
GIG WORKERS IN THE CONSTRUCTION SECTOR AND THE IMPLEMENTATION OF LABOR LAWS: - A STUDY OF GAUTAM BUDDHA NAGAR

Alisha Dahal and Dr. Rama Srivastava¹Student, Master's in Social Work²Associate professor, Amity Institute of Social Sciences (AISS),
Department of Social Work, Amity University, Uttar Pradesh Noida**ABSTRACT**

In recent years, the gig economy has emerged as a transformative force in India's labor landscape, significantly impacting traditionally structured sectors such as construction. (Pankaj & Jha, 2024) Gig workers—those engaged in short-term, task-based jobs—form a vital yet vulnerable segment of the construction workforce. Despite contributing significantly to infrastructure development, their employment remains largely informal, exposing them to inconsistent wages, lack of social security, and poor working conditions. (Muragod & Prashantha, 2024); Gautam Buddha Nagar, a rapidly urbanizing district in Uttar Pradesh, has witnessed a surge in gig-based construction activities, making it an important site for studying labor dynamics in this emerging economic model. (Ghosh, A. 2024, August)

The primary objective of this study was to analyze the legal and social challenges faced by gig workers in the construction industry, assess their awareness of labour rights, and evaluate the effectiveness of labour law implementation in the region. The research adopts a mixed-methods approach, combining quantitative surveys of 100 construction gig workers of labour or officials, contractors, and gig platform intermediaries.

Findings reveal a significant gap between the legal protections promised under legislations like the Code on Social Security, 2020, and their on-ground implementation. Many workers are unaware of their rights, with very few registered under schemes like the e-Shram portal. Contractual ambiguities, lack of regulation over digital platforms, and weak enforcement mechanisms exacerbate these issues.

This study is significant as it provides critical insights into the precarious condition of gig construction workers and suggests urgent policy reforms to bridge the gap between legislative intent and practice.

Key words: - Gig economy, Construction sector, Informal labour, NITI Aayog, Migrant worker Digital platforms, social security, Gautam Buddha Nagar

INTRODUCTION

The gig economy in India has witnessed unprecedented growth over the past decade, driven by rapid digitization, urbanization, and changing work preferences. Gig work—typically involving flexible, short-term, or freelance jobs mediated by digital platforms or informal contractors—has reshaped how employment is structured, particularly in labor-intensive sectors. (Samanta & Sengupta, 2024) According to a 2022 NITI Aayog report, India is expected to have 23.5 million gig workers by 2029–30, a considerable increase from an estimated 7.7 million in 2020–21. While much of the public discourse around gig work centers on sectors like delivery, ride-hailing, and domestic services, its penetration into the construction sector remains underexplored and under-regulated. (Soans & Naik, 2024)

Construction, sector is the one of India's largest employers, has traditionally depended on daily-wage labourers and contract-based workers. With increasing use of subcontracting, mobile applications, and third-party agencies, gig-like work arrangements have proliferated within this sector. Workers often operate without formal contracts, receive irregular wages, and are excluded from benefits such as health insurance, maternity leave, or pension schemes. The situation is particularly acute in fast-developing regions like Gautam Buddha Nagar in Uttar Pradesh, which includes cities like Noida and Greater Noida—urban hubs with intense construction activity. (Sachdeva, 2024)

The importance of studying Gautam Buddha Nagar stems from its rapid industrial growth, influx of migrant labor, and complex labour dynamics involving digital platforms, real estate developers, and labour contractors. Despite the presence of robust labor laws such as the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020, enforcement remains inconsistent. Workers frequently report lack of legal awareness, exploitative work conditions, and absence of grievance redressal mechanisms. These issues are compounded by the ambiguous employment status of gig workers, who are neither fully recognized as employees nor afforded the flexibility and rights of self-employed professionals. (Chaudhary & Prajapati, 2024)

The primary concern lies in the disconnect between existing labour laws and their practical implementation for gig construction workers. Despite being covered under various legal frameworks on paper, gig workers in Gautam Buddha Nagar continue to face precarious employment conditions, inadequate wages, and unsafe work environments. The lack of legal recognition, fragmented employer-employee relationships, and the informal nature of recruitment make it difficult for authorities to enforce labor rights effectively. (Singh et al., 2020).

OBJECTIVES OF THE STUDY WERE: -

- To explore the working conditions and legal awareness among gig workers in the construction sector.
- To analyze the extent of implementation of labor laws in Gautam Buddha Nagar.
- To evaluate the role of digital platforms and intermediaries in regulating or bypassing labor compliance.
- To recommend policy interventions to improve legal protections for construction gig workers.

RESEARCH QUESTIONS

1. What are the demographic and employment characteristics of gig workers in the construction sector in Gautam Buddha Nagar?
2. How aware are these workers of their rights under Indian labor laws?
3. To what extent are legal protections and benefits being implemented?
4. What systemic barriers hinder the effective enforcement of labor rights?
5. What reforms are needed to ensure better working conditions and social security for gig workers?

LITERATURE REVIEW**Definition and Scope of Gig Work**

The term "gig work" broadly refers to task-based, freelance, or contract labor arrangements that are typically non-permanent and often facilitated by digital platforms or informal networks. Katz and Krueger (2016) define gig workers as individuals who earn income outside of traditional employer-employee relationships, often through short-term engagements. In India, the gig economy is not limited to app-based platforms like Uber or Swiggy but has extended deeply into the construction sector, where daily wage earners, casual laborers, and subcontracted workers operate under flexible yet precarious arrangements. (Gill & Gupta, 2024).

Status of Gig Workers in India: Legal Frameworks

India has attempted to formalize the recognition of gig and platform workers through two key legislative reforms: the Code on Social Security, 2020 (CSS) and the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code).

The CSS 2020 defines "gig workers" and "platform workers" for the first time in Indian labor law. It extends provisions for social security benefits such as health insurance, maternity leave, and old-age pensions through schemes like e-Shram registration (Ministry of Labour and Employment, 2021). However, these benefits are conditional and largely dependent on central or state notifications, leaving many workers in a legal gray zone. (Chaudhary & Prajapati, 2024)

The OSH Code 2020, on the other hand, aims to consolidate various workplace safety and welfare laws. It mandates provisions for safety standards, sanitation, and health facilities at construction sites. While these laws have been lauded as progressive, critics argue that their enforcement is weak, especially in informal and gig-based work environments (Sharma, 2022).

Gig workers in the construction industry often lack formal employment contracts, which limits their ability to claim statutory benefits such as Provident Fund (PF), Employees' State Insurance (ESI), or paid leave. Despite the Building and Other Construction Workers (BOCW) Act, 1996, which mandates welfare boards to provide benefits to construction workers, registration and benefit access remain limited (ILO, 2019). The lack of contractor accountability further dilutes the enforcement of safety measures and fair wage provisions. A study by the Centre for Policy Research (2020) highlights that even when workers are registered under welfare boards, the benefits often do not reach them due to bureaucratic hurdles and poor awareness. This suggests a systemic failure in translating legal provisions into tangible outcomes for gig workers. (Saha et al., 2022); (Kumar, 2024)_)

Comparative Insights: UK, USA, and Germany

Internationally, the status of gig workers varies based on how countries classify such employment. In the United Kingdom, the Supreme Court ruled in (*Uber v. Aslam* 2021) that Uber drivers are "workers" entitled to minimum wage and holiday pay, rejecting the classification of drivers as independent contractors. This decision significantly expanded labor protections in the gig sector. (Mukheibir, 2024).

In the United States, the classification remains contentious. While federal law often treats gig workers as independent contractors, some states, like California under Assembly Bill 5 (AB5), have attempted to reclassify many as employees. However, strong lobbying by gig companies led to Proposition 22, which reversed AB5 for app-based companies. (Gupta, 2021).

Germany offers a hybrid model where gig workers can gain employee-like rights depending on the degree of control exerted by the employer. This functional approach emphasizes the substance-over-form principle, focusing on the nature of the work relationship rather than labels. These international examples provide valuable lessons for India. Classifying gig workers as employees or independent contractors affects their access to labor rights, and clarity in this domain is crucial for effective policymaking. (Telichko & Rekun, 2024).

Implementation Gaps in Labour Laws

Although India has enacted progressive labor codes, their actual implementation is fraught with challenges. The unorganized nature of gig work, particularly in the construction sector, leads to difficulties in identifying beneficiaries, ensuring compliance from employers, and tracking violations.

A survey by ActionAid India (2021) revealed that over 80% of gig workers in the construction sector lacked written contracts, making legal redress and enforcement nearly impossible. Additionally, labor departments at the state level are often understaffed and under-resourced, further weakening oversight capabilities (NCEUS, 2019).

Digital Platforms and Their Influence

Digital platforms have been both enablers and disruptors in the gig economy. In construction, platforms like Work India or Apna have started connecting contractors with workers, offering a semblance of structure to labour supply chains. However, these platforms largely operate in a deregulated environment, often distancing themselves from labor liabilities by positioning themselves as mere "aggregators." (Mathachan & Mathew, 2024)

Scholars like De Stefano (2016) have termed this phenomenon as "platform capitalism," where algorithmic control is used to manage workers without affording them labor rights. In India, the digital mediation of construction labor is still evolving, but there is a growing need for regulating these intermediaries to ensure fair wages, grievance redressal, and job security. (Nair, 2023)

Identified Gaps in Existing Research

There is a dearth of focused academic research on gig workers in the construction industry in India, especially at the district level like Gautam Buddha Nagar. Most studies address gig work in the context of digital platforms in metropolitan areas. Research exploring the interplay between labour or laws, local governance, and worker experiences in semi-urban regions is limited.

Furthermore, while national data highlights labour or law violations in construction, little empirical research exists on workers' awareness, access to welfare schemes, and the role of local digital platforms. This study attempts to fill these gaps by offering both quantitative and qualitative insights from a region-specific perspective.

RESEARCH METHODOLOGY

To comprehensively explore the legal challenges faced by gig workers in the construction sector of Gautam Buddha Nagar, this study adopts a mixed-methods approach, combining both quantitative and qualitative research designs. This dual approach enables the triangulation of data and offers a deeper understanding of the workers lived experiences while also identifying patterns and trends based on measurable indicators.

Research Design

The study employs both quantitative methods (through structured surveys) and qualitative methods (via semi-structured interviews). Quantitative data help in statistically capturing the scale of awareness and access to legal

rights among workers. In contrast, qualitative data provide nuanced insights into challenges, employer-worker dynamics, and implementation hurdles that cannot be fully captured through numbers alone.

Sampling Strategy

A purposive sampling technique was used to identify and engage construction gig workers from various sites across Gautam Buddha Nagar, including sectors such as Noida and Greater Noida Authority areas. The final sample comprised 80 participants, ensuring representation across various age groups, gender, job roles (e.g., masons, carpenters, helpers), and worksite types (residential, commercial, infrastructure).

The participants were selected based on the following criteria:

- Involvement in informal or task-based construction work.
- Residency or employment within the geographical boundaries of Gautam Buddha Nagar.
- Willingness to participate voluntarily and provide informed consent.

This sampling method ensured relevance to the research objectives while maintaining diversity in responses.

Tools for Data Collection

Two primary tools were employed:

1. **Structured Survey Questionnaire:** A Likert-scale based instrument covering areas such as knowledge of labour or laws, registration under social welfare schemes, access to legal aid, wage satisfaction, safety conditions, and dispute resolution experiences. The survey was translated into Hindi for better accessibility.
2. **Semi-Structured Interviews:** Conducted with 20 selected participants and 3 site managers/contractors to gain qualitative insights. Open-ended questions explored topics like informal hiring practices, workplace challenges, social security experiences, and perceptions of legal protections.

Data Analysis Techniques

- **Quantitative data** from surveys were analyzed using descriptive statistics (frequency distribution, mean scores, cross-tabulations), with the help of SPSS software.
- **Qualitative responses** were coded thematically using manual coding techniques and categorized under emergent themes such as “lack of legal awareness,” “informality in hiring,” “social security exclusion,” and “worker vulnerabilities.”

This dual analytical framework enabled both breadth and depth in findings interpretation.

Ethical Considerations

Ethical integrity was maintained throughout the research process. Key principles observed include:

- **Informed Consent:** All participants were briefed about the purpose of the study, and written/verbal consent was obtained.
- **Anonymity and Confidentiality:** Identities of participants were kept confidential; pseudonyms were used during reporting.
- **Voluntary Participation:** Respondents had the right to withdraw at any point without any consequences.
- **Non-Harm Clause:** Efforts were made to ensure that participation did not expose workers to employer retaliation or undue psychological distress.
- **Data Security:** Digital data was stored on encrypted drives accessible only to the research team.

This ethically grounded methodology ensured that the voices of the most vulnerable segments of the labour force were respectfully represented in the study.

DATA ANALYSIS & FINDINGS

This section presents the analysis of both quantitative and qualitative data collected from 80 construction gig workers in Gautam Buddha Nagar. It highlights key findings related to the demographic profile, working conditions, legal awareness, and social security access. Data have been analyzed using SPSS and thematic analysis techniques, and key trends are visually represented.

Demographic Profile of Respondents

The survey included 80 gig workers from various construction sites across Gautam Buddha Nagar. Below is a snapshot of their demographic characteristics:

- **Gender:** 73% of the respondents were male, 27% were female. Female workers were primarily engaged in unskilled tasks like lifting and transporting materials.
- **Age Distribution:** The majority (45%) were between 26–35 years; 30% were between 18–25 years; 20% between 36–45 years; and 5% above 45 years.
- **Education:** 65% had not completed schooling, 25% had primary education, and only 10% had secondary or higher education.
- **Monthly Income:** 54% earned below ₹10,000, 32% earned between ₹10,000–₹15,000, and only 14% earned above ₹15,000.
- **Sectors of Work:** Workers were spread across residential housing projects (45%), commercial complexes (30%), infrastructure projects (15%), and miscellaneous construction sites (10%).

Working Conditions and Social Security Access

Most gig workers reported inconsistent work hours, lack of job security, and poor access to social protection mechanisms:

- **Working Hours:** Over 70% of respondents worked more than 10 hours a day.
- **Safety Provisions:** 60% stated they never received helmets, gloves, or boots.
- **Rest Breaks:** Only 20% received adequate breaks during working hours.
- **Medical Facilities:** A mere 15% had access to on-site medical assistance.
- **Social Security:** Only 35% were registered under the e-Shram portal, and just 10% were aware of benefits under the PM Shram Yogi Maandhan Yojana or the Building and Other Construction Workers (BOCW) Act.

These findings reflect a high level of informal engagement despite gig workers technically being covered under several labor laws.

Awareness and Implementation of Labor Laws

A major focus of the study was assessing awareness levels regarding labor laws and actual implementation on the ground. Survey results showed a significant gap:

- **Minimum Wage Awareness:** 62% were unaware of the official minimum wage applicable in the state.
- **Written Contracts:** 80% had no written contracts; employment was mostly verbal and transactional.
- **e-Shram Registration:** While 35% were registered, only 10% received any benefit from the platform.
- **OSH Code and Social Security Code:** Only 5% had heard of these legislations.

Case Examples of Violation and Compliance

To provide grounded insight, interviews with select participants revealed deeper challenges and occasional successes:

- **Case 1 – Violation:** A 32-year-old male labour working at a commercial high-rise in Sector 62 reported severe back injury due to a fall from scaffolding. The contractor refused to provide compensation, and no accident report was filed. The worker was neither insured nor registered under any social security scheme.
- **Case 2 – Partial Compliance:** In a government-funded infrastructure project in Sector 137, workers were registered under e-Shram, and helmets were distributed. However, wages were delayed beyond 45 days, and workers lacked any grievance redressal mechanism.
- **Case 3 – Good Practice:** One developer in Sector 150 ensured workers signed digital contracts, received weekly wages via UPI, and were informed about safety protocols. This was a rare instance of labour law compliance facilitated through a digital HR platform.

These examples indicate that legal compliance depends largely on employer intent, with very little monitoring or enforcement from labour authorities.

Summary of Findings

- There is low awareness and minimal implementation of labour laws among gig workers in the construction sector.
- Registration under national schemes like e-Shram remains symbolic unless linked to tangible benefits.
- Gender disparities persist, particularly in wage rates and access to safety equipment.
- Digital platforms, though useful in formal settings, have not significantly penetrated the informal gig landscape in construction.
- Field-level enforcement of laws such as the Code on Social Security (2020) and Occupational Safety, Health and Working Conditions Code (2020) is virtually non-existent in small and medium projects.

DISCUSSION

The findings of this study provide meaningful insights into the complex realities of gig workers in the construction sector in Gautam Buddha Nagar. This section critically interprets the survey results, drawing connections with existing literature and highlighting systemic gaps in legal implementation, social protection, and digital governance.

Interpretation of Findings

The research uncovered widespread informality and poor enforcement of labor rights. A significant portion of gig workers remain unaware of essential labor laws, including the Code on Social Security (2020) and the Occupational Safety, Health and Working Conditions (OSH) Code (2020). Despite the presence of national schemes like e-Shram, the actual registration rate among the sampled population was low (35%), and tangible benefits were even lower (10%).

The data also highlighted issues such as lack of written contracts, delayed wage payments, unsafe working conditions, and minimal access to grievance redressal mechanisms. These findings point toward the failure of decentralized implementation of labor laws, especially for gig workers who do not fit the traditional mold of full-time employment.

Alignment with Existing Literature

The study's findings largely align with earlier research by scholars such as Mehta (2021) and Jain & Mehrotra (2022), who argue that gig workers in India exist in a grey zone of legal ambiguity. As per the International Labour Organization (2021), the gig economy is expanding, but legal protections remain fragmented, especially in developing countries.

Moreover, scholars like Rani and Dey (2020) have emphasized how gig workers are misclassified as “independent contractors,” leaving them without the rights of regular employees. The data from Gautam Buddha Nagar reinforces this concern. Most respondents lacked formal contracts, a key determinant of employment status.

On the other hand, unlike studies from countries like the UK and Germany, where gig workers have access to some form of collective bargaining and social insurance, this study found no union representation and minimal engagement with state welfare boards, confirming the lack of institutional support.

Challenges in Legal Recognition, Social Security, and Safety

One of the central challenges is the lack of recognition of gig workers as formal employees, which directly affects their eligibility for social security benefits. In India, while the Social Security Code theoretically covers gig workers, its enforcement is inconsistent across sectors and regions.

The construction sector, in particular, is plagued by subcontracting, where workers are employed through multiple intermediaries, making it difficult to assign liability. As a result, even when benefits exist under the Building and Other Construction Workers (BOCW) Act, the fragmented structure prevents actual delivery.

Safety remains another critical issue. Despite legal provisions under the OSH Code, over 60% of workers reported the absence of protective gear, and few worksites had emergency protocols. As discussed in works by Roy (2022), the construction sector is notorious for workplace injuries, yet compensatory mechanisms are inaccessible due to bureaucratic delays and lack of documentation.

Role of Digital Platforms and Regulatory Loopholes

Digital platforms, while promising on paper, are yet to reach most construction gig workers. Although platforms like e-Shram and UMANG exist to streamline social protection, low digital literacy and poor internet access act as barriers. Many workers did not even know how to check their registration status or benefits eligibility.

Moreover, platform accountability is absent. In contrast to gig work in delivery or ride-hailing, where digital platforms control job allocation and payments, construction gig work remains largely analog. This raises concerns about regulatory loopholes, where informal contractors escape compliance under the pretext of non-digital transactions.

The study further exposes the ineffectiveness of inspections and monitoring. Local labor offices are under-resourced, and workers lack trust in the legal system. Regulatory capture and collusion between builders and local officials often prevent the proper execution of labor laws, as noted by Bhattacharya (2020).

RECOMMENDATIONS

Based on the findings of this study, it is evident that while policies addressing gig workers exist in principle, their implementation and enforcement remain inconsistent, particularly in the construction sector. The following recommendations are proposed to enhance gig worker protections:

1. Policy Reforms for Gig Worker Protection

There is a pressing need to amend existing labor legislation to clearly define the status of gig workers and ensure their inclusion in core labor protections such as minimum wages, occupational safety, health coverage, and insurance benefits. A separate regulatory framework under the Code on Social Security (2020) should be notified and enforced with clear rules specific to the construction gig sector.

2. Mandatory Registration and Compliance Mechanisms

Registration under the e-Shram portal and state labor boards should be made compulsory for all gig workers and employers, with simplified processes and field-level support to facilitate onboarding. Contractors and employers must be held accountable for uploading data, and non-compliance should be met with penalties.

3. Strengthening Grievance Redressal and Legal Aid

To ensure workers can seek justice, accessible grievance redressal systems must be established at the district level. Legal aid cells focused on gig worker rights should be set up at labor offices, with toll-free helplines and mobile assistance units for remote construction sites.

4. Capacity-Building Initiatives for Workers

Workshops and awareness campaigns should be regularly conducted to inform workers of their rights, available schemes, and redressal mechanisms. Partnerships with NGOs, trade unions, and digital platforms can foster legal literacy and empowerment.

By addressing both policy-level gaps and grassroots awareness, these recommendations aim to create a more inclusive and secure working environment for gig workers in the construction sector.

CONCLUSION

This study explored the legal implementation of labor laws for gig workers in the construction sector of Gautam Buddha Nagar, a region witnessing rapid infrastructural expansion and an increase in informal labor. The findings reveal that while the Code on Social Security (2020) and Occupational Safety, Health and Working Conditions Code (2020) aim to include gig workers within the social security net, there exists a significant gap between legislation and on-ground implementation. Many construction gig workers remain unaware of their legal entitlements, and those who are aware often face challenges in accessing benefits due to lack of registration, employer non-compliance, or weak enforcement mechanisms.

The research highlighted several issues such as limited social security coverage, absence of clear employment classification, and the exploitation of contractual ambiguities. Furthermore, digital platforms, though increasingly influential in labor hiring, lack regulatory oversight, complicating accountability.

From a policy standpoint, these findings stress the need for targeted reforms that go beyond symbolic inclusion to ensure enforceable protections, grievance mechanisms, and legal literacy among gig workers. Strengthening

local-level labor governance and ensuring real-time data registration through e-platforms like e-Shram can bridge the gap between law and practice.

This research offers a foundation for future empirical investigations into the lived realities of gig workers, especially in regions undergoing urban transformation. Longitudinal studies comparing rural-urban variations and examining the role of digital labor platforms can add valuable dimensions to the discourse on labor rights in the gig economy.

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