



Gig economy and persons with disabilities: Perspectives from the global south

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Abstract

The gig economy-owing to its ability to connect workers with the purchasers of their services, providing them an opportunity to work online in a technology driven world-is growing by leaps and bounds. It seems particularly beneficial for persons with disabilities, who may have a restriction of mobility, thereby aligning well with the commitment of the SDGs, 'to leave no one behind'. However, not much has been said about or researched upon the experiences of the disabled gig workers, especially in the low and middle-income countries. This unknowing also seems to be a big barrier in making positive policy interventions and in making sure that this speedily emerging economy benefits all that are involved in it. The countries of the Global South become particularly important for two reasons. First, and a more economics-centred reason, is that these are mostly 'emerging markets' and so harbour a very high potential of gig work. Secondly, and more importantly, nearly 80% of youth with disabilities live in low and middle-income countries.

This paper seeks to highlight the impact of the gig economy on persons with disabilities, who face disadvantages not only in terms of their physical condition, but also related to poverty and intersecting inequalities. The paper also makes an attempt to point out possible steps that can be taken in the future in order to make critical policy interventions, so as to better the lives of the disabled gig workers. This it does by making comparisons between two Global South countries- India and Malaysia.

Keywords: gig economy, global south, persons with disabilities, public policy

Introduction

In the highly globalized world that we live in-starting from transportation, food delivery, and management to medicine, technology-help, and hospitality-there is hardly any sector of economy that doesn't operate in the 'gig' culture. The Gig Economy, also sometimes referred to as the platform, sharing, or collaborative economy, is a work culture that is expanding by leaps and bounds, in all parts of the world (Hunt and Samman 2019) ^[9]. It operates on a rather simple model. The purchasers of services are connected to the job-seekers or providers of those services, except that the employer-employee relationship is not like the conventional one. The workers are paid on 'per-gig basis'. They are not per-se the employees of the firm/organisation/company hiring them. Neither do they feature on the pay-roll of the company, nor are they accounted for in the social security benefits. In fact, it was only in September this year that a petition was filed in the Supreme Court of India by a registered union and a federation of trade unions representing app-based transport and delivery workers, and two individual drivers who have worked with Ola Cabs and Uber, seeking the intervention of the court in helping secure social security benefits for gig workers (The Times of India 2021) ^[21]. Although, the recently legislated Code on Social Security 2020 extends social security benefits to gig and unorganised sector workers, but the 'how' of this is yet to be figured out.

However, the focus of this paper is not to dwell particularly into the larger problems of the Gig Economy. Rather, what it seeks to do is map the intersection of the dynamics of the Gig Economy and a very specific section of its workforce: Persons with Disabilities. For the purpose of this paper, "disability" has been defined as in the UN Convention on the Rights of Persons with Disabilities, 2006. "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others." (UNCRPD 2008).

Subsequently, the paper has been divided into three major parts. In the first section, the current trends of the involvement of the disabled persons, in the gig setup has been discussed. What this section seeks to enquire is 'What do we know' about the status of the disabled gig workers, and thus, present a clear picture of the same. In the next section, the paper moves further to enquire and, thus, highlight the unique challenges that the gig economy posits to its disabled workforce. While some of them arise directly from within the setup of the gig culture and how it operates; there are also other challenges that arise due to an intersection of various other forms of inequalities apart from physical disability. The Global South and its unique characteristics become particularly important in this regard. The last section of the paper is devoted to a discussion on the need for framing sound public policies. The discussion begins with a brief account of how far have the policies come in addressing the problem of gig workers, particularly those who are disadvantaged. This is then followed with a comparison of

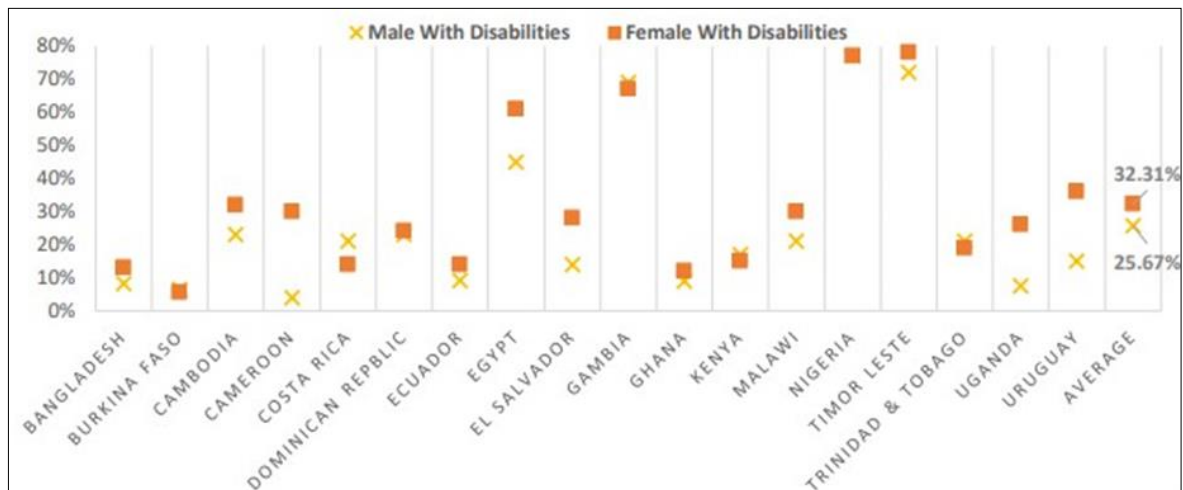
two important economies of Global South, India and Malaysia. Both the countries have a huge presence of gig workers and quite recently, both have acknowledged this presence in their policy documents. This therefore, creates potential for sound policies in the future that can help provide security for gig workers in general, and disabled gig workers, in particular.

Disabled Youth in the Gig Economy: Why even?

Before diving into analysing the pertinent issues and challenges that the disabled youth, particularly in the gig economy face, a brief context is important, so to why it is important to talk about the disabled youth in the gig economy. Because the major focus of this paper is a form of a job market, the trends discussed henceforth, in this section, pertain to the people with disabilities from 15-24 years of age, classified as 'Youth' by the United Nations.

There is absolutely no doubt over one fact: Youth with Disabilities are one of the most marginalized, deprived and backward of the world's population. They lack behind on almost all fronts, including those living in the developed countries. As per the United Nations Department of Economic and Social Affairs (Youth), there are between 180 and 220 million youth with disabilities worldwide and some 150 million lives in the developing world. This population, in relation to the youth without disabilities is less educated, has lower employment levels, poorer and thus far more likely to be unemployed and economically inactive (Mitra et al 2013; Yeo and Moore 2003).

The unemployment rates of youth with disabilities are staggering. The chart below depicts these figures from some developing countries. On an average, around 28% youth with disabilities in some developing countries are unemployed. In some countries of the Asia- Pacific region, the unemployment rate for people with disabilities is over 80%. Young women with disabilities face higher unemployment rates than young men with disabilities (32% and 25%, respectively).



Source: Disability Data Review, 2018

Fig 1

It is in this context, that the gig economy, specifically, 'digital job' market or platform economy becomes imperative. It emerges as a viable option for the unemployed youth with disabilities, at least on the face of it. However, the computation of the size of gig economy, its composition and value, is somewhat of a difficult task. The whole process to measure this value is highly complicated. The primary reason being that people under gig work, more often as a source of secondary income. The earnings from this source, due to almost no regulatory frameworks, are not reported. This phenomenon is more prevalent in the countries of the Global South, given 'general tax under-reporting and the dominance of the informal economy' (Bajwa et al 2018) [2]. It thus becomes even more difficult to account for the number of disabled youth in the gig economy. This lack of empirical data, further leads to lacunae in making positive interventions, and taking critical steps towards addressing the challenges faced by them, which are discussed in the following section.

Situating persons with disabilities within the Gig Economy: Unique Challenges

The fact that persons with disabilities face a wide range of difficulties on everyday basis needs no reiteration. With regard to employment opportunities they face challenges owing to many factors. The major problems arise due their inability to access physical as well digital infrastructure, which are more often than not, designed, not keeping in mind, their special needs. To add to this, are the problems created due to stigmatization as well as lack of training required to get better jobs. There is also an added burden in case of intersectionality with gender, ethnicity, indigenous identity, and migrant or refugee status (Digital Jobs for Youth with Disabilities 2021) [18].

But with the increasing trend of large companies contracting smaller firms in other countries to perform entire business processes or operations, leading to creation of new digital jobs, the opportunities of employment have increased for persons with disabilities as well. No doubt, the pandemic has also led to a rise in digital work

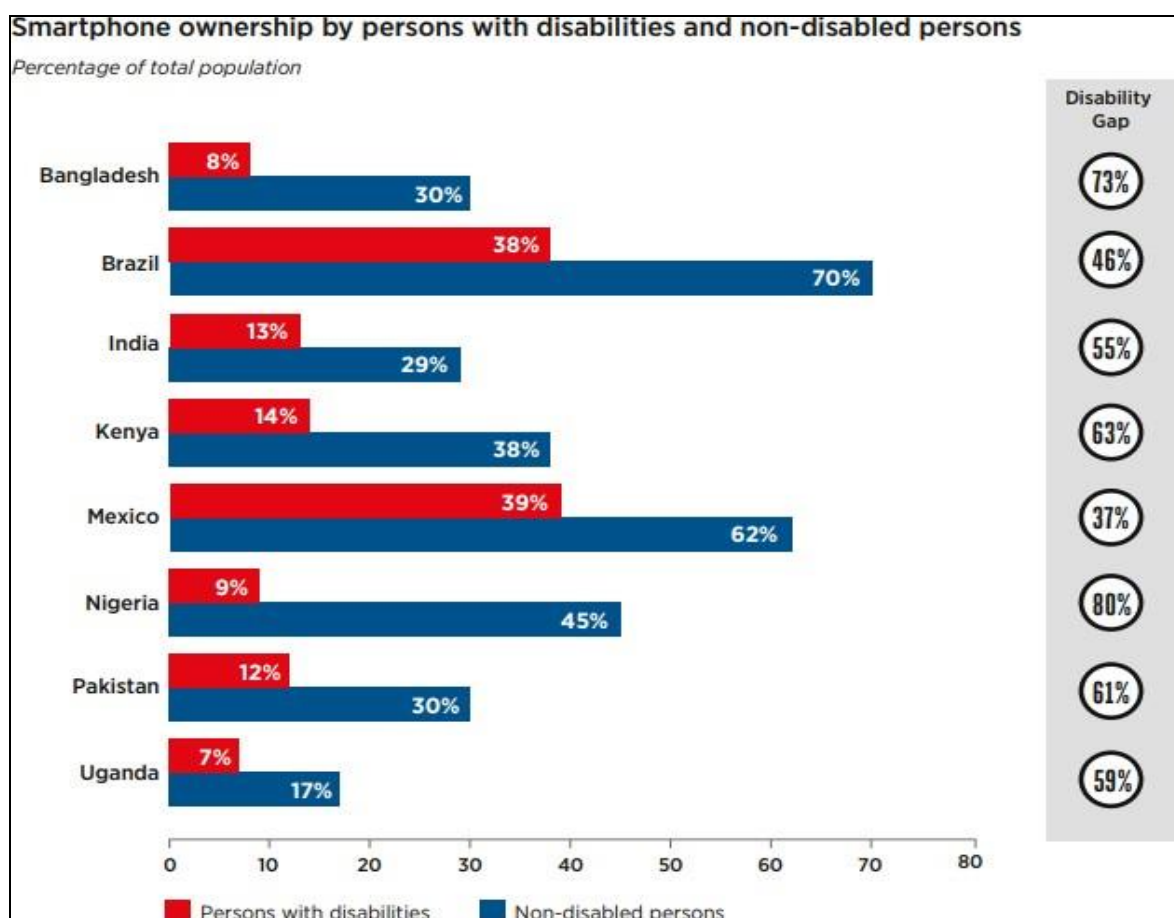
opportunities. This becomes significantly important in communities with major physical barriers to work. But while this new job market has promising opportunities, it also comes with its unique challenges for disabled persons. The three major challenges are discussed further:

a. Digital tools and other infrastructure

Digital tools like mobile phone, computers, internet facility, etc. form the very foundation of digital gig economy. For any job-seeker in this market, the access to these tools is of paramount importance. Especially for persons with disabilities, these tools not only help them access the gig market, but are also required for using assistive technologies. To quote Mary Pat Radabaugh, “For most people, technology makes things easier. For people with disabilities, technology makes things possible.” (UNICEF 2015) [26].

However, C. McClain-Nhlapo & D.S. Raja (2021) [13] in their recent publication find that globally, the rates of internet ownership, mobile phones, computers, and landline phones are much lower for households including persons with disabilities than households without members with disabilities. Within the countries of the Global South, huge gaps are prevalent in terms of smartphone ownership between disabled persons and those without any disability.

The chart below depicts the figures of smartphone ownership amongst people with disability, comparing eight Global South countries. The countries included in the study are from Asia, Africa as well as South America, thus making it quite a representative sample. While Brazil and Mexico fare well than other Global South countries, the gaps within these countries, between the disabled and the able-bodied are huge.



Source: The Mobile Disability Gap Report, 2020

Fig 2

These gaps are indicative of the deprivation of even the initial opportunity to compete with the able bodies in seeking the jobs available in the gig market. It thus leads to the elimination of a large chunk of persons with disabilities that might be qualified to work in the gig sector but cannot enter it due to non-availability of digital tools. In terms of the value of equality and global justice, the principle of global equality of opportunity is an important part of the commitment to global egalitarianism, argues Darrel Moellendorf (2006) [15]. It is in this light that provision of equal opportunities in terms of digital infrastructure, which also comes with assistive technologies for the disabled, becomes important.

b. Artificial Intelligence and Disability

While persons with disability face hurdles to merely enter the digital gig economy, even the path forward, if they do get access to resources to seek jobs in this market, is not an easy one. The biases that they might face in the

traditional employment settings do not disappear online. The digital platforms and their recruitment programs operate through Artificial Intelligence. The use of artificial intelligence, on one hand, allows for creating special software and programmes that might help match potential job-seekers with their future recruiters. It might also help in creating systems where job-seekers can hone specific skills, which may in turn increase their chances of successful recruitment and better earnings.

However, there's also a different, less explored side to it. The use of AI can also aggravate the biases of traditional employment. For instance, the Guidance Note on Disability and Identification (2020) by the World Bank Group reveals that facial recognition programs used for biometrics-based digital identification have generated processing errors when used for persons with Down's syndrome. This, thus, means that AI based programmes may in fact be able to screen out/be unable to process information when the job seeker has aberrant facial features or any other disability-related body movement.

The ethical questions around Artificial Intelligence are wide-ranging are beyond the scope of this paper. But, what is, indeed, important is that if machines are to be placed in a position of being stronger, faster, more trusted, or smarter than humans, then the discipline of machine ethics must commit itself to seeking human-superior (not just human-equivalent) niceness. (Bostrom and Yudkowsky 2014) ^[4].

c. Psychosocial risks

Psychosocial risks cover all the aspects of the work environment that are likely to affect mental health. Typical examples include having to work on tight deadlines, the lack of involvement in making decisions, ineffective communication, or conflicting demands. They are called "psycho-social" because they pertain to the influence of social factors on workers' psychological response. In the realm of gig economy, about 20% of crowd workers suffer from major depression. This is about three times higher than the average population (Bérastégui 2021) ^[3]. In the digital world of work, social interactions are almost absent. The set of workers, even the ones working on the same project, are geographically too distant and even unaware of their co-workers' identities. Thus, this geographic distance simply translates into social isolation. Persons with disabilities, due to stigmatization, are often faced with seclusion from the mainstream society and in traditional workspaces. This trend continues, and in fact, exacerbates in the digital workspace, thereby, leading to increased psychosocial risks.

d. Intersection with other forms of inequalities: The unique case of Gender and Disability

Persons with disabilities are also faced with other forms of inequalities in the form of gender, race, ethnicity, class, etc. However, not much literature is available on these intersections, within the framework of the gig sector, with the exception of gender. Doorn (2017) ^[6] highlights the way in which gender, racial and class inequalities coalesce to entrench the position of low-wage gig workers in the US.

However, quite interestingly, when it comes to the Global South, the intersection of disability and gender plays in a very different manner. The data available for low- and middle income countries – from Onkokame et al. (2018) ^[16] for seven Sub Saharan African countries – points to a higher share of women than men in crowd-work in Ghana, Kenya, Nigeria and Tanzania, although men are more likely to access the internet in these countries.

A possible reason for this is that while disabled women face more hardships in seeking jobs in traditional workspaces, the digital gig economy, might be a more comfortable option for these women that allows them flexibility in terms of working hours and the nature of work.

Situating disabled gig workers within policy frameworks

With the number of people employed in the gig sector increasing with each passing day, the challenges faced, both by the employers and the workers, are also increasing. In fact, as stated above, certain new and unique challenges, like psychosocial risks are also emerging. This phenomenon, therefore, points to the need for regulations, both at the global as well as the national level. Without critical policy intervention, the army of gig workers will remain stranded. The condition of disabled workers is even more pathetic. The state of affairs in case of intersection of disability and gig economy is far more deplorable.

The challenge before governments across the globe is to stimulate this alternate economic activity while properly addressing its specific concerns. In particular, they must seek to solve the challenges faced by people with disabilities. It must also be noted that due to the pandemic, persons with disabilities have had among the highest rates of job and income loss as compared to those without disabilities (Harpur and Blanck 2020) ^[8]. This makes the need for a regulated policy framework, more urgent than ever.

At present, the policy frameworks of most countries only deal with making traditional workspaces accessible to persons with disabilities. This is done in terms of ensuring fairness and equality in the conditions and terms of employment, environmental and workplace safety protections for employees, requirements for family and other leave practices and workplace accommodations, and the terms of labour and collective bargaining agreements (Harpur and Blanck 2020) ^[8].

Harpur and Blanck (2020) ^[8] state that while formulating a regulatory framework for employment laws, most countries consider the traditional employer-employee relationship as the trigger for intervention. In recent times, some states, mostly in the developed world have come up with some provisions for providing gig workers some amount of security and protection. For instance, California, last year, had brought into force a law that deemed self-directed gig workers as employees and not independent contractors. This allowed them to take benefit of rights available to "employees" (California Legislative Information Assembly Bill 5). Similarly, in European

countries like Italy and Spain, the law provides of an “Intermediate” category of workers. These workers can enjoy the benefits of employment protections (Cherry and Aloisi 2016 cited Harpur and Black 2020) [8].

However, there is also a different approach that can be taken while making policy interventions in the gig economy and particularly for the benefit of persons with disabilities. Steward and Stanford (2017) suggest that instead of responding to the traditional employer- employee relationship trigger and trying to replicate that mechanism in the gig sector, regulatory frameworks should target the cause of discrimination at work, for example, as in Australia where persons with disabilities are provided with direct support to operate their businesses.

As demonstrated, the Global North has been taking some, rather slow, steps in the direction of regulating gig work and making provisions for safety, security and protection of gig workers. However, even in the developed world, there’s still some way to go before the specific needs of the disabled gig workers are incorporated within policy documents. In the Global South, as well, the situation is not any better. For a closer look at the prevalent policy situation in Global South, an attempt to compare India and Malaysia has been made in the following section.

1. India and Malaysia: The story so far

India has the second largest labour force in the world with 501 million workers, second only to China, as of 2020 (World Bank 2020) [23]. As regards the gig sector, approximately 15 million freelance workers are ‘employed’ in the Information Technology, Designing, Human Resources and other services. An addition of approximately 4 million people happens to this workforce, every year (The Tribune 2021) [22]. With the pandemic disrupting lives and the economy, the markets became uncertain, globally. Even within the country, many companies moved towards hiring gig workers, due to lower costs and lesser staff requirements. As per the Indian Economic Survey 2020-21, India is on the rise of becoming one of the largest markets for gig and work and freelancing. While the pandemic played a role in it, it is also due to the rise in e-commerce and online retail in the country, with a large share of consumers shifting online.

The data on the number of disabled people in this gig workforce is unavailable. However, what to do know from a McKinsey report (2021) [11] is that in the post-pandemic economy, as far as India is concerned, more than 1 lakh digital jobs may be available. This will further create job opportunities for persons with disabilities, who might have been hitherto unemployed due to a number of constraints. This, thus, makes it important that a proper framework is in place for those employed by this up and coming economy.

As regards Malaysia, the number of people in the workforce stands at about 15 million, as of 2020, and has been constantly increasing in the last ten years (World Bank 2020) [23]. Moreover, if one were to believe the ex-Prime Minister’s statement, the country is set to become a high- income nation by 2025. In order to compute the proportion of gig workers in Malaysian workforce, a study was conducted by researchers from the Malaysian Bureau of Labour Statistics in 2020. The results showed that about 556 thousand people in Malaysia worked in the gig economy, as of 2018. Another important outcome of the study validated the earlier observation made in this paper that the share of female gig workers to total gig workers was higher than the share of females to total workers in Malaysia. This figure also indicates towards the fact that there is a growing need for a policy framework in the gig sector. As has been the case, no data could be found on disabled gig workers, in particular. Another common ground between Malaysia and India and which justifies the comparison between these two countries of the Global South is that both these countries have now recognised and acknowledged the important presence of the gig economy within their respective countries and the contribution it makes to the overall growth of the economy and the country. This is an extremely important advancement. In the logical series of steps that a policy maker follows, identification of the beneficiaries is undoubtedly the foremost step. If the nations of the world do not identify and acknowledge the gig economy and the people involved in it, they can never make crucial policy interventions. It is an appreciable initiative on the part of both the countries, India as well as Malaysia, that they have taken this first tiny, but important step.

2. India: Code on Social Security, 2020

On September 19, 2020, Santosh Gangwar, Minister of State (Independent Charge) labour and Employment, introduced the Code on Social Security in the Lok Sabha. This Bill aimed to consolidate at least nine different acts on social security and labour welfare. Apart from consolidation of previous acts, it also introduced certain provisions that were quite new to the Indian scenario. For the first time, the Bill recognized gig workers as a separate category of workers. The Bill was passed in the Lok Sabha, three days after its introduction, in the Rajya Sabha on September 23 and finally received the President’s assent on September 28, 2020 to finally become an Act.

The Act while recognising gig workers, also assured those employed in the gig sector certain social security benefits and mandates the central government to set up a Social Security Fund for gig workers, platform workers and the workers in the unorganised sector. It also makes provisions for registration of all these three categories of workers. The Act also defines certain key terms relevant to the economy, that were hitherto absent from the other acts on labour laws in the country. This includes, ‘gig worker’, ‘platform worker’ and ‘Aggregator’. While a platform work is essentially that setup where individuals access work opportunities using an online platform. Gig work may or may not include an online platform, but more or less, they overlap. An aggregator is simply an intermediary. For example, Uber and Amazon are aggregators who provide individuals to seek work online and

to organisations to hire workers using their platform. The Seventh Schedule of the Act recognizes nine categories of aggregators, including food-delivery apps, ride-sharing, content and media, logistics and any other goods and services platform provider. The role of the aggregator also becomes important in the light of the Act, because as per its provisions, the aggregator must make a contribution towards the schemes for gig workers and platform workers, along with the central and the state government. This makes them accountable towards their 'employees', which in turn makes the employees feel secured and obligated towards the firm that they work for. Thus, the involvement of aggregators in the fund helps both the gig workers as well as the employer. But this is just one side of the picture. The act does not clarify the exact status of the aggregator, and even that of the end consumer. It does not specify if the aggregator is to be treated as an 'employer', as traditionally, aggregators are treated as intermediaries. The Act, thus, places the obligation on the aggregator, quite loosely. The aggregators normally have many measures of control and regulation for the gig workers, but they, more often than not, fail to provide any resources or tools for 'employee' benefit. In such a scenario, terming them as 'employers', per se, would also be unjustified. A middle ground, therefore, needs to be hammered out.

Secondly, the Act now has made provisions that allow gig workers certain benefits that were earlier available to only those employed in the organised sector. This includes maternity leaves, life cover, disability cover, provident fund, old age pensions, employment injury benefits, and more. On the face of it, it seems like a great initiative on the part of the government. But when one reads into the Act, it becomes evident that there is absolutely no guarantee of actual access to these schemes (PRS, 2020). This is because there are a range of terms and conditions attached to these provisions and to be eligible to avail these schemes.

An important barrier to be considered while implementing these schemes and to make sure that the benefits reach every worker involved in gig and platform work is the ambiguity in definitions of these workers. To cite an example, consider a person working as a home based language translator, who accepts requests on an aggregate platform. By default, the person would fit in the definition of a 'gig worker', as it falls outside the purview of a traditional employer-employee relationship. However, the worker is accepting translation orders only through an online platform. She thus also falls under the category of a 'platform worker'. Apart from these two categories, the worker would also inevitably fall under the purview of 'unorganised worker', if she is self-employed. Given such overlaps in definitions and due to a very narrow outlook towards the definitions, the schemes would fail to benefit the workers, as there is going to be absolute ambiguity about the worker's status as per the Act.

Thirdly, the Code is silent on the classification of platforms on the basis of B2B (Business to Business) or B2C (Business to Consumer). In case of B2C platforms, the Code of course cannot expect a consumer to comply with the requirements of the scheme. But what would happen to the social security of the gig/platform worker in that case, is absolutely unclear.

Thus, in the Indian case, coming up with a Code on Social Security that at least recognises that there is a workforce away from the traditional workspaces is an appreciable step. But, quite clearly, no special provisions are present in the Code for those gig/platform workers that suffer from disability. These may include regulatory compliance for the aggregators to make their online infrastructures disabled-friendly, including their AI algorithms. It can thus be said that while an initiative has been made, there's still a long way to go.

3. Malaysia: 12th Malaysia Plan

Prime Minister Ismail Sabri Yakoob tabled the 12th Malaysia Plan (12MP) in the Malaysian parliament on 27th September 2021. A highly ambitious document, what is unique about this plan is that for the first time, the government of Malaysia has recognised, by way of this document, the prevalence of a gig sector in their economy. The basis of this inclusion lies in 2019, when the then Prime Minister of Malaysia, Tun Dr Mahathir Mohamad, had said in the parliament, that policies for the gig economy will feature in the 12MP. Mohamad had informed the Parliament that the government was planning on regulating the gig sector with the aim to ensure the welfare of the workers involved. Dr Mahathir had said that the government has realised the importance of gig economic work as well as the need to safeguard worker rights (Malay Mail 2019) ^[12]. This was reflected in the 12MP, despite the fact that the Prime Minister changed twice since then.

However, the 12MP does nothing more than laying a vision of the government and expressing its future goal of creating an ecosystem of support for the gig economy, to ensure its development, and to encourage more people to participate in it. To quote from the main document of the 12MP, "Measures will also be undertaken to introduce social protection for gig workers and increase compliance with labour laws and regulations."; "Efforts will be undertaken to ensure the wellbeing of those in informal employment are in accordance with the pillars of decent work agenda. In this regard, a social protection scheme, which includes unemployment and health benefits, as well as retirement savings, will be enhanced. In addition, an innovative approach by leveraging existing intermediaries or platform providers to capture information on gig workers will be explored." It falls short of laying down any kind of a policy framework for the gig economy and its workers, let alone the disabled gig workers.

However, there is something that accords appreciation for the government. The plan aims to conduct a study by the government in order to study the gig economy and further recommend a framework for regulation so as to ensure development of the gig sector and its workers and for the creation of a conducive gig ecosystem. If this study is undertaken with a holistic approach, it might help the government to also identify the more vulnerable sections within the gig workforce, like the disabled, and to frame future policies keeping in mind the specific needs of this section and other vulnerable sections.

It needs to be mentioned that while the government hasn't yet taken any concrete steps for the betterment of disabled gig workers; there are some private enterprises that are encouraging their involvement in Malaysian gig economy. One such company is Grab, a ride-hailing, food delivery and payments solutions enterprise that runs a project by the name, 'Break the Silence'. As part of this project, Grab not only hires about 500 persons with disabilities through its online application, but also provides them with personal accident insurance subsidies, discounts, entertainment opportunities, etc. This initiative might act be a model for the policy makers in Malaysia and elsewhere.

Conclusion

Through the course of this paper, one point emerged loud and clear. There is an absolute lack of empirical evidence on the status of persons with disabilities, not only in the Global South, but around the globe. It is this lack of research that hinders any advancement in identification of barriers and, in turn, policy formulation for the welfare of the disabled gig workers. Secondly, on comparing the two countries of the Global South, it became clear that while some steps are being taken in the direction of improving gig workers' welfare, these are done with a view that the gig sector is a single, uniform entity. This approach towards the gig economy simply disregards the special needs of the persons with disabilities. The need of the hour, therefore, is to take concrete steps, not only to ensure security and well-being of the gig sector in general, but also to incorporate the needs of the disabled and make the policy frameworks more inclusive.

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