

## Article

# The Paradox of Flexibility: A Socio-Legal Appraisal of Gig Workers' Rights and Protections in Bangladesh

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**Abstract:** Current research reveals the rapid growth of digital platforms for flexible work in Bangladesh, a sector that is expanding quickly but remains structurally fragile. The study combines doctrinal analysis of laws, judicial precedents, and platform terms with empirical evidence drawn from document review using socio-legal methods. The law does not clearly recognize platform workers, leaving most of them outside the scope of basic labor protections. (Bangladesh Labor Act 2006) contains protections for identifiable employers and established workplaces, but does not correspond to disperse, app mediated labor. Platform management—through opaque algorithmic practices and unilateral deactivation—further increases income instability and limits meaningful avenues for redress. Existing social protection mechanisms are ill-suited to intermittent and informal earnings, creating uneven vulnerabilities along gender and socio-economic lines. Proposed reforms include legal recognition of dependent “gig workers,” portable social security benefits, mandatory platform transparency, compulsory insurance, and accessible dispute-resolution mechanisms. The research aims to contribute to policy discussions and academic understanding of legal texts.

**Keywords:** gig economy; gig workers; Bangladesh; labor law; social protection

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## 1. Introduction

Gig work refers to task-based labor mediated by digital platforms, where individuals perform discrete services such as ride-hailing, food delivery, parcel drop-offs or freelancing for multiple clients or customers, often without long-term contracts or guaranteed hours. These workers are generally classified as independent contractors rather than employees. Labor protections such as fixed minimum wage, social insurance, sick leave are usually reserved for more traditional employment relationships. The gig economy is expanding globally, driven by digital platforms and increasing demand for flexible, on-demand services (Babali 2023).

In Bangladesh, gig work has become a growing feature of the urban economy. Platforms such as Uber, Pathao, Foodpanda, Shohoz and others now facilitate ride-sharing, food delivery and last-mile delivery in Dhaka, Chattogram and beyond. Freelancing and cloud work is expanding exponentially, with Bangladesh being home to large numbers of remote digital workers. (Gigpedia 2024) report highlights rapid growth in Bangladesh's gig economy amid weak labor protections and unclear regulatory frameworks. Yet, most gig workers in Bangladesh are denied fair pay, employment benefits, or contracts by workers online platforms (The Daily Star 2022). Doctrinal analysis of the Bangladesh Labor Act and experiences indicate that existing labor laws have not adapted to platform mediated arrangements (Chowdhury 2025). The Bangladesh Labor Act 2006<sup>1</sup>, which defines “worker” and “employer” for applying labor protections, does not explicitly address the types of arrangements characteristic of platform-mediated work. Regulatory frameworks imported from high income jurisdictions require careful local adaptation. Problems that are universal in appearance often take distinctive forms when set against weak social insurance systems and the ubiquity of informal work. In Bangladesh, the empirical and legal literature on platform work is limited. NGO reports, investigative journalism and practitioner commentaries represent the bulk of current knowledge.

Gig platforms often promote flexibility and the ability to choose working hours, to go offline, or to accept or decline tasks. Such promises are appealing in a labor market where formal employ-

<sup>1</sup> <http://bdlaws.minlaw.gov.bd/act-952.html>

ment is limited. However, flexibility may mask precarity and workers may face unpredictable income, absence of paid leave or safety net, lack of guarantee of work, and lack of collective bargaining power. The balance between flexibility and precarity is acute in Bangladesh. Many gig workers are formally unprotected under the law, bearing risks of accidents, vehicle maintenance, and fuel costs which are not borne by the platform. They lack reliable remedies when platforms deactivate their accounts or reduce assignments without clear reasons. The social protection system is poorly adapted to irregular or task-based income. Gig workers face health risks, economic shocks, and gender biases. Such workers fall in a social class known as the precariat that lacks predictable income and stable social protections. The precariat have precarious existence, characterized by a lack of security, stability, and predictability in their work and lives. Gig work masks structural dependency and managerial control exercised through platform design (De Stefano 2016; Prassl 2018).

Global patterns identified in gig work are visible in South Asia, although overlaid on specific institutional constraints. Low levels of formal social protection, extensive informality in labor markets and limited regulatory capacity shape platform working mechanism in the region. Workers bear the costs of equipment, fuel and safety risks while receiving variable pay and uncertain job continuity. Numerous workers faced precarious wages, diminished bargaining power, and ambiguous performance evaluation (ILO 2018). Location-based applications for deliveries and taxi services differ significantly from online crowd labor (Prassl 2018).

Traditional statutory protections hinge on the distinction between employee and independent contractor. Platforms rely on contractor classification to limit obligations. Scholarly work has contested the sufficiency of that binary. Platform mediated work compels a rethinking of legal categories because many workers are neither fully autonomous nor properly integrated within conventional employment structures (De Stefano 2016). Prassl advances a similar critique and analyses how contractual terms, operational control and economic dependency ought to inform legal tests for status (Prassl 2018). Intermediate or functional approaches, propose categories such as dependent contractor or worker with partial protections as pragmatic responses (ILO 2018). In the Bangladeshi context, such functional categories remain underexplored in doctrine and policy. Local actors have not yet done statutory reforms to recognize the distinct features of platform labor while extending targeted protections.

This study aims to map the legal and policy gaps gig workers in Bangladesh are facing, and propose reform options grounded in local realities. This study focuses on gig work in urban Bangladesh, especially digital platforms mediated services including ride-hailing (Uber, Pathao), food delivery (Foodpanda, Shohoz), parcel delivery, and remote online freelancing. The study excludes purely voluntary or occasional gig work that complements full-time formal employment. The legal review centers on national statutes and regulations, i.e., the (Bangladesh Labor Act 2006), platform contracts or terms of service, and existing policy documents, reports and media investigations. Empirical material is drawn from analysis of secondary data and documentary evidence with gig workers, rather than broad quantitative surveys.

## 2. Methods

This research employs mixed methodologies consisting of socio-legal framework that integrates doctrinal analysis with qualitative empirical research. Primary legal sources examined include the (Bangladesh Labor Act 2006) and relevant social protection statutes and notifications. Platform level materials were collected from public partner agreements and terms of service posted by major firms operating in Bangladesh, including ride services and delivery platforms. Secondary doctrinal materials comprise comparative scholarship on platform labor and official reports by international organizations. Targeted grey literature, notably the Fairwork Bangladesh ratings and investigative journalism that documents worker complaints and platform practice, is used to situate doctrinal analysis within an evidentiary context (Fairwork Bangladesh 2022; Chowdhury 2025). Where necessary statutory provisions were read alongside accepted principles of labor law and comparative tests for employment status, as developed in recent scholarship.

## 3. Gig Work and Bangladeshi Laws

Academic work on gig workers within Bangladesh in management and social science journals indicates the fraction of graduates and urban informal workers turning to app mediated work as a primary or supplementary livelihood. These studies document income variability, unpredictable working hours and the practical obstacles to collective organization. There is an absence of sustained doctrinal mapping of statutory texts against platform contracts and a shortage of in-depth qualitative studies by legal scholars.

In Bangladesh, the most visible forms of platform mediated work cluster in urban, location-based services and in online freelance work. Ride hailing and parcel movement have grown rapidly in Dhaka and Chattogram, with platforms such as Uber and Pathao playing prominent roles in personal transport and related logistics. Food delivery constitutes a distinct strand of app-based work; Foodpanda and several local delivery firms operate dense networks of riders who service restaurants and customers in city centers. Separately, a substantial cohort of digitally mediated freelancers provides services remotely in areas such as software development, graphic design and transcription, often through international platforms or direct client arrangements (Fairwork Bangladesh 2022; Chowdhury 2025). Location based app work is predominantly male and concentrated among younger adults who migrate from peri urban and rural areas in search of income. A notable fraction of digital freelancers are better educated, including university graduates, who combine platform work with other income sources. Employment arrangements are heterogeneous but most platform workers in Bangladesh operate under contractor style relationships. Many riders and drivers own or rent their vehicles and bear the recurring costs of fuel and maintenance. Platforms typically frame the relationship as an independent contracting arrangement through terms of service and partner agreements, even where the economic dependence of workers on a single platform is pronounced (Fairwork Bangladesh 2022).

Earnings in platform mediated work are variable and rarely guaranteed. Pay structures commonly combine base fares or task fees with commission regimes and performance linked incentives. Platforms exercise control through algorithmic allocation of tasks, rating systems and automated deactivation processes. These mechanisms mediate the flow of work and create practical pressures that constrain the nominal freedom to choose hours. The result is a form of managed autonomy in which the operational logic of the platform heavily shapes livelihoods (Fairwork Bangladesh 2022; Prassl 2018). Social protection for platform workers remains thin.

The statutory architecture governing labor and social insurance in Bangladesh presumes conventional employment relationships. Workers classified as independent contractors are frequently excluded from provident fund entitlements, statutory workers compensation schemes and employer provided health cover. Existing social safety nets are not calibrated to episodic income streams or to workers who lack formal payroll records. In consequence, work related accident costs, periods of illness and income shocks fall predominantly on individual workers and their families. Policy actors have called for portable benefits, contributory schemes that allow irregular contributions and platform level insurance obligations as practical remedies (ILO 2018; Chowdhury 2025). For workers who lack formal payroll records and who are classed as independent contractors, access to provident funds, workers compensation and employer administered benefits is not available. This mismatch creates challenges when workers suffer injury, illness or income shocks. International guidelines for labor emphasize portable and contributory designs to accommodate irregular income streams which are currently not developed in Bangladesh for platform mediated labor. These platforms establish tangible obstacle to the application of statutory job rights, especially in cases of considerable economic dependency. Legal classification cannot be determined solely by labels, and that assessments based on factual control, integration, and economic dependency are more effective in encapsulating contemporary platform labor relations.

Minimum standards for hours, record keeping and statutory remedies are difficult to invoke for gig workers. Platform contracts emphasize contractor status, while operational practices allocate risk and discipline through algorithms rather than through direct managerial supervision. Nominal contractual form denies statutory safeguards even when economic dependency and practical control are clear (Fairwork Bangladesh 2022; Chowdhury 2025). Revenue volatility, sporadic deactivation, and constrained dispute resolution indicate doctrinal deficiencies that should be rectified. Work platforms have significant de facto power through data driven allocation systems, rating regimes and automated sanctions for access to work and impose penalties without traditional managerial accountability. Bangladesh's regulatory apparatus lacks mechanism to oversee algorithmic governance or to impose platform level transparency obligations. Workers are therefore constrained in their capacity to seek redress as collective agency is impeded by fragmentation, churn and the individualized nature of platform relationships.

Bangladesh's principal workplace statute remains the (Bangladesh Labor Act 2006). The Act frames labor protection around the traditional employment relationship and presumes an identifiable employer and a registered workplace. Its definition and administrative architecture therefore align poorly with work that is mediated remotely by digital platforms and carried out by workers who are not linked with a single employer (Bangladesh Labor Act 2006). Hence platform workers can't avail safeguards on wages, working time and statutory records because those protections are activated through employer obligations and establishment based inspections rather than through functional tests of dependence or control.

The regulatory capability in Bangladesh for innovative types of digital labor is constrained. Labor inspectorates and social protection administrators persist in utilizing a model tailored to factories, retail outlets, and traditional institutions. Enforcement procedures are consequently unsuitable for decentralized, app-mediated labor. Simultaneously, platforms depend on swift expansion and exclusive algorithmic governance, which complicates regulatory supervision. Overseas progress has frequently relied on a combination of sector-specific regulations, transparency requirements, and administrative remedies that can be implemented without necessitating the reclassification of all workers as employees.

Several jurisdictions have started the implementation of targeted measures. The Code on Social Security, 2020 in India acknowledges gig and platform workers for social security systems and proposes contribution provisions for unorganized labor.<sup>2</sup> EU has implemented a directive to enhance the working conditions of platform workers and increasing the transparency of employment status determinations, which includes regulations to tackle algorithmic management and the burden of evidence.<sup>3</sup> Bangladesh can integrate targeted legislative measures, transparency obligations, and transferable benefits to reduce protection gaps while maintaining certain aspects of flexibility.

Remedies for gig workers are weak as platforms favor automated dispute handling and provide limited human review, while legal routes are costly and uncertain. Many workers depend on small loans to maintain vehicles and meet immediate family needs when earnings fall short. Informal credit arrangements increase workers' financial fragility and can create cycles of dependency. It indicates concrete areas for policy intervention; accessible dispute mechanisms mandated insurance or emergency funds, and portable contribution schemes that do not require continuous payroll enrolment (ILO 2018; Fairwork Bangladesh 2022). Transparent algorithms, enforceable complaint and reinstatement procedures, and incentives would recalibrate bargaining power without erasing legitimate aspects of platform mediated opportunity (Prassl 2018; Fairwork Bangladesh 2022).

#### 4. Reform Pathways

Expedited administrative complaint channels can be implemented through ministry notifications and agency guidance (Fairwork Bangladesh 2022; ILO 2018). Gig workers should have baseline protections such as minimum earnings floors, access to contributory social insurance and statutory accident compensation. The Indian Code on Social Security provides a precedent for recognizing gig workers for social protection while preserving contractual variety (Government of India 2020). Mandatory periodic third-party audits of platform algorithmic governance and maintaining collective insurance or an emergency relief fund for work related injuries and short-term income shocks can help. Audits and insurance would reallocate risk more fairly while preserving operational innovation (Prassl 2018; Fairwork Bangladesh 2022). Platforms must implement practical protections and contribute to social schemes. Worker organizations and civil society should be supported to represent interests and monitor compliance. Multi stakeholder dialogue will be essential to calibrate reforms to local conditions (ILO 2018; Chowdhury 2025). The cost calculus for many workers must account for vehicle depreciation, repairs, mobile data expenses and informal credit obligations. A different

<sup>2</sup> <https://www.indiacode.nic.in/handle/123456789/16823>

<sup>3</sup> Directive (EU) 2024/2831 (Platform Work Directive). Official text available at: <https://eur-lex.europa.eu/eli/dir/2024/2831/o>

approach that recognizes dependent platform worker or that extends selected minimum entitlements irrespective of formal status can ensure baseline protections.

## 5. Limitations

There are three principal limitations. First, the empirical work is qualitative and purposive. It aims to illuminate legal questions through rich description rather than to produce statistical generalizations. Second, access to internal platform data and algorithmic logs was not available. This constrains the capacity to demonstrate the precise mechanics by which algorithmic allocation shapes outcomes beyond worker testimony and public disclosures. Third, the study relies on documents and analysis of secondary data. Legal and regulatory developments introduced after that window could affect the analysis. The recommendations therefore adopt a cautious tone and emphasize reform pathways that are robust to reasonable regulatory change. Despite these constraints the combined doctrinal and qualitative strategy offers a defensible basis for assessing the legal fit between existing rules and platform mediated labor in Bangladesh (International Labor Organization 2018; Prassl 2018).

## 6. Conclusions

Platform mediated work in Bangladesh lies at the intersection of opportunity and legal neglect. There is an urgent need for legal reforms in Bangladesh to protect gig workers' rights and ensure fair working conditions. Policy makers, platforms and worker representatives must move from debate to coordinated action. Empirical study and doctrinal review highlights three problems namely, statutory frameworks remain anchored in traditional employment models and thus overlook dispersed app mediated labor. Platform practices allocate risk and discipline through opaque algorithms and unilateral sanctions and social protection systems are not suited to episodic earnings and non-payroll contributions. Platform-level requirements for audits and basic insurance would make the risk more evenly distributed. Without deliberate intervention the ubiquity of platform work will extend precarity rather than reduce it.

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