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Algorithmic Management and the Future of Gig Work: A Labour Law Perspective

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Abstract-

The rise of the gig economy has transformed the nature of the work through allowing digital platforms to connect service providers with their clients in multiple algorithm-based mechanisms. Although the model allows flexibility and provides job opportunities to individuals, on the other hand, it transfers the burden of control from humans to algorithms. The workers of the gig economy through multiple platforms like ride sharing and food transportation are dependent on the digital platforms for task assignment and evaluation. Artificial intelligence has become a technology which silently plays an important role in deciding the fate of workers. The aim of this research paper is to examine whether the present legal framework existing in India for labour laws is enough to regulate algorithmic management in the platform economy. This research paper will examine the position of gig workers in accordance with the Code on Social Security, 2020 and other pertinent constitutional principles and labour laws in order to point out the shortcomings in regulating the use of algorithmic management. The hypothesis of this research paper is that even though Indian laws regard the gig workers as a distinct class, they fall short in addressing concerns about algorithmic management. To contextualise these challenges, the research paper undertakes a comparative analysis with the European Union's evolving regulatory framework on platform work and algorithmic management. It also proposes a legal and policy reforms aimed at enhancing transparency, ensuring meaningful human oversight of automated decisions, strengthening platform accountability and to develop a regulatory framework that balances technological innovation with the protection of gig workers in India's digital economy.

Keywords: Gig workers; Algorithmic management; Artificial intelligence (AI); Platform labour; Labour rights; Code on social security, 2020; Platform accountability.

Introduction

The labour system in India has changed dramatically in the last 10 years as a consequence of the rapid technological developments, the adoption of digital technologies and the entrance of new platform-based business models. Unlike the previous employment systems based on fixed employment and employer supervision, digital platforms enable immediate temporary relationships between the provider and the customer through the use of mobile technology. Both workers and employers take advantage of the opportunities offered by the online services like Uber, Ola, Zomato, Swiggy, Blinkit and Urban Company which have created new work possibilities for consumers and activators. (*NITI Aayog Launches Report on India's Gig and Platform Economy*, n.d.) This is driving the emergence of what can be collectively referred to as the "gig economy," which refers to that kind of work that is organised around short-term assignments, projects or tasks that are less than standard. In this way the digital platforms have taken root in transportation, food delivery, logistics domestic and professional areas of freelance work. (*Expansion of the Gig and Platform Economy in India: Opportunities for Employer and Business Member Organizations*, *2026*)

India has emerged as one of the fastest growing markets for digital platform work. According to NITI Aayog the country had approximately 7.7 million gig workers in the year 2020-21 and this number is projected to increase to 23.5 million by 2029-30 (*GIG WORKERS IN THE COUNTRY*, n.d.), accounting for nearly 6.7% of the non agricultural workforce. (NITI Aayog et al., 2022) This enormous expansion is due to the change in the nature of work, increase in usage of smartphones, growth of internet accessibility, the introduction of e-payment methods

and increased consumer demand for application services. Along with the expansion of the platform economy, a number of new legal and policy issues arose. Among them are employment status, social protection, health and safety at work, wages and remedies in case of discrimination and other disputes. These questions made the politicians and decision makers to reconsider if a national labour law can remain valid in the context of digital work. The term "gig economy" refers to a working format in the labour market characterized by temporary, flexible, and project-oriented contracts in which services are provided upon demand, and workers performing work in the form of projects typically do so through a digital platform (for instance, through the provision of transport, food delivery, and other essentials to the households as well as household services, like repairs, home improvement services, and consultation that could be provided online etc.). These arrangements provide flexibility as far as both the entities providing services and the workers are concerned, making possible the effective matching between supply and demand in services using available technologies available for all kinds of vendors which helps cut down the transaction costs in services.

However the defining feature of contemporary platform work is no longer merely the flexibility it offers. The digital platforms rely on algorithmic management to organise and regulate the activities of workers. Algorithms and AI driven systems can influence the allocation of rides and deliveries, evaluate workers through customer ratings and performance metrics, determine incentives and pricing, monitor worker behaviour and in certain circumstances it can restrict or terminate access to the platform. And also managerial functions that were traditionally exercised by human supervisors are increasingly being performed whether it be wholly or partly through automated systems. This development raises an important question concerning the nature of control in the gig economy, that being- can a platform exercise employer like control through an algorithm even when the worker is formally classified as an independent contractor or gig worker? The issue becomes particularly significant because a decision generated by an algorithm may directly affect a worker's livelihood while it still remains difficult for the worker to understand or challenge the decision of the algorithm. A worker who receives fewer assignments, loses an incentive, receives adverse treatment because of a rating or is suspended or deactivated may not know what factors contributed to the decision. The use of automated systems raises concerns regarding transparency, accountability, procedural fairness and the adequacy of existing labour protections.

Against this background the present research paper examines the emerging relationship between algorithmic management and the labour rights in India's platform economy. Particularly it seeks to determine whether algorithmic management by the digital labour platforms creates a form of employer like control that requires a greater regulation under Indian labour laws. This research paper looks at the effect of the EU's, Canada's & Spain's policy towards algorithmic management on platform work, and how these could be used for the Indian context. The discussions within the research paper are based on the assumption that in the future the regulation of gig work must be more concerned about whether gig workers fit into the category of an "employee" than anything else.

Gig Economy

The gig economy refers to a labour market characterised by temporary, flexible and task based work arrangements in which individuals provide services on demand which are often done through digital platforms. Unlike conventional employment relationships, gig work generally lack long term contractual commitments and is organised around individual assignments or projects. Workers may provide transportation services, deliver food and groceries, perform household repairs, offer professional consulting or undertake freelance assignments through various online platforms. These arrangements provide flexibility for both the businesses and the workers while enabling the platforms to efficiently match labour demand with service providers through digital technologies. (*Hansen & Hansen, 2023*)

Rise of AI Management

The current platform economy is increasingly governed through algorithmic management, a system in which artificial intelligence and automated algorithms perform managerial functions that were traditionally undertaken by human supervisors. Rather than relying on direct human oversight, the digital labour platforms employ algorithmic systems to allocate work, determine pricing, monitor worker performance, calculate incentives, evaluate customer ratings, detect fraudulent activities or suspend or deactivate workers from the platform. These

systems continuously process vast quantities of data generated through mobile applications, GPS tracking, customer feedbacks and behavioural analytics to make decisions affecting workers' access to employment opportunities. Algorithms have evolved beyond mere operational tools to become central mechanisms of workplace governance in the platform economy.(*New Report Explores Opportunities for EBMO Engagement With Gig and Platform Work in India*, 2026)

Relationship between Gig Work and Algorithmic Management

Gig Economy

The concept of the gig economy represents a significant shift in the organisation of labour from a conventional and long-term employment relationships to a flexible and task-based engagements facilitated largely through digital technologies. While conventional work is characterized by contractual engagements and the supervision of employees throughout the working period, the gig economy provides the freedom to individuals to sell their skills as temporary services. The delivery of such services is made possible through the employment of digital technology that connects the employee and consumer instantly. The emergence of this type of business model in modern economies has been fuelled by the availability of smartphones, internet technology, digital payment system, and geographical positioning tools. (Lane, 2020)

The gig economy has thrived in different industries in India. Companies like Uber, Ola, Zomato, Swiggy, Blinkit, Urban Company, and Upwork have made it possible for individuals to earn their living from the gig economy model, but they have also undermined some of the conventions of traditional employment practices. While the gig economy model comes with benefits such as flexibility and minimal barriers to entry, there have been concerns about employment security, income equality, social protection, and even criminal record of people. Such concerns have pushed policymakers and international organizations to re-examine whether the current labour laws can effectively regulate emerging digital labour models while ensuring that there is an innovative environment for workers. (*The Role of Digital Labour Platforms in Transforming the World of Work*, *2024*)

The emergence of the gig economy has given rise to a distinct category of workers commonly referred to as gig workers. Recognising this transformation India became one of the first jurisdictions to statutorily define gig workers through the Code on Social Security, 2020. Section 2(35) of the Code defines a gig worker as "a person who performs work or participates in a work arrangement and earns from such activities outside of a traditional employer–employee relationship."(*Code of Social Security, 2020*, n.d.) This statutory recognition is significant because it acknowledges that an increasing number of workers earn their livelihood through the non traditional work arrangements that do not fit within conventional employment models. Despite the fact that the gig workers significantly contribute to the digital economy, they do not have the same protection as the other workers. Their legal status continues to generate significant debate regarding employment classification, labour rights and platform accountability thus making them one of the most important subjects of contemporary labour law discourse. (*Ministry of Labour & Employment et al., 2024*)

Emergence of Digital Labour Practices

The platform economy refers to the economic system where digital platforms facilitate transactions between service providers and consumers by leveraging internet based technologies, data analytics and digital infrastructure. Unlike the other conventional business models where organisations directly employ workers and deliver services, the platform based enterprises function as intermediaries that coordinate demand and supply through mobile applications or other online portals. These platforms enable the individuals to offer transportation, food delivery, household services, freelance work, accommodations and numerous other services without necessarily entering into the traditional employment relationships. The platform economy has transformed the manner in which the labour is organised by replacing a hierarchical managerial structure with technology enabled coordination.

Algorithmic Management

With people applying digital technology in workplaces increasingly, a new paradigm of managing workplaces has emerged. This new paradigm is known as algorithmic management, and it refers to the use of computer

applications and artificial intelligence to accomplish tasks that were previously performed by human managers. These functions include allocating work, monitoring worker performance, evaluating productivity, determining incentives, scheduling assignments and even imposing disciplinary measures or restricting access to future work opportunities. Rather than relying on direct human oversight the digital labour platforms increasingly depend on automated systems that continuously analyse large volumes of worker and customer data to make operational decisions. (*Baiocco et al., 2022*)

Within the gig economy, algorithmic management has become the defining feature of platform based work. Applications such as ride hailing and food delivery platforms utilise algorithms to match workers with the customers, calculate estimated delivery or travel times and determine dynamic pricing as well as monitor acceptance and cancellation rates, assess customer ratings and identify potential policy violations. Although these mechanisms improve operational efficiency and service delivery yet they also reduce transparency because workers often have little understanding of how algorithmic decisions are reached or how adverse outcomes may be challenged. Algorithmic management has shifted managerial authority from human supervisors to digital systems, raising important concerns relating to fairness, explainability, accountability and procedural justice within employment relationships.

AI in Labour Governance

The integration of artificial intelligence (AI) into labour governance represents one of the most significant developments in the regulation and organisation of work in the digital age. Traditionally the workplace governance relied upon human managers to assign tasks, supervise employees, evaluate performance and resolve workplace disputes. Developments in AI and data driven technologies have enabled digital platforms to automate many of these managerial responsibilities. AI systems are capable of analysing worker behaviour, predicting demand patterns, optimising route planning, determining performance metrics and generating recommendations or decisions that directly affect workers' earnings and employment opportunities. As a result of this the labour governance is increasingly characterised by the automated decision making processes rather than the conventional managerial discretion.

This transition presents both opportunities and challenges. These technologies can have a positive impact on efficiency, reducing the cost of operation and allowing for objective decision making due to data usage. However, over-dependence on the automation of processes may cause different negative effects like non-transparency in decision making, algorithmic biases, lack of accountability and absence of ways for employees to dispute negative decisions. These aspects are especially crucial in gig economy because access to jobs, incentives, customer ratings and account closure become dependent on these automated processes. Scientists and lawyers claim that labour law must be significantly modified not only to regulate the activities of employers traditionally, but also to ensure some basic standards, including the transparency of decision making, human control, explainability and accountability in the process of AI-based management of labour relations. This tendency constitutes the background for further research into the question of the need for stricter legal regulation of algorithmic management in the context of Indian labour law.

Applicable statutory and regulatory framework

Labour Codes

India's labour law framework underwent a significant transformation with the enactment of the four consolidated Labour Codes, named as the Code on Wages, 2019 *("THE CODE ON WAGES, 2019," 2019*), the Industrial Relations Code, 2020 (*Parliament & Ministry of Law and Justice, 2020*), the Code on Social Security, 2020 (*Parliament & Ministry of Law and Justice, 2020a*) and the Occupational Safety, Health and Working Conditions Code, 2020 (*MINISTRY OF LAW AND JUSTICE, 2020*). These Codes replaced twenty-nine central labour legislations with the objective of simplifying compliance, improving ease of doing business and modernising labour regulation in response to changing economic realities. These reforms also acknowledge the increasing diversification of India's workforce, particularly the growth of informal, contractual and platform-based employment.

Code on Social Security, 2020

Among the Labour Codes that have been introduced in India, the Code on Social Security, 2020 represents the most significant legislative development for the gig workers and platform workers. For the first time in Indian labour legislation, the Code expressly recognises both categories as distinct classes of workers and provides statutory definitions under Sections 2(35) and 2(61). It further empowers the Central Government to frame welfare schemes relating to life and disability insurance, accident insurance, health and maternity benefits, old age protection and other social security measures specifically for gig workers and platform workers. The Code also envisages the creation of a Social Security Fund and recognises the role of digital aggregators in financing welfare schemes.

Constitutional Provisions

Although there is no mention of gig workers or Algorithmic management in the Constitution of India, some of the fundamental constitutional provisions have provided an essential normative basis for safeguarding the interests of the platform based workforce. The Indian constitution ensures certain Fundamental Rights and Fundamental Duties that would protect the individual rights of the platform based workers as well as the duties of the state towards them. The Fundamental Rights under the Constitution of India are-

- Article 14 (*Constitution of India, 2023*)- Equality before Law. Article 14 assures equality before the law and equal protection of laws. Arbitrary actions cannot be undertaken; there must be fairness in decision making. With regard to platform work, algorithmic decisions involving aspects such as work allocation, rating, incentivization or account closure must be done in a fair manner and not discriminatively. Biased and opaque algorithms could lead to arbitrary treatment of workers hence Article 14 is an important benchmark.
- Article 16 (*Constitution of India, 2023a*)- Equality of Opportunity in Public Employment. According to Article 16, there should be equal opportunity in regard to public employment and freedom from discrimination in recruitment and conditions of service. Even though Article 16 applies to public employment and not private digital platforms, the notion of equal opportunities that it embodies helps to support the constitutional anti-discrimination approach to employment-related decisions.
- Article 19(1)(c) (*Constitution of India, 2023c*)-Their freedom to form associations or unions. Many platform workers are beginning to realize that collective bargaining is something that they should be looking out for. This provision defends the freedom of these workers to organize themselves since they are regarded as independent contractors.
- Article 23 (*Constitution of India, 2023c*) – Prohibition of Traffic in Human Beings and Forced Labour. Article 23 prohibits forced labour and exploitation in all forms. Although gig workers voluntarily join digital platforms, labour practices that create excessive economic dependency, unfair working conditions, or exploitative contractual arrangements invite scrutiny under the constitutional commitment against exploitation.
- Article 24(*Constitution of India, 2023d*) – Prohibition of Child Labour. Article 24 prohibits the employment of children below fourteen years of age in factories, mines, and other hazardous occupations. While Article 24 has limited direct application to gig work, it reflects the constitutional objective of protecting vulnerable workers and preventing labour exploitation, a principle that continues to inform labour legislation.

  Although the Directive Principles are not enforceable by courts, they serve as guiding principles for labour legislation and social welfare policies.

- Article 39 (*Constitution of India, 2023e*)- Article 39 directs the State to ensure that citizens have an adequate means of livelihood and that the economic system does not result in concentration of wealth or exploitation. It supports policies promoting fair remuneration, economic security, and protection of gig workers against exploitative platform practices.
- Article 41 (*Constitution of India, 2023g*)- Article 41 directs the State to secure the right to work, education, and public assistance in cases of unemployment, old age, sickness, and disability, subject to its economic

capacity. It provides constitutional support for extending social security schemes and welfare measures to gig and platform workers.

- Article 43 (*Constitution of India, 2023h*)- Article 43 directs the State to secure a living wage, decent conditions of work, and a decent standard of life for all workers. This provision aligns closely with the objectives of ensuring fair earnings, reasonable working conditions, and social protection for workers engaged in the gig economy.
- Article 43 (a)- Article 43(a) directs the State to secure workers' participation in the management of industries. Although introduced in the context of industrial democracy, its underlying principle can be extended to argue for greater transparency, worker participation, and accountability in algorithmic decision-making by digital labour platforms.

Recognising the rapid expansion of platform-based employment, the Government of India has initiated several policy measures aimed at extending social security coverage to gig workers. The Ministry of Labour and Employment has undertaken measures such as registration of gig and platform workers through the e-Shram portal (*Home | E-Shram*, n.d.) and consultations with various stakeholders regarding the implementation of the Code of Social Security, 2020. Such steps indicate important progress towards the recognition of the platform workers within the national labour policy framework, yet they are confined to issues of welfare and registration only.

Judicial Developments

Although there have been no court decisions that are related to algorithmic management or management in the workplaces driven by artificial intelligence, India's Supreme Court has been constantly interpreting labour laws and constitutional provisions in such a manner that is based on the concept of social justice and respect for labour.

(i) Minerva Mills Ltd. v. Union of India, (1980) (*Minerva Mills Ltd. & Ors Vs Union of India & Ors on 31 July, 1980*, n.d.)

In Minerva Mills, the Supreme Court reaffirmed that Fundamental Rights and Directive Principles of State Policy are complementary and must be harmoniously interpreted. The Court observed that while Fundamental Rights protect individual liberty, the Directive Principles seek to establish social and economic justice. Neither can be given absolute primacy over the other, as both together constitute the constitutional vision of a welfare State (*Singh, 2026*). This principle is highly relevant because the regulation of gig workers requires balancing economic freedom and technological innovation with social justice and labour welfare. While digital platforms contribute to economic development, the constitutional objective of ensuring dignity, equality, and social protection supports the need for appropriate regulation of algorithmic management under labour law.

(ii) Bandhua Mukti Morcha v. Union of India, (1984) (*Bandhua Mukti Morcha Vs. Union of India, 1984 (3 SCC 161) | ADB's Law and Policy Reform Program*, n.d.)

In this landmark decision, the Supreme Court held that the right to live with human dignity under Article 21 extends to workers and must be read together with Articles 39, 41, 42 and 43 of the Constitution. The Court emphasised that labour welfare, humane working conditions, and protection against exploitation are essential components of constitutional governance (*Bhagwati & Supreme Court of India, 1983*). Even though gig workers are not bonded labourers in nature, the principles of this case will hold significance generally. The use of AI management systems must not take away the dignity of living of the workers. This ruling is an indication of the constitutional obligation of protecting vulnerable workers regardless of their form of employment.

(iii) Randhir Singh v. Union of India, (1982) (*Randhir Singh Vs Union of India & Ors on 22 February, 1982*, n.d.)

It was accepted by the Supreme Court that the principle of "equal pay for equal work" is a constitutional principle derived from Articles 14, 16, and 39(d) despite not being mentioned explicitly under the Fundamental Rights. It has been stated that arbitrary discrimination in respect of remuneration is violative of the constitutional principle of equality. (*Client Challenge*, n.d.) The earnings for individuals operating in the platform economy usually involve algorithms that capitalize on dynamic pricing of the goods, rewards, and the customer rating system. Although the case in question is connected with public employment, it does raise the issue of equality in terms of

whether or not algorithm-based systems result in an arbitrary decision concerning the payments made to employees.

(iv) People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235

In its judgment, the Court observed that Article 23 of the Constitution makes it mandatory to abolish all forms of compulsory labour including cases where the individuals are compelled to labour under exploitative conditions due to financial survival needs. The Court further noted that labour rights form a crucial part of constitutional guarantees of human dignity (*P.N. Bhagwati & Baharul Islam, 1982*). Many gig workers depend entirely on online platforms for their earnings while they willingly use these platforms. But the extent of economic dependence along with the lack of transparency of the algorithmic monitoring can drain out the bargaining strength of both the parties. The ideas that have been presented in the case are related to the need for fair employment and fair business practices.

AI as the invisible employer

Traditional employment relationships generally involve a recognisable employer or supervisor who assigns work, monitors performance, determines incentives and takes disciplinary decisions. Platform work alters this structure. A worker may not have a conventional human supervisor, yet the platform can continuously influence when, how and on what terms the worker performs the job. This control is increasingly exercised through algorithms embedded within the platform's application. (*Algorithmic Management | Eurofound Platform Work Database*, n.d.) Algorithmic management may involve both simple rule-based systems and more sophisticated AI-based systems. These systems can match workers with customers, allocate assignments, monitor performance, process ratings, calculate prices and incentives, and support decisions affecting a worker's access to future work. In this sense, the absence of a human manager does not necessarily mean the absence of managerial control. Instead, managerial authority can become less visible and more technologically mediated. *(García-Ruiz & Rocchi, 2025)*

This is the basis for the idea of the "invisible employer." The term does not suggest that an algorithm is legally an employer. Rather, it highlights a functional question: if an algorithm performs important functions traditionally exercised by an employer, should labour law take that form of control into account? This question becomes particularly significant for gig workers whose access to work and income may depend heavily on decisions generated by the platform's technological systems. *(Sharma & Sharma, 2026)* Apart from these, ratings are one of the most visible forms of algorithmic management in platform work. Once the ride or the services have been completed, the clients offer the app users a certain rating. Ratings impact the ratings of app users and can give an insight into the profile of a particular worker online. Ratings are crucial not just in terms of reputation but also in terms of usage as the higher the rating, the more number of jobs the worker will have. Moreover, additional information offered by the ILO suggests that the importance of ratings and reputation systems cannot be overstated. *(Rani et al., 2021)*

Work allocation therefore provides one of the clearest examples of why the distinction between technological coordination and managerial control has become difficult. If the algorithm determines who receives work, the frequency of assignments can directly affect the worker's earnings. The platform may not expressly instruct the worker to accept a particular assignment, but the design of the allocation system can nevertheless shape the worker's economic opportunities. The EU Platform Work Directive recognises automated systems affecting the access to and organisation of work assignments as a form of automated decision-making relevant to platform workers. *Perrig (2023)* Another way in which algorithms influence the economic environment in which gig workers operate is surge pricing. During periods of increased demand, platforms may automatically adjust the price of a service. In ride-hailing, for example, the fare offered to customers may increase when demand exceeds the available supply of drivers. *("The Role of Surge Pricing on a Service Platform With Self-Scheduling Capacity," n.d.)*

Although surge pricing is generally presented as a pricing mechanism directed towards consumers, it can also affect workers. Changes in prices may influence when and where workers choose to log into the platform and whether they remain available during particular periods. The algorithm therefore does not merely determine the price of the transaction; it can indirectly influence the timing and intensity of labour supply. The algorithmic nature

of such pricing also creates an information asymmetry. A worker may know the fare or incentive being offered without necessarily knowing the variables that caused the algorithm to produce that particular outcome. Research on algorithmic management has identified data-driven pricing as one of the mechanisms through which platforms organise and influence gig work *(Dasgupta et al., 2026)*. Another important component of platform management are incentive systems. Platforms may offer additional payments for completing a specified number of rides or deliveries, working during particular periods, maintaining certain performance levels, or accepting assignments under specified conditions. At first glance, incentives appear to provide workers with greater freedom because participation is technically voluntary. However, their practical effect may be more complex. Where a worker's income is relatively uncertain, incentives can encourage workers to alter their working patterns to meet targets established by the platform. An incentive can function not merely as a financial reward but also as a mechanism for shaping worker behaviour. *("Effects of Threshold-based Incentives on Drivers' Labor Supply Behavior," n.d.)*

When a platform temporarily restricts a worker's access to the application or to particular functions based on an automated assessment, automated suspension occurs. Such restrictions may be triggered by alleged violations of platform rules, unusual activity, complaints, performance indicators or other data points. The important legal issue is that suspension can have an immediate economic consequence. A traditional employee facing disciplinary action would ordinarily interact with a supervisor or disciplinary authority. A gig worker may instead receive a notification generated through an application, sometimes without knowing precisely which data or rule triggered the decision.

This creates a question of procedural justice. In the situation where a decision is made on the basis of unreliable data or inaccurate customer complaints, the employee might lack necessary resources to solve the problem. Particularly, decisions that lead to imposition or restriction of access to an account are considered crucial decisions according to the EU Platform Work Directive, therefore, they must involve human factor. Deactivation is perceived as yet another type of governance of the platform since the worker loses his/her ability to earn money via the platform completely. While suspension has a temporary nature, deactivation can be permanent.

When we look at this from the standpoint of labour law, then here we draw an interesting parallel with termination of employment. A regular employee has a right to utilise the remedies in accordance with the particular law because they are terminated. In turn, a platform worker will go through all the same consequences upon their deactivation. But in this situation, it is necessary to analyse the issue from a more detailed point of view when deactivation occurs due to an algorithm's assessment of the worker. In such circumstances, we do not know the reason for the decision, whether the customer's rating had great importance and influence, or maybe the system just evaluated everything in the wrong way. This issue has been regulated in the Platform Work Directive in the sense that now it is required to involve a person in the decision regarding the restriction, paralysis, or termination of the worker's account.

There is nothing like digital platform's capability of tracking employees. The required information like location, work hours, acceptance, rejection, delivery time, rating by customers and other similar information is obtained and processed through the platform. What makes it different from usual workplace surveillance is that this is done through the employee's phone and app. The worker may therefore be monitored not through a physical supervisor but through a continuous stream of data generated while using the platform. The ILO has specifically examined worker monitoring and surveillance on digital labour platforms, highlighting the significance of digital monitoring in contemporary platform work. Surveillance can also alter worker behaviour. When workers know that their location, performance and conduct are being continuously recorded, they may adjust their actions to satisfy the platform's expectations. Thus, surveillance does not merely observe work; it can become a mechanism through which work is directed and disciplined.

Opacity: The "Black-Box" Algorithm

Perhaps the most fundamental problem with algorithmic management is opacity. Workers may observe the outcome of an algorithmic decision without knowing how that decision was produced. This becomes particularly problematic when AI-based systems rely on machine-learning models whose decision-making processes may be difficult to explain even to the people who designed or operate them. Eurofound distinguishes between rule-based

algorithmic management and AI-based systems. While rule-based systems may follow predetermined instructions, AI-based systems can learn from data and generate predictions or decisions in ways that are more difficult to understand. This has led to the description of certain AI systems as "black boxes."

Procedural fairness becomes particularly important when algorithmic decisions have significant consequences for a worker's livelihood. A worker affected by an automated decision should, at a minimum, be able to understand the nature of the decision, obtain relevant reasons, challenge incorrect information and seek review by an appropriately authorised human decision-maker. Such an approach is particularly important in situations where a decision has to be made concerning suspension, deactivation, payment, or taking any other measures having a serious influence on access to employment. Without procedural safeguards, an automatic decision can actually become final despite being based on erroneous data or an erroneous conclusion. As far as examples of legislative bases go, the EU Platform Work Directive provides a good one. Such legislation requires platforms to justify certain automated decisions and enables workers to request review. In particular, what should be noted is that human beings alone can make decisions regarding restriction, suspension, or termination of an account.

Comparative Analysis

The regulation of gig and platform work is still developing across jurisdictions and different legal systems have adopted different approaches to the challenges created by digital platforms. India has taken an important step by formally recognising gig workers and platform workers within the Code on Social Security, 2020. However, the Indian framework is primarily concerned with extending social-security protection to these categories of workers and does not establish a comprehensive framework governing the algorithmic systems through which digital labour platforms organise and manage work *(Tilat et al., 2026)*. The Code defines a "gig worker" as a person who performs work outside a traditional employer and employee relationship and contains specific provisions concerning social security for gig and platform workers. *(ICRIER, 2025)*

The European Union (EU) provides a particularly useful comparator because it has moved beyond merely recognising platform workers and has adopted Directive (EU) 2024/2831 on improving working conditions in platform work *(Flórez et al., 2024)*. This Directive draws attention to algorithmic management and automated surveillance and decision-making systems in particular. The Directive puts into effect requirements regarding transparency, human-in-the-loop supervision of such systems, as well as explanation and assessment of significant automated decisions. *(Mistar et al., 2025)* Therefore, in addition to the already existing legal framework in the EU for regulating platform workers, there is the important issue of the article being related to the growing importance of the algorithms in the management process. The comparison of Indian with the EU approaches will demonstrate whether India has a sufficient legal framework to deal with the problem of algorithmic management. (*Regulating the Working Conditions of Platform Work: What Can We Learn From EU Member States?*, 2024)

India's statutory recognition of gig and platform workers can be found in the Code on Social Security, 2020. The code clearly defines "gig workers" and "platform workers" and has a different system for the social security of these categories of workers (*The Code on Social Security, 2020*, *n.d.)*. Chapter IX deals with social security for unorganised workers, gig workers and platform workers, while Sections 113 (*Section of Act|C4HR-Labor Law Compliance and Resources in India*, n.d.) and 114 (*Case Viewer | Draft Bot Pro*, n.d.) provide for registration and schemes concerning gig and platform workers. This recognition is significant because it acknowledges that work can exist outside of the traditional employer–employee relationship. However, the Code's provisions are primarily directed towards social-security coverage. It does not establish a detailed statutory framework requiring digital labour platforms to disclose how their automated systems allocate work, evaluate performance, determine incentives, calculate earnings, or make decisions concerning suspension and deactivation.*("Dignity at Work: Legal Recognition and Economic Security for India's GIG Labour," n.d.)* A gig worker may be subject to several algorithmic decisions affecting their livelihood without having a specific statutory right under the Code to know what automated system was used, what categories of data were considered, or which factors materially influenced the decision.

The European Union has adopted a substantially more detailed approach through Directive (EU) 2024/2831. *(Mistar et al., 2025b)* Article 9 specifically deals with transparency concerning automated monitoring systems

and decision making systems. *(Heaney, 2026)* Under the Directive, digital labour platforms are required to inform persons performing platform work and their representatives about the use of such automated systems. In relation to automated monitoring, the information includes the categories of data and actions being monitored or evaluated, the purpose of monitoring, and the manner in which the monitoring is carried out. *(Brazier, 2024)*

The Directive goes further for automated decision-making systems. Platforms must provide information concerning *("GDPR-compliant AI-based Automated Decision-making in the World of Work," n.d.)*: the fact that automated decision-making systems are being used or introduced; the categories of decisions taken or supported by those systems; the categories of data considered by the system; the main parameters taken into account; the relative importance of those parameters in the decision-making process; the manner in which the worker's personal data or behaviour may influence decisions; and the grounds for decisions restricting, suspending or terminating a worker's account or refusing payment for work performed.

This is particularly significant for the present research because these requirements directly address the "black-box" problem because of which a worker affected by an algorithmic decision is not required to simply accept the result without information about the system responsible for producing it.

On the other hand Canada has an interesting option in form of Ontario's Digital Platform Workers' Rights Act, 2022 (DPWRA) (*Rights and Protections for Digital Platform Workers*, 2025). This act is significant as it concerns digital platform workers regardless of whether they have any job. In addition, it establishes certain rights regarding information about work on platforms. The DPWRA took effect from 1 July 2025 *(Filiondev, 2025)*. As required under Section 7 of the DPWRA (*"Voluntary Sharing" Under Section 7(a) of the DPDP Act: When Can You Skip Consent?*, n.d.), digital platform operators need to inform the workers in writing regarding the factors considered to decide whether to offer work and how they are implemented. Additionally, the digital platform operator will be required to indicate whether there is a performance rating system and whether any consequences are incurred as a result of the rating. The issue of transparency gets much more specific when the task is actually offered. In such a case, the operator should give details related to the estimated income of the employee and how it was calculated, the criteria which were taken into consideration to make the decision to assign the task, and finally, whether or not the poor performance rating or failure of the employee can have some consequences. It is especially applicable to the current essay since it is concerned with those exact mechanisms outlined in Chapter 4. It does not seek to make the company reveal its algorithm's source code but rather makes them reveal the criteria which are relevant to the economic relationship between the worker and the company. Thus, it tries to minimize information inequality while allowing the company to use technology.

Spain is probably the most fascinating example of a country from a national perspective concerning this article because Spain specifically included algorithmic transparency in labour law through Law 12/2021, often referred to as Spain's Rider Law (*Spain's Rider Law: Algorithmic Transparency and Worker Rights*, n.d.). This particular law modified Article 64(4)(d) of the Workers' Statute (*Spain, Ley Del Estatuto De Los Trabajadores | JuLIA*, 2015) and gave the right to worker representatives to obtain information from the company regarding the parameters, criteria, and guidelines of algorithms or artificial intelligence systems where such decisions have an impact on working conditions and employment. This approach is important since it does not involve the platform revealing its algorithm to the authorities. Instead, it gives access to data on the parameters, instructions and guidelines used within the algorithms that affect employment decisions. There is thus some form of collective algorithmic transparency through worker representation. Spain even went an extra mile by enacting the presumption of employment for particular workers of the delivery platforms that have control powers over the workers through the algorithmic management of the service or conditions.

In India, much attention has been paid to the recognition and social protection of gig workers and platform workers. Code on Social Security, 2020, is an important achievement in this context; however, this legislation does not impose any special duties on the platforms to provide information on how algorithmic management operates and what parameters are used. In the EU, automated monitoring and decision-making are viewed as something requiring special regulation within labour law. In its framework, information about how automated systems operate and what parameters are used there is required along with transparency and human oversight and review of decisions made.

Ontario offers a more worker-oriented transparency regime since its legislation obliges platforms to inform workers about which factors play a role in the decision to offer assignment, how pay is calculated, and how performance ratings influence workers.

Finally, Spain is an important example of labour law approach to the transparency of algorithms and AI. Here, the parameters and rules of algorithms and AI potentially affecting working conditions and employment are provided for worker representatives. The legislation also recognizes algorithmic management as one of the manifestations of organizational and managerial powers.

Gig work has changed the entire concept of work in an irreparable manner. The digital labour platforms have generated flexible ways for people to generate income by way of ride-hailing, food delivery, logistics, courier and other types of on-demand work. On the other hand, the organization of gig work is becoming more dependent on algorithmic control rather than human oversight. Allocation of work, ratings, incentives, pricing, monitoring and the very decision about continuing as a member of the platform might be impacted or even decided using algorithms. In case of workers who depend greatly on platform work for earning a living, these decisions carry the same weight as managerial control. The Indian law has reacted to the appearance of such a workforce by providing a legal definition for gig workers and platform workers in the Code on Social Security, 2020. This is an important step forward from a legislative perspective since it recognizes the type of work that exists outside the classic employer-employee model. As it is shown through the analysis carried out in this article, this recognition is not enough. This is because the current framework deals mostly with social security protection and not regulation of the algorithms used to manage this work. It is for that reason the legal issue at hand lies in more than just the process of proving if the online platform is a direct employer. But what is more significant is the extent of control that is used through the use of algorithms and its implications in law with regard to those undertaking gig economy jobs. Comparative analysis reveals that jurisdictions have started dealing with this very issue. Directive (EU) 2024/2831 of the European Union has established special protections for automated monitoring and automated decision-making in platform work, such as transparency, human oversight, explanation, and human review of decisions of a significant character. The Digital Platform Workers' Rights Act, 2022 (Ontario) gives workers specific information about the criteria for determining assignments availability, calculation of the salary, and the impact of their performance ratings. Law 12/2021 (Spain) makes a special contribution to labour law by stipulating that worker representatives must receive information on the parameters, rules, and instructions related to the use of algorithms or artificial intelligence systems, whose impact may be felt in terms of the terms and conditions of work and the accessibility of employment; it explicitly acknowledges algorithmic management as one of the mechanisms of exercising managerial and organizational powers in platform delivery work.

It might be advisable for India to introduce a special regulatory mechanism for automated surveillance and decision-making systems used by digital labour platforms. While India’s regulatory regime regarding algorithmic systems in the workplace already exists in the form of Code on Social Security, 2020, it could be further enhanced by introducing additional clauses that address the issue of algorithmic systems impacting work allocation, pay, ratings, rewards, performance assessment, suspension, and deactivation. The idea is not to limit the usage of AI technology by platforms, but rather to ensure its use is ethical and proper. Digital labour platforms must be mandated to give workers accessible information on the main determinants of how the algorithm systems affect the way the workers carry out their jobs and how much money they earn from their work. The platform is not mandated to give access to the source codes and other commercially confidential information. The workers must also have the right to get explanations on important automated decisions related to their work or livelihoods. The initiatives undertaken in the EU and Ontario in Canada show that transparency can be achieved through giving access to parameters without disclosing the entire algorithm systems. The Spanish model illustrates the importance of giving representatives of the workers information on the parameters and rules of the algorithms and AI systems. Platforms must offer human review, allowing workers to challenge the decisions and get a rational explanation of those. As such, it would make sense for India to establish a grievance redressal system where workers could contest unfair ratings, incorrect incentive calculations, exclusion from tasks, suspension, deactivation, and other adverse decisions made by algorithms. The mandatory human involvement in significant decisions about the

accounts in the European Union is a good example in this regard, as well as the framework of platform work in Ontario.

Labour laws in India must take account of algorithmic control in evaluating the nature of the relationship between the platforms and the worker. The question of whether the relationship is one of employment should be informed by the roles of the platform as it allocates work, sets the economic context, monitors work, incentivises workers and controls access to work, rather than just by the labels in the contract. Spain provides an exemplary precedent in the way it recognises organizational, managerial and control functions carried out through algorithmic management. India should also look at conducting audits or impact assessments of any algorithms that have significant impact on workers to detect any discrimination, inaccuracy or harm.

India has already taken the first step in recognizing gig workers through the Code on Social Security, 2020. What needs to follow is regulation of the mechanisms that enable platforms to exert control over these workers. For transparency and human control, there is a great model offered by the EU; for rights and enforcement of particular informational rights, there is the example of Ontario, and for regulation of algorithmic management, there is the experience of Spain. These models offer important lessons to build an Indian framework tailored to its labour market realities. The rise in algorithmic management has shown that the old dichotomy between employers' control and employees' independence will have to be increasingly hard to apply in the case of platform work. Even if there is a lot of flexibility provided by the digital platforms for the employees, algorithms may also dictate who is given work, what kind of rating the person gets, incentive schemes, surveillance and continued access to work. In cases where workers earn their livelihood from these platforms, these technological decisions may affect them in ways similar to managerial decisions. The code on social security, 2020 marks an important move because it officially recognises the existence of gig and platform workers, however, simply recognising them will not solve the problem of algorithmic management. Hence, it is crucial to think about the issue not in terms of whether algorithms will themselves qualify as legal employers, but in terms of whether the platforms are liable for managerial actions carried out by the algorithms. Consequently, India needs a regulatory framework that will allow the platform workers to continue enjoying the flexibility associated with their work while providing certain safeguards for transparency, explanations, human oversight and review.

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