, these platforms have been instrumental in supplying food, groceries, medicines, and other essentials. Encouraged by such supportive policy environments and increased flow of funds from venture capital and

¹ Reporter, B.S. "Indian E-Commerce to Grow 84% in 4 Years, Helped by Covid-19 Impact: Study." *Business Standard India*, March 10, 2021. https://www.business-standard.com/article/economy-policy/indian-e-commerce-to-grow-84-in-4-years-helped-by-covid-19-impact-study-121031000846_1.html; PTI. "Lockdown Proved Inflection Point for e-Commerce in India." *The Economic Times*, March 24, 2021. <https://economictimes.indiatimes.com/industry/services/retail/lockdown-proved-inflection-point-for-e-commerce-in-india/articleshow/81665377.cms?from=mdr>.

² OECD. "E-commerce in the time of COVID-19." *OECD Policy Responses to Coronavirus (COVID-19)*, October 7, 2020. https://read.oecd-ilibrary.org/view/?ref=137_137212-t0fgnerdb&title=E-commerce-in-the-time-of-COVID-19.

public equity, tech startups such as Zomato, Swiggy, Big Basketm and Grofers grew to cover Tier-II and Tier-III cities. Their growth accelerated platform-based employment generation in new geographies. Most platforms reportedly on-boarded a substantial number of ‘delivery partners’.

On the other hand, platform workers' experiences paint a very different picture – one of common mass layoffs, reduced incomes, changing incentive/payment structures, and mounting debt.³ Worker unions protested the decreased payments and the withdrawal of incentive schemes including night charges, surge fees, and rain bonuses which hugely impacted workers' earnings. Swiggy, for instance, had reduced its base pay for delivery workers by 57% to INR 15. The ensuing income losses among Swiggy workers ranged between 70 to 90%. The resulting unemployment and loss of income impoverished most platform workers and persistent loan burdens pushed many into debt traps.

Despite the socio-economic vulnerabilities faced by platform workers, access to government relief and social protection continues to be severely limited. In this issue brief, we describe and critically unpack some of the institutional responses to the Covid-19 outbreak, particularly in the context of gig and platform work.

As 2021 nears its end, with renewed concerns about the global resurgence of Covid-19 cases, we look back at which responses to labor conditions worked and which did not. While the pandemic presented new challenges, many of the issues examined here have long plagued labor markets in many Global South contexts. In this brief, we discuss the measures that platforms adopted to secure workers' livelihoods, the social security infrastructure that the state and central governments in India are developing, and the data capture that workers are being subjected to.

How Did Governments Respond?

Central and state governments announced several immediate relief measures for workers in the informal sector. These measures fell into three broad categories – access to food, cash transfers, and labor protection rules and guidelines.⁴ The form of entitlements, determination of beneficiaries, and

³ Vaidyanathan, Gayathri. “A Pandemic of Discontent: The Growing Woes of India’s Food Delivery Workers.” *The Wire*, December 22, 2020. <https://thewire.in/labour/swiggy-workers-covid-19-paycut-job-loss>.

⁴ Bhan, G, Antara Rai Chowdhury, Neha Margosa, Nidhi Sohane, Kinjal Simpat. “Lessons for social protection from the COVID-19 lockdowns Report 1 of 2: State Relief.” Indian Institute for Human Settlements. (2020). https://iihs.co.in/knowledge-gateway/wp-content/uploads/2020/11/State_Actors_v5.pdf

mechanisms for delivery varied significantly across schemes. Beneficiaries were identified using existing databases and new methods of digital and analogue registration for new categories of vulnerabilities. The demographic groups targeted by relief measures overlapped with the platform workforce, which fell in income groups that were deemed eligible for support.

The coverage of most schemes was expanded to cover larger parts of the population but several forms of exclusions continued. A persistent critique of many relief measures was regarding their insufficient financial outlay.⁵ Despite the severity of income and livelihood loss, the fiscal stimulus (of under 1% of the GDP) – notwithstanding credit guarantees – was far behind that of advanced economies such as the US, Canada, and UK. In-kind transfers under the Public Distribution System (PDS) also failed to utilize surplus reserves, leading to mass hunger and food insecurity (ibid). Table 1 provides a critical review of some of these schemes. The RBI also announced a moratorium on all term loan payments from March to August 2020; this provided relief to workers in the ride-hailing sector who had taken vehicle loans. Workers kept demanding extensions on moratoriums in the following months, given the slow progress of income recovery, to little avail.⁶

Most schemes targeted worker groups known to be vulnerable to economic shocks – migrants, informal workers, and those belonging to low-income groups. Still, issues related to the exclusion of eligible beneficiaries and inaccessible delivery mechanisms continued to plague the provision of services.⁷ In some states, community kitchens were set up to supply cooked food to stranded migrants and those residing in government shelters, but insufficient awareness, coverage, quality, and adherence to public health measures remained key issues.

A number of direct benefit transfer schemes were announced for migrant workers, women, and workers in the informal economy. An early measure was increasing the budget under the Mahatma Gandhi National Rural Employment Guarantee Act 2005 (MGNREGA), which translated to higher minimum wages and

⁵ Ghosh, J. A critique of the Indian government's response to the COVID-19 pandemic. *J. Ind. Bus. Econ.* 47, 519–530 (2020). <https://doi.org/10.1007/s40812-020-00170-x>; Chandrasekhar, C P, and Jayati Ghosh. "Govt's fiscal stance pushing economy into further decline". *The Hindu Business Line*, June 16, 2020. <https://www.thehindubusinessline.com/opinion/columns/c-p-chandrasekhar/govts-fiscal-stance-pushing-economy-into-further-decline/article31834769.ece>.

⁶ TNM Staff. "App-based transport workers federation write to RBI for extension of loan moratorium" *The News Minute*. August 14, 2020. <https://www.thenewsminute.com/article/app-based-transport-workers-federation-write-rbi-extension-loan-moratorium-130759>.

⁷ Kafil, Shagun. "Cash, on delivery: How India has taken up DBT in the times of COVID-19." *DownToEarth*, July 12, 2020. <https://www.downtoearth.org.in/news/economy/cash-on-delivery-how-india-has-taken-up-dbt-in-the-times-of-covid-19-72247>.

greater number of guaranteed work days in the financial year 2020-2021.⁸ Specific worker groups, such as transport workers (autorickshaw drivers, taxi drivers), were identified as particularly vulnerable and in need of financial relief. They were targeted through existing databases available with state transport departments. Most transfers were one-time payments ranging between INR 1,000 to INR 5,000 (in Karnataka and Delhi) and were severely insufficient in mitigating the extent of livelihood loss and precarity. Informal workers, including platform workers, suffered huge income losses and unemployment for prolonged periods, along with a number of fiscal pressures caused by loans, rent, increased fuel prices and the concurrent increase in the consumer price index, and other forms of debt.⁹ In such a scenario, one-time cash transfers failed to provide any cushion against persistent fiscal pressures. There has been little clarity on how the amounts disbursed under these schemes were calculated. Additionally, much of these transfers were done directly to beneficiary bank accounts registered with various state departments. This proved to be counterproductive as many informal workers reported inability to access bank accounts and ATMs for withdrawals owing to restrictions on mobility. Transfers made to women account-holders under the Pradhan Mantri Jan Dhan Yojana (PMJDY) faced similar problems.

Only a small share of platform workers in specific sectors, such as ride-hailing or domestic work, benefitted from the aforementioned schemes. In a survey conducted in August 2020, it was reported that only 42% of the 800 surveyed platform workers had received government aid of some form.¹⁰ Platform workers have been facing increasing levels of distress due to their invisibility and mounting economic pressures. Despite this, measures specifically targeting these workers have been extremely rare. Karnataka, for instance, announced a revision of per kilometer fares for taxi drivers, after public reporting of extreme precarity among them.¹¹ Over the past year and a half, workers' unions have consistently demanded targeted social

⁸ Vasudevan, Gayathri, Shanu Singh, Gaurav Gupta, and C. K. Jalajakshi. "MGNREGA in the Times of COVID-19 and Beyond: Can India do More with Less?." *TThe Indian Journal of Labour Economics* 63, no. 3 (2020): 799-814. <https://link.springer.com/article/10.1007/s41027-020-00247-0>.

⁹ S.H., Salman. "Ola, Uber Lose 30,000 Cabs As Drivers Struggle With EMI Payments." *Inc42*, May 5, 2021. <https://inc42.com/buzz/ola-uber-lose-30000-cabs-as-drivers-struggle-with-emi-payments/>; Chowdhury, Antara Rai, Gautam Bhan, Kinjal Sampat and RMKU. "Impact of COVID-19 and the Lockdowns on Domestic Workers: First Report." Rajasthan Mahila Kaamgaar Union (RMKU) and the Indian Institute for Human Settlements (IIHS), October 2020. https://iihs.co.in/knowledge-gateway/wp-content/uploads/2020/10/RMKU-IIHS-Covid-19-impact-study_OCT.pdf; Krishnakumar, G. "Pandemic hit domestic workers hard: study." *The Hindu*, July 2, 2021. <https://www.thehindu.com/news/national/kerala/pandemic-hit-domestic-workers-hard-study/article35030604.ece>

¹⁰ Flourish Ventures. "The Digital Hustle: Gig Worker Financial Lives Under Pressure - India Spotlight". Flourish Ventures, September 2020. <https://flourishventures.com/wp-content/uploads/2020/10/FlourishVentures-GigWorkerStudy-India-FINAL-2020-09-29.pdf>

¹¹ Rakheja, Harshit. "Bengaluru Cab Driver's Death Shows Ola, Uber Have More To Fix Than Profits." *Inc42*, April 2, 2021. <https://inc42.com/buzz/bengaluru-cab-drivers-death-shows-ola-uber-have-more-to-fix/>.

security and protection, including loan waivers/moratoria, extension of food security under the Public Distribution System (PDS), prolonged cash transfers, and expansion of benefits under the MGNREGA.

A large part of the invisibility of platform workers, absence of targeted relief, and workers' inability to claim social protection stems from their non-recognition as workers and continued mislabeling as 'independent contractors'. These workers, and informal workers in general, are largely ignored in three of the four labor codes that were implemented in 2020. This means that several aspects of worker rights relating to minimum wages, occupational health and safety, and non-exploitative terms of work continue to evade platform workers, despite their status as 'essential workers' in responding to the pandemic. Experts have highlighted several overarching issues with the labor codes which aggravate the lack of protection for informal workers, including the use of delegated legislation and failure to uphold employer accountability.¹²

The Code on Social Security: Some Challenges

The Code on Social Security, 2020 ("Code"), recognized 'gig workers' and 'platform workers' as comprising a discrete category of India's workforce, and one that shall be included within social protection coverage.¹³ The Code was the first central labor law legislation to recognize gig and platform work. However, it accepts digital platforms' long-standing positioning of platform work as being "outside of the traditional employer-employee relationship". In doing so, the Code ignores the lived experiences of platform workers, and has missed an opportunity to rectify the exploitative characteristics of platform work. However, the Code does not entirely accept the legal distance that platforms maintain from platform workers. As such, it mandates contributions from platforms towards a welfare fund demarcated for platform workers.

Provisions outlining the modalities of social security coverage leave much to be desired. In order to access social security entitlements, platform workers must self-register on a government portal. Eligible workers are those between 16 to 59 years of age, and those who have had a minimum of 90 days of engagement as a gig/platform worker in the preceding 12 months. These criteria restrict universal social protection without providing adequate infrastructure services such as facilitation centers, which could be instrumental in onboarding larger pools of workers. The Code does not provide for a methodology to

¹² Chigateri, Shraddha. "Labour Law Reforms and Women's work: Assessing the new labour codes from a gender lens." *Institute of Social Studies Trust*. (2021). http://www.isstindia.org/publications/1610085910_pub_Labour_Code_-_Shraddha_compressed.pdf.

¹³ S. 2(35) and S. 2(61), Social Security Code, 2020.

compute the 90-day period of work either. Without any guidance on such computation, platform workers that work intermittently or with a number of platforms may be excluded.

The Code mandates social security contributions by platforms (“aggregators”) at a prescribed rate that will be between 1% to 2% of the platforms’ annual turnover. These contributions will be made to a centralized government fund that will be earmarked for platform/gig workers’ welfare. However, this rate is insufficient. Assuming a 2% prescribed rate, in the financial year 2019-2020, ANI Technologies (Ola Cabs), with its USD 360 million annual revenue, would contribute USD 7.2 million (~INR 54 crores) to the social security fund. Considering ANI Technologies’ 1.5 million drivers, this translates to a paltry contribution of USD 4.80 (~INR 360) per driver for that year.

On June 29, 2021, the Supreme Court directed the central government to ensure the registration of unorganized workers by July 31, 2021.¹⁴ Subsequently, on August 26, 2021, the government launched the e-Shram portal to populate a centralized, Aadhaar-seeded database of unorganized workers in India. Registration on the portal is expected to entitle unorganized workers to social security coverage in the future. A strategy meeting organized by the Centre for Internet and Society and IT for Change brought forth the issues currently affecting the design and implementation of the portal, along with identifying a set of concrete policy recommendations for an overhaul of e-Shram to facilitate universal coverage (described further in this report on a civil society agenda on e-Shram). These range from issues with eligibility criteria and documentary requirements, registration modalities, workers’ data protection, technical deficiencies, and the duplication of social security databases.¹⁵

The implementation of this Code continues to be a critical challenge, despite nearly a year having lapsed since it received presidential assent. The delay in implementation has prompted petitioners to approach the Supreme Court, seeking recognition of gig workers and platform workers as unorganized workers and/or wage workers under the Unorganised Workers’ Social Security Act, 2008. If successful, it would lead to platform workers being granted social security benefits within the already fully-functional mechanisms set out in the Unorganised Workers’ Social Security Act, 2008.

¹⁴ Bandhua Mukti Morcha vs. Union of India & Ors. (Suo moto Writ Petition (Civil) No. 6 of 2020)

¹⁵ CIS and IT for Change. *A civil society agenda on e-Shram*. (Forthcoming).

Motor Vehicle Aggregator Guidelines, 2020

In November 2020, the Ministry of Road Transport and Highways (MoRTH) issued the Motor Vehicle Aggregator Guidelines, 2020 (“Guidelines”) under the Motor Vehicles (Amendment) Act, 2019. The Guidelines are meant to function as a guiding framework for states and union territories in regulating the licensing and business operations of motor vehicle aggregators.¹⁶

The Guidelines specify measures that business operations must comply with for drivers’ welfare and working conditions. They require aggregators to provide health and term insurance for drivers, with a minimum cover of INR 5 lakhs and 10 lakhs, respectively. They also specify restrictions for hours logged on to the application to 12 hours/day and a mandatory break of 10 hours after a login period extending 12 hours. Aggregators are required to develop a mechanism on their respective applications to ensure drivers are not logged on to multiple applications for a cumulative period extending 12 hours. Specific provisions on the regulation of fares include upper limits on commission fees to 20% of the total fare, and allowances for dynamic pricing practices. The Guidelines also set the base fare at INR 25-30 for states where such base fares have not yet been enforced. The Guidelines specify conditions regarding drivers’ training through induction, refresher, and remedial training programs. Aggregators are required to comply with conditions regarding the operations of their websites and applications, with key conditions about transparency on algorithms, and information on earnings, incentives, and charges for the driver.

While the act provides statutory recognition to ‘aggregators’, it reinforces the exclusion of platform workers from the country’s labor policy and regulatory regime by mandating issues pertaining to ‘aggregators’ to be resolved under the Information Technology Act, 2000. It also creates exclusions borne out of the definition of ‘aggregators’ as “a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation”, which categorically excludes other app-based workers such as food and goods delivery workers. Provisions in the Guidelines for drivers’ welfare and livelihoods have the potential to improve working conditions on platforms. However, the Guidelines have not been strictly implemented across states and union territories. Furthermore, drivers and associations have expressed concerns about the implementation of these Guidelines being severely hampered by the workarounds that platforms will find.

¹⁶ Press Information Bureau. 2020. “Motor Vehicle Aggregator Guidelines Issued to Regulate Shared Mobility and Reducing Traffic Congestion and Pollution.” November 27, 2020. <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1676403>.

Moreover, drivers and associations have questioned the benefits of restricting working hours, since financial incentive models are linked to the hours logged on to the application. The upper limits on commission fees and allowances for dynamic pricing have been issued without considering the demands for an upper limit of 5-10% on commission fees, given the impact of the pandemic on drivers' earnings, as well as rising fuel costs and overheads.¹⁷ The monitoring, enforcement, and grievance redressal mechanisms of the Guidelines are dependent on aggregators' ratings systems and service agreement contracts. In doing so, the Guidelines have failed to consider the lack of transparency in the ratings system of platforms, as well as the inconsistencies in the platforms' service agreements as compared to the actual work relationship between platforms and drivers.

The Guidelines are also the first piece of government policy seeking to bring platforms' algorithms within regulatory purview. However, this is done in a cursory manner. For example, the Guidelines call for transparency regarding algorithms. But, they do not mandate the explainability of algorithms determining matching, pricing, and ratings, thus failing to ensure algorithmic accountability over work outcomes. The Guidelines are also detrimental to workers' data rights by not creating safeguards for purpose limitations and personal data protection.¹⁸

How Did Platforms Respond?

In response to the first national lockdown, many platform companies with location-based services (ride-hailing, delivery, and personal services) announced short-term relief measures for workers which took the form of financial and healthcare assistance. Major platforms across sectors established relief funds for workers, partly financed through public donations.¹⁹ Some of these funds such as those of Ola and Swiggy

¹⁷ Rao, Shishir. "Bengaluru Ola, Uber drivers say new aggregator rules don't offer real solutions." *The News Minute*, December 5, 2020. <https://www.thenewsminute.com/article/bengaluru-ola-uber-drivers-say-new-aggregator-rules-don-t-offer-real-solutions-139067>.

¹⁸ Chami, Nandini, and Sanjay, Sadhana. "A Data Rights Agenda for Platform and Gig Economy Workers." *Hindustan Times*, December 23, 2020. <https://www.hindustantimes.com/analysis/a-data-rights-agenda-for-platform-and-gig-economy-workers/story-9ZtpX9kavVSN5TNQcE289M.html>.

¹⁹ Ola. "Ola Launches 'Drive the Driver Fund' to Offer Relief to the Driver Community; Enables Citizen Contribution to Facilitate Emergency Support and Essential Supplies." Company website. *Media Centre* (blog), March 27, 2020. <https://www.olacabs.com/media/in/press/ola-launches-drive-the-driver-fund-to-offer-relief-to-the-driver-community-in-india-enables-citizen-contribution-to-facilitate-emergency-support-and-essential-supplies>; Uber India Team. "Drivers On Uber's Platform Receive First Batch Of Grants From INR 25 Crore Relief Package." Media centre. *Uber Newsroom* (blog), April 9, 2020. <https://www.uber.com/en-IN/newsroom/uber-care-driver-fund/>; Gupta, Surbhi. "How Home Delivery Companies & E-Commerce Business Are Working out Insurance Funds, Healthcare Benefits for Riders." *The Indian Express*. April 24, 2020. <https://indianexpress.com/article/lifestyle/health/home-delivery-companies-ecommerce-business-insurance-funds-healthcare-benefits-riders-zomato-swiggy-grofers-6377632/>; Bhattacharyya, Rica. "Urban Company Launches Covid-19 Relief Fund for Gig Workers." *The Economic Times*, March 25, 2020. <https://economictimes.indiatimes.com/small-biz/startups/newsbuzz/urban-company-to-set-up-relief-fund-for-temporary-workers-contractors/articleshow/74809766.cms?from=mdr>; bookmybai.com. "Your Support Will Help All Domestic Workers Help Their Family," n.d. <https://www.bookmybai.com/contribute/>.

were earmarked for specific initiatives, like the provision of emergency support and essential supplies. Funds collected by Uber and Zomato were used to disburse one-time grants. To ease the liquidity strain on workers, some platforms such as Ola and Urban Company offered interest-free credit during the lockdown, with repayments offset against future earnings.²⁰ Ola and Uber waived the rental leases for their vehicles when their services were temporarily suspended.²¹ Platforms addressed health and safety concerns by setting up disinfection stations, installing plastic screen shields for vehicles, and distributing personal protective equipment (PPE).²² Zomato and Swiggy also amended their existing healthcare plans to extend Covid-19 related medical insurance, sick leave compensation, and access to free telemedicine consultation services.²³ In May 2021, platforms also announced vaccination drives for workers, or coverage of vaccine costs (including loss of pay).²⁴

These announcements and offerings *prima facie* the commitments of platforms towards securing platform workers' livelihoods. However, issues with the design and implementation of these measures rendered them largely ineffective. Accounts from workers and unions revealed very low coverage, a high degree of opacity in implementation, and wide disparities among workers and geographies.²⁵ Notably, eligibility criteria were not clearly defined or communicated to workers, raising concerns that disbursement may have been based on performance-related or arbitrary criteria such as ratings and hours logged on the platform app.²⁶ Moreover, platforms did not build sufficient awareness among workers regarding their

²⁰ Ola. "Ola 'Sahyog' Brings Interest-Free Micro-Credit through Avail Finance to Driver-Partners to Help Them Tide through Ongoing Liquidity Crunch." *Media Centre* (blog), March 31, 2020. <https://www.zotero.org/ambikat/items/9CNM7ZD5/library>; Bhal, Abhiraj Singh. "Urban Company Stands Firmly by Its Service Partner Community." *The Urban Guide* (blog), May 16, 2021. <https://www.urbancompany.com/blog/company-updates/urban-company-covid-19-efforts/>.

²¹ Shrivastava, Aditi. "Ola Waives Lease Rentals for Drivers amid Covid-19 Outbreak." *The Economic Times*, March 25, 2020. <https://economictimes.indiatimes.com/mobile/ola-waives-lease-rentals-for-drivers-amid-covid-19-outbreak/articleshow/74792946.cms>; Parameswaran, Pradeep. "Uber Stands In Solidarity With India To Contain COVID-19." *Uber Newsroom* (blog), April 9, 2020. <https://www.uber.com/en-IN/newsroom/as-we-move-forward/>.

²² Ranipeta, Shilpa. "Ola and Uber Drivers Are Putting Their Health at Risk to Make Ends Meet." *The News Minute*, August 20, 2020. <https://www.thenewsminute.com/article/ola-and-uber-drivers-are-putting-their-health-risk-make-ends-meet-131177>.

²³ See note 17.

²⁴ Abrar, Peerzada. "Uber to Spend Rs 18.5 Cr, Get 150,000 Drivers Vaccinated over next 6 Months." *Business Standard India*, April 30, 2021. https://www.business-standard.com/article/automobile/uber-to-spend-rs-18-5-cr-get-150-000-drivers-vaccinated-over-next-6-months-121043000769_1.html; Singh, Jagmeet. "Zomato, Swiggy Begin COVID-19 Vaccination Drive for Delivery Partners." *NDTV Gadgets 360*, May 22, 2021. <https://gadgets.ndtv.com/apps/news/zomato-swiggy-covid-19-vaccination-drive-delivery-workers-partners-india-coronavirus-2447202>.

²⁵ Indian Federation of App Based Transport Workers, and International Transport Workers' Federation. "Locking Down the Impact of COVID-19," September 17, 2020. <https://cis-india.org/raw/ifat-itf-locking-down-the-impact-of-covid-19>; Mawii, Zothan, Ambika Tandon, and Aayush Rathi. "From Health and Harassment to Income Security and Loans, India's Gig Workers Need Support." *The Wire*, April 29, 2020. <https://thewire.in/business/covid-19-lockdown-delivery-gig-workers>.

²⁶ Mawii, Zothan. "COVID-19 and Relief Measures for Gig Workers in India." *The Centre for Internet and Society* (blog), April 14, 2020. <https://cis-india.org/raw/zothan-mawii-covid-19-and-relief-measures-for-gig-workers-in-india>; Agrawal, Shubham. "Uber Ola Offer

entitlements. The closure of company offices and the introduction of work-from-home policies for white-collar staff, compounded the break in communication with workers. As a result, unions stepped in to conduct awareness drives and build communication channels for conveying workers' needs.²⁷

Workers who were able to access these entitlements had to go through undue administrative procedures, such as uploading GST bills for each item to claim reimbursements for dry ration. To access entitlements such as vehicle disinfection and PPE collection, the costs of the required travel often exceeded the cost of the materials.²⁸ Fundamental guarantees such as accidental insurance remain unaddressed, despite workers having struggled to obtain them for years before the pandemic.

Since their initial announcements, platforms have barely modified their relief measures, despite repeated demands for enhanced support during and after the devastating second wave.²⁹ There are several documented cases of workers being hospitalized or losing their lives after contracting Covid-19, and receiving no assistance from platforms towards medical expenses.³⁰ Crowdfunding for high publicized relief funds was critiqued by workers unions as platforms offloading responsibility for workers' occupational health and economic security.³¹ Newer initiatives, such as Swiggy's Covid health package, are also severely lacking when compared with workers' demands.³² Workers and unions continue to draw attention to the inadequacy of support, which points to persistent implementation hurdles and a lack of any convincing effort by platforms to resolve them.³³

Lockdown Charity To Few Drivers, Most Want Proper Safety Nets." *HuffPost*. August 5, 2020. https://www.huffingtonpost.in/entry/uber-ola-hyped-relief-fund_in_5eb40f7ac5b652c56473c954.

²⁷ Bhalla, Kritti. "Where's The Relief Fund, Beleaguered Cab Drivers Ask Ola, Uber." *Inc42 Media*, April 18, 2020. <https://inc42.com/buzz/where-is-the-relief-fund-beleaguered-cab-drivers-ask-ola-uber/>.

²⁸ Lalvani, Simiran and Bhavani Seetharaman. "The Personal and Social Risks That India's Food Delivery Workers Are Taking During COVID-19." *The Wire*, April 12, 2020. <https://thewire.in/business/covid-19-food-delivery-workers>.

²⁹ Ustek-Spilda, Funda, Richard Heeks, Mark Graham, Alessio Bertolini, Nancy Salem, Srujana Katta, Sandy Fredman, Kelle Howson, and Fabian Ferrari. "The Gig Economy and Covid-19: Looking Ahead." The Fairwork Foundation, September 2020. <https://fair.work/wp-content/uploads/sites/97/2020/09/COVID-19-Report-September-2020.pdf>.

³⁰ Barik, Soumyarendra. "Grief, Loss, Despair: Gig Workers in India Shaken by COVID-19's Second Coming." *Entrackr*, May 13, 2021. <https://entrackr.com/2021/05/grief-loss-despair-gig-workers-in-india-shaken-by-covid-19s-second-coming/>.

³¹ Taduri, Pradyumna, and Kaveri Medappa. "By Crowdfunding Benefits for Embattled Workers, App-Based Services Are Evading Their Own Obligations." *Scroll.In*, April 22, 2020. <https://scroll.in/article/959766/by-crowdfunding-benefits-for-embattled-workers-app-based-services-are-evading-their-own-obligations>.

³² Swiggy diaries. "Swiggy Suraksha – Special Covid-19 Support For Delivery Partners," June 9, 2021. <https://blog.swiggy.com/2021/06/09/swiggy-suraksha-special-covid-19-support-for-delivery-partners/>; Kurmanath, K. V. "Hit Hard by Pandemic, Drivers of Ola, Uber, Zomato Demand Loan Moratorium." *Hindu Businessline*. May 12, 2021. <https://www.thehindubusinessline.com/news/national/hit-hard-by-pandemic-drivers-of-ola-uber-zomato-demand-loan-moratorium/article34537194.ece>.

³³ Indian Federation of App-based Transport workers. "Twitter," May 27, 2021. https://twitter.com/Connect_IFAT/status/1397892631938568192/.

Concluding Remarks: Urgency of Gig Workers' Data Rights Agendas

Pushing Back Against Platforms' Data Capture

Responses to the pandemic were marked by a heightening of digitally-mediated surveillance of low-wage workers in India and elsewhere.³⁴ Gig workers were no exception. Already subject to intensive data capture through surveillance and algorithmic management by platforms, Covid-19 led to newer, more insidious forms of data capture of gig workers under the guise of Covid-19 responses.³⁵ Coinciding with these developments, campaigns by gig workers globally have asserted their data rights – demanding greater transparency in platforms' data collection and analysis practices.³⁶

These demands are made necessary by the individualistic nature of outdated data protection frameworks that are severely limited in curbing the excesses of contemporary data processing activities fueling the platform economy. Take the case of the Zomato. In order to work for Zomato, their workers must consent to Zomato's "right to store, process, access and use the Delivery Partner Information for business purposes and needs, background check, verification, marketing, service, development, analytics, research, and any other purpose as Zomato may deem fit and in accordance with Applicable Law."³⁷ All platforms have similarly worded terms of service, leveraging power imbalances to contractually extract unlimited data under the garb of legal propriety.

Platform workers claiming their data rights has highlighted another facet of the philosophical contradictions of extant data protection frameworks. The default position is one where most rights and responsibilities pertaining to data use accrue to data collectors (platforms). The terms of extant data governance framing do not capture the interests of data subjects (platform workers). Workers' data, which is generated by them, gains proprietary value in the hands of platforms where it is processed in the aggregate. Paradoxically, then, even the limited data rights that workers may enjoy can only be exercised individually.

³⁴ Pundir, Pallavi. "Indian Employers Are Using the Pandemic as an Excuse to Surveil Their Workers Even More." *Vice*, June 17, 2020.

<https://www.vice.com/en/article/y3zpag/india-surveillance-pandemic-data-rights>

³⁵ Mawii, Zothan, and Iona Eckstein. "Tracking Worker Surveillance (Covid-19 & before): TANDEM RESEARCH: PUBLIC". Tandem Research, 2020. https://docs.google.com/spreadsheets/d/1NNaz4Q3P8rf7gSG50SA4Ru4OIVqCGqnq_Y_f0_evrao/

³⁶ Gregory, Karen. "'Worker Data Science' Can Teach Us How to Fix the Gig Economy." *Wired*. Accessed December 7, 2021.

<https://www.wired.com/story/labor-organizing-unions-worker-algorithms/>.

³⁷ Clause 7.i., Delivery Partner Terms and Conditions. <https://www.runnr.in/delivery-partner-tandc.html>.

Seeking to rectify these challenges, an Expert Committee constituted by the Ministry of Electronics and Information Technology (chaired by Mr. Kris Gopalakrishnan) published a report seeking to set out the terms for a framework for the governance of non-personal data. In the first published draft, the report puts forth a conceptualization of community data rights. While the report was critiqued by civil society actors for putting forth a narrow understanding of communities as solely legally deterministic,³⁸ the recognition of platform workers as a worker category in the Social Security Code could potentially have led to them collectively exercising their rights over, at least, non-personal data. However, since the revised version of the report considers derived or inferred data to be private non-personal data in which private data holders have intellectual property rights, the question of workers' collective controls over the type of inferences/ insights generated from their data remains unaddressed. This gap needs to be fixed in the evolution of India's framework for collective rights in data resources.

The Personal Data Protection Bill, 2019 (PDP Bill) – a much-needed update in India's data protection legislation – has long been in the works but is yet to be passed. Inspired by the European Union's General Data Protection Regulation, the PDP Bill would accord platform workers several protections over their data. Rights accorded to data subjects in the GDPR have been used by platform workers to achieve significant victories in their struggle for better work outcomes. Platform workers were able to secure more complete access to their personal data, as well as successfully challenge the legality of automated firing systems deployed by platforms.³⁹

On November 22, 2021, the Joint Parliamentary Committee set up to analyze the PDP Bill adopted its report. The PDP Bill may be introduced in the ongoing session of the Lok Sabha. Any changes to Clause 13 of the PDP Bill will be particularly relevant for workers' data rights since it deals with personal data processing which is necessary for employment-related purposes. The ambit of the employment relationship was unclear in the PDP Bill, and the Joint Parliamentary Committee's recommendations on this specific issue will become clearer in the days to come. Given the contested nature of platform workers' employment status, these recommendations could play a key role in shaping the contours of platform workers' data rights.

³⁸ Bawa, Zainab. "India's Non-Personal Data (NPD) Framework." Hasgeek, January 28, 2021. <https://hasgeek.com/PrivacyMode/non-personal-data/sub/interrogating-community-public-good-and-data-trust-DE1r1QQU7Wegr6sUmktxS4>.

³⁹ Strauss, Delphine, and Siddharth Venkataramakrishnan. "Dutch Court Rulings Break New Ground on Gig Worker Data Rights." *Financial Times*, March 12, 2021. <https://www.ft.com/content/334d1ca5-26af-40c7-a9c5-c76e3e57fba1>.

Annexure 1

Table 1: Summary of Relief Measures for Informal Workers and Migrants ⁴⁰				
Form of Relief	Scheme	Announced by (state/center)	Beneficiaries	Coverage and Challenges
Access to Food	Provision of ration (5 kg grains per person and 1 kg <i>chana</i> ⁴¹ per family) to non-National Food Security Act (NFSA) card holders for a period of two months (extended till November 2020)	Ministry of Consumer Affairs	Migrant workers (Antyodaya [AAY], Priority Household [PHH] and non-NFSA state ration card holders)	Limited coverage: According to a survey conducted by Stranded Workers' Action Network (SWAN), only a fifth of their total sample of migrant workers have reportedly received free ration support, albeit with significant geographic variations.
	Provision of ration (12 kg rice)	Telangana	Migrant workers (Workers identified by the GHMC)	A large number of inter-state migrants reportedly did not receive these benefits due to the provision being tied to biometric verification through Aadhaar numbers. Even those with Aadhaar cards faced issues related to corruption and non-compliance of local officials. ⁴²

⁴⁰ Dvara. "Interventions of States in Response to COVID-19 Outbreak." *Dvara Research*, March 25, 2020. <https://www.dvara.com/research/resources/notes/interventions-of-states-in-response-to-covid-19-outbreak/>; Cleartax. "COVID-19: Relief Packages Announced By State Governments So Far." *Cleartax.in*, October 6, 2021. <https://cleartax.in/s/covid-19-relief-packages-announced-by-state-governments>.

⁴¹ Hindi for chickpeas.

⁴² Chunduru, Aditya. "Stranded migrants struggle for food in Telangana, despite government assurances." *Deccan Chronicle*, April 17, 2020. <https://www.deccanchronicle.com/nation/current-affairs/170420/stranded-migrants-struggle-for-food-in-telangana-despite-government-a.html>.

	Temporary ration cards and e-coupons	Delhi	Households unregistered under NFSA and state TPDS	Many informal workers and migrant workers were unable to procure e-ration cards due to low levels of digital access and digital literacy. This was compounded by the lack of transport and severe restrictions on mobility, which prevented many from travelling to internet cafes or service centers to avail these schemes. During the second wave of the pandemic, this scheme was reduced to a one-time measure rather than the sustained form that it took in 2020. ⁴³
	Increased provision of hot cooked food and ration at the doorstep through Aanganwadis under the POSHAN Abhiyaan	Ministry of Women and Child Development		Lockdown measures and the temporary discontinuation of many Aanganwadis led to limited coverage under this scheme; with even pre-Covid benefits – such as counselling, immunization support, and monitoring of child development – coming to an abrupt halt in most parts of the country. ⁴⁴
	Increased allocation of food grains to states and union territories under PMGKY (till November 2020)	Ministry of Consumer Affairs	Households registered under the NFSA under both PHH and AAY categories; along with state-specific categories	Excluded approximately 100 million people due to the usage of outdated data from Census 2011. ⁴⁵

⁴³ Kunduri, Eesha, Shamindra Nath Roy and Shahana Sheikh. “Widening the Food Security Net: Lessons from Delhi’s 2020 Lockdown.” *The Wire*, June 06, 2021. <https://thewire.in/rights/delhi-covid-19-lockdown-food-security-migrants>.

⁴⁴ Chandra, Jagriti. “Restart hot cooked meals at anganwadis: Right to Food Campaign.” *The Hindu*, August 7, 2020. <https://www.thehindu.com/news/national/restart-hot-cooked-meals-at-anganwadis-right-to-food-campaign/article32289483.ece>.

⁴⁵ Indiaspend. “More than 100mn excluded from PDS as govt uses outdated Census 2011 data.” *Indiaspend*, April 16, 2020. <https://www.indiaspend.com/more-than-100mn-excluded-from-pds-as-govt-uses-outdated-census-2011-data/>.

	Supply of cooked food through government-run canteens	Delhi, Kerala, Bihar, Uttar Pradesh, Odisha, Maharashtra, Jharkhand, Sikkim	Migrant workers	Usage of community kitchens remained low and varied significantly across geographies. Major issues included overcrowding and undersupply of food which discouraged most workers. A Dalberg survey estimated that out of 48,000 poor households enumerated, only 9% reported accessing state-run community kitchens despite high levels of food insecurity. ⁴⁶
Cash Transfers	Increase in MGNREGA wages by INR 20	Ministry of Finance and Corporate Affairs	MGNREGA workers	Increase was deemed highly insufficient by workers' organizations and activists, particularly considering the spike in MGNREGA wage work and this work being the sole source of livelihood for most poor people. ⁴⁷
	One-time transfer of INR 1500 over 3 months (April – June 2020)	Ministry of Finance and Corporate Affairs	Women Jan Dhan Account holders	Excluded poor households without an adult woman member possessing a Jan Dhan account. Significant share of women who possess Jan Dhan Yojana (JDY) accounts did not receive these benefits due to low awareness levels, account dormancy, unclear rules for eligibility, transaction failures, and fraud. ⁴⁸

⁴⁶ Totapally, Swetha, Petra Sonderegger, Priti Rao and Gaurav Gupta. "Efficacy of government entitlements for low-income families during Covid-19: Findings from a study of 47,000 low-income households across India conducted between April 5, 2020 and June 3, 2020." *Dalberg*, July 17, 2020. https://impactsofcovid.in/assets/front_assets/download/20.07.27_Efficacy%20of%20government%20entitlements%20for%20low-income%20families%20during%20Covid-19.pdf.

⁴⁷ Ahmad, Sultan, Vani Viswanathan, and Aaditeswar Seth. "How has NREGA fared during lockdown?." *India Development Review*, November 19, 2020. <https://idronline.org/nrega-performance-in-lockdown-social-protection-migrants/>

⁴⁸ Drèze, Jean and Anmol Somanchi. "The Covid-19 crisis and food security." *Ideas For India*, June 21, 2021. <https://www.ideasforindia.in/topics/poverty-inequality/the-covid-19-crisis-and-food-security.html>.

	Increase in collateral free lending limits from INR 10 lakh to INR 20 lakh under the Deendayal Antyodaya Yojana – National Rural Livelihood Mission (DAY-NRLM)	Ministry of Finance and Corporate Affairs	Women Self Help Groups (SHGs)	Banks and financial institutions offering loans continued to charge high-interest rates (up to 18-24%) which aggravated the debt burdens for most poor women. ⁴⁹
	One-time transfers ranging from INR 5000 to INR 1000	Maharashtra, Karnataka, Delhi, Nagaland, Assam, Manipur, Meghalaya, Arunachal Pradesh, Rajasthan, Tamil Nadu, Telengana, Uttar Pradesh, Madhya Pradesh, Gujarat, Odisha, Bihar	Autorickshaw drivers, taxi drivers, stranded migrants, unorganized sector workers, low-income groups	Limited coverage – only half of the target population reportedly benefitted from this scheme till June 2021.
Labor Welfare Schemes	Directives for full payment of wages	Ministry of Finance and Corporate Affairs	All workers	Despite this, informal workers in many sectors, particularly women workers in sectors such as domestic work, reported wages being withheld or denied by employers.

⁴⁹ The Hindu. “Coronavirus | Women’s rights group seeks interest-free loans for women in SHGs.” *The Hindu*, April 12, 2020.

<https://www.thehindu.com/news/national/womens-rights-group-seeks-interest-free-loans-for-women-in-shgs/article31319749.ece>.

	Paid-leave in case of suspension of economic activities (closure)	Ministry of Labour and Employment	All workers	Difficult to enforce and most informal workers faced evictions and threats contributing to their return migration in unprecedented numbers from cities.
	Expansion of benefits (insurance and medical expenses) under ESIC	Ministry of Labour and Employment	All workers	A majority of migrant workers and informal workers are unregistered with the ESIC or EPF which led to them being excluded from this scheme.
	Suspension of rental payments for a period of three months (April – June 2020)	Ministry of Finance and Corporate Affairs	All workers	
	Provision of shelters	West Bengal, Delhi	Migrant workers	The number of shelters set up in cities such as Delhi and Kolkata emerged to be too small when compared to the scale of homelessness and loss of shelter that countless workers faced. In Delhi, for instance, it was reported that only 200 shelters were functional in December 2020 for an estimated 150,000 homeless people, which made the shelters crowded and lacking in basic supplies and hygiene. ⁵⁰

⁵⁰ Press Trust of India. “Too few for too many, but night shelters still beacon of warmth for homeless and jobless.” *Financial Express*, December 23, 2020. <https://www.financialexpress.com/india-news/too-few-for-too-many-but-night-shelters-still-beacon-of-warmth-for-homeless-and-jobless/2155945/>

<p>Announcement of the Affordable Rental Housing Complexes (ARHC) scheme under the Pradhan Mantri Awas Yojana – Urban (PMAY – U) to mitigate the homelessness and dispossession of urban poor communities and migrants during the lockdown.</p>	<p>Ministry of Housing and Urban Affairs, Government of India</p>	<p>Migrant workers</p>	<p>Severely limited implementation – only 22 RfPs have been issued for private contractors to renovate existing housing stock and convert it into affordable housing complexes to be maintained privately for a period of 25 years; most of these are concentrated in just 3 states.</p> <p>The identification of beneficiaries has been outsourced to private concessionaires which risks exclusion of migrant workers. There is a severely limited role envisioned for local authorities.⁵¹</p>
<p>Relaxations in renewing vehicle license, fitness certificates, permits, and re-registrations, including relaxation of fitness fee</p>	<p>Several state governments</p>	<p>Transport workers including autorickshaw drivers and taxi drivers</p>	
<p>One-month moratorium on payment of motor vehicle tax</p>	<p>Punjab</p>	<p>Motor vehicle operators</p>	

⁵¹ Harish, Swastik and Harshal Gajjar. “One Year of the ARHC Scheme: State of Play.” *India Housing Report*, October 13, 2021. <https://indiahousingreport.in/outputs/opinion/one-year-of-the-arhc-scheme-state-of-play/>

