

Labour Justice – The ‘Gig Worker’ Social Security Code

Context: The nationwide rollout of the *Gig Worker Registration Module* on the **e-Shram Portal** in January 2026, and the operationalization of the "Aggregator Levy." **Key Theme:** *From 'Partner' to 'Protected Worker'*. **Keywords:** *Aggregator Levy, Platform Economy, Algorithmic Control, Portable Benefits, The Rajasthan Model.*

1. The Concept: The "Digital Day Labourer" Analogy

To understand the Gig Economy, think of a **Daily Wage Mason** standing at a *Labour Chowk*.

- **Traditional Mason:** He waits for a contractor. If he gets work, he gets paid. If he falls off a ladder, he pays for his own bandage. He has no PF, no ESI, no sick leave.
- **Gig Worker (The Digital Mason):** The Uber driver or Zomato rider is the exact same, but instead of standing at a *Chowk*, he stares at a **Screen**.
 - **The Trap:** Platforms call them "**Partners**" (Entrepreneurs) to avoid paying benefits. But in reality, an Algorithm controls their every move (login time, route, price). They are *Employees in practice but Strangers in law*.

2. The Solution: The "Aggregator Levy" (Jan 2026)

The Code on Social Security, 2020, introduced a revolutionary concept that was fully operationalized in January 2026.

- **The Mechanism:** Instead of forcing Uber/Zomato to pay "Salary" (which kills their business model), the government asks them to pay a "**Welfare Tax**" (Levy).
- **The Rate:** Platforms must contribute **1-2% of their Annual Turnover** into a massive **Social Security Fund**.
- **The Benefit:** This money pays for:
 1. **Accident Insurance:** If a rider crashes, the fund pays.
 2. **Health Cover:** Like Ayushman Bharat, but specific to gig workers.
 3. **Maternity/Creche:** For female gig workers (e.g., Urban Company partners).

3. The "Rajasthan Model" Goes National

The blueprint for the Jan 2026 rollout comes from the **Rajasthan Platform Based Gig Workers Act (2023)**.

- **The "Welfare Board":** A tripartite board (Government + Aggregators + Unions) manages the fund.
- **The "Transaction Fee":** In the Rajasthan model, a small fee is added to *every single bill* (e.g., ₹5 on a Swiggy order). This money goes directly to the welfare board. It creates a "**Real-Time Social Security**" stream.
- **Impact:** The Jan 2026 national guidelines encourage other states to adopt this specific *Transaction-Based Levy* rather than a lump-sum annual payment, ensuring steady cash flow.

4. The "Data" Challenge

The biggest hurdle in January was **Data Integration**.

- **The Problem:** Platforms treat their rider data as a "Trade Secret." They don't want to share the list of active workers with the government (fearing tax scrutiny).
- **The Jan 2026 Breakthrough:** The government mandated **API Integration**. Now, the moment a rider joins Zomato, their details are automatically pushed to the **e-Shram Portal**. This generates a **Unique ID (UAN)** for the worker.
- **Portability:** This UAN follows the worker. If he switches from Swiggy to Uber, his "Social Security Balance" moves with him. He doesn't lose his benefits.

5. Mains Analysis: The "Algorithmic Boss"

- **The New Exploitation:** Labour Justice is no longer just about wages; it is about "**Algorithmic Accountability**."
- **The Issue:** Riders are penalized (accounts blocked) by algorithms for "denying orders" or taking "long routes," often without a human hearing.
- **The Demand:** Unions are now demanding a "**Right to Explanation**." If an algorithm fires a worker, it must explain *why* in a language the worker understands. This is the next frontier of Labour Rights.