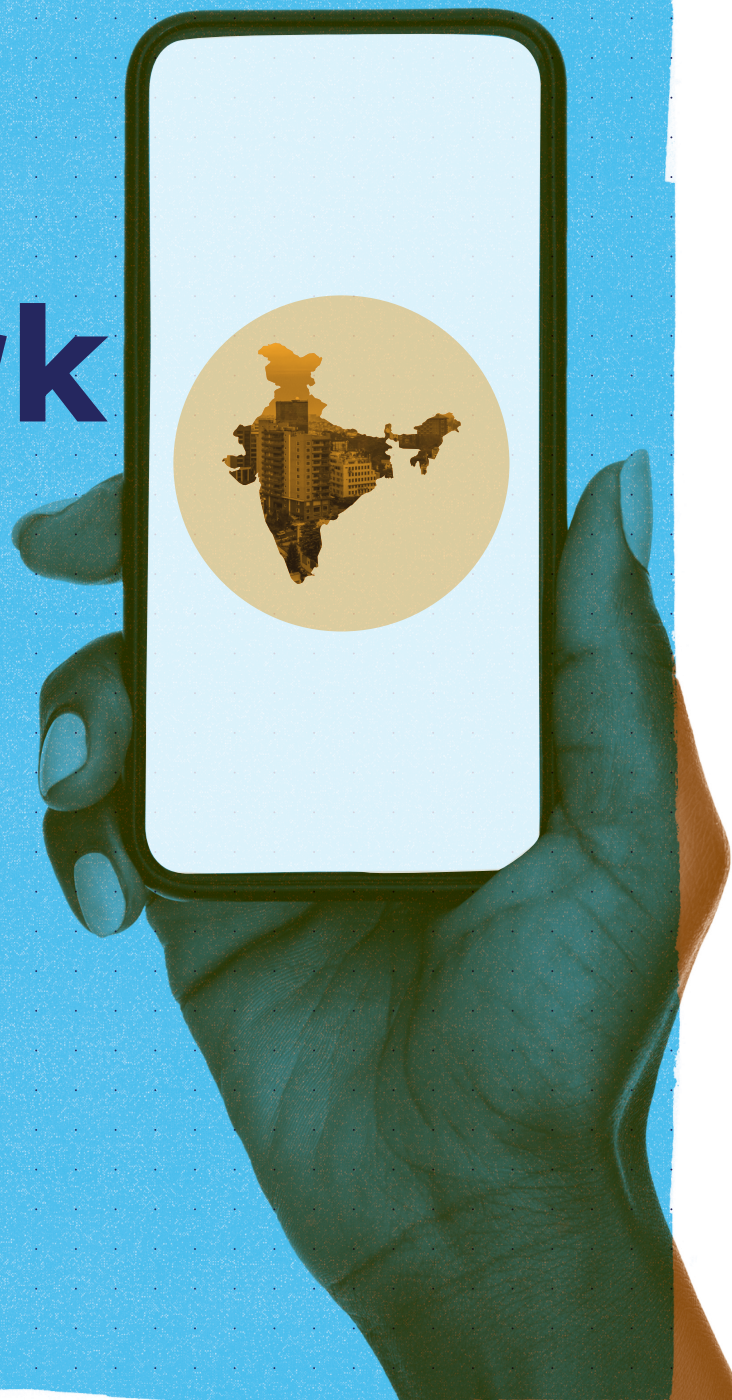


Fairwork

**LABOUR STANDARDS IN
THE PLATFORM ECONOMY**

Fairwork India Ratings 2022



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Executive Summary

This report presents the Fairwork project's fourth annual study of the work conditions of platform workers on digital labour platforms in India. This year, the report is structured around the theme of flexibility, which is often portrayed as a crucial dimension and benefit of platform work. This theme was also highlighted by the influential NITI Aayog report on gig and platform work in India, that was released in June 2022. Against the backdrop of claims which champion flexibility in platform work, this year's Fairwork India report shows how the realities of flexibility play out in practice for workers.

This year, the Fairwork project evaluated 12 platforms in India. The Fairwork India team is spearheaded by the Centre for IT and Public Policy (CITAPP) at the International Institute of Information Technology Bangalore (IIITB), with partners at the University of Oxford. The team assessed evidence against five Fairwork principles (Fair Pay, Fair Conditions, Fair Contracts, Fair Management, Fair Representation) through a combination of desk research and worker interviews conducted in Bangalore, Delhi, and Kochi, and, where possible, from evidence provided by the platforms. A point is awarded only when there is sufficient evidence that the platform fulfils the conditions of a principle. However, when platforms are taking steps to either design or implement policies that are likely to help them meet the principles, those steps are listed in the Changes in Focus section. Thus, the score for a platform must be read not in isolation, but alongside the Changes in Focus section i.e., with the policies being considered or rolled out to change its terms of engagement with workers.

The scoring process is an independent assessment of platforms led by a team of researchers with no affiliation to workers, platforms or the government. The range in Fairwork scores reported here, across various principles, points to heterogeneity in the organisation and operation of platforms across sectors. Our hope is that platforms, consumers, workers and regulators will all use the Fairwork framework and ratings to imagine, and realise, a fairer platform economy in India. Based on the scores and findings, some platforms have already expressed an interest in creating better working conditions. Consumers can use these scores to make informed decisions when choosing which platforms to use. These scores can also add to the resources available to collective bodies of workers when they raise demands. We also hope that the findings of this report will provide regulators a basis to formulate policies for the platform economy in consultation with other stakeholders (workers, platforms, venture capitalists).

Key Findings

There are two highlights to this year's findings, firstly, the same three platforms that scored the first point for Fair Pay last year scored a point this year too. No other platform publicly committed, or provided sufficient evidence, to ensure that workers earn at least the hourly local minimum wage after work-related costs.

Even with workers and worker groups repeatedly emphasising the importance of a stable income for platform workers, platforms have been reluctant to publicly commit to, and operationalise, a minimum wage policy. Secondly, while workers have engaged in various

forms of collective action to voice their concerns in the platform economy, platforms have been uncompromisingly unwilling to recognise or negotiate with any collective body representing workers.



FAIR PAY

This year, bigbasket, Flipkart, and Urban Company implemented and operationalised policies to ensure that all workers on these platforms earn at least the hourly local minimum wage after factoring in work-related costs.

We were unable to evidence any platform to meet the threshold of the second point, which requires platforms to commit or provide sufficient evidence that workers earn at least the local living wage after work-related costs.



FAIR CONDITIONS

bigbasket, Flipkart, Swiggy, Urban Company and Zomato were awarded the first point under Fair Conditions for simplifying their insurance claims processes and for having operational emergency helplines on the platform interface.

Only bigbasket, Swiggy and Urban Company were awarded the second point for implementing a loss of pay policy that provides workers with a financial safety net during medical illnesses.



FAIR CONTRACTS

Seven out of twelve platforms were awarded the first point for Fair Contracts. bigbasket, Flipkart, Swiggy, Porter, Urban Company, Zepto and Zomato were awarded this point for ensuring accessibility of their contracts and implementing a notice period before changes are made.

Additionally, Flipkart, Swiggy, Urban Company, Zepto and Zomato have modified their contracts to reduce the asymmetry in liabilities and have added a clause for dispute resolution between workers and platforms, and hence met the second point under Fair Contracts.



FAIR MANAGEMENT

bigbasket, Flipkart, Swiggy, Urban Company and Zomato were awarded the first point for Fair Management for having a grievance redressal process with the option to connect with a human representative of the platform.

There was sufficient evidence only from Urban Company to meet the second point for the principle. It instituted regular external audits to check for biases in its work allocation systems, in addition to adopting policies against the discrimination of its platform workers.



FAIR REPRESENTATION

Representation through a collective body or trade union is a vital dimension of fairness at work. It is disconcerting that despite the rise in platform worker collectivisation across the country, like last year, there was insufficient evidence from any platform to show willingness to recognise a collective body of workers.

Consequently, we were unable to evidence any platform to meet the thresholds of this principle.

Flexibility for whom?

Digital labour platforms argue that last mile platform workers enjoy ‘flexibility’, based on slogans such as “‘be your own boss’, ‘work as much as you want to’ or ‘you choose when you deliver’.”¹ However, since “flexibility tends to become a metaphor for unfettered markets”,² it is relevant to instead ask: who is the flexibility for, and who controls it (platforms or workers)?³

For platform companies, flexibility is positioned as the antidote to labour-market rigidities. For example, when the “level of unemployment benefits is too high or their duration is too long, or if there are too many restrictions on employers to fire and to hire, or if the permissible hours of work are too tightly regulated, or if excessively generous compensation for overtime work is mandated, or if trade unions have too much power to protect incumbent workers against competition and to control the flow of work at the site of production, or perhaps if statutory health and safety regulations are too stringent”⁴

Yet, “every one of these regulations or restrictions [contributing to labour-market rigidity] was intended to promote a desirable social purpose. Some may do so ineffectively or inefficiently. That is worth knowing: but the fact remains that the wholesale elimination of these ‘rigidities’ is neither desirable nor feasible”⁵

Markets are not merely mechanisms for economic transactions; rather, they are social institutions, structured by rules and regulations that reflect the interests of all participants, even more so in the market for labour.⁶ Labour markets not only support work and production, but also influence the representation, social integration and the personal goals of its participants.⁷ Thus, flexible labour-

markets must not only offer firms the means to adapt to changing business conditions,⁸ but also ensure decent work for workers.⁹

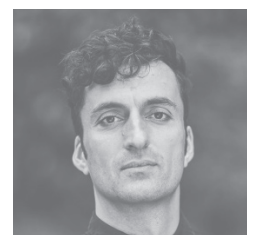
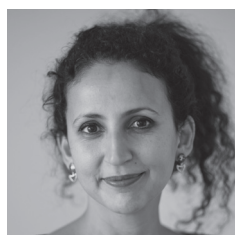
However, even as states across the world are just beginning to consider regulating the platform economy, and to initiate legal safeguards for workers who have thus far been classified as independent contractors,¹⁰ the working conditions and everyday experiences of an atomised workforce is largely controlled by platforms. The control is evident in the terms of service agreements, platform design and algorithmic management.¹¹ With the resulting asymmetry in the bargaining capabilities between platforms and workers, platforms are able to ignore worker voice and to regulate and restrict flexibility.¹²

This report will examine how flexibility is experienced through mobile apps on digital labour platforms offering location-based services in sectors such as domestic and personal care, logistics, food delivery, e-pharmacy, and transportation, in India.



FAIRWORK INDIA TEAM

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Towards Decent Labour Standards in the Platform Economy

Fairwork evaluates and ranks the working conditions of digital platforms. Our ratings are based on five principles that digital labour platforms should ensure in order to be considered to be offering Fairwork standards.

We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it could be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Centre. Our growing network of researchers currently rates platforms in 38 countries across 5 continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.

Fairwork **countries**

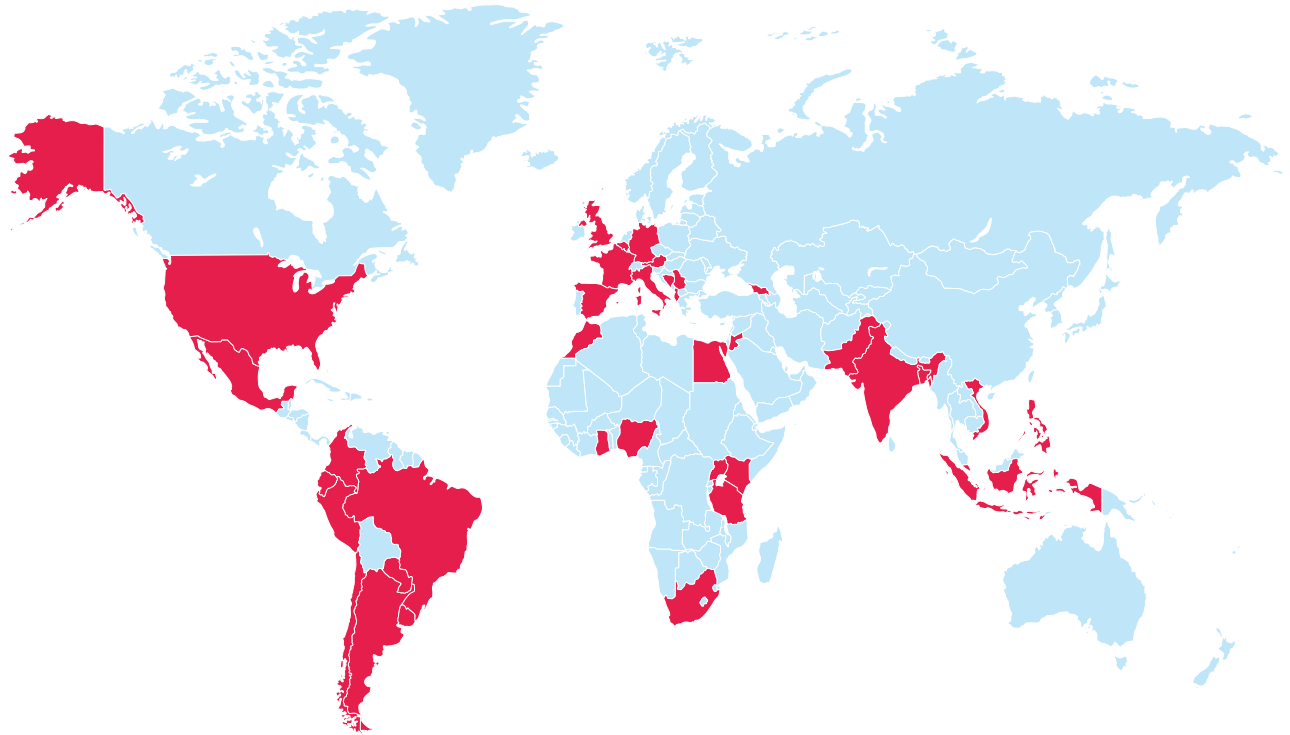


Figure 1: Fairwork currently rates platforms in 38 countries worldwide

AFRICA

Egypt, Ghana, Kenya, Morocco, Nigeria, South Africa, Tanzania, Uganda

ASIA

Bangladesh, India, Indonesia, Jordan, Lebanon, Pakistan, Philippines, Singapore, Vietnam

EUROPE

Albania, Austria, Belgium, Bosnia, France, Georgia, Germany, Italy, UK, Serbia, Spain

SOUTH AMERICA

Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay

NORTH AMERICA

Mexico, USA

The Fairwork Framework

Fairwork evaluates the working conditions of digital labour platforms and ranks them on how well they do. Ultimately, our goal is to show that better and fairer jobs are possible in the platform economy.

To do this, we use five principles of Fairwork to evaluate digital labour platforms. We evaluate platforms against these principles to show not only what the platform economy is, but also what it can be.

The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the Indian context, we have subsequently revised and fine-tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers.

Further details on the thresholds for each principle, and the criteria used to assess the collected evidence to score platforms can be found in the Appendix.



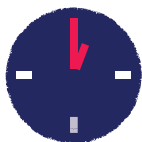
STEP 1

The five principles



Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. We assess earnings according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.



Fair Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work, and should take proactive measures to protect and promote the health and safety of workers.



Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/or the platform.



Fair Management

There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms is transparent and results in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).



Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.



STEP 2

Methodology

The Fairwork project uses three approaches to effectively measure fairness of working conditions at digital labour platforms: desk research, worker interviews and surveys, and interviews with platform management. Through these three methods, we seek evidence on whether platforms act in accordance with the five Fairwork Principles.

We recognise that not all platforms use a business model that allows them to impose certain contractual terms on service users and/or workers in such a way that meets the thresholds of the Fairwork principles. However, all platforms have the ability to influence the way in which users interact on the platform. Therefore, for platforms that do not set the terms on which workers are retained by service users, we look at a number of other factors including published policies and/or procedures, public statements, and website/app functionality to establish whether the platform has taken appropriate steps to ensure they meet the criteria for a point to be awarded against the relevant principle.

In the case of a location-based work platform, we seek evidence of compliance with our Fairwork principles for location-based or 'gig work' platforms, and in the case of a cloudwork platform, with our Fairwork principles for cloudwork platforms.

Desk research

Each annual Fairwork ratings cycle starts with desk research to map the range of platforms to be scored, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each platform, we also gather and analyse a wide range of documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces and website/app functionality. Desk research also flags up any publicly available information that could assist us in scoring different platforms, for instance the provision of particular services to workers, or the existence of past or ongoing disputes.

The desk research is also used to identify points of contact

or ways to access workers. Once the list of platforms has been finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to provide them with information about the process. This year, twelve prominent platforms operating in Bangalore, Delhi, and Kochi were identified based on the size of their workforce, consumer base, and investments.¹³

Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

Worker interviews

The third method involves interviewing workers of each platform. These interviews do not aim to be a statistically representative set of experiences. Rather, they are worker case-studies to examine platforms' policies and practices in the field as they pertain to the Fairwork principles. Specifically, they seek to gain insight into how work is carried out, and how work processes are managed and experienced on platforms. More broadly, the interviews also situate platform work in the careers of workers by understanding their motivation for entry into a platform, how long they envision undertaking work on the current platform before seeking an alternative either on another platform or in a different sector, and how their experience of platform work is shaped by their interaction with fellow workers and the external labour market. See Appendix for details on recruitment of workers for interviews this year.

The interviews were semi-structured and made use of a series of questions relating to the 5 Fairwork principles. In order to qualify for the interviews, workers had to be over

the age of 18 and have worked with the platform for more than three months.

Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect both positive and negative evidence from multiple sources. Final scores are collectively decided by the Fairwork country team and the peer reviewers, based on all three forms of evidence. Points are only awarded if sufficient evidence or commitments exist for each threshold.

How we score

Each of the five Fairwork principles is broken down into two points: a first point and a second point that can only be awarded if the first point has been fulfilled. Every platform receives a score out of 10. Platforms are only awarded a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are not – for whatever reason – able to evidence its compliance.

The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores. The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the Fairwork team in Oxford and Berlin. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores then form the final scoring that is published in the Fairwork country reports. Platforms are then given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

Acknowledging that the conditions platforms offer workers change in response to economic and social pressures, the report also showcases the changes that platforms are making toward implementing the principles – from measures just being initiated to nascent commitments that may not yet merit a point. Thus, the score for a platform must be read not in isolation, but alongside the Changes in Focus section to gain a glimpse into how the platform economy is likely to evolve.

**FURTHER DETAILS ON
THE FAIRWORK
SCORING SYSTEM ARE
IN THE APPENDIX.**



BACKGROUND

The “booming” platform economy in India?

A highlight of 2022 was the release of a report on the gig and platform economy by India’s NITI Aayog.¹⁴ The purpose of the report was to understand the economic and job creation potential of the gig and platform economy, estimating its size and identifying its demand across various industries, and to examine the opportunities and challenges it offered workers.¹⁵ The report opens by proclaiming that “the rapidly burgeoning gig workforce is ushering in a new economic revolution globally. India....is the new frontier of this revolution” (p.xvi).

The report describes the revolutionary character in the following terms: “the livelihood generation and increased earning potential of platform jobs, along with the *flexibility they offer*, are what make them apt for the new-age digital economy. However, their capacity goes beyond improving just financial figures. *Platform work is fundamentally gender, race, caste, and age agnostic*. Any willing individual armed with an internet-enabled smartphone and a vehicle (motorised or even non-motorised), can monetise their assets, and earn a livelihood. Therefore, this *democratising of access to jobs*, with low entry barriers creates equal opportunities for all, which overtime can lead to improvement in the socio-economic status of marginalised groups” (p.56, emphasis added).

Despite the purported effort to understand the potential of platform work for the economy and for workers, the report relies on estimates to determine the size of the platform economy, and its contribution to India’s GDP, stating that the official data system has no answers. Irrespective of the validity of the estimation technique, one wonders why data

on the workforce, or revenues, was not obtained directly from platforms, many of whom portray themselves as ‘technology companies’,¹⁶ in the “new-age digital economy”.

Further, any claims that workers enjoy increased earning potential on platforms is neither supported by evidence, nor does the report contain an estimate of the share of platforms’ earnings paid to workers. Lacking this data, the report only highlights various characteristics of the platform economy, leaving it to the reader to determine how those characteristics lead to “heightened earnings” (p.29) for workers. For instance, “a mobility aggregator platform, efficiently bridges the gap between supply and demand, creating economies of scale. Hence, it increases the earnings of its driver-partners. In the larger picture, digital labour platforms increase economic output and have a tremendous positive impact on the labour market.” (p.29). Similarly, a “unique aspect about online platforms is that they are asset light and operate off the dividends of a network effect” (p.40). The first instance leaves uncertain how efficiency is defined, and for whom. In the second instance, the claim

that higher earnings are inevitable for workers, by merely providing the assets which permit the asset-light operation of platforms, is hard to fathom.

Minimising the role of platforms in enabling worker benefits, the report instead links worker benefits to work opportunities arising from an expanding platform economy. It calls for catalysing the platformisation of all occupations and industries, promoting entrepreneurship to ensure ease of starting and doing business in the platform economy, unlocking financial support for platform businesses with better access to venture capital funding, grants and loans from banks and other funding agencies.

The report acknowledges the challenges platform workers currently face. It draws on literature, including Fairwork India reports, to consider occupational safety and health risks, including those relating to road safety, theft and physical assault; income and job insecurity, resulting from the burden of being paid by task and being classified as “independent contractors” or “driver/delivery partners”; and the limited potential for collective bargaining due to isolated working arrangements and the unwillingness of platforms to recognise and negotiate with worker associations.

However, these challenges are either not directly addressed or they are ignored. For instance, to address the challenge of income insecurity there is a call to “accelerate financial inclusion....to enhance platform workers’ access to institutional credit” (p.44), with no examination of the possible institutionalisation or benchmarking of wages through the Code on Wages, 2019.¹⁷ The report is silent on addressing the challenges of occupational risks, or collective bargaining, through the Code on Occupational Safety, Health, and Working Conditions, 2020,¹⁸ or the Industrial Relations Code, 2020,¹⁹ respectively.²⁰

The assumption that the continued growth of the platform economy is crucial to bestowing benefits to workers, and the economy at large, also leads to sweeping claims about platform work being agnostic to social inequities. Platforms cannot, of course, be held solely responsible for deep-rooted social prejudice, and the report describes efforts by some to promote gender diversity and to include persons with disability. Yet, the prevalent practice of “platform paternalism”, indicates the widespread mirroring of “existing forms of gendered and caste-based occupational segregation in traditional labour markets” in and through platforms.²¹ To the extent such practices persist, claims that the possession of a smartphone alone represents the democratisation of

access to jobs are farfetched.²²

In retrospect, while the report indicates that work on digital labour platforms has gained the attention of policy makers, it also represents a missed opportunity. The urge to support the growth of the platform economy is based on an inadequate analysis of the pre-eminent characteristic of platform work, flexibility: of the forms it takes, or its varied consequences for platforms and workers. There is little said about how the adaptability that platforms demand, and the decent work that workers lack, might be promoted with the support of public policy and a legal framework. It is a pity that a report from the government’s think tank, about a sector whose share of non-agricultural employment is likely to grow rapidly, is short on data and a broader vision, and its recommendations rely on possibilities and prognostication. It is to provide the basis for an empirically informed analysis of the Indian platform economy that the remainder of this year’s Fairwork India report will focus.



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Debating Worker Status

Even as instances of abuse and discrimination against platform workers have surfaced this year,²³ the legal landscape of the platform economy in India remains largely unchanged. Members of Parliament have directed attention to the need for reform,²⁴ yet the Code on Social Security²⁵ and the Motor Vehicle Aggregator guidelines, 2020²⁶ both of which regulate the conditions of platform workers, await enforcement. The Digital Personal Data Protection Bill, 2022,²⁷ which is likely to have repercussions for the data collected from platform workers, is yet to be passed by Parliament. The Public Interest Litigation (PIL) filed before the Hon'ble Supreme Court by the Indian Federation of App-based Transport workers (IFAT), to reclassify platform workers as unorganised workers or employees, too awaits a decision.²⁸

The Indian PIL relies on *Uber BV and Ors (appellants) v. Aslam and Ors (respondents)*²⁹ which used the test of economic control, supervision, and integration to conclude that the respondents were indeed workers under the relevant laws in the UK, despite the platforms' terms and conditions claiming otherwise. The Bench in the *Uber BV* judgment reasoned that because of asymmetry in information and bargaining power between workers and platform, a written agreement might not be representative of the 'true agreement' between the parties.

Applying the above three tests in the Indian case, one of the Indian PIL's contentions is that an employer-employee

relationship could be said to exist between platform workers and platforms. On economic control, for instance, despite the platforms' claims of flexibility, the remuneration paid to platform workers by way of rate cards, incentives, and offers, is determined and fixed by the platforms, with workers having no say in the matter. The unpredictability in earnings due to various deductions by platforms in the form of penalties, service fees, tolls, and taxes, also implicitly controls workers' take-home earnings and exerts economic control over them. On supervision and control, platforms use gamification techniques such as rating metrics, incentives and offers to encourage platform

workers to work in particular areas and login for a minimum number of hours.³⁰ On integration, platforms rely on the worker to ensure the offered services are delivered to their customers. Further, the inclusion of clauses that require platform workers to give advance notice and provide replacements if they take leave highlights the integral role these workers play in the operations of platforms.³¹ Such clauses eliminate any notion of flexibility that platforms claim workers have in availing work opportunities.

While the jury is out on the status of platform workers in India, there exist few guidelines on how to navigate working conditions in platform work. An exception is clause 7(2) (e) of the Motor Vehicle Aggregator Guidelines, 2020,

which mandates that the health and safety of drivers who engage with multiple platforms (aggregators) is not jeopardised. Implementation of these guidelines will require platform aggregators to develop a mechanism on their respective apps to ensure drivers do not drive more than a cumulative period of twelve hours in a day. Building on recommendation made in the Fairwork 2021 report about including platform workers in existing labour laws,³² we suggest that the hourly computations mandated by the Motor Vehicle Aggregator Guidelines also be leveraged to ensure that platform workers across all sectors are paid an hourly local minimum wage after costs and to entitle them financial protection when they are unable to work.³³



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Fairwork India Scores 2022

Minimum standards
of fair work

Urban Company	7 /10	 
bigbasket	6 /10	 
Flipkart	5 /10	 
Swiggy	5 /10	 
Zomato	4 /10	 
Zepto	2 /10	 
Porter	1 /10	 
Amazon Flex	0 /10	
Dunzo	0 /10	
Ola	0 /10	
PharmEasy	0 /10	
Uber	0 /10	

THE BREAKDOWN OF SCORES FOR
INDIVIDUAL PLATFORMS
CAN BE SEEN ON OUR WEBSITE:

[FAIR.WORK/INDIA](https://fair.work/india)



PradeepGaur / Shutterstock

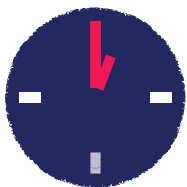
Explaining the scores



Fair Pay

This year, only bigbasket, Flipkart and Urban Company were awarded the first point because of the public commitments³⁹ they have made to paying workers at least the hourly local minimum wage⁴⁰ after factoring in work-related costs.⁴¹ bigbasket and Urban Company have operationalised this by committing to reimburse the difference between worker's earnings per hour and the hourly local minimum wage

after costs. Flipkart and Urban Company have committed to basing their pricing structure for workers on the hourly local minimum wage after costs. Flipkart has also undertaken steps to hold its third party service providers to the same commitment. To be awarded the second point, workers had to earn at least the local living wage after costs⁴². No platform was awarded the second point this year.



Fair Conditions

Platform workers face several risks during the course of their work including road accidents, theft, violence, and adverse weather conditions. We examined the measures taken by platforms, and drew on our worker interviews, to determine whether workers were aware of the policies in place to mitigate these risks, and if they felt supported and protected by platforms in navigating them. The first point was awarded to platforms that mitigated occupational risks and had a policy for data protection. bigbasket, Flipkart, Swiggy, Urban Company and Zomato were awarded the first point, taking into account their accident insurance policies, the steps taken to improve claims processes, and

the presence of emergency helplines. bigbasket has committed to improving its audit process for the weight allocation and management process among workers. As pointed out in the Changes in Focus section, other platforms have either committed to, or have initiated, action along these lines as well. The second point was awarded to platforms that provided monetary support to workers when they were unable to work due to a medical illness, and ensured that their standing on the platform was not affected when they returned from a leave of absence. bigbasket, Swiggy and Urban Company were awarded this point for meeting the thresholds.



Fair Contracts

The first point under Fair Contracts was awarded to platforms that met two thresholds. One, they had to provide accessible, readable, and comprehensible agreements and, two, they had to have a process of notifying workers prior to any changes in their contractual terms. This year, bigbasket, Flipkart, Porter, Swiggy, Urban Company, Zepto and Zomato were awarded this point because of their

measures to enhance comprehensibility, including the provision of multi-lingual agreements, and a commitment to a process/policy for notifying workers of changes in their terms of engagement within a specified time before its enforcement. The second point for Principle 3 is focused on the power asymmetry between platforms and workers, and the negotiating capacity available to the

latter. It was awarded to platforms that incorporated relatively symmetric and balanced clauses, particularly those relating to liability and dispute resolution. Of the 12 platforms, six (bigbasket, Flipkart, Swiggy, Urban Company, Zepto and Zomato) incorporated symmetric limited liability clauses in worker agreements. We also examined the dispute resolution clauses of

these platform agreements to evaluate the extent of worker autonomy enabled in the dispute resolution process. Platforms who rely on arbitration as their mechanism for dispute resolution were awarded a point only if the contracts provide workers with a degree of autonomy in the choice of the arbitrator.



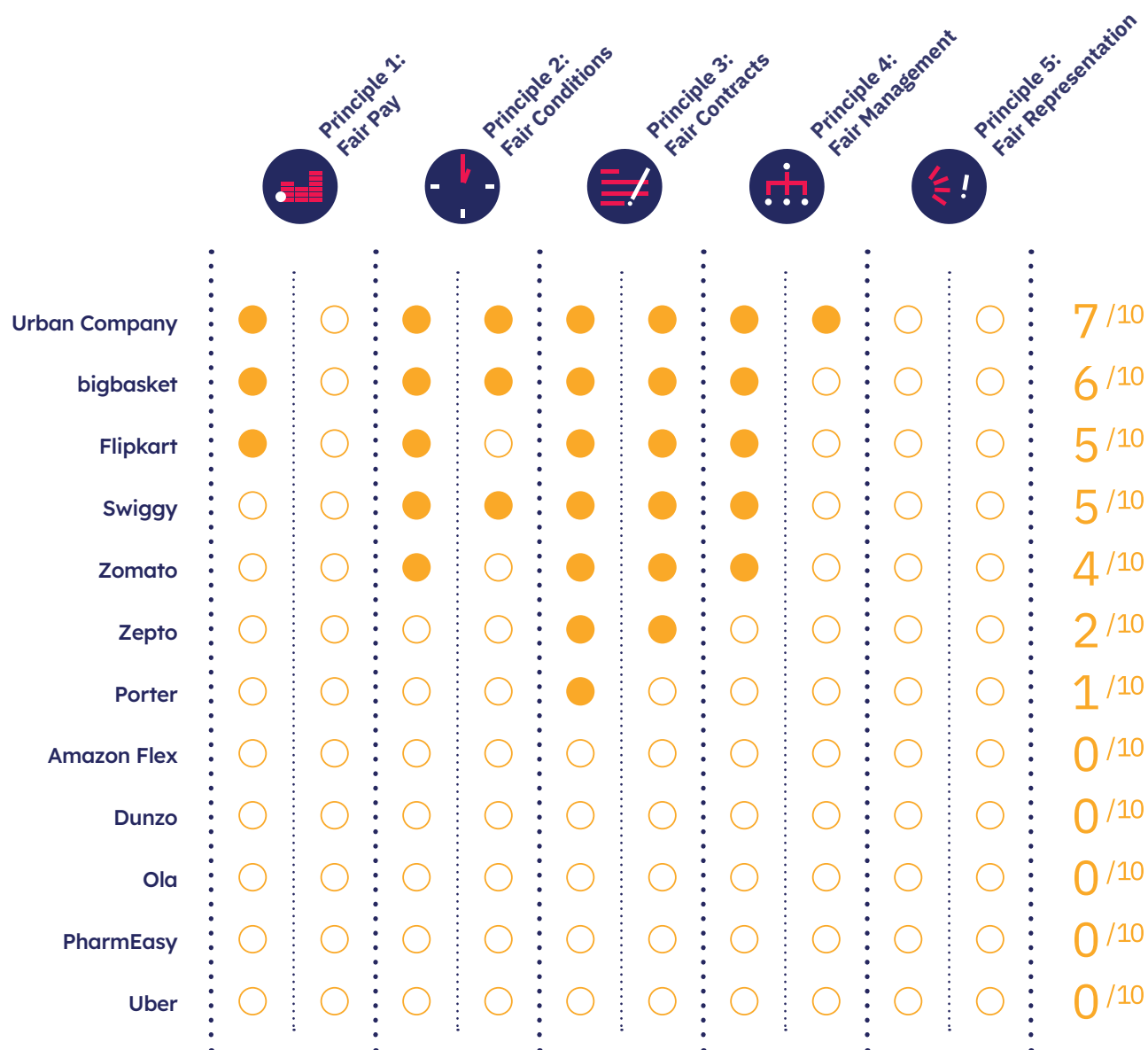
The first point for Fair Management was awarded to platforms that demonstrated due process in decisions affecting workers. The existence of policies that detailed this process, and its effective communication to workers, was essential to be awarded the first point. bigbasket, Flipkart, Swiggy, Urban Company and Zomato were awarded this point because they could evidence policies for grievance redressal (including Prevention of Sexual Harassment policies), and functioning communication channels (WhatsApp groups or chat options with the ability to reach a human representative). The second point for this principle was awarded to platforms that demonstrated inclusiveness by proactively seeking to employ marginalised populations, and by taking an active stance to eliminate discrimination on their platforms. Additionally, evidence of regular external audits of work allocation process to check

for bias in the process was sought. This year, only Urban Company was awarded the point. Other platforms have committed to instituting and conducting an external audit process in the next cycle (see Changes in Focus). It is worth highlighting that our worker interviews this year have shown an increase in religious discrimination faced by workers, primarily from consumers. While most platforms react to such cases by blocking/blacklisting consumers, with the rise in these cases, there is a need for platforms to take more proactive steps in mitigating discrimination and ensuring a safe working environment for workers. In addition to its anti-discrimination policy, and externally conducted work allocation audit, this year Urban Company has committed to mining worker reviews and ratings provided by consumers to check for patterns of bias and take further action.⁴³



The first point on this principle seeks a documented mechanisms for worker voices to be expressed, that freedom of association would not be inhibited, and that platform management would be willing to recognise or negotiate with a collective body of workers. The threshold for the second point of this principle asks workers to have a say in the conditions of their work and that platforms support democratic governance. Much like last year, we were unable to evidence any

platform to meet the thresholds of this principles despite the growing significance of collective bodies representing platform workers. Even when platforms have individual grievance redressal mechanisms for workers, emblematic of their unwillingness to address the issues articulated by collective bodies is the tendency to either portray such articulation as a 'law and order problem'⁴⁴ or to merely dismiss it.⁴⁵



The platform scores in this report rely on data gathered using the Fairwork Framework as laid out in an earlier section. Following desk research, the Fairwork India team interviewed workers from all twelve platforms, and collected evidence from the managements of platforms who engaged with us.⁴⁶

Changes in Focus

Platforms hold the potential to enable pro-worker changes. We find that changes implemented by platforms are motivated by various factors. These include the data collected through interviews with workers and worker representatives conducted by Fairwork India, to learning from the practices of platforms in the global Fairwork network, to changes independently initiated by platforms in response to economic and social pressures.

Against this backdrop, the goal of this section is two-fold. The first goal is to showcase the policy changes that platforms have either committed to, or are in the process of making, in order to fulfill the Fairwork principle thresholds. These do not yet merit a point since the translation of policies into practice is rarely instantaneous. However, these changes by the platforms are presented as they hold the potential to improve the working conditions for platform workers. Thus, reading the scores in conjunction with this section will provide a glimpse into how the platform economy is likely to evolve. Second, these commitments may help other stakeholders within this economy, especially workers and their representatives, to anticipate changes in working conditions and to hold the platforms accountable for the changes promised. These commitments are listed below.

bigbasket

Committed to initiating an external audit of its work allocation process to check for any biases, especially against historically marginalised groups.

Flipkart

Implemented a loss of pay policy that ensures a safety net for workers in case of loss of earning due to low demand or during induction onto the platform, or when the platform is unable to temporarily function due to a tech outage or error.

Porter

Committed to introducing a dispute resolution clause in their partner's Terms and Conditions towards enhancing legal redressal for workers.

Swiggy

Initiated an external audit of its work allocation process to check for any biases, especially against historically marginalised groups.

Zepto

Committed to proactively provide equal opportunity for workers with disability.

Zomato

Committed to implementing a loss of pay policy that ensures a safety net for workers for specified medical illnesses.

Workers' Stories

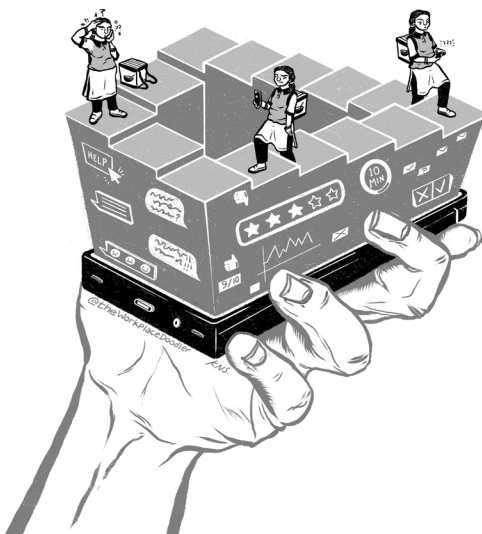
Jose, male Uber driver, Kochi

Jose is 36 years old and has worked full-time with Uber for the last four years. Before joining the platform, he worked in the Persian Gulf region. He had hoped to work at his convenience on Uber, with no one controlling his day. However, the reality of this promised freedom and flexibility was quite different. He explains,

“...While we can turn it [the Uber app] on and off whenever we want, there will not be any benefit for us if we turn it off like that. Because this has to be running continuously.... In the morning, when there is a trip, it will be 5 km away, and the actual journey will be 4 km. But they don't give us cash for the total 9 km; they only pay for the 4 km. We can only make up for this if we drive till the evening. On one trip or the other, we might get an extra fare, and only then will we get some benefit. So, if we stop in the middle, it's over then and there. We have to work till the evening. We are trapped in it like this, it is just like going to an office. We cannot leave whenever we want. Many people have come into this, expecting that there is no one to control us, but in reality, there is control in the background.”



Jose's case is not unique and highlights the everyday lived experience characterised by the lack of agency and flexibility promised to workers in the platform economy. While the promise of flexibility lures workers into platform work, the unpredictable nature of their earnings traps them into adhering to inflexible working hours.



Illustrations: Kruthika N.S. @theworkplacedoodler

Faizal, male Swiggy delivery worker, Delhi

Faizal, 33, is the sole earner in his family of four. He has been working full time with Swiggy for more than three years. From working in a printing press, he moved to working with Swiggy in the hope of better earnings. His struggle in recent times has been two-pronged: not only have his earnings deteriorated (his radius of deliveries has increased, and his rate-card has deteriorated over his years of work) but his fear that he might be subjected to discrimination in his delivery work has also increased. Faizal recounts a particular instance where the humiliating abuses hurled at him by a customer traumatised him.

“A customer from her balcony was once shouting at me unnecessarily while using several abusive words. And a large part of that was directed toward my religion as a Muslim. Everyone in the neighborhood could hear her. I felt helpless ... I was hesitant to complain because I was fearful of further discrimination. Many such instances happen regularly, and I have learned to act oblivious to them in order to keep working”. Faizal also mentioned how sometimes customers asked him to get off-the-app items while delivering their orders, even if he does not want to, as some of these are against his beliefs. “I am asked to get several things, sometimes pork and alcohol.”



Similar cases from other platforms also suggest that workers feel obliged to continue working even when they face discrimination. Workers reported being uncomfortable raising complaints with the platform about such instances, fearing they might not be taken seriously, or that the platform might take the side of customers. The experience of Faizal and other workers demonstrates the ways in which various forms of social discrimination occur in platform work.

It is to protect against instances of discrimination, including by customers, that the Fairwork principles call for the institutionalisation and operationalisation of effective anti-discrimination policies. Given the deeply embedded nature of such discrimination, the principles encourage not only a clear process to report the discrimination workers face on several grounds, but also to take pre-emptive measures to disincentivise customers from discriminating, and improving trust among workers to lodge complaints to the platforms.



*Names changed to protect worker's identity

Flexibility

The topic of flexibility frequently arose during conversations with platforms and platform workers. This section examines how flexibility (or the lack thereof) manifested in the pay, conditions, contract, management and representation of the platform workers we spoke with, and the limitations they experienced because of this flexibility they valued.

Pay: Platforms promise workers lucrative incomes while working for as long or as little as they wish at times that are convenient to them. However, we found that what workers can earn is constrained by various requirements that platforms enforce, ranging from a mandated number of login hours, to the need to sign up for weekly work slots in advance. Furthermore, different groups of workers experienced more or less flexibility within these systems based on factors such as their rating/category, or their full-time/part-time status.

For instance, when Zomato introduced its GIGS system earlier this year, it expected workers to select work slots ahead of time. As has been the case with such changes on other platforms, older systems of operation, including incentives, are phased out upon the introduction of this new system, leaving workers with little choice but to manage their earnings within the new framework. In the case of the GIGS system, the platform changed the earnings system but chose to retain an opaque categorisation of workers from the earlier system. The booking of slots opened up at different times for different categories of workers, leaving those in the last-ranked category with little choice in slots, i.e., the flexibility workers had in choosing slots depended on their category. This limited the number of orders they received which, in turn, affected their income. These workers felt caught in a vicious cycle because they were unclear on how to get better slots. They also suspected that receiving limited orders affected their ratings on the platform, thereby making them unable to be the first to choose slots in the next cycle.

Conditions: Even as platform requirements constrained how much choice workers had in how much

they worked and earned, flexibility nevertheless haunted discussions on benefits and social security for platform workers. Since platform workers are in theory free to work on as many platforms as they wish (the practice of multi-apping), platforms argue that they cannot be expected to provide benefits, such as sick leave or social security funds to platform workers who only work on their platforms among others and only on days/slots of their choosing. In the field, we found that most workers worked full-time on a single platform, often making below hourly local minimum wage despite clocking well over the working hour limit of 48 hours a week set by the local Shops and Establishment Acts in Delhi³⁴ and in Kochi³⁵, and up to 58 hours a week in Bangalore³⁶. But when they fell sick and were unable to login to work, only three out of the twelve platforms we studied offered them a loss of pay component to compensate for the income they lost. The COVID-19 pandemic highlighted how vulnerable workers were to loss of pay when they were unable to work despite wanting to. A lot of hope is invested in the Code on Social Security, 2020. However, since this Code is yet to be operationalised and this delay has sometimes been used as an excuse by platforms to avoid undertaking their own measures to safeguard their workers for loss of pay due to individual sickness, large-scale natural or other disasters, or technical glitches on the platform that interfered with their earning potential.”

Contracts: While platforms highlight that platform work is flexible, and platform workers as the performers of this flexible work are classified as independent contractors, petitions from workers in courts around the world have highlighted how platform workers’ working lives are, in fact, closely controlled and monitored by

platforms. As detailed in the Legal and Policy Context section, the Hon'ble Indian Supreme Court is in the process of considering whether platform work should instead fall under the ambit of an employer-employee relationship.

Management: Despite the flexibility narrative of platform work, there are various forms of inflexibility in how platform managements react to workers' grievances. Although the range of channels available to workers for grievance redressal has expanded on some platforms, older forms of rigidity persist. In some cases, the formats of accepting grievances (chatbots, in-person, call-backs) remain limited. Further, each of these formats has intrinsic inflexibilities - for instance, a call-back system requires workers to wait for the platform to reach out to them, rather than proactively pursue their concern by calling a number. An issue that came up this year was workers not having access to grievance redressal channels in their local language on multiple platforms. There were also other instances of platforms being inflexible and indifferent to how their workers vary in terms of social position (along lines of gender, religion, etc.) leading to

different challenges (including discrimination from co-workers or consumers as presented in Faisal's worker story). The myth that platforms have democratised work only encourages this flattening of the varied experiences of heterogenous workers, and consequently results in limited responses.

Representation: The flexibility narrative has focused exclusively on individuals, and often to the detriment of collective freedoms. During discussions, platforms constantly emphasised the different trajectories (and complaints) of individual workers, largely dismissing the utility of collective worker-led bodies in this context. Workers have disagreed and the past few years have seen the emergence of various categories of collective action by workers. In addition to this, workers also continue to undertake daily acts of resistance (such as bypassing the platform). Despite the evolution of varied forms of collective action by workers, the one seemingly unchanging and inflexible element of this landscape has been the reluctance of platforms to formally engage and negotiate with workers collectively.



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Pathways to change

There was growing visibility and awareness of the Fairwork project amongst key stakeholders in this fourth year of study in India. The highlight of the year was the attention Fairwork received from regulators in the form of an invitation from the Parliamentary Standing Committee on Communications and Information Technology to provide evidence on gig work in the platform economy, on 26 August 2022, in New Delhi.³⁷

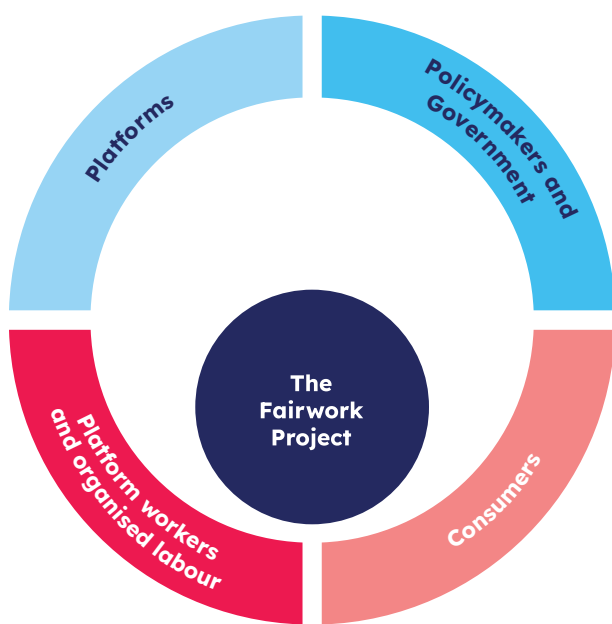


Figure 2: Pathways of Change

Fairwork was also regularly invited to participate in discussions at various policy fora. For instance, Fairwork participated in a policy roundtable titled Unlocking the Platform Dividend for the Indian Economy - NITI Aayog's Roadmap for an Inclusive Future of Work, and a workshop on Regulating On-Demand Platform Work.³⁸

Besides conducting 348 interviews with platform workers, Fairwork continued to engage with worker representatives, such as IFAT (Indian Federation of App Based Transport Workers), to understand their changing needs. Fairwork

also deepened its engagement with platforms this year, with nine platforms participating in the research process. This increasing engagement with workers and platforms, over the past four years, has allowed Fairwork to play a part in catalysing positive changes in conditions for workers.

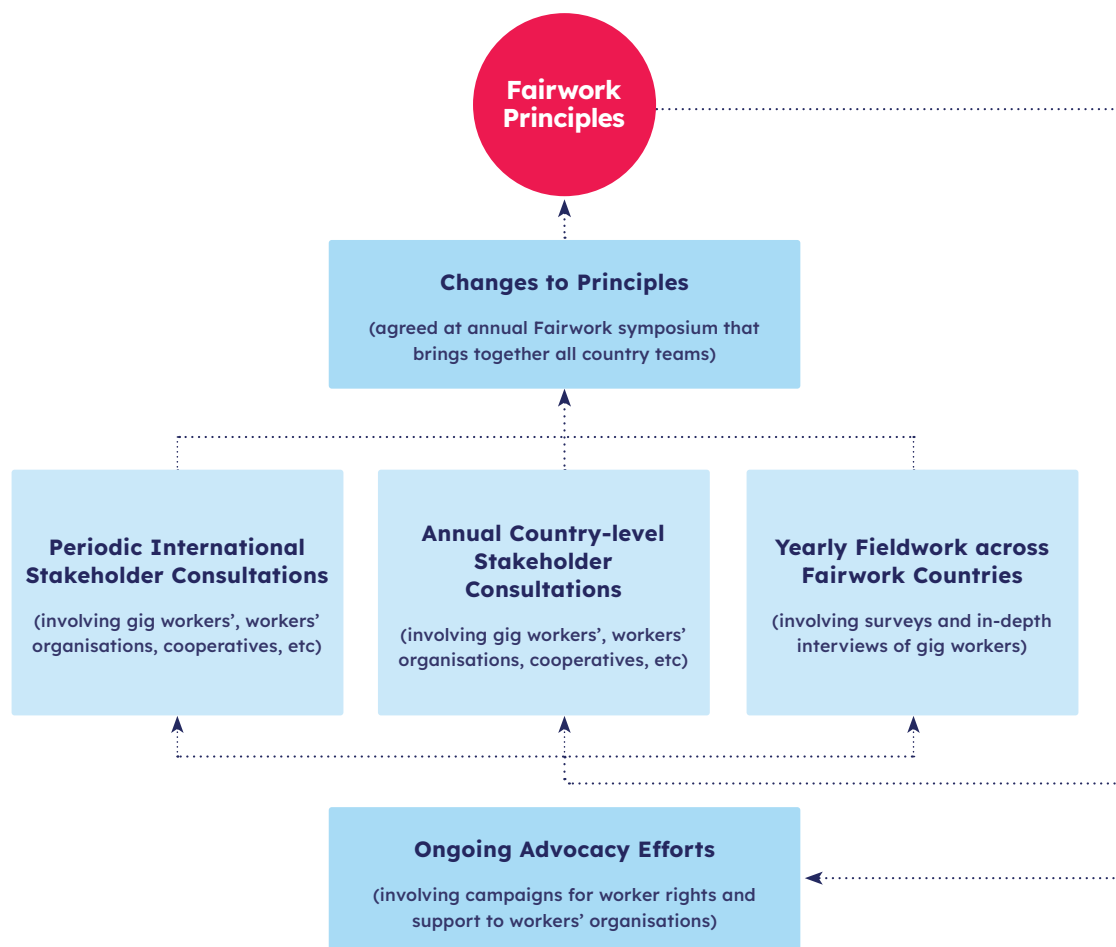
Three platforms now incorporate policies to compensate earnings to ensure that workers do not fall below the hourly local minimum wage after considering work-related costs. One platform has added clauses in the contracts with its third-party vendors requiring them to guarantee at least the hourly local minimum wages for their workers and to have an audit process to ensure compliance. Platforms have taken approaches to improving work conditions in various ways: from having toll-free numbers, enabling calls during emergencies, instituting audits of the weight of goods to be delivered, to having comprehensive loss of pay policies. Changes to contracts are evident as three platforms have now committed to a definite time period to notify workers of any changes to terms and conditions, and another platform has agreed to drop a clause that required workers to give preemptive consent for any changes to its data protection framework. Six platforms have agreed to symmetrically cap the liability of workers, while three have also agreed to repeal clauses requiring workers to seek legal recourse only through platform-appointed arbitrators. Platforms have made changes to their operational and management policies to include external audits of work allocation processes and internal processes to mine and act on discriminatory comments and ratings by customers. These changes

are welcome steps toward our vision of a fairer platform economy.

Through our scores, we also hope to provide conscientious investors and consumers an indicator and a scale to be intentional about the platform they choose to interact with. Our yearly ratings give consumers the ability to choose the better scoring platforms operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this way, we enable consumers and investors to be workers' allies in the fight for a fairer platform economy. Beyond individual consumer choices, we hope our scores can help inform the procurement, investment, and partnership policies of large organisations. They can serve as a reference for institutions and companies who want to ensure they are supporting fair labour practices.

There is nothing inevitable about poor working conditions in the platform economy. Notwithstanding their claims to the contrary, platforms have substantial control over flexibility and the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by mapping the contours of today's platform economy – paints a picture of what it could become.

**Figure 3: Fairwork's Principles:
Continuous Worker-guided Evolution**



The Fairwork Pledge

As part of this process of change, we have introduced a Fairwork pledge. This pledge harnesses ethically minded organisations' to support fairer platform work. Organisations like universities, schools, businesses, and non-profit organisations irrespective of whether or not they make use of platform labour, can make a difference by supporting labour practices guided by our five principles of fair work. Those who sign the pledge get to display our badge on organisational materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. We are proud to announce that nine organisations signed on as Fairwork Supporters in India in 2022,⁴⁷ with more committing to do so soon. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example by committing to using better-rated platforms where there is a choice. More information on the Pledge, and how to sign up, is on the Fairwork website.⁴⁸

**MORE INFORMATION ON THE
PLEDGE, AND HOW TO SIGN UP,
IS AVAILABLE AT**

WWW.FAIR.WORK/PLEDGE



APPENDIX

Fairwork Scoring System

Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”⁴⁹. That includes digital labour “marketplaces” where “businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time”⁵⁰. Marketplaces that do not facilitate labour exchanges - for example, Airbnb (which matches owners of accommodation with those seeking to rent short-term accommodation) and eBay (which matches buyers and sellers of goods) - are excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models⁵¹.

Fairwork’s research covers digital labour platforms that fall within this definition that aim to connect individual service providers with consumers of the service through the platform interface. Fairwork’s research does not cover platforms that mediate offers of employment between individuals and employers (whether on a long-term or a temporary basis).

Fairwork distinguishes between two types of these platforms. The first is ‘geographically-tethered’ platforms where the work is required to be done in a particular

location such as delivering food from a restaurant to an apartment, driving a person from one part of town to another or cleaning. These are often referred to as ‘gig work platforms’. The second is ‘cloudwork’ platforms where the work can, in theory, be performed from any location via the internet.

The thresholds for meeting each principle are different for location-based and cloudwork platforms because location-based work platforms can be benchmarked against local market factors, risks/harms, and regulations that apply in that country. In contrast, cloudwork platforms cannot because (by their nature) the work be performed from anywhere and so different market factors, risks/harms, and regulations apply, depending on where the work is performed.

The platforms covered by Fairwork’s research have different business, revenue, and governance models, including employment-based, subcontractor, commission-based, franchise, piece-rate, shift-based, and subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).





















How does the scoring system work?

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policymakers, trade unions, and academics), and in-country meetings with local stakeholders.

Each Fairwork Principle is divided into two thresholds. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first

threshold and an additional second point to be awarded corresponding to the second threshold (see Table 1). The second point under each Principle can only be awarded if the first point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

Table 1 Fairwork: Scoring System

	Principle 1: Fair Pay	 Ensures workers earn at least the local minimum wage after costs	 Ensures workers earn at least a local living wage after costs	
	Principle 2: Fair Conditions	 Mitigates task-specific risks	 Provides a safety net	
	Principle 3: Fair Contracts	 Provides clear and transparent terms and conditions	 Ensures that no unfair contract terms are imposed	
	Principle 4: Fair Management	 Provides due process for decisions affecting workers	 Provides equity in the management process	
	Principle 5: Fair Representation	 Assures freedom of association and the expression of collective worker voice	 Supports democratic governance	

Maximum possible Fairwork Score



Principle 1: Fair Pay

1.1 Ensures workers earn at least the local minimum wage after costs (one point)

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, fuel, insurance, and maintenance on a vehicle⁵². Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage⁵³. Workers also absorb the costs of an extra time commitment when they spend time waiting or travelling between jobs or other unpaid activities necessary for their work, which are also considered active hours⁵⁴. To achieve this point, platforms must ensure that work-related costs do not push workers below the local minimum wage.

The platform takes appropriate steps to ensure:

- Workers earn at least the local minimum wage or the wage set by collective sectoral agreement (whichever is higher) where they work, in their active hours, after costs⁵⁵.

1.2 Ensures workers earn at least a local living wage after costs (one additional point)

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that work-related costs do not push workers below local living wage.

The platform takes appropriate steps to ensure:

- Workers earn at least a local living wage or the wage set by collective sectoral agreement (whichever is higher) where they work, in their active hours, after costs^{56,57}.

Principle 2: Fair Conditions

2.1 Mitigates task-specific risks (one point)

Platform workers may encounter a number of risks in the course of their work, including accidents and injuries, harmful materials, and crime and violence. To achieve this point platforms must show that they are aware of these risks and take steps to mitigate them.

The platform must satisfy the following:

- There are policies or practices in place that protect workers' health and safety from task-specific risks⁵⁸.
- Platforms take adequate, responsible, and ethical data protection and management measures in a documented policy.

2.2 – Provides a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms can achieve this point by ensuring that workers are compensated for loss of income due to inability to work.

The platform must satisfy BOTH of the following:

- Platforms take meaningful steps to ensure that workers are compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.

Principle 3: Fair Contracts

3.1 Provides clear and transparent terms and conditions (one point)

The terms and conditions governing platform work are not always clear and accessible to workers⁵⁹. To achieve this point, the platform must demonstrate that workers can understand, agree to, and access their work conditions at all times and that they have legal recourse if the other party breaches those conditions.

The platform must satisfy ALL of the following:

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract is communicated in full in clear and comprehensible language that workers could be expected to understand.
- The contract is accessible to workers at all times.
- Every worker is notified of proposed changes in a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.

3.2 – Ensures that no unfair contract terms are imposed (one additional point)

In some cases, especially under ‘independent contractor’ classifications, workers carry a disproportionate amount of risk for engaging in a contract with the service user. They may be liable for any damage arising in the course of their work, and they may be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that risks and liability of engaging in the work is shared between parties.

Regardless of how the the contractual status of the worker is classified, the platform must satisfy BOTH of the following:

- Takes appropriate steps to ensure that the contract does not include clauses which exclude liability for negligence nor unreasonably exempt the platform from liability for working conditions.
- Takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

Principle 4: Fair Management

4.1 Provides due process for decisions affecting workers (one point)

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and potentially losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the service user or the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.

The platform must satisfy ALL of the following:

- There is a channel for workers to communicate with a human representative of the platform. This channel is documented in a contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe.
- There is a process for workers to meaningfully appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface⁶⁰.
- In the case of deactivations, the appeals process must

be available to workers who no longer have access to the platform.

- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.

4.2 – Provides equity in the management process (one additional point)

The majority of platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities in their design and management. For example, there is a lot of gender segregation between different types of platform work. To achieve this point, platforms must show not only that they have policies against discrimination, but also that they seek to remove barriers for disadvantaged groups, and promote inclusion.

Platforms must satisfy ALL of the following:

- There is a policy which ensures the platform does not discriminate on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, disability, religion or belief, age or any other status.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.
- It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- If algorithms are used to determine access to work or remuneration, these are transparent and do not result

in inequitable outcomes for workers from historically or currently disadvantaged groups.

- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

Principle 5: Fair Representation

5.1 Assures freedom of association and the expression of worker voice (one point)

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions.

However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice. Whether or not platforms set the terms on which workers are retained by service users, platforms must demonstrate that they have taken appropriate steps to ensure that workers are informed of their rights (and have mechanisms in place to help protect those rights) and that workers are directed to appropriate collective bodies or trade unions.

Platforms must satisfy ALL of the following:

- There is a documented mechanism for the expression of collective worker voice.
- There is a formal policy of willingness to recognise or bargain with, a collective body of workers or trade union that is clearly communicated to all workers.⁶¹
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes, and demands to the platform.⁶²

5.2 Supports democratic governance (one additional point)

While rates of organisation remain low, platform workers' associations are emerging in many sectors and countries. We are also seeing a growing number of cooperative worker-owned platforms. To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically governed cooperative model, a formally recognised union, or the ability to undertake

collective bargaining with the platform.

The platform must satisfy at least ONE of the following:

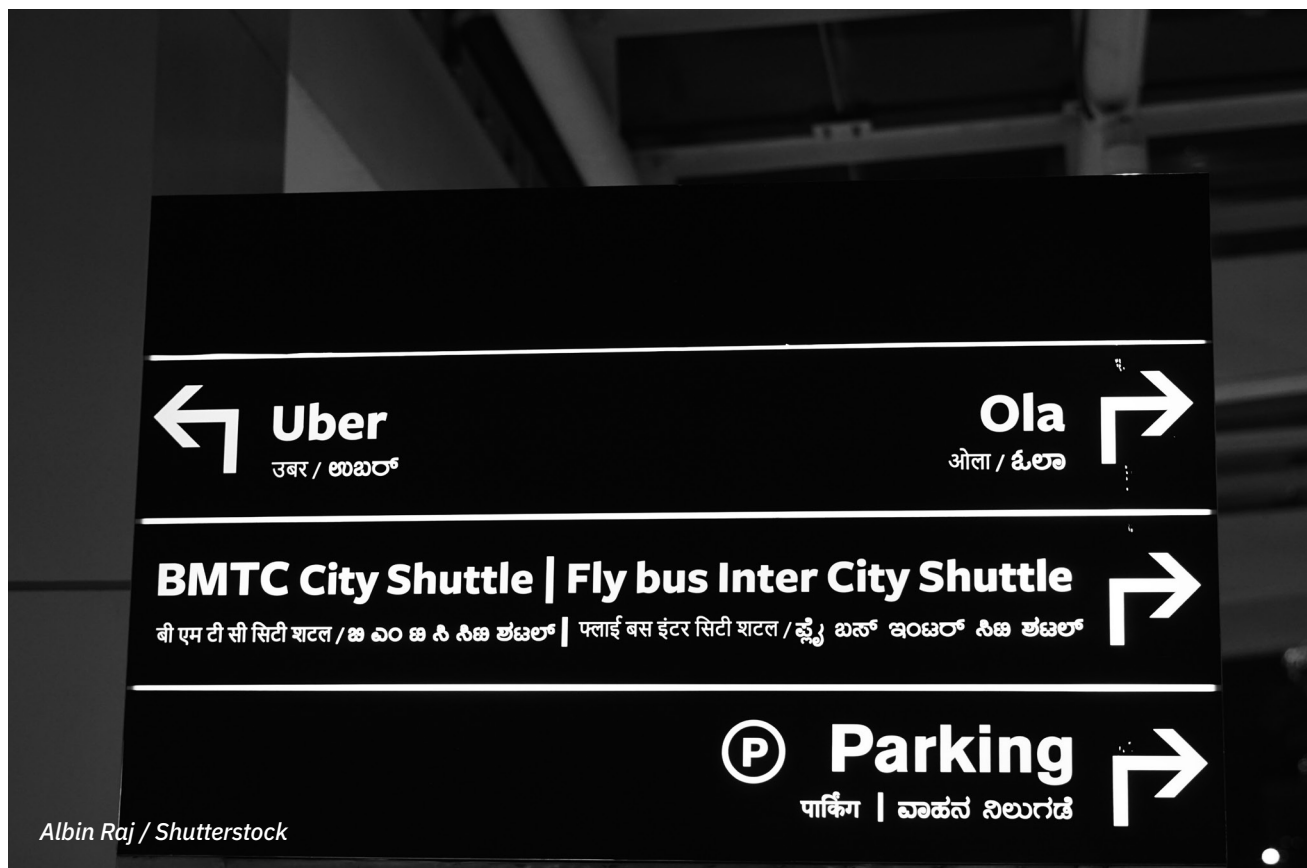
- Workers play a meaningful role in governing it.
- It publicly and formally recognises an independent collective body of workers, an elected works council, or trade union.
- It seeks to implement meaningful mechanisms for collective representation or bargaining.

This year, twelve platforms that provided location-based platform work in India in 2022 were identified based on the size of their workforce, the services they offered, their consumer base, and the investment they had attracted. In addition to the platforms that were studied last year, one platform (Zepto) was added to the study this year. For each of these platforms, worker interviews were conducted, evidence from management was sought, and desk research was carried out. We interviewed workers in Bangalore, Delhi, and Kochi.

We conducted 348 worker case-studies, completing interviews with up to 30 workers per platform, across the three cities, between May and November 2022. Not all platforms operated in all three cities. The goal of the interviews was to build an understanding of the conditions of work in the platform economy throughout the year. Interviews were conducted by four research associates with input from other team members. In parallel, platforms were contacted for evidence on conditions of work, including data on their workers, and examples of management action across the principles. These include cases of intervention when there was discrimination, helping workers file insurance claims, setting up training programs, and holding meetings with workers. Finally, inputs from secondary sources such as news articles, reports, social media, and academic publications were taken into account.

Efforts were made to capture as much variety among workers as possible. For the domestic service platform, Urban Company, the aim was to cover multiple occupations on the platform (salon, appliance and electrical repair, cleaning, plumbing, and carpentry). Similarly, for ride-hailing platforms, a variety of cab categories (hatchback, sedan, SUV) were included across the different locations in the studied cities. Where possible, attempts were made to speak to under-represented groups, such as women in the delivery and ride-hailing sectors.

A decision was made to not rely on platforms to access workers to avoid any harm to potential participants or biased responses. Workers were recruited through our social networks by snowballing and by availing services. Workers were interviewed only after explaining the study and securing their consent to participate. Interviews were conducted face-to-face, or by telephone, depending on interviewed worker's schedule and convenience. Where workers were recruited by availing services, they were asked if they would participate in the study once the transaction was complete. Participants in the study (except for those participating in group interviews) were compensated monetarily, or by purchasing additional services as suggested by the participants. Thirty two participants declined compensation.



ENDNOTES

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- 2 Rodgers, G. 2006. Labour market flexibility and decent work. Presentation at UNDESA Development Forum on Productive Employment and Decent Work, New York, 8-9 May. <https://www.un.org/en/ecosoc/meetings/2006/forum/Statements/Rodgers.pdf>, p.1 Accessed on 17 December 2022.
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- 8 Rubery, J. and D. Grimshaw. 2003. *The Organization of Employment: An International Perspective*. Basingstoke, UK: Palgrave Macmillan.
- 9 The ILO defines decent work as “work that is productive; ensures equality of opportunity and treatment for all women and men; delivers a fair income, security in the workplace and social protection for families; provides prospects for personal development; and gives workers the freedom to express their concerns, organise and participate in decisions that affect their working lives.” Berg, J., M. Furrer, E. Harmon, U. Rani, and M.S. Silberman, 2018. *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World*. Geneva, CH: International Labour Office. p.1
- 10 For instance, in United States of America, the Biden administration submitted a proposed to rescind its 2021 Independent Contractor Status Under the Fair Labor Standards Act (2021 IC Rule) to ‘establish a streamlined economic reality test’ to test the classification of workers, and reinstate the former totality of circumstances analysis approach to determine the classification of workers: Proposal to modify Wage and Hour Division regulations, (2022). <https://public-inspection.federalregister.gov/2022-21454.pdf>. In the European Union, the yet-to-be-adopted European Commission directives published on 9th December 2021, to improve working conditions in platform work focus on two issues – ensuring correct classification for workers and ensuring transparency and accountability in algorithmic management in platforms: Improving working conditions in platform work. (2021, December 9). European Commission https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6605 For efforts and initiatives in the United Kingdom, and in India, please refer to the Policy and Legal Section.
- 11 International Labour Organization (ILO). 2021. *World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work*. Geneva, CH: ILO.
- 12 Another reason why platforms are able to ignore workers voice is because they are increasingly oligopolistic, by virtue of being two-sided markets that generate network externalities Reysman, M. 2009. The economics of two-sided markets. *Journal of Economic Perspectives*. 23(3):125-142.
- 13 According to the 2011 Census, Bangalore (8.52 million) and Delhi (16.35 million) are the 5th largest and the 2nd largest urban agglomerations, by population, in the country (<https://www.census2011.co.in/urbanagglomeration.php>). Data from 2022, on just the population of the urban area (not the agglomeration), shows that Bangalore (8.44 million), and Delhi (8.44 million), are the 3rd and 2nd largest cities respectively (<https://worldpopulationreview.com/countries/cities/india>). As platforms pointed out, these urban agglomerations are among the largest markets for platform services in the country. Perhaps not co-incidentally, 10 of the 12 platforms scored by Fairwork this year are headquartered in these agglomerations. More recently, platform work has spread to smaller cities. See, for instance, Bhattacharya, S. 2022. India Inc increasingly need platform workers, looks at Tier-2,3 cities: Report. *Business Today*, 15 June. <https://www.businesstoday.in/industry/top-story/story/india-inc-increasingly-need-platform-workers-looks-at-tier-23-cities-report-337779-2022-06-15>. Accessed 17 December 2022. But the characteristics of platform work in these cities are not well studied. See, for instance, Mehrotra, M. 2022. We asked dozens of Indian platform workers about their future. They see none. *Rest of World*. 12 December. <https://restofworld.org/2022/indian-gig-workers-about-future/> Accessed 17 December 2022. For that reason, Kochi (2.12 million, 13th largest urban agglomeration in 2011) was chosen as a third location this year. Kochi was chosen because various stakeholders mentioned the differences in purchasing power and demand characteristics in smaller urban agglomerations, with implications for the platform economy. Thus, choosing Kochi allowed us to capture variation across markets, especially smaller urban agglomerations.
- 14 NITI Aayog. 2022. *India’s Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work*. New Delhi: Government of India. The NITI (National Institution for Transforming India) Aayog, came into being on 1 January 2015 to replace the Planning Commission. NITI Aayog serves as a think-tank for the government and describes itself as “a state-of-the-art resource centre with the necessary knowledge and skills that will enable it to act with speed, promote research and innovation, provide strategic policy vision for the government, and deal with contingent issues.” <https://www.niti.gov.in/objectives-and-features> Accessed on 14 December 2022.
- 15 The report distinguishes between gig workers and platform workers: “Gig workers – those engaged in livelihoods outside the traditional employer-employee arrangement – can be broadly classified into platform and non-platform-based workers. Platform workers are those whose work is based on online software apps or digital platforms.” (NITI Aayog, 2022, op.cit., p.xvi). The focus of the Fairwork report is on platform workers. The definition of the employee can be found here: *The Code on Social Security, 2020, 36 OF 2020 § 2(26)*. https://labour.gov.in/sites/default/files/SS_Code_Gazette.pdf Accessed on 14 December 2022.
- 16 For instance, Uber claims it is “a technology company whose mission is to reimagine the way the world moves for the better” (<https://www.uber.com/us/en/about/uber-offerings/>). Accessed on 15 December 2022) while Zomato claims that it is “merely a technology platform provider for delivery partners to provide their delivery services to the restaurant partners and not providing or taking responsibility of the said services. For the service provided by us to the delivery partners, we may charge a platform fee from the delivery partners” (https://www.sebi.gov.in/filings/public-issues/jul-2021/zomato-limited-rhp_50950.html, pp.313. Accessed on 15 December 2022.
- 17 *The Code on Wages, 2019, No. 29 of 2019 (2019)*. <https://egazette.nic.in/WriteReadData/2019/210356.pdf> Accessed on 14 December 2022.
- 18 *The Occupational Safety, Health and Working Conditions Code, 2020, 37 OF 2020*. https://labour.gov.in/sites/default/files/OSH_Gazette.pdf Accessed on 14 December 2022.
- 19 *The Industrial Relations Code, 2020, 35 of 2020*. <https://egazette.nic.in/WriteReadData/2020/222118.pdf> Accessed on 14 December 2022.
- 20 The issues here are, not suprisingly, intertwined. Income insecurity is a frequent cause for collective action. See, for instance, Navya, P.K. 2022. Delivery partners with Dunzo protest over severely slashed pay structure. 16, November. <https://www.deccanherald.com/city/top-bengaluru-stories/delivery-partners-with-dunzo-protest-over-severely-slashed-pay-structure-1162762.html> Accessed on 19 December 2022.
- 21 Rathi, A. and A.Tandon. n.d. *Platforms, Power & Politics: Perspectives from Domestic and Care Work in India*. Accessed from: <https://cis-india.org/raw/platforms-power-and-politics-pdf>, p.42, Accessed on 15 December 2022. Also see the Workers’ Stories section in this report.

- 22** Displays of religious prejudice by customers are not infrequent, although platforms say they do not condone such behaviour. See for instance, Gurmat, S. 2022. India's gig workers blame platforms for ignoring a wave of religious attacks. Rest of World. 18 November. <https://restofworld.org/2022/indias-gig-workers-religious-attacks/> Accessed on 17 December 2022.
- 23** Gurmat, S. 2022, op.cit.
- 24** Karti P Chidambaram [@KartiPC]. (2022, March 16). My zero hour intervention on Gig Economy Workers @swiggy_in@zomato@DunzoIt [Tweet]. Twitter. <https://twitter.com/KartiPC/status/1504006572519100418>. Accessed on 13 December 2022; Mahua Moitra [@MahuaMoitra]. (2022, August 26). Great presentation by @TowardsFairWork on Indian #gigeconomy. Most delivery/ride service firms hiding as Tech players with little attention to workers' rights & labour laws. Underpaid (forced to cycle), 10 min deliveries, no data protection. Needs immediate regulation. [Tweet]. Twitter. <https://twitter.com/MahuaMoitra/status/1563227039577952256>. Accessed on 13 December 2022.
- 25** The Code on Social Security, 2020, 36 of 2020. https://labour.gov.in/sites/default/files/SS_Code_Gazette.pdf Accessed on 14 December 2022.
- 26** Motor Vehicle Aggregators Guidelines, 2020, (2020). https://morth.nic.in/sites/default/files/notifications_document/Motor%20Vehicle%20Aggregators27112020150046.pdf Accessed on 17 December 2022.
- 27** The Digital Personal Data Protection Bill, 2022, (2022). <https://www.meity.gov.in/writereaddata/files/The%20Digital%20Personal%20Data%20Protection%20Bill%2C%202022.pdf> Accessed on 17 December 2022.
- 28** The Indian Federation of App-based Transport Workers (IFAT) & Ors v Union of India & Ors, W.P.(C) No. 001068/2021 (Supreme Court of India).
- 29** Uber BV and Ors (appellants) v. Aslam and Ors (respondents), [2021] UKSC 5.
- 30** Vasudevan, K. and N.K. Chan. 2022. Gamification and work games: Examining consent and resistance among Uber drivers. *New Media & Society*, 24(4): 866–886.
- 31** See, for instance, sub clause 14 under Service Provider's obligation, Driver Partner Terms And Conditions. (n.d.). Porter.in: <https://porter.in/terms-of-service/partners> Accessed on 18 December 2022.
- 32** Parthasarathy, B.; J. Srinivasan, M. Neerukonda, P. Taduri, A. Mahuli, K. Sersia, F. Ustek-Spilda, and M. Graham. 2021. Fairwork India Ratings 2020: Labour Standards in the Platform Economy. Bangalore, India; Oxford, United Kingdom. <https://fair.work/wp-content/uploads/sites/17/2021/12/Fairwork-India-Report-2021.pdf> Accessed on 20 December 2022.
- 33** The Karnataka Shops and Establishments Act, 1961, 8 of 1962 § 15 (1961). [https://dpal.karnataka.gov.in/storage/pdf-files/08%20of%201962%20\(E\).pdf](https://dpal.karnataka.gov.in/storage/pdf-files/08%20of%201962%20(E).pdf). Accessed on 17 December 2022. This statute can be used as a guideline that entitles platform workers to one (1) day paid leave for every twenty (20) days of work, similar to employees.
- 34** The Delhi Shops and Establishments Act, 1954 § 8 (1955). <https://labour.delhi.gov.in/content/delhi-shops-act-1954> Accessed on 17 December 2022.
- 35** The Kerala Shops and Commercial Establishments Act, 1960, 34 OF 1960 § 6 (1960). <https://lc.kerala.gov.in/images/pdf/ksce.pdf> Accessed on 17 December 2022.
- 36** The Karnataka Shops and Commercial Establishments Act 1961, § 4 (1962). <http://164.100.133.176/ekarmika/Static/Default.aspx>. Accessed on 17 December 2022.
- 37** The invitation came from Shangreiso Zimik, Deputy Secretary, Lok Sabha Secretariat, vide letter 38/1/IT/2022 dated 22 August 2022.
- 38** The Roundtable was hosted by ITforChange on 25 August 2022 in New Delhi, while the workshop was jointly hosted by the Vidhi Centre for Legal Policy and Research and the Friedrich-Ebert-Stiftung on 15 October 2022 in Bangalore.
- 39** bigbasket's public commitment is available at <https://www.linkedin.com/feed/update/urn:li:activity:7005079061626597376> Accessed on 19 December 2022; Flipkart's at <https://stories.flipkart.com/fair-work-principles-and-transparency-for-delivery-partners-at-the-flipkart-group/> Accessed on 19 December 2022; and Urban Company's at <https://www.urbancompany.com/partner-welfare-policy> Accessed on 19 December 2022.
- 40** The study used the daily minimum wage amount in the semi-skilled or skilled categories (as applicable) as published by the Government of Karnataka for Zone I (<https://www.simpliance.in/minimum-wages/karnataka>, Accessed on 19 December 2022) for Bangalore (INR 576); as published by the Government of NCT (https://labour.delhi.gov.in/sites/default/files/All-PDF/latest_minimum%20wages_2022_0.pdf, Accessed on 19 December 2022) of Delhi for Delhi (INR 700); and as published by the Government of Kerala (<https://www.lc.kerala.gov.in/minimum-wage-notifications>, Accessed on 19 December 2022) for Kochi (INR 490 for two-wheelers and INR 580 for van and autorickshaws) respectively. This number was multiplied by six (one rest day per week) for the weekly minimum wage, and then divided by the hours in a standard work week (48 hours) to arrive at an hourly minimum wage.
- 41** Prominent recurring, work-related costs included fuel, data charges, vehicle maintenance and vehicle insurance. Vehicle rental charges were considered where applicable. In addition, for home service platforms, costs included travel (autorickshaw/cab), consumables (these include salon wax, screws, cleaning solutions) and equipment repair. On average, across all platforms, fuel, at over 70 percent, remains the most significant component of net hourly work-related costs.
- 42** The "typical family (urban)" living wage figures were purchased and used from Wage Indicator (Living Wages. (n.d.). WageIndicator Foundation. <https://wageindicator.org/salary/living-wage>, Accessed on 19 December 2022. Region-specific data was used, and the upper end of the range was selected for urban Karnataka, Delhi and Kerala as applicable for 2022.
- 43** Urban Company's commitment here: <https://www.urbancompany.com/partner-welfare-policy> Accessed on 19 December 2022.
- 44** BL Kochi Bureau. 2022. Law & Order: Swiggy Kochi strike enters 18th day; police protection sought for working delivery executives. 1 December. <https://www.thehindubusinessline.com/companies/swiggy-kochi-strike-enters-18th-day-police-protection-sought-for-working-delivery-executives/article66209318.ece> Accessed on 18 December 2022.
- 45** Anilkumar, T. 2022. Now, Zomato deliverymen threaten indefinite strike. 18 November. <https://www.newindianexpress.com/cities/kochi/2022/nov/18-now-zomato-deliverymen-threaten-indefinite-strike-2519392.html> Accessed on 18 December 2022.
- 46** The platforms included bigbasket, Flipkart, Ola, Swiggy, Uber, Urban Company, and Zomato. The Fairwork project is bound by a non-disclosure agreement with all the participating platforms. As a consequence, discussions, submissions and verbatim commitments shared by the participating platforms have not been explicitly mentioned in the report but have been paraphrased, keeping their essence and spirit unscathed.
- 47** These supporters are: Artha School of Entrepreneurship, Backend Bangalore, Gulati Institute of Finance and Taxation, Internet Freedom Foundation, K2 Communications, Netri Foundation, Nurture.Farm, Public Policy India, Sensing Local.
- 48** Fairwork. (n.d.). Join the Pledge. <https://fair.work/en/fw/join-the-pledge-together-for-platform-work/> Accessed 8 December 2022.
- 49** ILO (2021). World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work. Geneva: International Labour Organization. p. 31. https://www.ilo.org/global/research/global-reports/weso/2021/WCMS_771749/lang--en/index.htm Accessed on 14 December 2022.

50 ILO, World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work, p. 107.

51 De Stefano, V. (2016). The rise of the 'just-in-time workforce': On-demand work, crowdwork and labour protection in the 'gig-economy.' Geneva: International Labour Organization. p. 1 https://www.ilo.org/travail/info/publications/WCMS_443267/lang--en/index.htm.

52 Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions, or health insurance.

53 The ILO defines minimum wage as the "minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract." Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO's Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 percent of the ILO member states.

54 In addition to direct working hours where workers complete tasks, they also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and traveling between jobs. These indirect working hours are also considered part of active hours as workers give this time to the platform. Thus, 'active hours' include both direct and indirect working hours.

55 In order to evidence this, where the platform is responsible for paying workers, the platform must either: (a) have a documented policy that ensures the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost.

56 Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.

57 In order to evidence this, where the platform is responsible for paying workers, the platform must either: (a) have a documented policy that ensures the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data evidencing all workers earn a minimum wage after costs.

58 Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment, and processes under their control are safe and without health risk", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or adverse effects on health."

59 The ILO's Maritime Labour Convention, 2006 (MLC 2006), Reg. 2.1, and the Domestic Workers Convention, 2011 (C189), Articles 7 and 15, serve as helpful guiding examples of adequate provisions in workers' terms and conditions, as well as worker access to those terms and conditions.

60 Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating them for human mediation.

61 For example, "[the platform] will support any effort by its workers to organise or form a trade union collectively. Collective bargaining through trade unions can often bring about more favourable working conditions."

62 See ILO (2021) World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work International Labour Office.

Credits and funding

Fairwork is a project run out of the Oxford Internet Institute, University of Oxford, and the WZB Berlin Social Science Center, and draws on the expertise and experience of staff at Access to Knowledge for Development Center (A2K4D) at the American University in Cairo's School of Business, Audencia Business School, Center for Development Evaluation and Social Science Research (CREDI), Centre for Labour Research, Chinese University of Hong Kong's Centre for Social Innovation Studies, CIPG Innovation Policy Governance, CIPPEC, CREDI, De La Salle University, FLACSO-Ecuador, Humboldt University of Berlin, International Institute of Information Technology Bangalore (IIITB), International University of Rabat, iSocial, KU Leuven, Lagos Business School, Luigj Gurakuqi University of Shkod.r, National University of Singapore, Observatorio de Plataformas Per., Phenix Center for Economics & Informatics Studies, Pollicy, Public Policy Research Center (CENTAR), Qhala, REPOA, Sapienza University of Rome, Social Life Research Institute, Solidarity Center, Technical University of Berlin, TEDIC, The Policy Initiative, TU Wien, Universidad Adolfo Ib. ez, Universidad Complutense de Madrid, Universidad del Rosario, Universidade do Vale do Rio dos Sinos (Unisinos), Universitas Gadjah Mada's Center for Digital Society, University of California's Hastings College of the Law, University of Cape Town, University of Ghana Business School, University of Manchester, University of the Western Cape, Weizenbaum Institut and XU Exponential University

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Roseli Figaro, Milena Franke, Sandra Fredman, Jackeline Gameleira, Teona Henderson, Luis Jorge Hernández Flores, Victor Manuel Hernandez Lopez, Benjamin Herr, Nur Huda, Huynh Thi Ngoc Tuyet, Amelinda Pandu Kusumaningtyas, Wassim Maktabi, Melissa Malala, Hilda Mwakatumbula, Beka Natsvlishvili, Mounika Neerukonda, Ana Negro, Chau Nguyen Thi Minh, Sidra Nizambuddin, Thando Nkohla-Ramunenyiwa, Claudia Nociolini Rebecchi, Anesthesia H. Noviana, Nermin Oruc, Christian Nedu Osakwe, Balaji Parthasarathy, Francesca Pasqualone, Obed Penu, Lucero Pinedo Huerta, Julice Salvagni, Derly Yohanna Sánchez Vargas, Maricarmen Sequera, Murali Shanmugavelan, Ruth Tarullyna Simanjuntak, Shanza Sohail, Janaki Srinivasan, Anna Sting, Zuly Bibiana Suárez Morales, David Sutcliffe, Dinh Thi Chien and Jami Zoughaib

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Report Copy Editor:

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Please cite as:

Fairwork. (2022). Fairwork India Ratings 2022: Labour Standards in the Platform Economy. Bangalore, India; Oxford, United Kingdom.

Please note that this report contains sections in common with other Fairwork reports, notably the Fairwork Framework, parts of the Impact and Next Steps section and the Appendix.

Designers

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Funders

This report was funded by the Federal Ministry for Economic Cooperation and Development (BMZ), commissioned by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

A COLLABORATION BETWEEN



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Bundesministerium für
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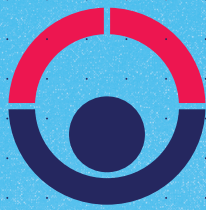
Special thanks to

Vicki Nash, Jo Barlow, Katia Padvalkava, Duncan Passey, Maisy Gills, Sara Spinks, Lucy Hennings, John Gilbert, Ornella Sciuto, Caroline Hampshire, and David Sutcliffe at the University of Oxford for their extensive administrative support for the project since its inception. The project team is deeply grateful to Shakhlo Kakharova, Lukas Sonnenberg, and Kirsten Schuettler at GIZ for their continuing support and guidance as we take our work to the next stage.

IIITB provided the ideal home for the project. Thanks to the Dean (R&D), faculty colleagues, and the administrative staff led by the Registrar, S R Sridhar, the Executive Director (Research) Mr J V Prasad, and the Chief Finance Officer Mr S Piramanayagam for their unfailing support in various ways. A special word of thanks to faculty colleagues and researchers at IIITB's Center for Information Technology and Public Policy (CITAPP) for providing a stimulating intellectual environment. Fairwork India is grateful for partial funding support from Sonata Software Limited through a corporate social responsibility grant given to IIITB. Fairwork acknowledges the help provided by the transcription and translation agency, D'well Informatics and Services Pvt. Ltd., and the PR agency K2 Communication Pvt. Ltd. Finally, we are grateful to all the workers who took time off their schedules to share their experiences with us. We are also pleased to have worked with managers at Amazon Flex, bigbasket, Flipkart, PharmEasy, Porter, Swiggy, Urban Company, Zepto and Zomato and look forward to continuing our engagement with them.

Conflict of interest statement

None of the researchers have any connection with any of the platforms and the work undertaken received no funding or support in kind from any platform or any other company, and we declare that there is no conflict of interest.



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