

# Fault lines at the front lines

Care work and digital platforms in South and Southeast Asia

Ambika Tandon and Aayush Rathi



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May 2021

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# Foreword

The pandemic is shaping lives across Asia and will change the social and economic conditions for the coming decade. To analyse the political, geostrategic, cultural, societal as well as economic implications of this unprecedented crisis and to develop visions for the time after COVID-19, we invited scholars and practitioners to work on a paper series to envision aspects of a future of work in Asia that benefits workers.

In this series of papers, we will explore subjects to support workers, trade unions and policy practitioners to formulate a just and inclusive vision for Asia's future. The rebuilding of supply chains, digitalization across countries, the future of trade unions and workers as well as the implications of the incessantly advancing automation will alter the future of the continent. Long-term and systematic analysis of visions for the future of work and the economy of tomorrow is the overall goal of this paper series.

The future of the digital economy and its workers play a tremendous role in the development of the countries in Asia. With Asia at the forefront of the digital transformation, we still have much to understand when it comes to the implications of digitalized economies. How is digitalization transforming companies and value chains? Who creates, generates, captures, controls and uses data? What are the implications of corporate and government policies for the growing number of gig workers? How can workers and trade unions gain more control over the future of work?

Our previous publication, [\*Women and the Future of Care Work in Asia\*](#), focused on changes for care workers who are expected to face increasing vulnerability and the need to recognize and value this type of work. This latest paper, by Ambika Tandon and Aayush Rathi, takes a closer look at the changing employment conditions for domestic workers in the growing platform economies of South and Southeast Asia.

By analyzing different platform designs and comparing regulations in India, Indonesia, Pakistan and Vietnam, the authors present a thorough picture of the situation for domestic workers in the new economy. The study concludes with policy recommendations for governments as well as platform companies that—if implemented—could make the new economy a better economy for domestic workers.

**Mirco Günther**

Director

FES Office for Regional Cooperation in Asia

**Kai Dittmann**

Senior Programme Manager

FES Office for Regional Cooperation in Asia

May 2021

# Introduction

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For women in the Global South, domestic work is a critical avenue for seeking salaried work, despite it being characterized by highly informal work arrangements. Most Asian countries continue to preclude domestic workers from labour protections, even those offered to other workers in the informal economy, which leaves them vulnerable to abuse from employers (Tang, 2016). This also leaves intermediaries—who recruit and place domestic workers—outside the scope of regulation, even as they place workers in poor conditions, commit wage theft and engage in the trafficking of children and women (Bhalla, 2012).

The outbreak of COVID-19 and government policy responses to contain the spread of the coronavirus led to the deepening of fault lines across the informal economy globally (ILO, 2020a). There has been widespread wage loss and job loss, exacerbated by an already unavailable public welfare infrastructure that could ensure access to income replacement, social protection and quality public health care facilities. The International Labour Organization (ILO) (2020b) estimates that nearly 75 per cent of domestic workers around the world have been significantly impacted—particularly those who lost their job or were dealt reduced working hours and/or remuneration and did not have prior access to social security. More domestic workers (around 80 per cent) in Asia and the Pacific have been considerably impacted than in any other region in the world. An even larger proportion has been affected in the South Asia subregion (at 87.5 per cent) (ILO, 2020b).

For a few years now, digital intermediaries, such as online platforms, have attempted to capture the domestic work sector with promises of formalization and bringing benefits to workers who had previously been out of reach. This includes higher wages and the potential for better conditions of work through a responsible intermediary. At the same time, workers in the platform economy are exposed to work instabilities and precariousness stemming from challenges in determining the legal and social status of such workers. These workers are not covered by labour laws and social protection provisions, such as living wages, working hour limits, occupational safety and health and social security.

At the outset of the COVID-19 outbreak, digital platforms were impacted by government policymaking. While occupations such as transportation were curtailed to prevent mobility, others, such as logistics, received policy forbearance; they were recognized as performing a crucial public function in the absence of state capacity. Domestic work platforms advocated to receive permission to operate because domestic workers performing care functions are “essential” workers (PTI, 2020). Predating the outbreak of COVID-19, digital labour platforms for domestic work were rapidly rising in popularity, experiencing growth in orders for domestic work services at rates between 20 per cent and 60 per cent month-on-month (Kadokia, 2016). With the easing of mobility restrictions, companies offering cleaning services are now seeing a surge in demand (Singh, 2020). It thus becomes pertinent to explore the roles that digital platforms have in determining the future of care work, such that effective policymaking enabling gainful work outcomes for platform workers can be designed for immediate and post-COVID-19 labour market situations.

Our study of digital platforms for domestic work in India reveals that the models of platforms, processes of placement and configuration of the supply chain are more diverse than the uberization model, which dominates discussions on the platform economy. We assessed the following three types of platforms, each of which have different recruitment strategies, placement processes, relationships with employers and workers and level of oversight on the work (Rathi and Tandon, 2021).

**1. On-demand platforms** place workers in short-term gigs, similar to the uberization model of organizing services. To be onboarded, workers must register and accept standard terms and conditions of companies, with no scope for negotiation. Platforms have standard fees per task, and they apportion a part of this as their own commission, with the rest being paid to the workers. Workers are required to have regular access to a smartphone to accept work orders. Work orders are dispatched to workers based on such factors as geographical proximity and ratings. Companies also monitor the work of workers through digital tools, such

as ratings, facial recognition and pictures of the worksite.

**2. Digital placement agencies** find workers full-time, part-time or live-in jobs. Workers need to register on the platform digitally, and thereafter they must have regular access to a basic phone to receive calls from the platform. Platforms charge a one-time fee to employers to place workers with them. Platforms negotiate wages and other conditions of work with the employers on behalf of workers. After placement, platforms are not involved in the day-to-day operations of the job unless there is a complaint from either party.

**3. Marketplaces** are online job boards, wherein workers create profiles and add their skills, and employers pay a fee to access workers' profiles. Platforms do not intervene in setting the terms of work, including wages, and are typically not responsible for dealing with complaints from either party.

This policy paper focuses on platforms and regulatory practices in four Asian countries: India, Indonesia, Pakistan and Vietnam. From this cross-national comparison, we arrived at recommendations that can be adopted across contexts in the Global South. The aim of this paper is to highlight specific practices of platform design that benefit platform workers and can be adopted across the industry to achieve gainful work outcomes for platform workers. We also identify practices that disadvantage platform workers and even reduce protections of labour rights and then suggest alternative models that can be adopted to redress these concerns. Finally, we discuss the role of governments in protecting the rights of domestic workers in the platform economy. The policy recommendations suggest lacunae and best practices in the industry and the regulation for platforms and government stakeholders.

# Methodology

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The methodology for this study was divided into two phases. The first phase involved primary research conducted in India through a project supported by the Feminist Internet Research Network,<sup>1</sup> between June and October 2019. This included in-depth semi-structured interviews with 41 domestic workers, 4 domestic workers' union representatives, 17 company executives and 3 government officials, in New Delhi and Bengaluru. We interviewed women and men workers across tasks, such as cleaning and cooking. We located them by visiting company offices, asking staff to put us in touch and then relying on the snowballing approach thereafter. Through the interviews, we produced an in-depth report on the domestic work sector in the platform economy in India, which included a typology of platforms (Rathi and Tandon, 2021). The fieldwork for the project was completed before the onset of COVID-19. Our reflections on the impact during the pandemic was extrapolated

from our findings through this fieldwork and other work surveying the conditions of domestic workers in this period.<sup>2</sup>

The next phase of the methodology was conducted between July and August 2020 and aimed at assessing platform features in Indonesia, Pakistan and Vietnam through desk-based research. These countries were selected for their geographical diversity across South and Southeast Asia, along with their diversity in regulation structures governing the domestic work sector. For each country, we searched for platforms offering domestic work, categorized them using the typology devised through the first phase and conducted an analysis of their features and processes.

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<sup>1</sup> See more at <https://www.apc.org/en/project/firn-feminist-internet-research-network>.

<sup>2</sup> See for instance, Menon (2020).

# Discussion

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Three groups of actors have a role in shaping the terms of work arrangements: individual employers, who set the contractual terms (often informally) and the day-to-day interaction; digital platform companies, that set the terms of use for digital platforms; and governments, through their legislative powers. The following sections describe and critique the role of two of these groups—platform companies and governments—and their impact on workers’ rights in the domestic work sector.

To understand the role of platform companies, we focused on their operational and business logics by deconstructing the design of the platforms. We understand platform design as a combination of processes and features that determine their role in employment relations. These differ across types of platforms and may fall outside the scope of regulation by government and quasi-government actors. Thus, it may be necessary to treat self-regulation and standard-setting for platform design and industry practices separately from law and regulation.

## Platform design

The discourse among platform companies offering domestic and care services is one centred on improving workers’ livelihoods while solving problems of inefficiency that beset domestic work labour markets. The implementation of data-centric technological artefacts, including but not limited to the platform itself, is the solution offered by digital labour platforms. Companies claim that these technologies can be used to match workers and employers more efficiently while rendering workers’ contracts and payments more transparent.

This discourse furthers what Evgeny Morozov (2013) termed “technological solutionism”. Digital labour companies aim to capitalize on the “institutional voids” in the contexts of the Global South, understood as the absence of institutions to “efficiently connect buyers and sellers” (Khanna, Palepu and Bullock, 2010). In this section, we discuss features that support and contradict the rhetoric on improving workers’ lives. We highlight practices and standards with the aim of promoting them as industry-wide standards for social responsibility (Cherry, 2019). This could be useful for supplementing

any regulatory measures, which are difficult to enact and enforce, given the transnational nature of platforms and the diversity in business models.

## Wages

Barring Vietnam, in each of the countries surveyed, domestic work is a low-income occupation and tends to be remunerated at below minimum wage standards for comparative work. At first view, domestic workers with on-demand platforms tend to earn higher absolute wages than offline counterparts. Mustafa Muhammad, co-founder of Mauqa Online, for instance, told us that their workers’ income was 8,000–10,000 Pakistani rupees per month before joining the platform, after which it increased to 18,000 Pakistani rupees per month. Similarly, CrewOnJobs in India pays workers 260 Indian rupees an hour, a sum higher than the hourly pay for work secured through traditional pathways (Mewa, 2020). However, the work available is irregular, and earnings could be offset by the time workers spend seeking jobs and traveling from one location to the other and the platform’s inability to provide enough jobs to workers on a daily basis. To address these concerns, Mauqa Online offers workers a “daily guarantee” amounting to two hours of work that is paid if workers do fewer than two hours of work through the platform. This allows for workers to be compensated even if the platform is unable to find them work every day.

However, on-demand platforms across the four countries have high rates of commission, ranging from 30 per cent to 70 per cent. This makes it clear that the employment relationship is being misrepresented because platforms set the conditions of work and wages, interface between employers and workers and collect data about parties, in addition to keeping a large proportion of the payment from customers for themselves without offering workers the chance to negotiate. This bypasses article 15 of the ILO Convention on Domestic Workers, 2011 (No. 189), which prohibits placement agencies from charging fees from workers or taking a part of workers’ earnings as commission (ILO, 2011).



We also found that some on-demand platform companies require exorbitant “deposits” from workers to register on the platform, which in principle is refundable but only on the companies’ terms. For instance, Urban Company, a large on-demand platform in India, requires workers to pay a deposit of 3,000 Indian rupees to register. Due to unequal contractual terms, in practice it is difficult for workers to get that deposit back.

Digital placement agencies and marketplaces tend to meet market rates for salary because they place workers in traditional domestic work arrangements. Digital placement agencies are more involved in shaping the conditions of work than marketplace agencies, and some proactively intervene to ensure that workers do not experience such issues as non-payment of wages. Maimaid, a digital placement agency in Indonesia, requires employers to give a deposit to the company that is then used to cover workers’ salaries in the event that employers refuse to pay (which is a common issue for workers in this sector). Housmaid, a digital placement agency in India, pays workers if they do not receive their salary in a certain period and also takes the onus of requesting employers to pay. These practices indicate the potential of positive intervention that this model of digital intermediaries holds.

Most digital placement agencies and marketplaces include “nudges” in their design to push employers to meet or exceed average salaries or minimum wages in their area. Nudges include suggesting salary ranges for employers or meeting minimum wage standards and warning employers of not finding workers if they go below a certain level of salary. However, few platforms mandate employers to meet these standards. Helper4u, a marketplace platform in India, is an example of a platform that enforces minimum wage standards.

On the other hand, digital placement agencies and marketplaces also trigger a “race to the bottom” for workers’ wages. These platforms adopt demand-biased unit economics. They typically onboard workers at a scale that disproportionately exceeds their capacity to place them. The surplus of domestic workers looking for work leads to prolonged periods of work-seeking. This, in turn, may result in workers adopting such strategies

as lowering their wage expectations and accepting unfair terms of work to secure any job.

### **Fairness in terms of employment**

Almost all platforms operating as marketplaces or digital placement agencies allow employers to select demographic characteristics of workers, such as gender, age, marital status, religion and even caste. Combined with the race to the bottom for workers, such demographic filters imply that workers from stigmatized groups, such as minority and migrant identities, are less likely to find work through the platform. This is particularly the case in this sector, more so than transportation or delivery, for example, partly because it is a standard practice for employers to have predetermined demographic profiles of domestic workers they want to hire. These preferences have characterized domestic work arrangements historically and have been hard-coded into platforms’ design through demographic filters as a sort-and-search tool for potential employers. Sharing this information with platform companies becomes a requisite for domestic workers looking to register with a platform. For instance, Maimaid marks religion as a mandatory field for workers when filling out their profile, which allows employers to select workers’ characteristics even before the interview stage. On-demand platforms largely do not allow customers to pick the demographic profile of workers, which could also be a result of the short-term nature of work as opposed to long-term placement in customers’ homes.

Regardless of customer demands, platforms are in a position to actively adopt or reject features that enable discrimination. KasiCare, a digital placement agency in Indonesia, adopts best practices by integrating a form for customers that asks extensive questions pertaining to the conditions of work they will be providing the worker, such as whether they will offer decent accommodation (for live-in workers), the level of supervision they will be imposing, whether they live in an apartment or house, and so on. This radically shifts the outcomes of platform companies’ informational practices from seeking workers’ demographic information for matching with customers’ expectations to determining the conditions of work that workers are being placed in. This also makes the platform more efficient for workers because their

matching process accounts for conditions of work being sought by workers.

The logic of efficiency adopted by platform companies tends to be biased towards customers' experiences of the platform. Several costs incurred in achieving this goal are passed on to workers. Most on-demand platforms outsource the direct and indirect costs to workers due to their status as "independent contractors", which allows them to operate without significant overhead expenses. This includes costs of equipment, transportation and any operational inefficiencies. Urban Company, the on-demand service in India, mandates that workers purchase cleaning equipment from the company's inventory, which is higher-priced than market costs for the same material. These practices are proclaimed as ways to "standardize" the quality of service, the cost of which is borne by the workers. Yet, workers with Urban Company informed us that they were falling deeper into debt with the company because they had bought expensive equipment from them and did not receive sufficient work to cover the costs.

Similar concerns also came up with transportation costs borne by workers across platform types. We spoke to several workers who received jobs that they were not interested in pursuing because the platform did not account for their preferences in placement and the wasted transportation costs made them turn away from platform work entirely. This was also highlighted by Mauqa Online's co-founder, Muhammad Mustafa, who explained, "The most important factor for most workers that encourages them to stay with us is that we provide free transport. It is a big sell for them, given the broken [transport] infrastructure in Pakistan."

Other on-demand platforms in Pakistan have adopted this standard. Umbrella, for instance, charges an additional fee for transport if it is raining (similar to platforms in the transport industry), part of which is offered to workers.

Having to cover indirect costs, in addition to direct costs of equipment, emerged as a significant disincentive for workers in the platform economy, especially given the precarious financial status of most workers in this segment.

Another aspect of the rhetoric of efficiency is the management of labour through algorithms. Inherent in all economic exchanges are "systems of control", which digital platforms piece together through data-based tools (Wood, 2017; Granovetter, 2005). In the context of digital spaces in which economic activity is increasingly situated, Rosenblat and Stark (2016, p. 3772) further argued that new systems of opportunities and control are facilitated and scaffolded, often remotely. The algorithms that gig work companies deploy are publicly positioned as intermediating between labour market participants and solving inefficiencies relating to the cost of recruitment. At the same time, the algorithms are key to the management of the workforce, or what has been referred to as "management by algorithm" (Duggan and others, 2019).

One way in which this is done is with the engineering of platform features with algorithms that evaluate workers through the generation and processing of reputational scores (Rosenblat, 2018). A common feature across platforms is the rating system, often implemented to ensure conformist and compliant behaviour on the part of domestic workers. Workers are rated on a simplistic scale (say, 0–5) by customers upon the completion of tasks for which the workers were hired. A low rating is typically associated with the threat of less availability of work and, at times, even removal from the platform. We found several issues with such management—workers may not be aware of the implications of low ratings or, when they are aware, could be incentivized to go out of their way to please customers at the cost of their own well-being. In addition, no such ratings were available for workers to rate their customers or share information about potentially abusive customers.

**Table 1: Snapshot of platform characteristics**

Country	Model of digital platform in the domestic work sector	Wages, fees and costs associated with conducting work	Terms of employment	Examples
<b>India</b>	All three models are popular.	Direct and indirect costs are typically borne by workers.	On-demand platforms have some contractual arrangement, with high commission rates.	Urban Company Helper4u Housmaid CrewOnJobs
<b>Indonesia</b>	Marketplace and on-demand platforms are popular.	Direct and indirect costs are typically borne by workers.	Digital placement agencies present examples of collecting data to protect workers' rights, in addition to one-sided reputational systems.	Maimaid KasiCare Go-Clean
<b>Pakistan</b>	Predominantly on-demand platforms, but there are also some platforms of the other two types.	Direct and some indirect costs are typically borne by the digital platform company.	On-demand platforms have high commission rates, but workers' incomes are enhanced as well.	Safaiwala Maid in Pakistan Umbrella Supertasker Mauqa Online
<b>Vietnam</b>	Predominantly on-demand platforms.	We could not locate information on rates of commission charged by platforms.  Direct and indirect costs are typically borne by workers.	One-sided reputational systems are common.	JupViec bTaskee Fixer

## Regulation

Digital platforms offer some layers of protection to workers while also replicating forms of exploitation and introducing new ones. Regardless of their individual efforts or lack thereof to extend basic benefits to workers, the platforms we reviewed in our study were not instrumental in supporting structural labour reform.

None of the platforms have enabled regular communication between workers, leaving them in a state of isolation without any support structure or any means to share knowledge or to organize. Rating and review platforms piloted by grass-roots organizations for migrant workers have demonstrated the efficacy of this approach in allowing workers to share reviews of employers (Farbenblum, Berg and Kintominas, 2018). Yet, no such approach has been adopted by domestic work platform companies. This potential positive step in organizing domestic work, which has historically been

difficult to organize, appears to be a missed opportunity. The difficulty arises from workers' vulnerability, absence from the public space, dispersed nature of the work, lack of a shared workplace and lack of formal recognition. Instead of being abated through the use of digital platforms, workers' isolation is amplified in the gig economy because they are scattered and unaware of the identities of others on the platform. It is clear that a regulatory approach is needed to protect the rights of domestic workers, both in the traditional and gig economies.

## Protections for domestic workers

Domestic workers are accorded varying degrees of protection across Asia, with a large proportion outside of any labour law protection. None of the four countries we assessed has ratified the ILO Convention on Domestic Workers No. 189 and its Recommendation No. 201. These are critical documents that set international standards

aimed at improving the working conditions of domestic workers. The texts recognize the economic and social value of domestic work, its demographic composition and the exclusion from labour and social protections.

In **India**, domestic workers are not recognized by the labour law framework and are not offered any protections regarding conditions of work, minimum wages and collective bargaining (leaving aside state-level legislation). This is despite decade-long debates in Parliament over a law to regulate domestic work. Domestic workers are covered as unorganized workers in the Code on Social Security 2020. The law provides for a board to set up social security funds for unorganized sector workers. However, it seems unlikely that domestic workers will be able to avail of any benefits through this mechanism, given that the Unorganised Sector Workers' Social Security Act, passed in 2008, already carries these provisions without any schemes being implemented (Babu and Bhandari, 2020).

Domestic workers in **Indonesia** also fall outside the formal labour law framework. The primary national labour law—Law No. 13 of 2003 on Manpower—does not include domestic workers within the regulation of employment relations. The exclusion of domestic workers from national labour protections is not for lack of available frameworks but rather because of legislative and political priorities. A much-lauded bill, known as RUU PRT, was drafted in 2004 and sought to comprehensively secure domestic workers' labour rights (Britton, 2018). However, 16 years later, it has not received legislative assent (Ghaliya, 2020). At the provincial level, there have been some positive efforts insofar as specific legislative references to domestic workers are concerned, even if limited in their scope and impact (ILO, 2006).

In another example in **Pakistan**, after more than a decade of struggle by activists, the Punjab legislative assembly enacted the Punjab Domestic Workers Act in 2019, mandating registration of domestic workers with the Punjab Employees Social Security Institution as well as the issuance of a letter of employment by employers specifying the nature of work and wages (Bandial, 2020). It also indicates the process for the provision of the minimum wage, in addition to capping workdays to eight hours and stipulating weekly holidays and maternity

leave. The Act remains poorly enforced in the absence of a governing body and poor registration with the Punjab Employees Social Security Institution (Jalil, 2019).

Regardless, it may open up opportunities through sites for domestic workers to collectivize and seek legal routes to enforce their rights. The Act extends employment protections to domestic workers, including sickness benefits, medical care and a “disablement pension” that are offered through the Domestic Workers Welfare Fund, which does not require contributions from employers or workers. This bypasses the problem of multiple employers for domestic workers, both in the traditional and gig economies, but also places the burden of providing social security on the State rather than employers. A glaring gap in the law is its silence on the matter of regulation of intermediaries.

**Vietnam** stands out in its provision of labour regulations incorporating domestic work. Domestic work in Vietnam has steadily been receiving legislative recognition since 1994. First mentioned in article 28 of the Labour Code 1994, “domestic servants” were accorded rights to enter into either written or oral contractual agreements with their employers. Article 139 of the Labour Code from 1994 specifically referred to negotiations over employment conditions. Recognizing the insufficiency of existing legislation, in June 2012, the Ministry of Labour, Invalids and Social Affairs revised the Labour Code to include five new articles (section 5, articles 179–183) that recognize domestic workers' rights by law for the first time. As of 1 January 2021, Vietnam replaced its 2012 Labour Code with the Labour Code of 2019. A significant introduction is the expansion of the scope of the Labour Code to protect workers who are employed but have not been provided with written employment contracts.

### Regulating the gig economy

As noted earlier, intermediaries are key actors in the domestic work labour markets. ILO Convention No. 189 on domestic workers recommends the regulation of recruitment agencies as intermediaries rather than employers, with recommendations for ensuring adequate procedures to investigate complaints and protect domestic workers from abuse (ILO, 2011). However, the entry of digital platforms complicates this landscape. As

outlined, different models of platforms have differing implications for the structuring of the work relationship with domestic workers. Marketplaces and digital placement agencies act more like intermediaries (in the likeness of recruitment and placement agencies), while on-demand platforms display employer-like behaviours through the exercise of granular control over the ways in which work is performed.

Stewart and Stanford (2017) discussed four options for regulating the gig economy: (i) confirm and enforce existing laws: States can “expand the reach of existing legal framework” through executive policymaking or judicial interpretation; (ii) clarify or expand definitions of employment: policymakers can expand the concept of employment to include workers not directly tied to a single employer or physical workspace; (iii) create a new category of independent worker: enact sector-specific regulation for gig work as a fundamentally different form of employment relations than traditional forms of employment in the formal economy; and (iv) enforce rights for workers, not employees: apply protections to anyone performing work, including provisions for occupational health and safety, minimum wages and paid leave.

The structure of domestic work in the gig economy cannot adequately be addressed through any one of these approaches and may need a mix of them, depending on the context. In India and Indonesia, the absence of regulation governing domestic work and the platform economy presents an opportunity to expand the definitions of employee and workplace or expand workers’ rights to both sets of workers along with others in the informal economy. Pakistan already regulates domestic work, which covers workers being placed

through marketplace platforms and digital placement agencies but not necessarily on-demand workers. This is due to the three-way relationship typical in on-demand gig work in other sectors, which may make it difficult to identify an employer (Schmidt, 2017). The country could take the approach of creating sector-specific regulation for gig workers that includes workers who are in a three-way relationship with a platform and customers, with the platform setting non-negotiable terms of employment on wages, conditions of work, the platforms’ commission, etc. (with only hours of work “flexible” and determined by workers).

Separately, in all of the countries of focus, regulation also needs to be introduced to register and regulate intermediaries who do not act as employers, ranging from traditional, offline placement agencies to digital intermediaries, as reflected in ILO Convention No. 189. In India, multiple attempts have been made to regulate employment or placement agencies in the domestic work sector, at the state and central levels (see, for example, Jena, 2018). The success of regulating placement agencies has at most been limited and unethical and illegal practices amounting to human rights violations continue (U.S. Department of State, 2021). Previous attempts to regulate placement agencies have covered registration and licensing, duties of agencies (recording domestic workers’ details and conditions of work), contractual terms between workers and agencies and grievance redressal. If enacted, these terms would extend to digital placement agencies, although not necessarily marketplaces. Any regulation would need to ensure that placement agencies are defined as private entities that place domestic workers in regular, long-term employment, as opposed to directly controlling their day-to-day work (as is the case with on-demand agencies).

**Table 2: Overview of legislation for domestic and gig workers**

Country	Legislation on domestic work	Legislation on the gig economy
<b>India</b>	Domestic workers are defined as unorganized workers in the Code on Social Security, 2020, with provisions to be designed and implemented by Unorganised Sector Social Security Boards.	Gig workers are defined as unorganized workers in the Code on Social Security, 2020. The chapter on gig workers provides for future policymaking to bring gig workers under the ambit of social security nets. This could imply the creation of a separate committee to implement social security for gig workers, potentially seeking contributions from platforms. Domestic workers in the gig economy are unlikely to be included in these provisions.
<b>Indonesia</b>	The draft Law for the Protection of Domestic Workers covers recruitment pathways, legal protections and social security. Introduced in 2004, it still has not been passed in the Parliament despite being tabled in 2020.	The 2003 Manpower Law defines fixed-term employees, permanent employees and foreign employees. This predates the emergence of gig work and would not extend protections to gig workers.
<b>Pakistan</b>	No legislation at the national level. At the regional level, the Punjab Domestic Workers Act in 2019 brings workers under legal protection.	No legislation at the national or state levels.
<b>Vietnam</b>	Domestic work has steadily been receiving legislative recognition since 1994. The national Labour Code, revised most recently in 2019, provides legal protections to domestic workers. Degree of implementation is limited and fines comparatively low. Domestic work is governed by standards that include provisions on employment contracts, leave, wages, indirect costs, insurance and occupational safety.	In a landmark move, the 2019 Labour Code sought to universalize the legal treatment of employment. While it does not specifically mention gig work or any of its variants, it aims to protect workers who are employed without written employment or labour contracts. A practical application would be to curb disguised employment arrangements through service contracts, as is common in the platform economy (Cooper, 2020).

# Conclusion and recommendations

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Governments and digital platforms are integral to determining the future of work for millions of domestic workers in South and Southeast Asia. The outbreak of COVID-19, in its exposition of underlying structural fault lines, has rendered the ushering in of equitable futures of work even more urgent.

As outlined here, the design of platforms and relevant policymaking have far-reaching consequences on workers' conditions and experience of work. We outline policy and design recommendations for governments and platforms that can be useful starting frames to enable visions of fairer work arrangements. Central to these recommendations is the recognition of workers' position as subjects of labour relationships that place them in lower power differentials than employers, digital platform companies and governments.

It is also important to stress that the various actors are not discreetly placed either. For instance, the recommendations for platforms can be enforced by governments too. The separate recommendations, however, are a strategic choice. As governments across the region grapple with labour policy formulations that cater to the platform economy, platforms may be able to jump-start the process through self-imposition of fair labour standards designed to account for digital mediation of labour processes.

## Recommendations for governments

**Recognize and implement labour protections for domestic workers:** In each of the countries surveyed, domestic workers have historically occupied the most vulnerable positions in the workforce, with limited or no legal protections available to domestic workers. Exposed to the regulatory grey areas that platforms operate in, this doubly exposes domestic workers to precarious conditions of work. Despite an avowed move towards formalization of domestic work, platform-mediated labour continues to retain characteristics of informal labour, even heightening some.

An important first step for governments would be the ratification of ILO Convention No. 189 and the associated

Recommendation No. 201 as part of a concerted national effort towards the formalization of domestic work. In Vietnam, where domestic work steadily gained legislative recognition over the past two decades, the implementation has been found wanting. In Pakistan, the legislation targeted at securing and protecting the rights of domestic workers is limited in scope to the province of Punjab. In India and Indonesia, political will itself has been found wanting—legislative efforts have been stalled at the stage of legislative bills tailored specifically to guaranteeing labour protections to domestic workers that have not been formalized as laws.

Platform companies may be able to take on an important role in resolving some of the implementation challenges that governments have experienced in making legislative protections available to domestic workers. For instance, in Pakistan, the Punjab Domestic Workers Act, 2019 mandates the registration of domestic workers with the Punjab Employees Social Security Institution. The onus for registration is placed on domestic workers; as of November 2019, only 12,500 domestic workers had registered. To bolster these numbers, platform companies supplying domestic work services can be mandated to register all the domestic workers managed by them with employment and welfare boards.

In Vietnam, an implementation challenge has been the creation of employment contracts between employers and domestic workers. Despite employment contracts being mandatory since 2014, up to 90 per cent of domestic workers in Vietnam reportedly work without a contract (Vietnam News, 2017). Here too, platform companies can be integral by entering into employment contracts (that provide social security, provisions for bonuses, wage guarantees, etc.) with domestic workers managed by them and enforcing the creation of contracts between domestic workers managed by them and the customers of platform companies.

**Reduce the protection gap between employment and self-employment:** The classification (or misclassification) of gig work within the labour law framework is still a matter that continues to be hotly debated among policy practitioners, legal scholars and

civil society actors. Three positions in particular have been taken—that of regarding gig workers as employees, gig workers being independent contractors and gig workers occupying a third intermediate category. More recently, there have been legal victories guaranteeing employment protections and increasing platform companies' accountability (see for example the supreme court ruling in the United Kingdom - Russon, 2021).

However, these successes have been more visible in the Global North jurisdictions while progress in the Global South has been much slower. In none of the countries that we surveyed were there any efforts to update labour laws to accurately reflect the global rise in non-standard forms of employment over the past few decades.

Regardless of the resolution of these ongoing debates over employment status, labour frameworks should provide some universal protections to all categories of labour. This would include rights to association, collective bargaining, equality, equal remuneration and anti-discrimination. Policies geared towards achieving this objective would be significant in reducing the protection gap between different categories of labour and would particularly help historical and emerging occupational categories of workers, such as gig workers and domestic workers. In the case of gig workers, it is also necessary to devise occupation-specific policies that contextualize the unique histories and conditions of certain occupations.

**Recognize the specific challenges and potential of platforms for domestic work:** Platforms have potential for acting as effective facilitators in informal labour markets. Even when they do not replace existing recruitment pathways, they provide alternate ones. For instance, in India, workers were more likely to have registered with a platform if they had entered the domestic work labour market recently (often distress- and migration-driven) or had not enjoyed success with informal, word-of-mouth networks. However, as we highlighted here, platforms also heighten labour market insecurities and create new ones. These potential risks need to be specifically recognized through appropriate frameworks, such as social security, discrimination law and data protection.

**Tailor policymaking to platform models:** We outlined three types of platforms, each of which intervene to varying degrees in the work relationship. We recommend that digital placement agencies and marketplace platforms be registered with governments and enforce basic protections for workers, such as the provision of a minimum wage and preventing abuse (including non-payment of wages) and trafficking. On-demand companies, on the other hand, must be treated as employers, and workers must be accorded employment protections, including social security.

In addition to rights-based policy actions, legal and regulatory mechanisms geared towards mitigating the precariousness of platform-based work are required. This can take the shape of clarifying and expanding legal-regulatory formulations or preparing new ones. Such policymaking should factor in the power and information asymmetry between domestic workers (and gig workers, generally) and platforms. Further, in the absence of health or retirement benefits, risks and indirect costs of operations are shifted from employers to workers (Bajwa and others, 2018). Another source of risk lies in the fact that workers provide capital in the form of tools or equipment, support the fluctuation of business and income or can be “deactivated” from an application. These should be factored into any regulation catering to domestic and gig workers, mandating platforms to support such indirect costs.

## Recommendations for platforms

**Build-in anti-discrimination design features:** Domestic workers tend to belong to vulnerable socioeconomic groups who are regularly subjected to discrimination. One of the ways in which these class dynamics have traditionally manifested and continue to manifest is through a gaze of distrust placed upon domestic workers by their employers. In India, for example, dynamics of gender, age, caste and religion have far-reaching implications for domestic worker recruitment. Offline placement agencies thrive as a result of being able to provide the specific configuration of the domestic worker required. Platforms also allow for sorting by criteria, such as gender, age and religion. In some of our interviews, representatives of platform companies in India also



mentioned demands of criteria beyond those offered on the website, such as caste and subcaste.

Discrimination manifests in other direct and indirect ways as well, through design and management workflows. Domestic workers managed by platforms tend to have poor access to grievance redressal relative to platform companies' end-consumers. Given the class dynamics, domestic workers on platforms in India often spoke of platforms placing greater value on customers' grievances than on workers' issues. This could have a far-reaching impact on workers, from being paid less to losing work to even facing criminal charges.

It is imperative for platform companies to have policies that disavow any discrimination on the grounds of status and identity that is protected under local and international anti-discrimination laws. Further, platform companies should conduct regular audits of their algorithms to verify that the algorithmic determinations, for sorting to wage determination, are not biased against any community (other than affirmative action). Positive articulations of affirmative and inclusive action that reduces barriers to entry for individuals from under-represented communities, such as migrant domestic workers or domestic workers from underprivileged castes, should be institutionalized by the platform companies.

**Provide accessible information resources:** In almost all of the platforms we surveyed, large information asymmetries were present, with workers always occupying information-scarce locations. Mobile applications have been developed to deliver information to domestic workers on their rights, on how to navigate the employment relationship and on supporting sector-wide network-building.<sup>3</sup> Despite this, we did not find much evidence of platform companies taking steps to reduce the information gaps that reduce trust between workers and platforms. To make platform work more

widely accepted and sustainable, platforms must address this information asymmetry.

**Adopt self-regulation as an immediate, interim**

**measure:** The absence of legal, regulatory or judicial measures targeted at platform companies should not preclude them from effecting measures and policies to ensure that they guarantee fair and decent work. Civil society researchers and worker collectives, such as the Fairwork Foundation and the National Domestic Workers' Rights Alliance, have created certification<sup>4</sup> and frameworks<sup>5</sup> for digital platforms that are designed to help foster conditions of work in the digital economy that are equitable and sustainable. The crucial aspect of these initiatives is that they centre workers' voices in devising the frameworks. Self-regulation initiatives are often unilaterally set by corporate players and tend to centre customers' voices in the stakeholder ecosystem. Social security systems are critical to these frameworks—workers are essential to this ecosystem and must be provided adequate protections, either directly through platforms (for on-demand companies) or by linking them to government programmes (for digital placement agencies and marketplaces).

**Make rights-enhancing technological choices:** Most platforms are designed with the end-consumers in mind. In the process, technological choices are made such that domestic workers are commodified as objects to be managed. For example, the reputational architecture in place is designed so that end-consumers are provided information about workers, without enabling the same opportunity for workers. This could provide a valuable mechanism for workers to share information about potential employers. Platforms are also in a unique position to provide avenues for workers to organize, either informally or formally. Socially responsible platforms should facilitate digital spaces for collectivization.

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<sup>3</sup> See for example, Laudelina, an innovative app for domestic workers in Brazil.

<sup>4</sup> See for example, the "Fairwork Principles", devised by the Fairwork Foundation, <https://fair.work/gig-work-principles/>.

<sup>5</sup> See for example, the "Good Work Code", built by the National Domestic Workers Alliance, <http://goodworkcode.org/the-code/>.

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## About the authors

**Ambika Tandon** is a senior researcher at the Centre for Internet and Society. She works on gender and technology, particularly women's labour in the platform economy, differential impact of surveillance and data systems, and gender gaps in meaningful access.

**Aayush Rathi** researches the socio-legal-political aspects of contemporary technological systems. More particularly, his research engages with questions of labour, gender and welfare systems. He is currently affiliated with the Centre for Internet and Society, and BBC Media Action.

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## Imprint

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Office for Regional Cooperation in Asia  
7500A Beach Road #12-320/321/322  
The Plaza, Singapore 199591

Responsible

**Mirco Günther** | Resident Director

**Kai Dittmann** | Programme Manager

T: +65 6297 6760 | F: +65 6297 6762

[asia.fes.de](http://asia.fes.de)

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This publication is part of the research paper series *Shaping the Future of Workers in Asia*, a regional project coordinated by the FES Office for regional cooperation in Asia.