



## JSA Prism Employment Law

October 2024

### Ministry directions on registration of platform aggregators and platform workers on e-Shram portal

On September 1, 2024, the Union Minister for Labour and Employment, Dr. Mansukh Mandaviya, convened a review meeting in New Delhi to discuss approaches aimed at extending social security benefits to gig and platform workers in India. This meeting emphasized the government's commitment to the welfare of this vital and expanding segment of existing labour workforce in India. Introduction of the Code on Social Security, 2020 was highlighted as a significant milestone in officially defining and recognizing the gig economy and rights of platform workers and acknowledging their contributions to the Indian economy.

The Ministry of Labour and Employment ("**Labour Ministry**"), *vide* circular<sup>1</sup> dated September 16, 2024, outlining directives for the registration of platform aggregators and platform workers on the eShram portal ("**Directions**"). Launched on August 26, 2021, the eShram portal is designed to support unorganised and migrant workers across India, providing them with a Universal Account Number ("**UAN**") which facilitates access to skills training, job opportunities, and eligibility checks for various social security schemes administered by both Central and State Governments. The Government of India is committed to transforming the eShram portal into a comprehensive '*One-Stop Solution*' for workers.

States like Karnataka and Rajasthan have already initiated significant steps in enhancing rights of platform-based gig workers, even prior to the Central Government's recent initiatives. For a detailed analysis on the Karnataka State Government's recent initiative in this regard, please refer to the [JSA Prism of July 11, 2024](#).

### Key highlights of the Directions

- Registration requirements:** Aggregators are urged to promptly register themselves and the platform workers engaged by them on the eShram portal. Detailed terms and a standard operating procedure for registration of platform aggregators and platform workers have been provided to facilitate this process. Additionally, for better coordination and informed policy decision-making, information pertaining to the platform and platform workers are required to be shared during the on-boarding process. The prescriptions are outlined in the Directions and includes details relating to the total number of platform workers engaged by the aggregator, details of welfare schemes implemented, payments made for such welfare schemes, amongst others.
- Applicability:** These Directions apply specifically to platform-based gig workers engaged in or undertaking platform work, as well as to aggregators providing services *via* digital platforms. Aggregators are defined as digital intermediaries or a marketplace connecting service providers with buyers or consumers across various sectors, including ridesharing, food and grocery delivery, healthcare, logistics, and any other goods and services provider

<sup>1</sup> Circular no. W-11015/15/2024-RW (GPW).

platform. Platform work means a work arrangement outside of a traditional employer employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or other notified activities, in exchange for payment.

3. **Responsibilities of aggregators:** Aggregators have been tasked with registering their platform workers on the eShram portal and regularly update their details, such as work engagement and payment information. Additionally, any worker exits should also be reported promptly to maintain accurate records and ensure integrity of the registry.
4. **Support for onboarding:** A toll-free helpline (14434) has been established to assist aggregators and workers with the registration process and to address any technical issues.

Further, the Union Minister held a meeting on September 18, 2024, with major platform aggregators to discuss developments in creating a comprehensive framework tailored to the unique needs of gig workers, with a target to onboard a significant number of workers onto the eShram portal within 3 (three) months.

## Conclusion

With the introduction of the Directions, the Labour Ministry's recognition of the invaluable contributions from platform aggregators and platform workers in India has notably seen a push. Prior to its release, the Labour Ministry's collaboration with several aggregators helped gather essential insights into the gig-worker economy, ultimately shaping the current Directions. It is encouraging to see the cooperative spirit demonstrated by both aggregators and platform workers, as their active participation in the registration process is crucial for establishing a just and equitable gig economy.

As platform work is projected to reach 23,500,000 (twenty-three million five hundred thousand) workers by 2029-30, these Directions could pave the way for robust regulations addressing wages, working conditions, and job security for platform workers. That said, certain practical challenges remain, particularly in the integration of welfare schemes with e-Shram cards. Registered users have reported issues regarding the portal's usability and clarity, highlighting the need for ongoing improvements in the system to facilitate smoother access to benefits. Further, the Directions are not mandates and are currently advisory in nature, with the Labour Ministry making recommendations to target onboarding of platform workers within the next 3 (three) months.

By collaborating effectively, stakeholders can create an inclusive framework that empowers all gig and platform workers, ensuring benefits and protections they are entitled to while enhancing the user experience in an evolving labor landscape. As we await further information from the Labour Ministry, it is crucial for all stakeholders to remain engaged and proactive in implementing these Directions. Continuous dialogue and feedback will be essential to address existing challenges and improve the system, ultimately benefiting the growing workforce in the gig economy.

## Employment Practice

JSA has a team of experienced employment law specialists who work with clients from a wide range of sectors, to tackle local and cross-border, contentious and non-contentious employment law issues. Our key areas of advice include (a) advising on boardroom disputes including issues with directors, both executive and non-executive; (b) providing support for business restructuring and turnaround transactions, addressing employment and labour aspects of a deal, to minimize associated risks and ensure legal compliance; (c) providing transaction support with reference to employment law aspects of all corporate finance transactions, including the transfer of undertakings, transfer of accumulated employee benefits of outgoing employees to a new employer, redundancies, and dismissals; (d) advising on compliance and investigations, including creating compliance programs and policy, compliance evaluation assessment, procedure development and providing support for conducting internal investigations into alleged wrongful conduct; (e) designing, documenting, reviewing, and operating all types of employee benefit plans and arrangements, including incentive, bonus and severance programs; and (f) advising on international employment issues, including immigration, residency, social security benefits, taxation issues, Indian laws applicable to spouses and children of expatriates, and other legal requirements that arise when sending employees to India and recruiting from India, including body shopping situations.

JSA also has significant experience in assisting employers to ensure that they provide focused and proactive counselling to comply with the obligations placed on employees under the prevention of sexual harassment regime in India. We advise and assist clients in cases involving sexual harassment at the workplace, intra-office consensual relationships, including drafting of prevention of sexual harassment (POSH) policies, participating in POSH proceedings, conducting training for employees as well as Internal Complaints Committee members, and acting as external members of POSH Committees.

**This Prism has been prepared by:**



**Gerald Manoharan**

Partner



**Sonakshi Das**

Partner



**Muskan Jain**

Associate



18 Practices and  
25 Ranked Lawyers



7 Ranked Practices,  
16 Ranked Lawyers



12 Practices and  
42 Ranked Partners  
**IFLR1000 APAC  
Rankings 2023**



14 Practices and  
38 Ranked Lawyers

Elite – Band 1 -  
Corporate/ M&A Practice

3 Band 1 Practices

4 Band 1 Lawyers, 1 Eminent  
Practitioner

Banking & Finance Team  
of the Year

Fintech Team of the Year

Restructuring & Insolvency  
Team of the Year



20 Practices and  
22 Ranked Lawyers



Ranked Among Top 5 Law Firms in  
India for ESG Practice



Recognised in World's 100 best  
competition practices of 2024



Among Top 7 Best Overall  
Law Firms in India and  
11 Ranked Practices

11 winning Deals in  
IBLJ Deals of the Year

12 A List Lawyers in  
IBLJ Top 100 Lawyer List

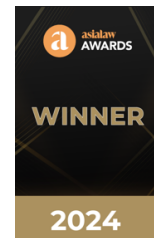


Asia M&A Ranking 2024 – Tier 1

Employer of Choice 2024

Energy and Resources Law Firm of  
the Year 2024

Litigation Law Firm of the Year  
2024



Energy - Law Firm of  
the Year (APAC)



7 Practices and  
3 Ranked Lawyers

For more details, please contact [km@jsalaw.com](mailto:km@jsalaw.com)

[www.jsalaw.com](http://www.jsalaw.com)



Ahmedabad | Bengaluru | Chennai | Gurugram | Hyderabad | Mumbai | New Delhi



This prism is not an advertisement or any form of solicitation and should not be construed as such. This prism has been prepared for general information purposes only. Nothing in this prism constitutes professional advice or a legal opinion. You should obtain appropriate professional advice before making any business, legal or other decisions. JSA and the authors of this prism disclaim all and any liability to any person who takes any decision based on this publication.