



Decent work in the digital age: A legal perspective on platform-based employment in Bangladesh

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ABSTRACT

The Fourth Industrial Revolution (IR 4.0), characterized by the integration of technology and human labor, is rapidly shaping the employment landscape in Bangladesh. A defining feature of this transformation is the expansion of the digital platform economy, which has accelerated in response to the COVID-19 pandemic and the increased need for remote and flexible work arrangements. Traditional employment structures are giving way to new forms of work, such as gig and part-time employment, offering workers greater flexibility and access to income-generating opportunities. However, these benefits are accompanied by significant challenges, particularly the ambiguous legal status of platform-based workers. Bangladesh's current labor laws do not adequately recognize or protect workers engaged in these non-traditional employment models, leaving them vulnerable and without legal recourse. This study investigates the responsiveness of Bangladesh's labor legal framework to the demands of digitalization. Using a doctrinal research approach, it analyzes employment contracts, workplace conditions, and the broader implications of digital labor on workers' rights. The findings indicate a pressing need for legislative reform. The study calls for a holistic and inclusive legal strategy that adapts to digital realities while ensuring decent work standards, social protection, and regulatory oversight for all forms of employment in the digital era.

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1. INTRODUCTION

The ascent of the digital platform economy has emerged as a key feature of the Fourth Industrial Revolution (IR 4.0). The global expansion of digital platforms has been driven by increased internet accessibility and the proliferation of smartphones. Hence, there are vast prospects for investigating the potential of creating jobs for many young individuals through the digital platform economy (Khatun, Saadat, & Islam, 2021). In recent decades, the significance of 'new forms of employment,' often referred to as the 'gig economy,' has grown in the labour markets of many

countries. Emerging work models provide workers with increased opportunities to find employment and engage in income-generating activities while also offering the flexibility to maintain a healthy work-life balance (BRICS, 2022).

Bangladesh's gig economy has grown substantially over the past decade (Nasrin & Yusuf, 2023). The COVID-19 pandemic has also profoundly impacted the employment sector, stock markets, and the overall economy. As a result of the pandemic, the unemployment rate has increased as individuals lost their jobs due to the government's implementation of lockdown measures and movement restrictions to stop the spread of the virus. Many of these unemployed workers have resorted to gig work to support themselves. In Bangladesh, like in many other countries, the gig economy business model is adopted in various industries such as transportation, food & beverage, retail, and manufacturing.

The emergence of this novel business trend has significantly affected traditional employment and regulatory frameworks in Bangladesh. The gig economy is characterized by transitory employment that offers flexible scheduling. Businesses and service providers typically employ these workers as independent contractors or freelancers to perform their duties. Nonetheless, they are not afforded the chance of full-time or part-time work. Despite the emergence of the gig economy framework, there is no legislation addressing the rights of gig workers or a designated organization advocating on their behalf when engaging with service providers regarding contracts for services or expressing their concerns. One possible explanation is that freelance workers are classified as independent contractors, exempting them from the application of the Labour Act 2006. Independent contractors are less able to form trade unions than conventional employees (Radzi, Bidin, Musa, & Hamid, 2022). As a result, contract workers in Bangladesh often find themselves in dangerous situations and face high levels of insecurity, conditions that are perpetuated by the operational structures and regulations of digital labour platforms.

The lack of workplace safeguards for gig workers in Bangladesh is a pressing concern. The Fairwork Bangladesh Ratings 2022 reveal that many of these workers operate without formal legal agreements, receive inadequate compensation, and are denied essential benefits by the platforms they work for. This highlights the urgent need for stronger legal protections to uphold the rights and welfare of gig workers. Although the Ridesharing Guidelines introduced by the government in 2017 aimed to regulate ridesharing services, they fall short in providing explicit protections for platform-based workers. As the gig economy continues to expand, there is growing public discourse on the necessity of regulating emerging forms of employment to ensure fair treatment, adequate worker protection, and access to social security. This paper addresses these critical issues through a doctrinal legal research approach, supported by qualitative content analysis, underscoring the importance of developing a robust regulatory framework to safeguard the rights and well-being of gig workers in the evolving digital economy.

2. LITERATURE REVIEW

IR 4.0 has brought significant changes to global economies, particularly in the realm of employment and labour relations. The emergence of the digital platform economy has revolutionized how work is organized and performed. Studies by Ahmad highlight the growth of gig work, remote freelancing, and other non-traditional employment arrangements (Ahmad, 2020). These trends have implications for labour laws, as they often blur the lines between independent contractors and employees, leading to legal ambiguities and challenges in ensuring workers' rights and protections. The COVID-19 pandemic accelerated the adoption of digital technologies in the workplace, as remote work was necessary to ensure business continuity and employee safety. Research by Moore highlights how this rapid digitalisation exposed vulnerabilities in labour laws, particularly concerning issues such as telecommuting regulations, data privacy, and access to social protections for remote workers (Moore, 2018).

The transition to digital employment models has raised questions about the applicability of existing labour laws. Studies by Duggan highlight the challenges of defining employment relationships in the gig economy, including concerns about job security, wage fairness, and the erosion of traditional employer-employee obligations (Duggan, Sherman, Carbery, & McDonnell, 2020). These legal ambiguities pose significant hurdles for policymakers and labour

advocates seeking to protect workers' rights. Scholars such as [Bossavie, Cho, and Heath \(2023\)](#) argue for comprehensive reforms to labour laws in Bangladesh to address the complexities of digital employment ([Bossavie et al., 2023](#)). This includes proposals for updating regulations on contract work, introducing new classifications for digital workers, and ensuring adequate social protections for gig economy participants. However, the review also acknowledges the complexities of regulatory reform in balancing flexibility for businesses with protections for workers.

Artificial intelligence (AI) and algorithmic management systems have also influenced labour practices. Studies by [Rodgers, Murray, Stefanidis, Degbey, and Tarba \(2023\)](#) discuss how these technologies can lead to issues of worker surveillance, performance monitoring, and potential biases in decision-making ([Rodgers et al., 2023](#)). Addressing these concerns within the framework of labour laws is essential for maintaining ethical and fair workplace practices. The insights from global experiences, as highlighted by [Ndulu, Stuart, Dercon, and Knaack \(2023\)](#) offer valuable lessons for Bangladesh in navigating digital transformation in labour laws ([Ndulu et al., 2023](#)). Case studies from countries with advanced digital economies provide examples of regulatory approaches, collective bargaining strategies, and industry standards that could inform policy development in Bangladesh.

In summary, the literature highlights several key challenges that Bangladesh faces in adapting its labour laws to the realities of digital transformation. By drawing on interdisciplinary research, international experiences, and stakeholder engagement, policymakers can develop robust frameworks that balance innovation and inclusivity in the digital era.

3. METHODOLOGY

This study adopts a doctrinal legal research methodology, which is the most appropriate approach for analyzing the legal status and rights of platform-based workers within the framework of Bangladeshi labour law. Doctrinal research allows for a systematic and critical examination of existing statutes, legal principles, judicial decisions, and scholarly interpretations, which is essential for evaluating how current legal frameworks accommodate (or fail to accommodate) digital employment models. The research utilized both primary and secondary legal sources. Primary sources include statutory instruments such as the Labour Act 2006, the Bangladesh Constitution, the Ridesharing Guidelines 2017, relevant case law, and applicable administrative regulations. These were examined to identify how definitions of 'employee', 'worker', and 'contractor' are constructed in law and how such classifications apply to digital platform labour. Secondary sources comprise academic journal articles, commentaries, legal textbooks, international legal instruments such as ILO Conventions 87, 98, 138, and 182, and global assessments like the Fairwork Report. These materials offer critical perspectives and broader context to assess how Bangladesh aligns with international labour standards. In addition to doctrinal analysis, the study integrates a comparative legal approach, evaluating the experiences and regulatory strategies of other jurisdictions such as the United Kingdom, South Korea, Singapore, and Spain. This comparative dimension identifies legislative innovations and policy frameworks that may serve as models for legal reform in Bangladesh.

The analysis was conducted using qualitative content analysis to identify legal gaps, recurring challenges, and patterns of exclusion in the application of labour protections to platform workers. Special attention was given to how current laws apply to gig workers in terms of collective bargaining rights, social protections, minimum wage, and employment classification. While doctrinal analysis is central to this study, it is acknowledged that this approach has limitations, particularly its reliance on published laws and official interpretations, which may not fully capture enforcement realities or the lived experiences of gig workers. The study does not include empirical fieldwork, such as interviews or surveys with platform workers or policymakers, due to scope and access constraints. However, these limitations point to valuable directions for future research, where mixed-method approaches could complement legal analysis with stakeholder perspectives and enforcement data. Ultimately, this methodology offers a solid legal

foundation for understanding the structural challenges of digital labour in Bangladesh and for proposing reforms aimed at ensuring that decent work principles are extended to platform-based workers in the digital age.

4. RESULTS AND DISCUSSION

Modern society is characterized by increased interconnectedness, leading to the rapid digitization of the economy. In 2021, more than 63% of the world's population was online, according to the United Nations International Telecommunication Union (ITU). This digital shift has accelerated significantly in the wake of the COVID-19 pandemic. The transition to a data-driven, ever-evolving digital economy is undeniably happening, especially in developed nations. Several sectors and workplaces are seeing massive adoption of digital technology, which has impacted the job market. As digitalization rapidly transforms traditional employment paradigms, it brings both opportunities and challenges for the labor market. The proliferation of digital platforms has created a new form of work, commonly known as gig or platform work, which can enhance economic inclusion and provide flexible employment options for many individuals. However, the absence of comprehensive data on the digital workforce's size and characteristics makes it difficult to fully assess its implications. Despite these challenges, digital employment is gaining recognition among key stakeholders, including governments, the private sector, NGOs, and civil society organizations.

Digital labour, or employment in the digital economy, includes many services such as Uber and Deliveroo for immediate logistics, platforms like Amazon Mechanical Turk for small-scale tasks, data exchanges from social media channels, and online shopping sites that prioritise quick consumption through a single click, among other instances. The forthcoming report by the International Labour Organisation (ILO) provides a thorough explanation of digital labour: any form of employment that makes use of or is facilitated by information and communication technology (ICT) can be categorised as a "job in the digital economy" or a 'digital job.' A 'digital job' encompasses work in the information and communication technology (ICT) sector and a broad range of non-ICT jobs that rely on digital technology and skills. Digital employment exists across all industries, although the specific number of digital skills and technological expertise needed may differ ([Charles, Xia, & Coutts, 2022](#)).

The advent of digitalisation is supplanting the conventional notion of employment. The digital workplace marks a significant shift from the conventional physical workspace, transforming both the work environment and the cultural dynamics of professional life ([White, 2012](#)). The digital workplace refers to a virtual counterpart of the physical workplace that emphasizes effective planning and management strategies to enhance productivity, engagement, and work lifestyle performance ([Ravenscroft, Schmidt, Cook, & Bradley, 2012](#)). A digital workplace enables employees to work remotely rather than be physically present at the employer's physical office. An employee is not obligated to be physically present at the office but rather remains within the digital infrastructure provided by the company.

In Bangladesh, in addition to the digital workplace, a digital labor workforce has been implemented. Digital labor encompasses work that can be executed and transmitted electronically using online platforms, enabling individuals to operate from any location worldwide, provided they have a reliable Internet connection ([Abdul Rahim, Yaacob, Mohd Noor, Najid, & Zulkifli, 2021](#)). To participate as digital workers, individuals must register with specific platform applications that assign tasks based on geographic location. Workers have the autonomy to select tasks through a competitive bidding system, and once a contract is secured, they are compensated online upon completion. Governed by a free-market system, the digital workforce is free to do their jobs as they see fit, without being confined to any specific employer ([Abdul Rahim et al., 2021](#)). Workers can choose their hours and work remotely because of the company's flexible work arrangements. Gigs differ significantly from more conventional forms of employment in that they are more transient and pay workers only for completed work ([Abdul Rahim et al., 2021](#)).

4.1. Impact of Digitalisation on Employment

Digital technologies are profoundly reshaping both the availability of employment opportunities and how work is perceived and carried out. As digitisation transforms the work environment, workers are likely to experience substantial changes in the nature and scope of their responsibilities. The multifaceted effects of the digital revolution on the labour market are complex. This section will analyse how digitalisation will facilitate the development of new work structures and affect employees' skill sets, job satisfaction, gender inequities in the workplace, and the situations of vulnerable individuals and refugees.

Digitalisation is enabling the expansion of flexible, non-traditional employment opportunities. Digitally enabled self-employment and ICT-enabled mobile work are two examples of emerging job patterns that are gaining popularity globally. Non-standard employment, also known as non-traditional modes of employment, pertains to work arrangements that deviate from the norm of permanent, full-time employment and operate within a subordinate and reciprocal employment arrangement. The absence of regular and systematic work schedules for employees, as in the case of employee-sharing programs, is an example of casual work.

The categorisation of job relationships becomes more complex due to the emergence of novel employment structures. Temporary employment agreements are becoming more prevalent. Despite the growing uncertainty of employment, lack of salary growth, and the rise of temporary and freelance labour, information and communication technologies (ICT) and digital labour platforms have facilitated easier and more cost-effective methods of finding and matching jobs. The rise of freelancers and gig workers has significantly disrupted the traditional employment model, making it increasingly challenging for workers to organise collectively due to the absence of a shared employer.

4.2. Status of Digital Workers/Employees

Existing regulatory frameworks must accommodate digital workers with non-traditional employment arrangements. Major strides have been made on a national scale. Romania instituted criteria in the mid-2010s to assess the legal classification of self-employed individuals, focusing on their employment status. Forty percent of the country's workers were self-employed. On February 19, 2021, the United Kingdom Supreme Court ruled that Uber drivers should be officially classified as 'workers' and granted rights such as paid holidays, minimum salary, sick leave, and pension coverage. However, due to inconsistent national legislation, many nations do not regulate the employment status of digital workers. Several legitimate procedures are now in use globally to ascertain job status.

The European Union institutions have responded to the difficulties caused by the ambiguity in legislation by implementing new policies. One example is the 'Draft report on equitable working conditions, entitlements, and social security for platform workers new forms of employment related to digital advances,' produced by the European Parliament. The Global Commission on the Future of Work, established by the International Labour Organization (ILO), proposed the introduction of a 'Universal Labour Guarantee' aimed at ensuring fundamental rights and protections for all workers, regardless of their employment status. However, progress in implementing this initiative has been limited. Given the challenges in providing digital workers with job benefits and social protections, it is suggested to expand entitlements to encompass social citizenship or individual work affiliations in addition to traditional employment. [Countouris \(2019\)](#) introduced a concept in a working paper titled 'Universal Work Relation' as a framework. This framework includes people in 'less submissive, continuous, or structured personal work relationships' who are not already covered by labour law, as well as employees in typical standard working partnerships. Additionally, several prominent politicians are advocating for a Universal Basic Income (UBI) to safeguard the income of low-wage digital workers and ensure the rights of those who fall outside the scope of formal employment classifications ([Charles et al., 2022](#)).

Addressing the imbalance of power between employers and employees has long been the core objective of collective bargaining. Employees have been able to influence their working conditions and employment terms through union participation and collective action. However, employees face greater challenges in organizing as a

union in the digital economy, as it does not follow the traditional model of collective bargaining. In the digital economy, digital workers are often independent contractors who work independently. These workers frequently operate in isolation and across vast geographical areas. Consequently, the traditional employer-employee dynamic has become obsolete, as digital workers can now work for several 'employers' through digital platforms, engaging in short-term or task-oriented labor. As a result, digital workers, despite being a small portion of the total workforce, have emerged as a distinct category without a defined method for negotiating as a collective force. Digitalization not only streamlines the process for companies to outsource labor but also empowers individuals to have greater mobility by enabling remote work as either employees or freelancers.

The widespread adoption of digital technology is greatly influencing how employment is organized. As a result, the digital labour market has experienced substantial growth and advancement in terms of the variety and complexity of jobs available. Currently, there are limited legislative measures in place to address the dynamic nature of labour markets, specifically concerning digital employment. The nature of digital employment is diverse and extends beyond geographical limitations, necessitating the need for creative regulatory solutions. According to the International Labour Organisation's Constitution and its accompanying treaties, all workers, regardless of their contractual arrangements, are entitled to the principles of decent work, including fair treatment, security, and social protection. However, there is still a long way to go before achieving the goal ([Charles et al., 2022](#)).

The gig economy has significantly impacted the livelihoods of workers. Freelancers who are available when needed have questioned the traditional full-time employment structure and obtained unique assignments. The gig economy efficiently employs an economic framework in which firms predominantly hire on-demand contractors for temporary and flexible employment. Nevertheless, workers in the gig economy do not have comparable protections and advantages to traditional employees. Generally, gig workers lack the equivalent benefits that full-time employees receive. In terms of remuneration, these workers will be compensated according to the services or 'gigs' they have completed following their agreement with the service providers. This payment mechanism differs from the conventional employment paradigm, in which an employee is bound to their employer by a service contract. Hence, the rights and responsibilities of an employee are established by the terms and conditions of the employment agreement ([Radzi et al., 2022](#)).

In the context of English common law, an employment contract is a legally binding agreement between an employer and an employee that establishes the rights and responsibilities of both parties. In Bangladesh, the Labour Act 2006 and the Labour Rules 2015 specify that the relationship between an employer and an employee is formed through a contract of service or contract of employment, as defined in common law. Typically, two categories of employment agreements specify the rights and obligations of the individuals involved: a contract of service and a service contract. The distinction between these two classifications of contracts is not always clear. In the event of a disagreement, the courts will scrutinise several crucial factors, including the circumstances and specifics of the case, to determine the nature of the employment relationship between the parties in question. Under the Labour Act of 2006, employees in Bangladesh who have a contractual agreement are granted specific rights and advantages. These benefits are not offered to those who have entered into a service agreement.

The issue of the employment status of gig workers has been extensively debated in several venues. It is imperative to ascertain the legal categorization of gig workers, as the majority of employment regulations offer protection only to employees and not to independent contractors. Employees have significant privileges, including the autonomy to set their working hours, receive compensation at the minimum wage, exercise the right to join a labour union, and access different financial benefits. Prior research has demonstrated that gig workers are not categorized as employees. [Stewart and Stanford \(2017\)](#) observed that the legal classification of gig workers is still uncertain. Legislation regarding minimum wage, working hours, vacation benefits, and bargaining power typically only extends to individuals who are classified as workers. Gig workers seem to lack job protection.

4.3. Digital Labour Marketplaces' Rapid Growth in Bangladesh

The launch of Uber in Bangladesh in 2016 marked the beginning of the platform-based gig economy in the country. Subsequently, a plethora of cutting-edge platforms have mushroomed across several sectors, with the most notable ones being transportation (Truck Lagbe), food delivery (Foodpanda, Paperfly), and housekeeping (Hello Task) businesses. Hiring temporary employees is standard practice in Bangladesh, except for one ridesharing platform, Lily, which uses legally binding employment contracts to guarantee its employees a minimum pay. Workers' contributions have given rise to the platform economy, and many people now rely on platform employment as their primary source of income. Similar to many other countries, Bangladesh experienced a notable surge in the gig economy during the COVID-19 pandemic, largely driven by the heightened demand for home delivery services necessitated by social distancing measures. The online grocery store and marketplace Foodpanda had a phenomenal 300% increase in sales in 2020 over 2019. There has been a meteoric rise of over 150% in online purchases made through the grocery portal Chaldal. In addition, over the last several years, the e-commerce site Daraz has recruited almost seven thousand freelancers.

4.3.1. Legal Protection of Digital/Gig Workers in Bangladesh

With the expansion of digital labour platforms to encompass a significant portion of Bangladesh's labour force, concerns regarding workers' welfare and the platforms' overall working conditions have become more pertinent than ever. The fundamental issue revolves around the platforms' refusal to uphold worker rights and safeguards, as they typically categorize freelance workers as independent contractors rather than employees. Consequently, workers are not granted the advantages usually associated with organized employment, such as paid time off, insurance, gratuities, sick leave, and annual leave.

Due to the use of third-party recruiting firms for outsourced recruitment and the absence of employment contracts, the connection between platforms and their employees is unclear. Conversely, platforms typically have control over the labour process due to their automated systems for monitoring, disciplinary actions, and task allocation. Consequently, numerous individuals have posited that employees are not autonomous contractors but rather personnel of the platforms. The clarification of this matter by regulatory bodies in Bangladesh has not yet occurred. The Ridesharing Guideline 23 was published by the government in 2017 to regulate ridesharing providers and companies. Nevertheless, the guideline fails to establish an unambiguous legal framework or safeguards for platform employees. The legally non-binding guideline addresses, among other matters, the definition of ridesharing services and the liability of ridesharing platforms.

The central legal contention in this case pertains to the classification of gig labourers as 'workers' as delineated in the Bangladesh Labour Act. Platforms are exempt from numerous legal obligations and responsibilities, including the provision of a minimum or living wage to freelance workers, by designating their workforce as independent contractors. Due to the use of third-party recruiting firms for outsourced recruitment and the absence of employment contracts, the connection between platforms and their employees is unclear. Conversely, platforms typically have control over the labour process because of their automated systems for monitoring, disciplinary actions, and task allocation. Consequently, many have posited that these employees are not autonomous contractors but rather personnel of the platforms. Regulatory bodies in Bangladesh have not yet clarified this matter. The Ridesharing Guideline 23 was published by the government in 2017 to regulate ridesharing providers and companies. Nevertheless, the guideline fails to establish an unambiguous legal framework or safeguards for platform employees. The legally non-binding guideline addresses, *inter alia*, the definition of ridesharing services and the liability of ridesharing platforms. Section 4 of the Labour Act, as amended in 2018, does not expressly recognise informal workers as a distinct category. The "classification of workers" list includes the following categories: apprentices, badli, twenty-four seasonal workers, temporary, probationary, and permanent employees. The categorisation of gig workers (operating as self-employed individuals) into any of these groups remains unclear.

How platforms categorize their employees, which leads to their exemption from the regulations of the Labour Act 2006, impacts the capacity of employees to organize collectively and advocate for their interests. Freedom of association is upheld and safeguarded by the Bangladesh Constitution, while the Labour Act 2006 delineates the formal procedures for registration, assembly, and the assertion of rights. The International Labour Organization (ILO) has documented a notable increase in the number of trade unions and their members in Bangladesh. Nevertheless, such organizations predominantly represent workers in the traditional informal sector, with limited inclusion of digital platform workers.

The ability of platform-based workers to unionise remains ambiguous under the current legal framework in Bangladesh. Section 176 of the Bangladesh Labour Act, 2006, outlines the rights of 'worker-employees' to form trade unions. However, the law requires that at least 20% of a company's employees must be members for a union to be registered. Unionisation is difficult for gig workers for two reasons: firstly, platforms categorise them as independent contractors instead of employees; and secondly, there are practical difficulties in collecting signatures from 20% of the workforce in these businesses to establish a union. Some argue that they should be granted protection and acknowledgement according to the Labour Act of 2006, as they are an essential part of the workforce and play a substantial role in contributing to the nation's GDP and productivity.

Bangladesh has ratified seven of the eight core ILO conventions, including Conventions 87 and 98, which underscore the rights to 'Freedom of Association' and 'Freedom to Organise and Collective Bargaining', respectively. These rights are also affirmed in the Bangladesh Labour Act 2006 and the Labour Rules 2015, reflecting a legal commitment to uphold workers' rights to unionise and collectively negotiate. However, whether this legal framework effectively extends to platform workers and those in informal employment remains a subject of ongoing debate. Despite notable shortcomings in the implementation of employment safeguards, Article 15 of the Constitution of Bangladesh outlines provisions aimed at protecting the rights of all workers. The statement confirms the state's responsibility to provide workers with essential needs, such as guaranteed employment, satisfactory working conditions, including rest and leisure, and fair salaries, irrespective of their employment sector. Article 20 ultimately instructs the state to recognize that "each competent citizen is entitled to work as a right, duty, and matter of honour, and shall be compensated for his labour following the principle from each according to his abilities, to each according to his labour."

4.3.2. Consequences of Absence of Legal Mechanism

Lily is the only platform that guarantees its workers a minimum monthly compensation of USD 94.50 (BDT 8100) after deducting their expenses and waiting time, even though 70% of the platforms claimed to pay at least the minimum wage. The minimum wage, which Lily had worked so hard to secure, was not enough to cover basic living expenses. Platform employees should be aware that the government does not mandate a minimum salary or wage that is equal to their living expenses. Workers' operational expenses were considered by those evaluating the minimum and living wage. Included in these outlays were things like petrol, mobile phone data, the cost of capital assets (such as cars, bikes, or other appropriate equipment), and any necessary repairs or upkeep.

Several groups have argued that contract workers are not considered employees under the Bangladesh Labour Act, 2006 (last updated in 2018). This supports their position that no legal infringement has taken place. Some platform administrators strongly believe that the concept of minimum wage is not applicable in this situation, considering the historical dependence of informal workers in Bangladesh on various sources of revenue. Regardless of worker classification or the existence of numerous income sources, the Fairwork principles stipulate that any employment should contribute to a minimum pay that is sufficient to sustain oneself for the corresponding length of time spent. We have encountered other cases within the platform context, such as Truck Lagbe, Uber, Pathao, and Obhai, where the employees' net incomes were negative. This outcome is primarily due to two key factors: the

substantial share of revenue claimed by the platforms themselves and the involvement of intermediaries, which further erodes workers' take-home pay.

Concerns about deactivation and termination without warning or due process are major apprehensions for gig workers in Bangladesh. Many workers from various platforms who sought compensation for arbitrary punishment and deactivation perceived a lack of assistance. On multiple occasions, employees reported that deactivation occurred due to an automatic mechanism without any human explanation or consultation. While Obhai and Shohoz appeared to provide better communication and support in practice, it is essential to have a formal due process in place to regulate punitive choices that affect employees for this approach to be effective. Regrettably, both platforms still fall short of implementing a formalised due process framework to manage disciplinary actions effectively. In addition, employees believe that platforms could improve the reliability and transparency of their communications.

Platforms fail to acknowledge the formal associations of gig workers because of their ambiguous job classification. Consequently, the input of gig workers is not included in discussions with the platforms. Several platforms employ informal communication channels, although they are not inclined to formalize them. There is significant potential for policymakers and labour rights campaigners to take substantial action in Bangladesh to safeguard the rights of gig workers. Currently, platforms are not legally required to acknowledge and interact with labour unions. Employees on four platforms have been engaged in activities in the DRDU. In Bangladesh, Lily represents a more effective platform. Since its inception as a ridesharing firm, Lily has prioritized gender inclusivity by actively recruiting women, setting it apart from its peers in promoting equitable participation within the gig economy. Legal employment contracts are given to Lily's employees, and the platform ensures a minimum fixed remuneration of BDT 8,100. In addition, workers are eligible for bonuses based on their performance. Nevertheless, platforms are not obligated to heed these collective voices. Multiple employees have reported incidents of retaliatory actions by platforms in response to their involvement in union activities. This has been corroborated by a trade union official who provided evidence of specific measures taken against individuals who participated in protests organised by DRDU ([Fairwork, 2021](#)).

The absence of labour unions among workers in the gig industry could lead to discord and a lack of cooperation. There is a significant risk that the contract between parties could result in one party being exploited. According to [Kamal and Mir \(2013\)](#), service provider companies may acquire advantages from their strong economic position and significant bargaining power. This can result in the exploitation of workers. Moreover, there is a possibility that workers are not made aware of the true contractual arrangements between the parties. Consequently, certain concerns regarding the welfare of gig workers may be disregarded, leaving them in a precarious position. Their presence may not provide a competitive advantage in the emerging digital economy ([Radzi et al., 2022](#)).

4.4. Protection of Gig Workers in Other Jurisdictions

4.4.1. South Korea

Korean employment and labour rules categorize workers as either employees or independent contractors based on specific criteria. Most of the employment and labour laws apply specifically to individuals classified as employees, providing comprehensive protections related to wages, working hours, termination procedures, union rights, retirement benefits, occupational safety, and related matters. In Korean legal practice, a multi-factor test is utilized to ascertain whether an individual is an employee. This test reflects the broad and flexible definitions of "employee" in Korean employment and labour regulations. This multi-factor test primarily considers the following factors: i) how labour is allocated, ii) the approach to work, iii) the level of supervision and control exerted by the employer over the worker, and iv) the type of pay, considering all aspects of the employment situation.

To safeguard their basic union rights, the Supreme Court ruled that even if a person does not fulfill the definition of an employee under other employment legislation, they can still be designated as an employee under the TULRA using the new criteria. The Korean Supreme Court's 2018 decision has opened new avenues for gig workers and other

freelancers to form unions and negotiate better working conditions and terms, even though workers still have to prove they're financially dependent on their employers.

A revised “special type worker” category has been added to the Occupational Safety and Health Act, the Industrial Accident Compensation Insurance Act, and the Framework Act of Labour Welfare. This addition aims to extend the existing safeguards to freelancers. Consequently, gig workers who do not qualify as employees according to traditional labour law might nonetheless receive some protection if they belong to specific job categories and meet the necessary criteria, such as demonstrating economic dependency. The Occupational Safety and Health Act explicitly has a provision that delineates the obligation of delivery platform operators to guarantee safety protocols for delivery workers. Considering these laws, the highest court in Korea has ruled that drivers using delivery platforms are not employees of the Labour Standards Act (LSA) but can be considered a distinct category of workers for the Industrial Accident Compensation Insurance Act.

The word ‘labour provider’ is included as a category for intermediaries in the Employment Insurance Act, allowing workers to take on multiple clients without being tied down to an exclusive contract. As required by law, this expansion of coverage includes a wider spectrum of employees. Also, platform providers are legally obligated to offer workers’ compensation insurance under the Employment Insurance Act. On March 18, 2021, the National Assembly was presented with the “Protection and Support of Platform Workers Act”. This proposed legislation, currently under committee review, aims to safeguard the rights of gig workers and clarify the obligations of platform companies. Among these duties are the prohibitions of discrimination, retaliation, and sexual and workplace harassment as well as the provision of written notice before termination and other provisions customary in written contracts.

In addition, the South Korean government has done what it can to safeguard gig workers by passing the laws and regulations outlined above. South Korean government officials have been debating the best way to protect gig workers since 2016, when they first began discussing potential policy goals and measures to implement. Because of continuing negotiations, the responsible authorities of the South Korean government released a report titled “Measures for Protection of Gig Workers” in December 2020. This paper contains comprehensive strategies for safeguarding the rights of gig workers, expanding social security benefits, and creating a secure work environment and a resilient job market.

To address the difficulties faced by platform workers and provide effective solutions, a social forum was established on April 1, 2020, by a delivery worker's union, three delivery platform firms, and one other. On October 6, 2020, following six months of negotiations, the “Code of Conduct for Coexistence” was ratified by the delivery worker's union and the delivery platform firms. Platform companies must respect delivery workers' right to unionize and engage in collective bargaining with labour unions. Gig workers must be provided with accurate information about their pay and job details by platform companies. Workplace safety must be promoted, and appropriate training must be offered. A permanent consultative body must be established to enforce and improve this code of conduct. One of the three platform companies that met at the event reached a CBA with the union that represents delivery employees on October 22, 2020 ([Jeong, 2021](#)).

4.4.2. The United Kingdom

In UK employment law, the classification of ‘worker’ is acknowledged as a middle ground between independent contractors and employees. The status of being a ‘worker’ is recognized when the following conditions are met: i) an individual has a contract or agreement to perform work or services in exchange for compensation personally; ii) the compensation may take the form of either monetary or non-monetary benefits, such as a contract or the promise of future work; iii) the individual has a restricted right to delegate the work to another person (subcontract); iv) throughout the whole term of the agreement or contract, the employer must grant the worker employment; v) the

worker must not be operating as an employee of the employer's limited liability firm; and the employer must play the role of client or customer.

Due to their economic dependence on employers and their need for protection, UK employment law offers various safeguards to workers. These include entitlement to the national minimum wage, protections for whistleblowers, a cap of 48 working hours per week, a statutory minimum for paid annual leave, protection against unlawful wage deductions, and limits on excessive working hours. However, employees do not have the legal entitlement to statutory redundancy pay, safeguards against unfair termination, flexible work arrangements, time off for emergencies, or minimum notice periods for termination.

The UK Supreme Court ruled on February 19, 2021, that Uber drivers should be categorized as 'workers' following UK labour laws. Based on the following considerations, the Supreme Court decided on worker status: Uber has the power to determine how much drivers are paid for their labor because it sets the fare prices; ii) drivers have no control over the terms of service or the contract; iii) Uber exercises control over drivers through a passenger ratings system, which can lead to the termination of a driver's service if they provide unsatisfactory services; iv) drivers are subject to penalties if they decline a specific number of ride requests, which exposes them to Uber's surveillance; and v) Uber prohibits drivers and passengers from communicating with one another, making it impossible for a driver and a passenger to establish a separate commercial relationship beyond a single ride (Jeong, 2021).

Gig workers in the UK are legally categorized as 'workers,' a status that falls between that of an "employee" and an "independent contractor." Employees are granted specific legal safeguards and advantages, including the entitlement to receive a minimum wage, compensation for holidays, and safeguards against discriminatory practices. The distinction was solidified through a series of judicial decisions, most notably the landmark 2016 case involving Uber. In that case, the UK employment tribunal ruled that Uber drivers were to be classified as workers rather than independent contractors, primarily because they performed tasks under the company's direction and lacked genuine autonomy in managing their work. Following that decision, further gig economy enterprises in the UK have encountered legal disputes about the employment classification of their employees. In 2018, courier business Hermes made a deal with the GMB trade union to provide its couriers with the opportunity to become "self-employed plus" workers. This status would grant them certain extra rights and perks.

In the UK, the reclassification of gig workers as workers instead of independent contractors has been regarded as a noteworthy advancement in the legal handling of gig workers. This decision has established a standard for other nations to emulate. Nevertheless, several critics contend that more measures must be taken to provide adequate safeguards for gig workers and prevent firms from exploiting legal loopholes to evade their responsibility of providing benefits and protections (Mishra & Dasttidar, 2023).

4.4.3. Spain

"Economically dependent self-employed workers" are now officially recognized under Spanish employment law the 2007 Statute of Self-Employment. If a person regularly engages in economic or professional activity for financial gain on an individual basis, they are deemed to be "self-employed" according to the law. Typically, this entails serving a client who provides at least 75% of one's income from job and economic or professional endeavors. The following requirements must be satisfied simultaneously for an individual to be classified as an economically dependent self-employed worker according to the legislation:

- i) The business does not hire anyone and does not contract out any of its work to other parties, including the work it has contracted with its economically dependent client and any work it may contract with in the future.
- ii) Under no circumstances does the business engage employees who are legally bound to the client to carry out the services requested.

- iii) When the client's infrastructure is economically significant for the job being done, the company has its own productive and material infrastructure that is necessary for carrying out its work, which is independent of the client's infrastructure.
- iv) The organisation carries out its activities according to its criteria while considering any technical instructions provided by the client.
- v) The organisation receives payment based on the outcome of its activities, as agreed upon with the client, and assumes the associated risks and rewards.

When an individual is officially recognized as working as a self-employed person, he is entitled to certain legal protections. These include a retirement pension, paid sick leave, statutory holidays, professional rights, social security benefits, unemployment benefits, and compensation for both fixed and extra hours worked. The Supreme Court of Spain issued a ruling on September 25, 2020, recognizing the status of food delivery riders as employees, in response to their demands for official labour contracts and benefits from the food delivery service Glovo. Glovo used an app that rated each rider and then assigned them services based on that rating; this severely limited their autonomy in selecting their schedules and declining orders, the court found. Additionally, Glovo's ability to penalize distributors for a variety of actions demonstrated the employer's administrative authority. Glovo had included a real-time monitoring system in its digital platform to guarantee that delivery professionals remain completely dedicated to their assigned tasks and are unable to participate in any additional activities.

The 'Riders' Law', enacted in August 2021, was developed via a government proposal and subsequent adoption by Congress. This legislation operates on the assumption that riders are employees rather than self-employed workers. It mandates that all firms must furnish riders with information regarding the effects of algorithms and artificial intelligence on their working conditions, hiring practices, and layoffs. There are three main categories into which the measures used by each nation to protect gig workers fall. The main strategy creates a middle-ground classification that includes gig workers in the middle class. For skilled labour suppliers, there is Korea; for workers, there is the UK; and for economically reliant self-employed people, there is Spain.

If the Korean National Assembly approves a bill to safeguard gig workers, it will serve as an exemplary instance for similar laws globally. Option three grants gig workers the same legal protections as employees and treats them as such. This strategy is demonstrated by laws like AB-5 in California and Rider's Law in Spain. Most nations identify gig workers who meet the criteria for employee status and provide them with the protections they need ([Jeong, 2021](#)).

It is worth mentioning that most nations have made progress in moving away from the old-fashioned binary method of classifying employees. Furthermore, several countries have implemented diverse solutions to address this issue. Depending on specific conditions, these solutions may include the following elements, which are often used in a complementary manner:

- i) Classifying gig workers as employees and endowing them with the privileges associated with employees.
- ii) Classifying gig workers as an intermediary group and endowing them with distinct rights.
- iii) Implementing specific regulations tailored for gig workers ([Jeong, 2021](#)).

4.4.4. Singapore

The platform workers in Singapore are regarded as self-employed; therefore, they are not entitled to the benefits available for employees. The Singaporean government set up a Tripartite Workgroup on Self-employed Persons in March 2017, which recommended a package of voluntary measures such as a standardised contract, mediation services, and better medical insurance endorsed by the government in March 2018 ([Legislative Council Secretariat, 2023](#)). This is followed by the establishment of the Advisory Committee on Platform Workers, comprising representatives of all stakeholders, including the Singaporean government, employers, workers, and academics, to review the policy on platform workers. After a year of consultations with 20,000 platform workers and 30 companies/associations, the Committee released its final report with 12 recommendations in November 2022

(Legislative Council Secretariat, 2023). The recommendations were accepted eventually. Singapore passed the Platform Workers Act 2024 on 27th September 2024, which provides for the rights, obligations, protections, and representation of platform workers and platform operators. The Act incorporates recommendations made by the Advisory Committee on Platform Workers to enhance protections for platform workers, including safeguards against work-related injuries, mandatory Central Provident Fund (CPF) contributions, and provisions for worker representation. Section 5 of the Act defines a platform worker as an individual who is a ride-hail or delivery worker; has a platform work agreement with a platform operator; is under the management control of the platform operator when providing the platform service in return for payment or benefit in kind. The platform operator is an individual or an entity that provides platform services and exercises management control over one or more platform workers. The list of platform operators will be published to assist the platform workers in determining whether they are eligible to receive protection under this Act. The Act also requires the workers to be registered. The Act, through section 2, defines the meaning of earning, and section 14 requires the platform operator to issue an earning slip to their platform worker. The Act also provides for the establishment of a Platform Workers Association or a Platform Operators Association to promote good industrial relations between platform workers and platform operators; to improve the working conditions of platform workers or enhance their economic and social status; and to achieve the raising of productivity for the benefit of platform workers, platform operators, and the economy of Singapore.

The comparative analysis of gig worker protections in South Korea, the United Kingdom (UK), Spain, and Singapore highlights significant strides these countries have taken to adapt their legal frameworks to the growing presence of digital labour. In contrast, Bangladesh remains at a relatively nascent stage, where legal recognition and protection of gig workers are minimal and ambiguous. Bangladesh currently lags in recognising and regulating gig work, while countries such as South Korea, the UK, Spain, and Singapore offer distinct legal innovations to extend protections to platform workers. From classifying them as a third employment category to enacting specific legislation and judicial rulings, these countries present models that Bangladesh can learn from. Moving forward, Bangladesh needs to acknowledge gig workers within its legal framework and offer minimum guarantees of job security, social protection, and collective bargaining rights. Legal reforms should be pursued in consultation with stakeholders, drawing on the experiences of comparative jurisdictions to develop a tailored, effective, and inclusive regulatory regime for digital platform labour.

5. CONCLUSION

The growth of the digital platform economy has brought about new forms of employment, such as the gig economy, which necessitate a re-evaluation of existing legal frameworks. The analysis reveals that the current labour laws in Bangladesh are not adequately equipped to address the complexities and nuances of digital employment relationships. One of the key findings is the need for amendments to current legislation to ensure that digital employees are afforded proper legal protections and benefits. This includes addressing issues related to job security, working conditions, and social protections, which are often lacking in digital employment arrangements. Additionally, there is a clear call for a holistic approach that considers the unique challenges and opportunities presented by digitalisation in the workplace.

Furthermore, the study emphasizes the importance of ongoing dialogue and collaboration between policymakers, legal experts, industry stakeholders, and labour representatives to develop comprehensive solutions that strike a balance between flexibility for employers and adequate protection for employees. This includes exploring mechanisms for ensuring fair wages, addressing issues of algorithmic management, and safeguarding against discrimination and exploitation in digital work environments. Overall, navigating the digital transformation of labour requires a multifaceted approach that integrates legal, regulatory, ethical, and social considerations. By addressing the challenges and implementing proactive solutions, Bangladesh can better position itself to harness the benefits of IR 4.0 while safeguarding the rights and well-being of its digital workforce.

The gig economy, which has arisen in this modern digital age, presents a departure from the old employment model by offering a sharing economy platform accessible to all individuals, without being limited to the conventional employment framework. However, in contrast to wealthy nations, Bangladesh has yet to fully acknowledge the significant role gig workers play in the country's economic advancement. Without explicit legislation to safeguard the interests of gig workers, their reliance on contracts with service providers is significant. It should be emphasized that gig workers in Bangladesh, who are independent contractors, are deprived of their ability to establish a trade union. This has rendered gig workers in Bangladesh increasingly vulnerable. Bangladesh, as an independent and democratic country, has continuously protected the fundamental values of human rights enshrined in its Constitution, including the rights to freedom of speech, peaceful assembly, and association. Hence, it is widely believed that establishing an association is the most efficient means for gig workers in Bangladesh to protect their collective interests.

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