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## Precarity and Protection: Social Security for Platform workers in India and Australia

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### ABSTRACT

Platform based workforces have expanded rapidly in both India and Australia, creating new economic opportunities while deepening long standing concerns around precarity, classification, and access to social security. This article examines how the two jurisdictions are attempting to regulate platform labour within their broader social protection frameworks. Using a doctrinal and comparative approach, the paper contrasts India's Social Security Code, 2020 which formally recognizes gig and platform workers but leaves key entitlements discretionary; with recent Australian reforms that strengthen minimum standards, define "employee-like" work, and address algorithmic control. Through case law, legislative analysis, and policy review, the article evaluates whether these reforms meaningfully reduce vulnerability or merely repackage traditional employment tests. The comparison highlights regulatory gaps that persist in both systems, particularly around income security, occupational protections, and collective rights. The paper argues for a more integrated approach to social security that reflects the real condition of platform labour and offers insights for jurisdictions grappling with similar challenges globally

### 1. INTRODUCTION

The expansion of platform-mediated labour has emerged as one of the most visible features of contemporary labour markets. Ride-share drivers, food delivery couriers, online service providers, and other digital intermediated workers are now embedded in the everyday functioning of large metropolitan economies. Yet while platforms have facilitated new forms of work and flexible participation, they have simultaneously intensified longstanding concerns about economic insecurity, lack of bargaining power, and exclusion from traditional forms of labour regulation. Central to this debate is the question of whether platform workers—often treated as independent contractors under domestic labour law—should be entitled to social security protections conventionally linked to employment status.

Both India and Australia present compelling case studies for analyzing these regulatory dilemmas. Although the two jurisdictions differ significantly in welfare architecture, labour market structure, and institutional history, each has been confronted with similar challenges around worker classification, income volatility, occupational risk, and social protection gaps. In India, these issues have converged with the broader reform project of consolidating existing labour laws into comprehensive labour codes, including the Social Security Code, 2020. The Code formally acknowledges gig and platform workers as distinct categories for the first time, signaling a potential shift in the normative basis of labour law towards inclusion beyond the binary of employee and independent contractor. However, questions remain regarding enforceability, funding mechanisms, and the extent to which such recognition translates into substantive benefits.



In Australia, these debates have intensified through litigation and legislative reform under the Fair Work Act,<sup>1</sup> placing platform work squarely within the labour law mainstream. Recent legislative reforms, including the proposed introduction of "employee-like" categories under the Fair Work Act and the regulation of digital labour platforms, suggest a movement towards extending minimum labour standards and bargaining rights to workers traditionally treated as contractors. Australian courts and regulators have also begun confronting evidentiary questions around algorithmic control, economic dependency, and the practical realities of platform labour. These developments mark a departure from earlier judicial approaches grounded exclusively in common law tests of control and integration.<sup>2</sup>

This article situates these developments within broader international debates about the future of work and the adequacy of existing legal categories for capturing new forms of labour dependency. Rather than asking whether platform workers are "employees" or "independent contractors," the inquiry focuses on the extent to which social security systems can be adapted to protect workers whose livelihoods are shaped by digital platforms, volatile demand cycles, and asymmetric bargaining relations. In doing so, the article contributes to emergent scholarship that seeks to decouple social protection from narrow classificatory tests, and to re-examine the normative foundations of labour law in the context of technological change.

Methodologically, the paper adopts a comparative doctrinal and policy analysis, drawing on statutory frameworks, judicial decisions, regulatory proposals, and secondary empirical studies. India and Australia are selected not merely for geographic contrast, but because each represents distinct welfare models grappling with similar regulatory pressures. The comparison highlights how welfare architecture—whether contributory, mixed, or state-funded—shapes the feasibility of extending social protections to platform workers. The analysis also draws on international instruments such as ILO Recommendation No. 204<sup>3</sup> on transitioning from informal to formal economies, and ongoing OECD and EU initiatives on platform labour governance.

The article argues that although both jurisdictions have taken steps toward recognizing platform labour as a subject of regulation rather than as a purely contractual arrangement, gaps remain in coverage, financing, portability, and enforcement. These gaps underscore the need to reconceptualise social security beyond employment status and towards forms of economic participation that reflect contemporary labour market realities. The article concludes by offering policy recommendations informed by comparative lessons and by identifying areas for further empirical investigation, particularly concerning funding models, contributory design, and institutional capacity for enforcement.

## **Platform Work, Precarity, and the Limits of Traditional Social Security Frameworks**

### **Defining Platform Work and Worker Precarity**

Platform work occupies an uneasy space within contemporary labour markets. It is neither fully informal nor comfortably situated within traditional employment relationships. Digital labour platforms typically present themselves as intermediaries connecting independent workers with consumers, relying on contractual arrangements that emphasize autonomy, flexibility, and entrepreneurial choice. However, empirical research increasingly demonstrates that the reality of platform work often departs from these contractual representations. Workers are frequently subject to unilateral changes in terms of engagement, opaque rating systems, dynamic pricing algorithms, and performance-based deactivation, all of which significantly constrain genuine independence.

Precarity, in this context, refers not only to unstable income but also to the broader absence of social protection, bargaining power, and predictability.<sup>4</sup> Platform workers often bear the risks traditionally absorbed by employers or the state, including income fluctuations, occupational hazards, and periods of involuntary inactivity. These risks are amplified by the absence of contributory social security mechanisms and by the fragmentation of work across multiple platforms. As a result, platform labour exemplifies what scholars have described as the "recommodification of labour risk" in digital economies.<sup>5</sup>

While precarity is not unique to platform work, the scale and visibility of platform-mediated labour have exposed structural weaknesses in labour regulation systems that rely heavily on binary classifications. The employee-independent contractor distinction, long criticized for its rigidity, has become increasingly ill-suited to capturing the economic dependency and control dynamics that characterize platform work.

### **Social Security and the Employment Nexus**

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<sup>1</sup> Fair Work Act 2009 (Cth).

<sup>2</sup> *Construction, Forestry, Maritime, Mining and Energy Union v Personnel Contracting Pty Ltd* (2022) 275 CLR 165; *ZG Operations Australia Pty Ltd v Jamsek* (2022) 275 CLR 254.

<sup>3</sup> International Labour Organization, *Recommendation No 204 concerning the Transition from the Informal to the Formal Economy* (2015).

<sup>4</sup> Guy Standing, *The Precariat: The New Dangerous Class* (Bloomsbury Academic, 2011) 1–3.

<sup>5</sup> Judy Fudge and Rosemary Owens (eds), *Precarious Work, Women, and the New Economy* (Hart Publishing, 2006) 9–12.

Social security systems in both India and Australia have historically evolved around the employment relationship.<sup>6</sup> Entitlements such as health insurance, accident compensation, maternity benefits, and retirement security have been linked—either directly or indirectly—to formal employment status. This linkage reflects an underlying assumption that stable, continuous employment constitutes the dominant mode of labour market participation.

Platform work disrupts this assumption. Workers may engage intermittently, combine multiple income streams, or move frequently between platforms. In such contexts, contributory models premised on long-term employer–employee relationships struggle to accommodate fragmented participation. Even non-contributory welfare schemes often rely on eligibility criteria that are difficult for platform workers to satisfy due to documentation gaps, fluctuating earnings, or ambiguous legal status.

The persistence of the employment nexus has therefore produced what may be described as a “coverage gap” rather than a regulatory vacuum. Platform workers are not entirely excluded from social protection, but their access is partial, conditional, and often contingent upon discretionary policy choices rather than enforceable rights. This gap is particularly visible in areas such as occupational injury coverage, income support during periods of inactivity, and old-age security.

### **Rethinking Classification: Beyond Employee and Contractor**

Legal responses to platform work have frequently focused on classification disputes, with courts asked to determine whether platform workers are employees or independent contractors. While such litigation has generated important jurisprudence—particularly around control, integration, and economic dependency—it has also revealed the limitations of classification-based approaches to social security.

In both India and Australia, classification tests remain rooted in doctrinal frameworks developed for industrial-era labour markets. These tests often struggle to account for algorithmic management, data-driven supervision, and indirect forms of control exercised through ratings and incentives rather than direct managerial oversight. Moreover, classification disputes tend to be individualized, placing the burden of enforcement on workers who may lack the resources or security to pursue litigation.

An emerging body of scholarship argues that social security should not be held hostage to classification outcomes. Instead, protection should be grounded in economic participation, vulnerability, and risk exposure. From this perspective, platform workers’ entitlement to social security arises not from their legal label but from their structural position within the labour market and their dependence on platform-mediated income.

### **International Normative Shifts and the Role of Social Protection**

International labour standards increasingly reflect a shift toward inclusive approaches to social protection. Instruments such as ILO Recommendation No. 204 emphasize the transition from informal to formal economies through progressive extension of labour and social security protections. Similarly, ongoing debates within the OECD and the European Union highlight the need for portable benefits, shared contribution models, and platform accountability.

These developments underscore a growing recognition that labour markets are no longer organized exclusively around standard employment relationships. Social security systems must therefore adapt to diverse forms of work without reinforcing exclusion through rigid eligibility criteria. Platform work has become a focal point for this broader transformation, serving as a test case for the capacity of labour law to respond to technological and organizational change.

Against this backdrop, India and Australia offer contrasting but complementary regulatory experiments. India’s legislative recognition of platform workers within a codified social security framework represents an ambitious attempt to widen coverage, albeit with unresolved implementation challenges. Australia’s incremental reform approach, grounded in industrial relations institutions and judicial engagement, reflects a more cautious recalibration of existing structures. Examining these approaches side by side provides valuable insight into the strengths and limitations of different pathways to social protection.

This chapter establishes the conceptual foundation for the comparative analysis that follows. Rather than treating platform work as an anomaly, it situates it within broader debates about precarity, welfare state transformation, and the future of labour regulation. The subsequent sections of the article examine how India and Australia have translated these debates into concrete legal and policy responses, and whether those responses meaningfully address the social security vulnerabilities faced by platform workers.

### **Regulating Platform Workers and Social Security in Australia**

#### **Platform Work within Australia’s Labour and Welfare Architecture**

Australia’s response to platform work must be understood within its distinctive labour and social security framework.

<sup>6</sup> Organisation for Economic Co-operation and Development, *The Future of Social Protection: What Works for Non-Standard Workers?* (OECD, 2019) 17–20.

Unlike jurisdictions that rely heavily on contributory social insurance tied to employment, Australia operates a largely tax-funded social security system supplemented by employment-based entitlements such as superannuation, workers' compensation, and minimum labour standards under the Fair Work Act 2009 (Cth).<sup>7</sup> This hybrid model has shaped both the scope and limits of protection available to platform workers.

Historically, access to labour protections in Australia has been mediated through the concept of the employment relationship. Employees enjoy minimum wages, unfair dismissal protections, collective bargaining rights, and employer-funded benefits, while independent contractors are generally excluded from these regimes. Platform companies have largely positioned their workers within the latter category, framing themselves as technology providers rather than employers. This classification strategy has allowed platforms to externalize labour risks while benefiting from a workforce that is economically dependent and operationally constrained.

At the same time, Australia's welfare system does not entirely exclude non-employees. Income support payments, healthcare access, and certain family benefits are available irrespective of employment status. However, these forms of protection are often residual and insufficient to address the specific vulnerabilities associated with platform work, such as income volatility, occupational injury, and lack of retirement security. The regulatory challenge has therefore been less about absolute exclusion and more about the misalignment between labour regulation and social security design.

### **Judicial Engagement with Platform Work and Control**

Australian courts have played a significant role in shaping the legal understanding of platform work, particularly through disputes concerning worker classification.<sup>8</sup> Early judicial approaches tended to apply traditional common law tests, emphasizing contractual terms, autonomy, and the absence of direct managerial control. This often resulted in platform workers being characterized as independent contractors, reinforcing their exclusion from employment-based protections.

However, more recent judicial reasoning reflects a growing sensitivity to the realities of platform-mediated labour. Courts have begun scrutinizing the substance of working arrangements, including the role of algorithmic management, performance metrics, and unilateral termination through deactivation.<sup>9</sup> Factors such as control exercised through digital interfaces, economic dependency on platform income, and lack of genuine bargaining power have gained prominence in judicial analysis.

While these developments mark an important shift, their implications for social security remain limited. Classification disputes tend to be individualized and retrospective, offering relief to a small subset of workers without producing systemic change. Moreover, judicial recognition of control does not automatically translate into expanded access to social security, particularly where entitlements depend on statutory definitions or employer contributions. As such, litigation has exposed the inadequacy of relying solely on courts to resolve structural issues arising from platform work.

### **Legislative Reform and the Emergence of "Employee-like" Protection**

Recognizing the limitations of classification-based adjudication, Australia has increasingly turned to legislative reform to address gaps in worker protection. Recent amendments to the Fair Work Act signal a move towards regulating platform work through functional rather than formal categories.<sup>10</sup> The introduction of protections for workers engaged in "employee-like" arrangements reflects an attempt to capture relationships characterized by economic dependency, control, and vulnerability, even where traditional employment labels do not apply.

This shift has important implications for social security. By acknowledging degrees of dependency rather than binary status, the law creates space for extending minimum standards, collective bargaining rights, and dispute resolution mechanisms to platform workers. These developments also strengthen the regulatory capacity of institutions such as the Fair Work Commission, enabling sector-wide interventions rather than fragmented individual claims.

Nevertheless, significant challenges remain. Legislative reforms have largely focused on labour standards rather than social security integration. Questions around superannuation contributions, workers' compensation coverage, and income protection during periods of platform inactivity remain unresolved. Without clear obligations on platforms to contribute to social protection mechanisms, employee-like recognition risks becoming symbolic rather than transformative.

### **Social Security Gaps and Platform Workers Vulnerability**

Despite Australia's relatively robust welfare state, platform workers continue to face pronounced social security vulnerabilities. Access to income support payments is often conditional on strict eligibility requirements, including activity tests and reporting obligations that are ill-suited to fluctuating gig incomes. Workers' compensation schemes, administered

<sup>7</sup> Fair Work Act 2009 (Cth).

<sup>8</sup> *Personnel Contracting* (n 8); *Jamsek* (n 8).

<sup>9</sup> Joellen Riley Munton, 'Regulating Work in the Digital Platform Economy' (2021) 34 *Australian Journal of Labour Law* 1, 12–15.

<sup>10</sup> Fair Work Legislation Amendment (Closing Loopholes) Act 2023 (Cth).

at the state level, frequently exclude independent contractors or impose complex thresholds for coverage, leaving platform workers exposed to occupational risks.

Superannuation presents a particularly stark example of exclusion. As employer contributions are tied to employee status, most platform workers accumulate little or no retirement savings through their platform work. This gap has long-term consequences, especially for workers who rely on platform labour as a primary or sustained source of income.

These shortcomings illustrate a broader structural issue: Australia's social security system assumes a degree of income stability and employer responsibility that platform work systematically undermines. While recent reforms acknowledge vulnerability in labour standards, they stop short of embedding platform workers within contributory or shared social protection models.

### **Assessing the Australian Approach**

Australia's evolving regulatory framework reflects a cautious but meaningful departure from rigid classification-based approaches. Judicial recognition of platform control, coupled with legislative expansion of employee-like protections, demonstrates an awareness of the inadequacy of existing categories. However, the absence of a coordinated approach linking labour regulation with social security design limits the effectiveness of these reforms.

Rather than resolving precarity, current measures risk managing it at the margins. Platform workers may gain access to minimum standards and dispute resolution while remaining excluded from the core social security mechanisms that provide long-term economic security. This disjunction underscores the need for regulatory strategies that treat social protection as an integral component of labour regulation rather than as a residual safety net.

The Australian experience thus offers valuable lessons for comparative analysis. It illustrates both the possibilities and constraints of incremental reform within established welfare states, and it highlights the importance of aligning labour standards with social security mechanisms. These insights provide a useful counterpoint to India's codification-based approach, examined in the next section.

### **Platform Workers and Social Security in India: Recognition without Redistribution**

#### **Platform Work and Structural Informality in India**

Platform work in India has expanded rapidly against a backdrop of pervasive labour informality. Unlike Australia, where platform labour emerges within an already formalized regulatory and welfare system, India's digital labour platforms operate in an economy where the majority of workers remain outside formal employment arrangements.<sup>11</sup> Platform work has therefore been framed simultaneously as a source of livelihood opportunity and as a regulatory challenge, blurring the boundary between innovation-driven employment and the reproduction of informal labour conditions.

Platform workers in India are typically characterized by low entry barriers; high competition, unpredictable income streams, and limited bargaining power. Although platforms emphasize flexibility and self-employment, empirical studies indicate that workers often depend on platform income as a primary or significant source of livelihood. Algorithmic management, performance-based incentives, customer ratings, and unilateral termination mechanisms shape working conditions in ways that closely resemble subordinated labour relationships, even in the absence of formal employment status.

These dynamics raise fundamental questions about the adequacy of India's existing labour and social security frameworks. Historically, labour protection in India has been tied to formal sector employment, with fragmented statutes addressing specific categories of workers. Platform labour exposes the limits of this model by creating a workforce that is economically dependent but legally peripheral.

#### **The Social Security Code, 2020: Legislative Recognition of Platform Labour**

The enactment of the Social Security Code, 2020 marks a significant moment in India's labour law reform trajectory.<sup>12</sup> For the first time, Indian labour legislation explicitly recognizes "gig workers" and "platform workers" as distinct categories<sup>13</sup> deserving of social security protection. This recognition represents a departure from the traditional employee-employer paradigm and reflects an acknowledgement of changing labour market realities.

The Code empowers the central and state governments to formulate social security schemes covering gig and platform workers, including provisions for life and disability cover, accident insurance, health benefits, maternity benefits, and old-age protection. In principle, this framework signals a move toward inclusive social protection extending beyond formal employment.

However, the structure of the Code reveals important limitations. Entitlements for platform workers are entirely framed as

<sup>11</sup> International Labour Organization, *India Wage Report* (ILO, 2018) 33–36.

<sup>12</sup> Code on Social Security, 2020 (India).

<sup>13</sup> Code on Social Security, 2020 (India) ss 2(35), 2(60).

enabling provisions rather than enforceable rights.<sup>14</sup> The creation, scope, and funding of schemes remain subject to executive discretion, with no statutory guarantee of minimum benefit levels or universal coverage. As a result, recognition operates more as a policy invitation than as a legal mandate.

### **Financing, Implementation, and the Problem of Discretion**

One of the most contested aspects of the Social Security Code is its approach to financing social security for platform workers. While the Code contemplates contributions from aggregators, the quantum, collection mechanisms, and enforcement processes are not clearly defined. In the absence of mandatory contribution thresholds or transparent allocation frameworks, the financial sustainability of platform worker schemes remains uncertain.

Implementation has also been uneven. Registration requirements, digital portals, and documentation processes pose barriers for workers with limited access to information or technological literacy. Moreover, coordination between central and state governments has proven complex, particularly given the federal structure of labour administration in India.

These challenges highlight a deeper structural issue: the Code seeks to extend protection without fundamentally redistributing responsibility. Platforms are recognized as key stakeholders but are not clearly positioned as contributors analogous to employers. The result is a social security framework that acknowledges vulnerability without adequately addressing the power asymmetries that produce it.

### **Judicial and Policy Developments**

Indian courts have begun engaging with platform work, primarily in the context of employment classification, contractual fairness, and access to welfare benefits. While judicial interventions have occasionally recognized the dependent nature of platform labour, they have not yet produced a coherent jurisprudence on social security entitlements for gig workers.

Policy initiatives at both central and state levels have attempted to operationalise the Code's provisions. Some states have announced welfare schemes for gig and platform workers, including insurance coverage and emergency assistance. However, these initiatives remain fragmented, limited in scope, and heavily reliant on budgetary allocations rather than structural funding mechanisms.<sup>15</sup>

The absence of judicially enforceable rights and the reliance on executive discretion mean that platform workers' access to social security remains contingent and uneven. This reinforces existing patterns of informality rather than transforming them.

### **Assessing India's Codification Strategy**

India's approach to platform worker protection is notable for its ambition and symbolic significance. By embedding gig and platform workers within a consolidated social security framework, the Social Security Code signals a normative shift toward inclusivity. However, this shift is undermined by the absence of rights-based guarantees, enforceable obligations on platforms, and institutional mechanisms for accountability.

Rather than bridging the gap between formal and informal labour, the Code risks institutionalizing a second-tier model of protection—one that recognizes platform workers without equipping them with meaningful security. This outcome reflects the broader tension within India's labour reforms, which seek to balance labour flexibility with social protection while avoiding explicit redistribution of costs to employers or aggregators.

The Indian experience stands in sharp contrast to Australia's incremental but enforceable regulatory approach. While Australia grapples with classification and institutional adaptation within a mature welfare state, India confronts the challenge of building social security coverage in a context of widespread informality and fiscal constraint. These differing trajectories provide fertile ground for comparative analysis, particularly in assessing whether recognition without redistribution can meaningfully address labour precarity.

The following section undertakes this comparative evaluation, drawing lessons from both jurisdictions to identify pathways toward more effective social security protection for platform workers.

### **Comparatively Analysis: Social Security for Platform Workers in India and Australia**

#### **Different Starting Points, Shared Regulatory Pressures**

Any comparison between India and Australia must begin by acknowledging their distinct labour market and welfare state foundations.<sup>16</sup> Australia operates within a mature industrial relations system supported by a tax-funded social security framework and strong regulatory institutions. India, by contrast, regulates platform labour in an economy characterized by widespread informality, fragmented labour protections, and limited enforcement capacity. These structural differences

<sup>14</sup> Code on Social Security, 2020 (India) ch IX.

<sup>15</sup> Standing Committee on Labour, *Report on the Code on Social Security, 2020* (Parliament of India, 2020) 28–31.

<sup>16</sup> OECD (n 12); ILO (n 1).

shape not only the content of regulatory responses but also their underlying assumptions about responsibility, risk distribution, and state capacity.

Despite these differences, both jurisdictions confront a common set of regulatory pressures. Platform work in India and Australia is marked by income volatility, asymmetric bargaining power, and algorithmic management that limit worker autonomy. In each context, platform workers occupy a position of economic dependency that sits uneasily with traditional legal classifications. The comparative question, therefore, is not whether the two systems are similar, but how each translates shared challenges into distinct regulatory strategies.

### **Recognition versus Enforceability**

A central point of divergence lies in the mode of legal recognition. India's Social Security Code adopts an explicit recognition-based approach by formally defining gig and platform workers as subjects of social security policy. This represents a significant normative shift in Indian labour law, which has historically excluded vast segments of the workforce from formal protection. However, recognition under the Code does not carry corresponding enforceable entitlements. Access to benefits remains dependent on executive discretion, scheme design, and fiscal prioritization.

Australia, in contrast, has avoided formal reclassification of platform workers as a separate statutory category. Instead, it has pursued enforceability through institutional mechanisms, including judicial scrutiny of working arrangements and legislative expansion of minimum standards to cover employee-like relationships.<sup>17</sup> While this approach lacks the symbolic clarity of India's codification, it provides more immediate pathways for workers to assert rights through established regulatory institutions.

The comparison reveals a trade-off between breadth and depth. India's framework aspires to wide coverage but struggles to deliver meaningful protection, while Australia's system offers narrower but more enforceable forms of regulation. Neither model fully resolves the tension between inclusion and effectiveness.

### **Financing Social Security: Discretionary versus Embedded Models**

Differences in financing further illustrate the contrasting regulatory logics. In India, the Social Security Code envisages contributions from aggregators but leaves critical details—such as contribution rates, collection mechanisms, and compliance enforcement—largely undefined. This discretionary approach reflects fiscal constraints and political caution but undermines the sustainability of social security schemes for platform workers.

Australia's model embeds social security financing within broader welfare and labour market institutions. While platform workers may still be excluded from employment-based benefits such as superannuation, the existence of a tax-funded safety net mitigates some risks associated with income insecurity. However, the absence of mandatory platform contributions perpetuates a reliance on public funds rather than shared responsibility.

The comparative insight here is that neither jurisdiction has fully resolved the question of who should bear the costs of platform labour risk. India gestures toward platform responsibility without enforcing it, while Australia provides public support without adequately integrating platform contributions. In both cases, the result is partial protection that falls short of redistributive reform.

### **The Role of Institutions and Enforcement Capacity**

Institutional capacity plays a decisive role in shaping outcomes. Australia's regulatory bodies, including the Fair Work Commission and labour inspectorates, possess established mechanisms for dispute resolution, compliance monitoring, and standard-setting. These institutions enable a degree of regulatory responsiveness that extends beyond statutory text.

India's institutional landscape is more fragmented. Labour administration is divided between central and state governments, and enforcement capacity remains uneven. Platform workers often lack awareness of existing schemes or face barriers in registration and benefit access. As a result, even well-intentioned policy initiatives risk being absorbed into existing patterns of informality.

This contrast underscores the importance of institutional design in translating legal recognition into practical protection. Without robust enforcement mechanisms, legislative innovation may have limited impact on workers' lived experiences.

### **Rethinking the Employment Nexus in Comparative Perspective**

Both India and Australia continue to grapple with the legacy of employment-centric social security models. While Australia's reforms cautiously decouple protection from formal employment status through employee-like categories, India's approach attempts to bypass the employment nexus altogether by creating a parallel category of platform workers. Each strategy reflects an effort to adapt labour law to changing forms of work without fully abandoning established

<sup>17</sup> Fair Work Legislation Amendment (Closing Loopholes) Act 2023 (Cth).

regulatory frameworks.

The comparison suggests that meaningful social security protection for platform workers requires a shift in regulatory focus—from classification to vulnerability, and from contractual form to economic reality. Neither jurisdiction has yet fully embraced this shift. However, the coexistence of recognition-based and enforceability-based approaches provides valuable lessons for future reform.

The Indian and Australian experiences reveal that no single regulatory model offers a complete solution to platform worker precarity. Recognition without enforceability risks symbolic inclusion, while enforceability without integration into social security systems risks partial protection. A more effective approach would combine elements of both systems: explicit recognition of platform labour coupled with enforceable obligations on platforms to contribute to social protection mechanisms.

This comparative analysis also highlights the importance of aligning labour law reform with welfare state design. Platform work should not be treated as an exceptional category requiring ad hoc solutions, but as part of a broader transformation in labour markets that demands inclusive, adaptable social security frameworks.

### **Policy Recommendations and Conclusion**

#### **Reframing Social Security beyond Employment Status**

A central lesson emerging from the comparative analysis is the inadequacy of employment status as the primary gateway to social security. Platform work exposes the limits of binary classifications that assume stable, long-term employment as the norm. Both India and Australia have acknowledged this challenge, albeit through different regulatory strategies. However, neither has fully reconceptualised social security as a function of economic participation and vulnerability rather than formal legal status.

Policy reform should therefore prioritise functional criteria—such as income dependency, exposure to occupational risk, and degree of platform control—over contractual labels. This approach would enable social security systems to respond more effectively to diverse forms of work without requiring wholesale reclassification of workers. For jurisdictions like Australia, this may involve expanding employee-like protections into social security domains. For India, it requires translating statutory recognition into enforceable entitlements.

#### **Establishing Clear and shared Financing Responsibilities**

Effective social security protection for platform workers cannot be sustained without clear financing mechanisms. One of the most significant weaknesses in both jurisdictions lies in the absence of mandatory, transparent, and enforceable contribution frameworks for platforms. While India's Social Security Code gestures toward aggregator contributions, the lack of statutory thresholds and enforcement mechanisms undermines implementation. Australia, meanwhile, relies heavily on general revenue without adequately integrating platform responsibility.

A viable policy direction lies in shared contribution models that distribute risk between the state, platforms, and workers. Such models need not replicate traditional employer–employee contributions but should reflect the economic value generated by platform-mediated labour. Contribution obligations calibrated to transaction volumes or platform revenues may offer a more administratively feasible alternative to worker-by-worker assessments.

#### **Enhancing Portability and Continuity of Benefits**

Platform workers' engagement across multiple platforms and intermittent work patterns necessitate portable social security arrangements. Benefits tied to a single employer or continuous service are ill-suited to platform labour. Both India and Australia would benefit from benefit architectures that allow workers to accumulate entitlements across platforms and over time.

Digital social security accounts, supported by interoperable data systems and regulatory oversight, offer one possible mechanism for ensuring continuity. However, such systems must be accompanied by safeguards relating to data protection, transparency, and worker consent. Without these protections, digital solutions risk reproducing existing asymmetries of power rather than alleviating them.

#### **Strengthening Institutional Capacity and Enforcement**

Legal recognition and policy design must be supported by institutional capacity. Australia's experience demonstrates the value of independent regulatory bodies capable of adjudication, standard-setting, and enforcement. India's reforms highlight the risks of ambitious legislative design without commensurate administrative infrastructure.<sup>18</sup>

Policy efforts should therefore focus on strengthening labour inspection, simplifying registration processes, and improving worker awareness of available protections. In the platform context, enforcement strategies may need to shift from individual

<sup>18</sup> Fair Work Act 2009 (Cth); Code on Social Security, 2020 (India).

complaint-based models toward systemic audits and platform-level compliance obligations. This would reduce the burden on workers and enhance regulatory effectiveness.

### **Integrating Collective Representation into Social Protection**

Collective representation remains an underutilized mechanism for addressing platform worker precarity. While traditional trade union models may not seamlessly apply to platform labour, collective bargaining and representation can play a critical role in shaping social security outcomes. Australia's movement toward enabling collective engagement for employee-like workers offers a partial pathway, while India's framework remains largely silent on collective mechanisms for platform workers.

Policy reform should recognize collective representation as complementary to statutory protection rather than as a substitute for it. Enabling worker associations to participate in scheme design, monitoring, and dispute resolution can enhance legitimacy and responsiveness.

### **Conclusion**

Platform work has become a defining feature of contemporary labour markets, challenging foundational assumptions about employment, regulation, and social protection. This article has examined how India and Australia—operating within distinct welfare and institutional contexts—have responded to the social security needs of platform workers. The comparative analysis reveals a shared struggle to balance flexibility with protection, innovation with responsibility, and recognition with enforceability.

India's codification strategy represents an important normative acknowledgement of platform labour but remains constrained by discretionary implementation and limited redistribution. Australia's incremental reforms offer more enforceable protections but stop short of integrating platform workers fully into social security frameworks. Neither approach, in isolation, provides a complete solution.

The broader lesson is that social security reform for platform workers cannot be achieved through marginal adjustments alone. It requires a reorientation of labour law toward vulnerability-based protection, shared responsibility, and institutional adaptability. As platform-mediated work continues to expand, the choices made by jurisdictions like India and Australia will shape not only the future of labour regulation but also the social contract underpinning work in the digital economy

