

The Plight of App-Based Cabbies

With the spreading of GIG economy in our country, the number of app-based platform workers has increased enormously in the recent years. These workers lack any rights and are unprotected. They are being exploited by the app-based service companies ruthlessly. App-based ride-hailing drivers of Uber and Ola are amongst the worst exploited workers in our country.

Though our government grandly claims that it has taken up the issue of gig workers in the new labour codes recently enacted, the code merely acknowledges platform and gig workers as new occupational categories, but it does not give any rights to these workers. It simply says they are eligible to certain social benefits, and that they can claim for them. But the labour code does not allow these workers to go to court to demand better and stable pay or regulate the algorithms that assign the tasks. This means that courts or government cannot pull up platform companies for their choice of pay, or long hours they ask the workers to work.

Recently International Labour Organisation finds that India falls at the lowest end among developing countries, in the hourly earnings of app-based taxi drivers. Most of the app-based taxi drivers in India work for an average 82 hrs a week, which is much higher than the average of both traditional taxi services and app-based services in developing countries. According to this finding though most of the drivers work for 12 hours or more, they are not paid accordingly.

As freebies and incentives have created opportunities for drivers to access higher earnings or bonus, incentivising them to work long hours, is often leading them to high work intensity, without taking breaks in order to be able to meet their targets or due to the fear of losing a client or an order. Hourly earnings including waiting time is the lowest in India than in Chile, Ghana, Indonesia, Kenya, Lebanon, Mexico, Morocco and Ukraine. While in India the hourly earning is \$1.1, it is \$ 8.2 in Lebanon.

Most of the taxis are purchased through loans from bank or money lenders. These drivers are unable to meet the expenses for the rising fuel prices, maintenance charges, besides paying interest to banks even though they work for 12 to 13 hours a day. The drivers who are unable to renew insurance coverage in time.

The drivers are demanding that the cab-aggregator fee should be reduced to 10% from the existing 28%.

But UBER and OLA do not want to change their contract policy so as to avoid labour laws. They use scare tactics to threaten drivers in to forming unions who are conducting agitations for realising their demands.

The drivers of these companies have been agitating in many countries for their rights demanding to recognise them as workers. But these companies insist that the drivers are self-employed since they chose their own hours and place of work, and often find passengers through rival apps.

How ever the Betains top court (Supreme Court) on Feb 18, 2021 ruled that drivers at US ride-hailing giant UBER are entitled to workers rights in a judgement. The court ruled that the service performed by drivers is "Very tightly defined and controlled by UBER" so they could not be considered to be self-employed. The ruling clarified that drivers are considered to be on the job when they are logged in to UBER app, which could be used to calculate minimum wage and holiday pay.

This Judgement is a ray of hope to the app based drivers in India to fight and achieve their rights.