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The Future of Work for Women Workers on Digital Labour Platforms in India: A Doctrinal Analysis of the Labour Codes in Light of ILO Convention No. 193, with Bangladesh as Comparator

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Abstract

Digital labour platforms are often celebrated for offering flexible work, yet women platform workers remain marginal in both regulation and legal scholarship. This article asks a single doctrinal question: when the law recognises platform workers without treating them as employees, which gender-relevant labour entitlements actually reach women? India is the primary jurisdiction. We examine the Code on Social Security, 2020, the Industrial Relations Code, 2020, the Code on Wages, 2019 and the Sexual Harassment of Women at Workplace Act, 2013, as operationalised by the Social Security (Central) Rules, 2026. Bangladesh, which reformed its Labour Act, 2006 through the 2025 Ordinance and the Bangladesh Labour (Amendment) Act, 2026, serves as a comparator that entered platform regulation by the opposite route. Both are measured against the ILO Decent Work in the Platform Economy Convention, 2026 (No. 193), read with the Violence and Harassment Convention, 2019 (No. 190) and the Maternity Protection Convention, 2000 (No. 183). Using a doctrinal comparative method with a stated source-selection protocol, and a three-step test for regulatory gender blindness, we analyse four criteria: personal scope, maternity protection, protection against violence and harassment, and equality in algorithmic management and collective voice. We find that India recognises platform workers through welfare schemes without status, while Bangladesh recognises them through collective rights without social insurance; in neither jurisdiction does statutory maternity benefit reach a woman platform worker, because it remains tied to the employer and the establishment. Facially neutral qualifying conditions, notably India's 90/120-day engagement rule, operate to the particular disadvantage of women, and of women in home-based care and beauty work most of all. Convention No. 193 narrows but does not close these gaps, since its social security guarantee is one of parity within the same employment classification. We conclude with prioritised, instrument-specific reforms.

Keywords: digital labour platforms; platform work; gig economy; women workers; ILO Convention No. 193; maternity protection; violence and harassment; labour codes; India; Bangladesh; doctrinal comparative analysis

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1. Introduction

Since the mid-2000s, cloud computing, artificial intelligence and remote working technologies have transformed how work is organised and performed (International Labour

Office 2021). Digital labour platforms have emerged as significant actors in this transformation, offering flexibility in working hours and location (James 2022). The number of such platforms grew roughly five-fold in the decade to 2020 (International Labour Office 2021), and one widely cited estimate counted about 163 million registered online worker profiles worldwide (Kässi et al. 2021).

However, while platforms are often presented as democratising forces, evidence suggests that they reproduce and sometimes exacerbate existing gender inequalities (Kasliwal 2020; Hunt and Samman 2019; Rani et al. 2022). A substantial analytical literature now documents how this happens: through occupational segregation into feminised home-service work, through algorithmic control over ratings, slots and pay (Anwar et al. 2021; Komarraju et al. 2022; Dubal 2023), and through contractual classification that removes workers from the personal scope of labour law (De Stefano et al. 2021; Aloisi and De Stefano 2022). What that literature has not yet done is test, provision by provision, whether the new generation of South Asian platform-work statutes delivers the entitlements that matter most to women.

Since 2024 this literature has grown quickly. Ethnographic work with women crowdworkers has found that algorithmically mediated work–family outcomes undermine the claim that platforms offer women a new flexibility (James 2024). A multi-country survey in Africa found that women platform workers earned less overall than men, although their hourly pay was similar, because they worked fewer hours, and that they were more likely to feel unable to turn work down (Al Mehdar et al. 2025). In India, women remain concentrated in beauty, domestic and care services, with little social protection and almost no gender-disaggregated data (Ghosh 2026). Closest to our question, Kocher and Bronowicka (2025) argue that the European Union's Platform Work Directive is a "blunt tool" for feminised, informal and care-based platform work, because employment status may be out of reach for many of the women who do it, and that labour rights should be designed to be enforceable regardless of status. That argument has not yet been tested against the South Asian statutes or Convention No. 193.

This article addresses that gap with India as its primary jurisdiction. India's four Labour Codes came into force on 21 November 2025, and the Social Security (Central) Rules, 2026 were notified on 8 May 2026. Five weeks later, on 12 June 2026, the International Labour Conference adopted the Decent Work in the Platform Economy Convention, 2026 (No. 193), the first international labour standard devoted to platform work, by 406 votes to 8 with 36 abstentions (International Labour Organization 2026). India's framework was therefore completed immediately before the international benchmark against which it will now be judged.

Bangladesh is used as a comparator, not as a second full case study. The reason is doctrinal and is developed in Section 2.2: the labour statutes of both countries descend from the same pre-1947 legislation and still share its vocabulary of "worker", "employer" and "establishment", yet in the same six-month window the two legislatures took opposite routes into platform regulation. India extended social security schemes to platform workers while placing them outside the employment relationship. Bangladesh extended trade union rights to persons engaged through digital labour platforms within its general Labour Act. Holding the inherited doctrine constant makes it possible to see what each route does, and does not, deliver for women.

We ask three doctrinal questions. (1) Under Indian law as in force on 30 September 2026, how are platform workers classified, and which of four gender-relevant entitlements (maternity protection, protection against violence and harassment, equality in pay and algorithmic management, and collective voice) attach to a woman platform worker as a matter of statutory text? (2) How does Bangladesh's amended Labour Act resolve the same four questions, and what does the contrast reveal about the Indian design? (3) To

what extent does each framework conform to Convention No. 193, read with Conventions Nos. 190 and 183? The effectiveness of these laws in practice is an empirical question that doctrinal analysis cannot answer, and we do not claim to answer it. Section 8 instead derives reform implications from the doctrinal findings.

Our argument is that legal recognition has been decoupled from the entitlements that are most gendered. Both jurisdictions now name platform workers in statute. In neither does statutory maternity benefit reach them, and in both the machinery for harassment complaints presupposes a bounded establishment that home-service platform work does not have. We further show that the qualifying conditions introduced by the newest instruments are facially neutral but gendered in operation.

The paper proceeds as follows. Section 2 sets out the analytical framework, method and source-selection protocol. Section 3 gives the societal background. Section 4 sets out the international benchmark. Section 5 analyses Indian law under the four criteria. Section 6 does the same, more briefly, for Bangladesh. Section 7 states what the comparison yields. Section 8 sets out prioritised reforms, and Section 9 concludes.

2. Analytical Framework and Method

2.1. Analytical Lens: From Theory to a Test

This is a doctrinal comparative study. It does not propose a new theoretical framework. Feminist political economy and intersectionality are used here for one purpose only: to generate the questions that are put to each legal provision.

Feminist political economy highlights how classifying platform workers as independent contractors enables platforms to externalise the costs of social reproduction (Mezzadri 2019; Kabeer 2012; Razavi 2009). When platforms do not provide maternity benefits, childcare or paid leave, those costs are shifted to women workers and their families. Feminist labour law scholarship makes the corresponding legal point: the personal scope of labour law was built around a continuous, full-time, male breadwinner relationship, so that entitlements conditioned on continuity of service or a fixed workplace exclude the patterns of work most common among women (Conaghan and Rittich 2005; Fudge 2014). Intersectionality (Crenshaw 1989; Collins 2019) adds that gender does not operate alone. In South Asia, caste, class, religion, migration status and geography structure access to technology and to particular kinds of work (Tewathia et al. 2020).

We operationalise these insights as a three-step test of "regulatory gender blindness", which we apply to each provision in Sections 5 and 6. The term is not offered as a new concept: it restates, for platform regulation, the established distinction between formal and substantive equality (Fredman 2016). Step 1 (text): is the provision facially gender-neutral? Step 2 (trigger): does its qualifying condition, such as a minimum number of days of engagement, a fixed establishment or an identified employer, presuppose a pattern of work that women are less likely to have? Step 3 (incidence): on whom does the cost of exclusion fall, and does it fall more heavily on identifiable groups of women, in particular home-based domestic, care and beauty workers, who in India are disproportionately from Scheduled Caste and Scheduled Tribe, migrant and low-income households (Komarraju et al. 2022)? A provision that is neutral at step 1 but exclusionary at steps 2 and 3 is recorded as gender-blind.

2.2. Research Design and Choice of Jurisdictions

We adopt doctrinal legal research, that is, the systematic analysis of legislation, subordinate legislation and case law (Chynoweth 2008; Hutchinson 2015), combined with functional comparison, which examines how different legal systems respond to the same social problem (de Cruz 2007; Reimann and Zimmermann 2019).

The design is asymmetric. India is analysed in full. Bangladesh is analysed only on the four criteria and only to the depth needed to draw the contrast. Three features justify this pairing, and general regional similarity is not one of them. First, common doctrinal lineage: until 1947 the same statutes governed both territories, and the Bangladesh Labour Act, 2006 consolidated their successors, including the Maternity Benefit Act, 1939, much as India's Codes consolidated the Maternity Benefit Act, 1961 and the Trade Unions Act, 1926. Second, simultaneity: both countries legislated on platform work between November 2025 and May 2026. Third, divergence of route: India legislated through social security, Bangladesh through collective labour relations. The first two features hold doctrine and timing roughly constant; the third is the variable of interest.

2.3. Source-Selection Protocol

Table 1 sets out how sources were identified, ranked and used. Three rules governed the analysis. (a) Every proposition about what the law provides is tied to a primary source and pinpointed to a section or article. (b) Press releases, news reports and practitioner notes are not used as authority for the content of legislation. They are used only for dates of commencement and for administrative facts, and are identified as such. (c) Where we could not consult an authoritative English text, the limitation is stated in the text at the point where the proposition is made. This applies principally to the Bangladesh Labour (Amendment) Act, 2026, gazetted in Bengali, for which section references follow published English-language summaries and should be read subject to the gazetted text.

Table 1. Source-selection protocol.

Element	Protocol
Cut-off date	Law as in force on 30 September 2026.
Primary sources, India	Constitution of India; the four Labour Codes and the Social Security (Central) Rules, 2026 (Gazette of India; India Code); Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Rajasthan and Karnataka platform-worker statutes; reported decisions of the Supreme Court and High Courts.
Primary sources, Bangladesh	Bangladesh Labour Act, 2006 (Laws of Bangladesh portal); Bangladesh Labour (Amendment) Ordinance, 2025; Bangladesh Labour (Amendment) Act, 2026 (Bangladesh Gazette); reported decisions of the Supreme Court of Bangladesh.
International sources	ILO Conventions Nos. 87, 98, 183, 190 and 193 and ratification records (NORMLEX); ILO Conference reports.
Search terms	"gig worker", "platform worker", "aggregator", "digital labour platform", "maternity benefit", "sexual harassment", "workplace", "trade union", "worker", each searched within the instruments above and in the case-law databases.
Inclusion	Provisions that determine (i) personal scope, (ii) maternity protection, (iii) protection from violence and harassment, or (iv) equality, algorithmic management and collective voice, for persons working through platforms.
Exclusion	General labour and social security provisions with no differential bearing on women platform workers (for example provident fund, gratuity, working time).

Table 1. *Cont.*

Element	Protocol
Secondary sources	Peer-reviewed scholarship and reports of the ILO, Fair work and national statistical agencies, used for context and interpretation; priority to work published from 2021 onwards.
Hierarchy	Gazetted text, then official consolidated text, then judicial decisions, then official explanatory material, then scholarly commentary. Practitioner notes and news reports rank last and never stand alone as authority for statutory content.

2.4. Comparative Criteria

We compare the two systems on four criteria and not across labour and social security law as a whole. Each criterion was chosen because it identifies a point at which a rule that is neutral on its face can be expected to affect women differently. Table 2 states, for each criterion, the question put to both jurisdictions and the international provision used as the benchmark. Sections 5 and 6 follow this order, and Section 7 compares the answers, so that the description of each system is given once.

Table 2. Comparative criteria and benchmark provisions.

Criterion	Question Put to Each Jurisdiction	Benchmark
1. Personal scope	Is a platform worker a "worker" or "employee" for the purposes of the entitlements in criteria 2 to 4, or only for a separate scheme?	C193 Arts 1, 2, 9, 23
2. Maternity protection	Does a statutory right to paid maternity leave, and to income during it, reach a woman platform worker? On what qualifying conditions, and who pays?	C183 Arts 2, 4, 6; C193 Art 12
3. Violence and harassment	Can a woman platform worker complain of harassment by a customer or through the app? To which body, and against whom?	C190 Arts 2, 3, 4; C193 Art 6
4. Equality, algorithmic management and voice	Do equal pay and non-discrimination rules bind the platform? Is there a right to explanation or review of automated decisions? Can platform workers unionise and bargain?	C193 Arts 3, 13 to 17

2.5. Limitations

The study analyses legal texts and cannot establish how those texts operate in practice. Our reliance on English-language sources limits our coverage of Bengali-language materials, and the section references for the 2026 Bangladesh amendments are subject to the caveat in Section 2.3. The law in this field is changing quickly: no scheme had been notified under section 114 of the Code on Social Security at our cut-off date, and the Recommendation intended to accompany Convention No. 193 had not been adopted (International Trade Union Confederation–Asia Pacific 2026). Finally, no reported appellate decision in either

country has yet interpreted the new provisions, so our readings rest on statutory text and on pre-reform case law.

3. Societal Background: Women and Platform Work

3.1. India

India's platform workforce was estimated at 7.7 million in 2020–21 and is projected to reach 23.5 million by 2029–30 (NITI Aayog 2022). The position of women within it cannot be understood apart from three features of Indian society that the platform model inherits and does not alter.

The first is the distribution of unpaid work. The Time Use Survey 2024 records that women spend about 289 min a day on unpaid domestic services for household members against about 88 min for men, and about 137 against 75 min on unpaid caregiving (Ministry of Statistics and Programme Implementation, Government of India 2025). Indian women often enter platform work after marriage, and care responsibilities limit their availability (Ghosh et al. 2021). The "flexibility" that attracts women to platforms is therefore a condition of their participation, and its erosion by slot-booking and auto-assignment features has been the central grievance in protests by women beauty workers (Dhar and Thuppilikkat 2022). Platform algorithms concentrate peak earnings in evening hours, when domestic obligations are greatest (East Asia Forum 2026). Ethnographic research with women crowdworkers in the United Kingdom reaches a similar conclusion: algorithmic mediation leaves work–family conflict unresolved, even where there is no employer setting hours (James 2024).

The second is segregation by occupation, caste and class. Women constitute nearly 20% of India's gig workforce (Hindustan Times 2025), yet fewer than 1% of delivery workers are women (East Asia Forum 2026). Women are concentrated in beauty, cleaning and care services delivered in customers' homes. These are occupations long performed by women from marginalised castes and tribes within what has been called a culture of servitude; platformisation professionalises the presentation of the work without displacing that hierarchy (Komarraju et al. 2022), and it subjects the worker to continuous app-based monitoring inside a private home (Anwar et al. 2021). Patriarchal norms restricting women's mobility, particularly at night and in rural areas, make ride-hailing and delivery work difficult to enter (Verma and Srivastava 2021). A recent review of women's platform work in India reports the same concentration in beauty, domestic and care services, and adds that biased customer ratings and safety risks contribute to a gender pay gap (Ghosh 2026).

The third is unequal digital access. The National Family Health Survey (2019–21) found that 33% of women aged 15 to 49 had ever used the internet, against 57% of men, and that 54% of women had a mobile phone that they themselves used (International Institute for Population Sciences and ICF 2021). The divide is compounded by education, caste, religion, affordability and location (Tewathia et al. 2020), and by household decision-making in which male heads often determine women's access to technology. This matters legally, because registration and continued eligibility under the 2026 Rules depend on an Aadhaar-linked, self-updated digital record (Section 5.1).

3.2. Bangladesh

Since the arrival of ride-hailing in 2016, platform work in Bangladesh has grown in ride-sharing, transport, delivery and domestic work, with roughly 500,000 active workers, about 300,000 of them in location-based work (Fairwork 2021). Women are found mainly on platforms for domestic work, beauty and care services (Fairwork 2022, 2023b). Only 9% of registered platform workers surveyed by Sarker et al. (2024) were women. Women-only ride-hailing services that once operated, such as Lily and Obon, are no longer a significant presence (Fairwork 2023b). Safety concerns and harassment by clients are reported as major

barriers (Sarker et al. 2024). Until the 2025–2026 amendments, platform workers were not mentioned in the Labour Act (Fairwork 2023a).

4. The International Benchmark

4.1. Convention No. 193

The Decent Work in the Platform Economy Convention, 2026 (No. 193) defines a "digital platform worker" as a person employed or engaged to work for the provision of a service organised or facilitated by a digital labour platform, for remuneration or payment, "regardless of their classification of status in employment" (Art. 1(b)). (International Labour Organization, 2026a; article references below are to this text). It applies to all platforms and all platform workers, in the formal and informal economy (Art. 2(1)). It will bind only States that ratify it; neither India nor Bangladesh had done so at our cut-off date. The Convention was prepared through the double-discussion procedure, on the basis of the Office's report *Realizing decent work in the platform economy* (International Labour Office 2024).

Five groups of provisions bear on our criteria. On personal scope, Members must ensure correct classification, "guided mainly by the facts relating to the performance of work" (Art. 9). On fundamental rights, Members must realise freedom of association, collective bargaining and the elimination of discrimination in the platform economy (Art. 3). On violence and harassment, Members must protect all platform workers, including against conduct "perpetrated online or involving third parties such as clients and customers" (Art. 6). On automated systems, platforms must disclose their use and effects (Art. 13), and workers must have access to a written explanation of significant adverse decisions and to review, with human involvement, of suspension, deactivation and non-payment (Art. 15); deactivation on discriminatory grounds must be prohibited (Art. 17). On social security, platform workers must have access "on terms no less favourable than those applicable to other workers with the same classification of status in employment" (Art. 12; see also Art. 23).

Two features limit the Convention's value for women. First, Articles 12 and 23 guarantee parities only within a classification. A woman classed as self-employed is entitled to what other self-employed workers receive, which in both jurisdictions studied here does not include statutory maternity benefit. Second, the adopted text contains no article devoted to maternity or care. Tripathy (2026) reads Article 12 as a retreat from universal social protection; from the standpoint of this article, it means that Convention No. 193 must be read together with Convention No. 183.

The European Union's Platform Work Directive (Directive (EU) 2024/2831), adopted in October 2024, offers a useful contrast. It approaches classification differently: a contractual relationship with a platform is presumed to be an employment relationship where facts indicating direction and control are found, and the platform bears the burden of rebutting the presumption (Art. 5). Its rules on the processing of personal data by automated monitoring and decision-making systems apply to all persons performing platform work, whether or not they have an employment contract (Art. 1(2)). Yet the Directive contains no provision on gender, maternity or care. Kocher and Bronowicka (2025) argue that, because employment status may be unattainable for many women in feminised and informal care platforms, an instrument built on reclassification is a blunt tool for them. Their argument applies with greater force to Convention No. 193, whose social security guarantee depends on classification, and to India, where classification is fixed by statute (Section 5.1).

4.2. Conventions Nos. 190 and 183

The Violence and Harassment Convention, 2019 (No. 190) protects persons working "irrespective of their contractual status" (Art. 2(1)) and applies to the "world of work",

including work-related communications "enabled by information and communication technologies" (Art. 3(d)) and commuting (Art. 3(f)); Members must take account of third parties (Art. 4(2)). Bangladesh ratified it in late 2025; India has not.

The Maternity Protection Convention, 2000 (No. 183) applies to all employed women, "including those in atypical forms of dependent work" (Art. 2(1)), and requires at least 14 weeks' leave (Art. 4) with cash benefits of not less than two-thirds of previous earnings (Art. 6(3)). Critically for platform work, benefits are to be provided through compulsory social insurance or public funds, and not by imposing individual liability on the employer (Art. 6(8)). Neither India nor Bangladesh has ratified it. We use it as an interpretive benchmark only.

5. India: Doctrinal Analysis

India's four Labour Codes, which consolidate 29 central enactments, came into force on 21 November 2025 (Ministry of Labour & Employment, Government of India 2025). The analysis below follows the four criteria in Table 2 and cites the Codes by section.

5.1. Criterion 1: Personal Scope

The Code on Social Security, 2020 defines a "gig worker" as a person who performs work or participates in a work arrangement and earns from such activities "outside of traditional employer-employee relationship" (s. 2(35)). "Platform work" is likewise a work arrangement "outside of a traditional employer employee relationship" in which an online platform is used to access others to solve specific problems or provide specific services (s. 2(60)), and a "platform worker" is a person engaged in it (s. 2(61)). An "aggregator" is a digital intermediary or marketplace connecting a buyer or user with a seller or service provider (s. 2(2)).

The legal consequence follows from the form of the definition. Platform workers are defined by exclusion from the employment relationship. They are therefore not "employees" (s. 2(26)), and the chapters of the Code that confer enforceable entitlements on employees, including Chapter VI on maternity benefit, do not apply to them. What does apply is Chapter IX. Under section 114(1) the Central Government "may frame and notify" schemes for gig and platform workers on life and disability cover, accident insurance, health and maternity benefits, old age protection and crèche. Section 114(4) permits such schemes to be funded by aggregator contributions of between one and two per cent of annual turnover, capped at five per cent of the amount paid or payable to the workers. Section 113 provides for registration, and section 141 for a Social Security Fund.

Three points follow from the text. First, the Code does not "provide" maternity benefit to platform workers; it empowers the Government to create a scheme that might. Second, the contribution band is a statutory ceiling and floor for a future scheme, not a levy currently payable: its commencement requires notification, and commentary at mid-2026 records that no scheme under section 114 had been notified (Medianama 2026). Third, the comparison with Convention No. 193 is not simply favourable. India satisfies Article 8 (registration) and has a vehicle for Article 12, but its definition fixes classification by statute, whereas Article 9 requires classification to be guided mainly by the facts of how work is performed.

Applying the test. Step 1: Chapter IX and the Social Security (Central) Rules, 2026 are gender-neutral. Step 2: the Rules make eligibility for any scheme conditional on engagement for at least 90 days with one aggregator, or 120 days across several, in the preceding financial year, and on keeping registered personal details up to date (Medianama 2026). A threshold counted in days of engagement presupposes regular availability. Women's platform work is shaped by the unpaid care load described in Section 3.1 and is more likely to be intermittent. Survey evidence from five African countries illustrates the pattern: women platform workers

averaged about 42 h a week against 54 for men, and earned less overall although their hourly pay was similar (Al Mehdar et al. 2025). The condition is also self-defeating for maternity: a woman who stops work in late pregnancy and after birth reduces her days of engagement in exactly the year that determines her eligibility for the next. Step 3: the cost of exclusion falls on the worker and her household, and falls hardest on women with the least control over their time and over a phone, who are disproportionately poorer, lower-caste and migrant women in home-service work. On our test the 90/120-day rule is gender-blind.

5.2. Criterion 2: Maternity Protection

Chapter VI of the Code on Social Security re-enacts the Maternity Benefit Act, 1961. A woman is entitled to maternity benefit from her employer, at the rate of her average daily wage, for up to 26 weeks, provided she has worked in an establishment of that employer for at least 80 days in the twelve months preceding the expected delivery (s. 60). Establishments with fifty or more employees must provide a crèche (s. 67). Each element, "employer", "establishment" and "wage", is one that the definitions in section 2(35) and 2(60) place beyond a platform worker's reach.

On the test, Chapter VI is not neutral at step 1, since it is a measure for women, but it fails at step 2 for a different reason: its trigger is the employment relationship itself. The result is that the only statutory route to paid maternity leave for a woman platform worker is a scheme under section 114(1) that has not been made. Measured against Convention No. 183, the difficulty is not the length of leave, where India's 26 weeks exceeds the 14-week minimum, but personal scope (Art. 2(1)) and financing: Chapter VI imposes individual employer liability, the model that Article 6(8) discourages because it makes women more costly to engage. A section 114 scheme financed from pooled aggregator contributions would, by contrast, be consistent with Article 6(8). Article 42 of the Constitution directs the State to make provision for maternity relief, and Article 15(3) permits special provision for women; both support such a scheme but neither is directly enforceable against a platform.

5.3. Criterion 3: Violence and Harassment

It is sometimes said that the 2013 Act confines "workplace" to traditional workspaces. The text does not bear this out. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 defines "workplace" inclusively: it extends to "any place visited by the employee arising out of or during the course of employment including transportation" (s. 2(o)(v)) and to "a dwelling place or a house" (s. 2(o)(vi)). "Employee" covers a person employed "directly or through an agent, including a contractor", whether or not for remuneration, and "by any other such name" (s. 2(f)). An "aggrieved woman" may be a woman "whether employed or not" (s. 2(a)). The Act gives statutory form to the guidelines in *Vishaka v State of Rajasthan* (1997) 6 SCC 241.

The doctrinal gap lies elsewhere, in three places. First, whether a platform is an "employer" (s. 2(g)) obliged to constitute an Internal Committee (s. 4) is unsettled. In *Ms X v Internal Complaints Committee, ANI Technologies Pvt Ltd.* (W.P. No. 8127 of 2019, Karnataka High Court, 30 September 2024), a single judge held that a driver engaged through the Ola platform was an "employee" for the purposes of the Act and directed the company's committee to inquire into a passenger's complaint. A Division Bench stayed those directions on appeal, and the question remains open. That case, moreover, concerned a worker as respondent. Whether a woman worker harassed by a customer can invoke the platform's committee has not been decided.

Second, where there is no employer or fewer than ten workers, the complaint lies to a district-level Local Committee (s. 6). The Supreme Court found in *Aureliano Fernandes v State of Goa* (2023) that implementation of the Act's committee machinery remained

seriously deficient and issued directions to remedy it. Third, and most significant on an intersectional reading, for a "domestic worker" (s. 2(e)) the Local Committee does not conduct an inquiry at all: if a prima facie case exists it forwards the complaint to the police (s. 11(1), proviso). Women providing cleaning and care services in private homes through platforms are therefore exposed to the weakest remedy in the Act.

On the test: the Act is women-specific at step 1; at step 2 its machinery presupposes a bounded establishment with an identifiable employer; at step 3 the shortfall falls on home-service workers, who are the majority of women on platforms and are disproportionately from marginalised castes. Measured against Convention No. 193, Article 6, and Convention No. 190, Articles 2 to 4, Indian law is adequate in its definition of the workplace but deficient in assigning responsibility for third-party and online harassment to the platform. The Occupational Safety, Health and Working Conditions Code, 2020 does not fill the gap: its guarantee that women may work in all establishments and, with consent, at night subject to safety conditions (s. 43) is addressed to employers of establishments.

5.4. Criterion 4: Equality, Algorithmic Management and Collective Voice

Equal pay and non-discrimination. Section 3 of the Code on Wages, 2019 prohibits discrimination on the ground of gender in wages and recruitment "by the same employer" in respect of the same or similar work "done by any employee". Minimum wages (s. 5) and the floor wage (s. 9) are likewise owed to employees. Articles 14 to 16 of the Constitution bind the State. A platform that sets piece rates and allocates tasks to persons defined as outside employment is thus not, on the text, subject to an equal-pay duty towards them. Research reports gender pay gaps among platform workers (Mehta 2020), but the Codes supply no cause of action against the platform to test them.

Algorithmic management. No provision of the four Codes or the 2026 Rules requires a platform to disclose automated systems, explain an adverse decision or provide human review of deactivation, as Articles 13, 15 and 17 of Convention No. 193 now require. This is where the gendered effects described in the literature arise: rating and acceptance-rate systems penalise refusal of late, distant or unsafe jobs (Anwar et al. 2021; Dhar and Thuppilikkat 2022), and individualised pay-setting can entrench differentials that no worker can observe (Dubal 2023; Adams-Prassl et al. 2023). A facially neutral ranking rule that rewards evening availability is a paradigm case for step 2 of our test.

Collective voice. The Industrial Relations Code, 2020 is often described as not permitting platform workers to form trade unions. The text does not support so absolute a claim. For the purposes of Chapter III (trade unions), "worker" means "all persons employed in trade or industry" and includes unorganised-sector workers as defined in the Unorganised Workers' Social Security Act, 2008 (s. 2(zr), proviso), a category that extends to self-employed and home-based workers. Platform workers can therefore plausibly form and register a union (s. 6). What they cannot readily do is bargain: recognition of a negotiating union or council (s. 14) and the definition of an industrial dispute both assume an employer and an industrial establishment. The right is one of association without a counterparty. Platform workers have nonetheless organised, as in the "digital strike" called by a women-led union at Diwali 2024 (Gig and Platform Workers Union 2024). Article 3(a) of Convention No. 193 requires effective recognition of the right to collective bargaining in the platform economy, which Indian law does not presently secure.

5.5. State Legislation

Rajasthan enacted the Platform Based Gig Workers (Registration and Welfare) Act in 2023, providing for registration, a welfare board on which women must be represented, a welfare fee and a grievance mechanism (Rajasthan Government 2023). Karnataka followed

with legislation providing for a welfare fee of one to five per cent (The Hindu 2025). These statutes share the central model: welfare funding without employment status. None, so far as we have found, confers a maternity entitlement or designates the platform as the responsible entity under the 2013 Act. Unlike the central Rules, the Karnataka statute is reported to impose no days-of-engagement threshold (IMPRI 2026). Labour is a subject in the Concurrent List, so State legislatures are competent to go further.

6. Bangladesh as Comparator

The Bangladesh Labour Act, 2006 was amended first by the Bangladesh Labour (Amendment) Ordinance, 2025, promulgated on 17 November 2025, and then by the Bangladesh Labour (Amendment) Act, 2026, passed by Parliament in April 2026 and in effect from 10 April 2026. The Act replaced the Ordinance, and some provisions changed between the two instruments. Section references below follow an English-language summary of the Act (MiHCM 2026) and are subject to the caveat in Section 2.3.

6.1. Criterion 1: Personal Scope

The reform has been described as expanding the definition of "worker" to include platform workers. On the material available to us, that overstates the change. The reported extension is made through the trade union provisions: section 175(1) is reported to extend the right to form and join trade unions to self-employed workers and to persons engaged through digital labour platforms, while domestic workers, agricultural workers and seafarers receive partial coverage limited to accident compensation and union rights (MiHCM 2026). The general definition of "worker" in section 2(65) was amended to focus on the nature of the work performed, but we have found no authority that it brings platform workers within the Act for all purposes.

The contrast with India is therefore one of entry point. India names platform workers in its social security statute and excludes them from employment. Bangladesh names them in its collective labour law and leaves their individual employment status to the general definition. Neither route is the fact-based classification required by Article 9 of Convention No. 193.

6.2. Criterion 2: Maternity Protection

Chapter IV of the Labour Act places the duty to pay maternity benefit on the employer. Under the 2006 text a woman qualifies only if she has worked under that employer for at least six months before delivery, and the benefit is withheld from a woman who already has two or more surviving children (s. 46). The 2026 Act raises the period from 112 to 120 days, divided equally before and after delivery (MiHCM 2026). The length still falls short of the six months sought by workers' organisations, but, as in India, length is not the operative problem for platform workers.

On the test: step 1, the provision is women-specific; step 2, its trigger is an employer and six months' continuous service with that employer, neither of which a multi-platform or intermittent worker can show; step 3, the surviving-children condition bears on poorer women with larger families. The comparison with India is instructive. Bangladesh has no equivalent of section 114 of India's Code on Social Security, so there is no existing statutory vehicle through which a maternity scheme for platform workers could be created without amending the Act. India has the vehicle and has not used it. Both systems rely on individual employer liability, contrary to the approach of Article 6(8) of Convention No. 183.

6.3. Criterion 3: Violence and Harassment

Before the reform, protection rested on a general prohibition of indecent behaviour towards women workers (s. 332) and on the High Court Division's guidelines in *Bangladesh National Women Lawyers Association v Government of Bangladesh* (2009) 14 BLC 694, which required complaint committees in workplaces and educational institutions pending legislation. The 2026 Act is reported to insert statutory definitions of gender-based violence (s. 2(12B)) and sexual harassment (s. 2(52A)), and to require every establishment to constitute a five-member complaint committee chaired by a woman and with a majority of women members (ss. 332 and 332A), together with a prohibition of discriminatory conduct (s. 345A) (MiHCM 2026). Bangladesh ratified Convention No. 190 in late 2025, which gives these provisions an international anchor that India's 2013 Act lacks.

Two limits follow from the text as reported. The duty is cast on the "establishment", and whether a platform is the establishment of a worker who performs services in customers' homes is not addressed. And the implementing rules, which are to settle investigation timelines, evidentiary standards and appeals, had not been prescribed at our cut-off date (MiHCM 2026). Some commentary on the Ordinance reported that the burden of proof shifts to the employer and that committees must include an external expert; we could not verify either point against a primary text and do not rely on them. The comparative point is that Bangladesh has the stronger statutory definition and India the wider statutory definition of "workplace", but both leave open the same question: who answers for harassment by a customer.

6.4. Criterion 4: Equality, Algorithmic Management and Collective Voice

On collective voice, the 2026 Act replaces the percentage threshold for union registration with fixed numbers, beginning at twenty members in establishments of up to 300 workers (s. 179(2)), adds blacklisting to the list of unfair labour practices (s. 195(1)), and provides a framework for sectoral and national bargaining (s. 203A) (MiHCM 2026). Read with section 175(1), this gives platform workers in Bangladesh something that Indian law does not: a statutory route from association to bargaining above the level of the single establishment. Sectoral bargaining matters for women in home-service work because there is no shared workplace in which an establishment-level majority could be assembled.

On algorithmic management the two systems are alike: we have found no provision in the amended Labour Act that requires disclosure, explanation or human review of automated decisions, as Articles 13, 15 and 17 of Convention No. 193 require. Nor does the amended Act create a social insurance scheme for platform workers; the informal sector remains largely outside it (MiHCM 2026).

7. What the Comparison Yields

Table 3 sets the two systems against each criterion and the benchmark. Entries marked with a dagger rest on secondary summaries of the gazetted Bengali text.

Four findings emerge that could not have been reached by describing either system alone.

First, *recognition and entitlement are separable*. The two countries recognise platform workers through different branches of labour law, and the entitlements that follow are those of the branch chosen and no others. India's social security route produces registration and a funding power but no collective bargaining. Bangladesh's collective route produces union and bargaining rights but no social insurance. The question that matters for women is therefore not whether platform workers are "recognised", but through which door.

Table 3. Position of a woman platform worker under each criterion (law as at 30 September 2026). CoSS = Code on Social Security, 2020; CoW = Code on Wages, 2019; IRC = Industrial Relations Code, 2020; 2013 Act = Sexual Harassment of Women at Workplace Act, 2013; BLA = Bangladesh Labour Act, 2006 as amended. † = section reference taken from a secondary summary.

Criterion	India	Bangladesh	Conformity with C193 (Read with C190, C183)
1. Personal scope	Defined as outside the employer-employee relationship (CoSS s. 2(35), (60), (61)); not an "employee" (s. 2(26)).	Named for trade union purposes (BLA s. 175(1)) †; general "worker" status (s. 2(65)) not established.	Neither applies fact-based classification (Art. 9). India meets Art. 8 on registration.
2. Maternity protection	No entitlement. 26 weeks for employees only (s. 60). Scheme possible under s. 114(1) but not notified; any scheme subject to the 90/120-day rule.	No entitlement unless a "worker" with six months' service under one employer; 120 days (s. 46) †. No scheme-making power.	Art. 12 requires only parity within classification, so neither breaches it. Both fall short of C183 Arts 2(1) and 6(8).
3. Violence and harassment	Wide "workplace" incl. dwelling and transport (2013 Act s. 2(o)); platform's status as "employer" unsettled; domestic workers referred to police (s. 11(1) proviso).	Statutory definitions and mandatory committees (ss. 2(52A), 332, 332A) †; duty on the "establishment"; rules pending. C190 ratified.	Neither clearly assigns responsibility for customer or online harassment to the platform (Art. 6).
4. Equality, algorithms and voice	Equal pay duty owed by an "employer" to an "employee" (CoW s. 3). No algorithmic transparency. Union registration arguable (IRC s. 2(zr) proviso) but no bargaining counterparty (s. 14).	Union rights for platform workers (s. 175(1)) †; sectoral bargaining (s. 203A) †; discrimination prohibited (s. 345A) †. No algorithmic transparency.	Bangladesh closer to Art. 3(a). Neither meets Arts 13, 15 or 17.

Second, *the maternity gap is common to both and has the same doctrinal cause.* Both statutes inherited from the colonial maternity benefit legislation a model in which a named employer pays a woman who has served that employer continuously. Neither reform touched that model. The comparison thus isolates the cause: it is the retained employer-liability design, and not the choice between the Indian and Bangladeshi routes, that excludes women platform workers. The remedy consistent with Convention No. 183 is pooled financing, for which India already has statutory authority and Bangladesh does not.

Third, *the newest rules add gender-blind conditions to old ones.* India's 90/120-day rule and Bangladesh's six-month and surviving-children's conditions are all neutral in form and all fail step 2 of our test. The Indian rule is the more significant because it was adopted in May 2026, after two decades of evidence on women's intermittent labour force attachment, and because it will govern every future scheme.

Fourth, *Convention No. 193 will not by itself close the maternity gap in either country.* Because Article 12 measures platform workers against others "with the same classification", a State may ratify and comply while leaving self-employed women without maternity cover. The Convention's direct contribution for women lies in Article 6 on third-party and online harassment and in Articles 13 to 17 on automated decisions, where both countries currently have nothing.

8. Reform Implications

Table 4 sets out reform measures in order of priority. Priority reflects two considerations: how directly the measure addresses a gap identified in Sections 5–7, and how little legal

change it requires. Each measure names the instrument and the actor. These are implications of the doctrinal findings. We do not claim to have shown that they would be effective in practice.

Table 4. Prioritised reform measures.

Priority	Measure	Instrument and Actor	Gap Addressed
1	India: notify a maternity benefit scheme for gig and platform workers, financed from pooled aggregator contributions and not by the individual platform.	Scheme under CoSS s. 114(1), funded under s. 114(4) and s. 141; Central Government. No amendment of the Code needed.	Section 5.2; C183 Art. 6(8).
2	India: remove the gendered effect of the 90/120-day rule, by counting engagement over a two-year look-back for maternity benefit and by treating the maternity period as deemed engagement for the following year.	Amendment of the Social Security (Central) Rules, 2026; Central Government.	Section 5.1.
3	India: declare that an aggregator is an "employer" under the 2013 Act for complaints by or against persons working through its platform, including complaints against customers, and remove the police-referral proviso for domestic workers engaged through platforms.	Amendment of 2013 Act ss. 2(g) and 11(1); Parliament. Interim: State rules or welfare-board directions under State platform-worker Acts.	Section 5.3; C193 Art. 6.
4	Both: require platforms to disclose automated systems, give written reasons for adverse decisions and provide human review of deactivation; prohibit deactivation on discriminatory grounds, including pregnancy.	India: Rules under the Codes or State Acts. Bangladesh: Rules under the Labour Act. Both: ratification of C193.	Sections 5.4 and 6.4; C193 Arts 13, 15, 17.
5	Bangladesh: clarify whether persons engaged through platforms are "workers" for Chapter IV, and create a contributory or publicly funded maternity scheme that does not depend on six months' service with one employer or on the number of surviving children.	Amendment of BLA ss. 2(65) and 46; Parliament.	Section 6.2.
6	Bangladesh: specify in the pending harassment rules that a platform is the responsible establishment for workers engaged through it and that complaints against customers are within the committee's remit.	Rules under BLA ss. 332 and 332A; Government.	Section 6.3; C193 Art. 6; C190 Art. 4(2).
7	India: give platform unions a bargaining counterparty, by deeming aggregators to be employers for Chapter III, or by providing for sectoral negotiation on the Bangladeshi model.	Amendment of IRC s. 14; Parliament.	Sections 5.4 and 6.4; C193 Art. 3(a).
8	Both: ratify Convention No. 183; India: ratify Convention No. 190.	Executive and legislature in each State.	Section 4.2.

Measures 1 and 2 come first because they require only executive action under powers that already exist, and because they address the gap that is both the most gendered and common to both jurisdictions. We make no recommendation on the digital divide or on international coordination in general, because none follows from the doctrinal analysis. Measure 1 also reflects the argument of Kocher and Bronowicka (2025) that, for feminised platform work, the rights that matter must be enforceable whatever the worker's employ-

ment status: a pooled maternity scheme under section 114 attaches to registration, not to classification.

9. Conclusions

This article asked which gender-relevant entitlements reach a woman platform worker once the law recognises platform work without treating it as employment. For India the answer, on the statutory text in force on 30 September 2026, is: registration, and eligibility for schemes that do not yet exist. Statutory maternity benefit does not reach her. The harassment statute defines her workplace widely but does not clearly identify who must answer her complaint. The equal pay rule does not bind the platform. She may join a union that has no one with whom to bargain.

The comparison with Bangladesh shows that these outcomes are a consequence of the route chosen and are not inherent in platform work. Bangladesh, starting from the same inherited statutes, gave platform workers collective rights and a stronger harassment framework, and left social insurance untouched. It also shows that the maternity gap is not a product of either route: it survives in both because both retained employer-liability maternity benefit.

Convention No. 193 now supplies a common benchmark. It is strongest where both countries are weakest, on third-party harassment and automated decision-making, and weakest where women's need is greatest, on maternity, where it promises only parity within a classification. For that reason, the international standard that matters most for women platform workers in South Asia may still be the unratified Convention No. 183.

Two questions remain for future work. The first is empirical: whether, once schemes are notified, the 90/120-day rule excludes women at the rate that the doctrinal analysis predicts. The second is doctrinal: how appellate courts in both countries will read "employer" and "establishment" when a platform worker's harassment or maternity claim reaches them.

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