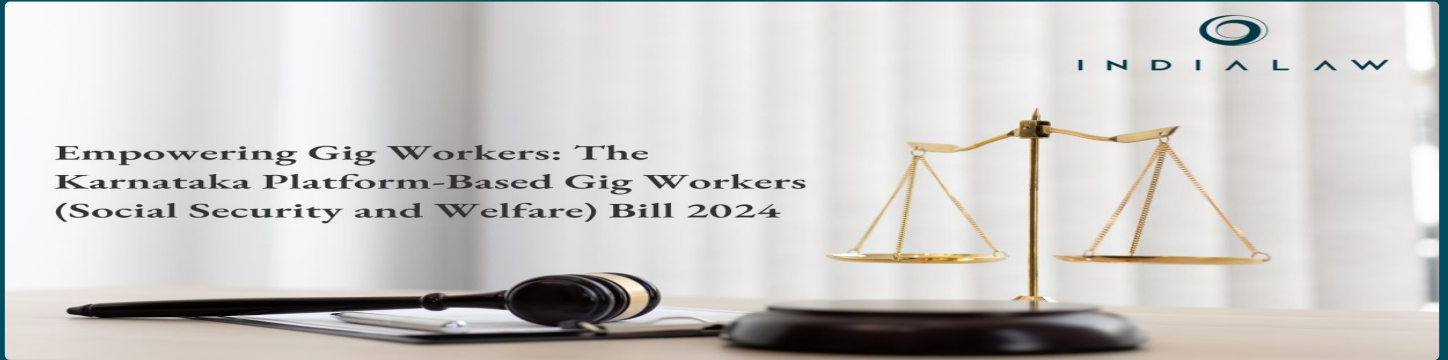




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Empowering Gig Workers: The Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill 2024

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Introduction

The Labour Department, Government of Karnataka, via a public notice dated 29/06/2024, sought objections and suggestions from the general public regarding the proposed Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill, 2024 ("Bill"). The Bill aims to protect the rights of platform-based gig workers (PBGWs) and impose obligations on online platforms and aggregators concerning social security, occupational health, and safety. It also seeks to safeguard these workers from arbitrary termination of their contracts due to opaque automated monitoring and decision-making systems operated by trigger-based algorithms. Additionally, the Bill provides for the establishment of a dispute resolution mechanism, a welfare board, and a welfare fund for PBGWs.

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Definition of Gig Workers and Services

The Bill defines a gig worker as a person who performs work or participates in a work arrangement that results in a given rate of payment, based on terms and conditions laid down in such a contract, and includes all piece-rate work sourced through a platform. The services outlined for PBGWs under the Bill include ride-sharing, food and grocery delivery, logistics, e-marketplace services (both marketplace and inventory-based models), professional services, healthcare, travel and hospitality, and content and media services.

Definition of Platforms

A "platform" is defined as any arrangement providing a service through electronic means at the request of a recipient, involving the organization of work performed by individuals at a specific location in return for payment, and utilizing automated monitoring and decision-making systems.

Establishment of the Gig Workers Welfare Board

The Bill proposes the establishment of a Gig Workers Welfare Board (Board) by the state government in Bangalore. The Board will consist of the state minister in charge of Labour, bureaucrats from the ministries of Labour, Information Technology, and Commercial Taxes, two representatives of PBGWs nominated by the state government, two representatives of aggregators, and one representative from civil society. A technical expert in data collection and IT systems may be invited as needed.

Responsibilities of the Welfare Board

The Board shall ensure the registration of PBGWs and aggregators operating in Karnataka. It will establish a monitoring mechanism for the collection of welfare fees and the implementation of general and specific social security schemes based on contributions made, distributing social security benefits through individual accounts linked to unique IDs allocated to PBGWs. It will also ensure that PBGWs have access to benefits according to the schemes formulated by the state government. The Board

will engage with workers' associations representing PBGWs and create a committee to provide recommendations for formulating, reviewing, and implementing such schemes. Additionally, the Board will develop special schemes for specific groups of workers, such as women and persons with disabilities.

Empowerment and Rights of PBGWs

The Bill empowers PBGWs to register with the state government and receive a unique identification number valid across all aggregators and platforms. It allows them to access social security schemes based on their contributions and provides a grievance redressal mechanism. Rights and benefits provided under the Bill will be additional and shall not affect any benefits or protections accorded to PBGWs under other laws.

Fair Contracts and Transparency

The Bill requires all aggregators and PBGWs to enter into fair contracts that are in writing and in simple language, which may be in Kannada, English, or any language listed in the Eighth Schedule of the Constitution. Any changes to contract terms must be communicated to the PBGW at least 14 days in advance, allowing them the option to terminate the contract without adverse consequences. The terms should grant PBGWs the right to refuse or reject a specified number of gig work assignments for reasonable cause without repercussions.

Sector-Specific Guidelines

The state government will publish sector-specific guidelines for contracts periodically and may review any contract templates submitted by aggregators to ensure fairness.

Transparency in Automated Monitoring

The Bill mandates transparency from aggregators regarding automated monitoring and decision-making systems affecting PBGWs. This includes parameters important for work allocation, distribution, assessment, and grounds for denial of work. Aggregators must also inform PBGWs about any rating systems and the criteria for categorization, while ensuring privacy and data protection for PBGWs.

Termination of Work and Grievance Redressal

The Bill further defines terms for termination of work, income security, and reasonable working conditions for PBGWs, requiring aggregators to designate a point of contact for any inquiries from gig workers.

Significantly, the Bill provides for the appointment of a grievance redressal officer by the state government to address any concerns of PBGWs through an online portal. Any redressal order by this officer will be subject to appeal before an appellate authority designated by the state government.

Internal Dispute Resolution

Every aggregator with more than 50 PBGWs is required to establish an Internal Dispute Resolution Committee to resolve disputes related to contract notifications, changes in contract terms, refusal to disclose details about automated monitoring and decision-making systems, termination on unspecified grounds, termination without notice, unreasonable pay deductions, and failure to comply with occupational safety and health standards as prescribed by the state government.

Conclusion

The Karnataka Platform-Based Gig Workers (Social Security and Welfare) Bill 2024 represents a progressive legislative measure designed to protect the most vulnerable workers by providing social security, occupational health and safety, and safeguards against algorithm-based monitoring and decision-making. The Bill also establishes an accessible dispute resolution process, and the creation of a welfare board and fund marks a significant step toward empowering and strengthening these workers. As the Bill progresses toward becoming law, it will be crucial to observe its implementation and the potential for similar initiatives in other states to improve the conditions of platform-based gig workers across the country.