

Apps: Driven Uncertainty of Welfare of Gig Workers

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Most of the people have had to reluctantly engage in the gig economy through apps upended because of either the unemployment or layoff from their full-time jobs in the new normal. On the other hand, Covid-19 has impacted the gig workers' lives either by loss of gigs or the need to work in unsafe work conditions with low income. This research identified whether the welfare of gig workers can be protected under the domestic labour legislations in Sri Lanka. The aim of this study is to discuss whether the app based gig workers can be classified either under contract of service or contract for service to examine the legal position of app based gig workers under the UK, U.S.A. and Canadian jurisdictions in comparison to Sri Lanka and to propose suitable recommendations to uphold the welfare of the app based gig workers. The methodology of this research is a combination of black letter methodology and comparative research methodology with Sri Lanka, U.K., U.S.A and Canada. These different jurisdictions were analysed to provide a descriptive legal analysis related to the said area. Furthermore, this research employs a qualitative analysis of primary data such as constitutional provisions, labour legislations and judicial decisions and secondary data such as books and web articles. The study indicates the importance of recognizing the employment status of gig workers as employees with necessary amendments to the existing domestic legal framework to effectively address the issues of their welfare. Finally, the study concludes by providing effective recommendations to address the said issue while upholding the relevant human rights and the fundamental rights such as right to equality, freedom to engage in any lawful occupation while also upholding the principles of Natural Justice.

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