

## Regulating Gig Economy in Nepal: How can Nepal Benefitted from the Gig Platform?

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### Abstract

The gig economy is an expanding sector that extensively utilizes mobile digital apps to connect freelancers with customers. This article is a review-based article that aims to examine the potential of the gig platform and identify possible regulatory strategies for Nepal's future development of the gig economy. The gig economy provides opportunities for earning revenue, enhances the flexibility of workers, and contributes to employment generation in the country's economy. However, gig workers lack benefits such as a minimum wage, paid maternity leave, social security payments, and protection against occupational and health hazards. There is a lack of suitable legislation to effectively regulate the gig economy. The rise of Nepal's gig economy is disrupted. It is imperative to formulate precise legislation that specifically addresses the rights and working conditions of gig workers. It is imperative for Nepal to establish comprehensive legal frameworks to effectively regulate the gig economy. The government should introduce measures to enhance working conditions and offer comprehensive insurance programs to ensure that gig workers do not experience discrimination compared to traditional workers.

**Key Words:** *Gig Economy, Regulatory Frameworks, Working Conditions, Gig Workers*

## **Introduction**

The growth of the gig economy was accelerated by the Great Recession, which began in 2007, as the number of non-employer businesses increased at a quicker pace than typical employer companies (Kacher & Weiler, 2017). The gig economy has replaced conventional employment with temporary, freelance, or independent work facilitated by digital networks. App-based technology platforms are replacing human intermediaries in connecting customers and providers efficiently. These platforms enable users to undertake various tasks for unknown persons based on immediate demand (Istrate & Harris, 2020). The gig economy is a decentralized economic system in which companies hire independent workers for temporary projects or services (Techtarget, 2020). Workers receive compensation for each activity they successfully accomplish on these platforms, which directly connect customers with services (Doshi & Tikyani, 2021).

The number of gig workers is increasing globally. The gig economy accounts for at least one third of all employment in the United States (Mukhopadhyay & Mukhopadhyay, 2020). The European Union has witnessed a total of 28 million gig workers. Further, it is projected that by 2025, there will be 43 million workers working under the digital paradigm (Lelly & Brunch, 2022). According to the Chinese Ministry of Human Resources and Social Security, the gig economy in China has employ a total of 200 million people by 2020 (Xu, 2022). According to World Bank data, over 26 percent of Malaysia's total workforce, which amounts to 15.3 million individuals are engaged in freelance work. As per the Niti Aayog Report, in 2020 – 21, there were 7.7 million in the gig economy in India. It predicts that the

gig economy will have a workforce of 23.5 million individuals by the years 2029 – 2030 (Suryavanshi, 2022).

The gig economy in Nepal is a relatively new phenomenon that is primarily concentrated in urban regions (Paudel, 2024). Foodmandu was the earliest company to develop a gig platform in 2010 (Hamal & Huijsmans, 2021). The proliferation of food delivery platforms such as Foodmandu, Bhoj, MeroKinmel, Blinkit, Bigmart, Voklaagy, and Bhojmandu, as well as ride-hailing applications like Tootle, Pathao, Taximandu, Indrive, and Nepbike, has made a major contribution to the expansion of the gig sector.

Gig labor is becoming a viable source of income for students, retirees, and people with varying levels of skills. The gig economy will be the future of employment (Mehta & Kumar, 2020). The popularity of gig employment among younger generations stems from their ability to leverage applications and websites to provide their services globally without being constrained by geographical boundaries (Ahamad, 2021). The gig economy offers benefits for both employers and employees. Businesses can employ external freelancers to exploit their talent. Productivity can be enhanced by collaboration and knowledge exchange among workers, leading to a subsequent rise in productivity.

On the other hand, gig platforms have generated novel possibilities and facilitated employees in accessing fresh chances and leveraging their abilities on a global scale. The gig economy offers three distinct advantages: flexibility, lucrative compensation, and reduced stress levels (Tay & Mohamad, 2022). Gig workers can benefit from the inherent flexibility offered by gig jobs (Randolph, 2019). The current generation seeks flexibility to attain a work-life balance. Work flexibility refers to the extent to which employees have the autonomy to manage their own work schedule, choose where they work, and have the option to determine when they work, as provided by their employer (Atkinson & Hall, 2011). Gig

workers can engage in various employment possibilities in the market and explore their preferred paths to employment (Randolph, 2019). Digital labor platforms provide people who are disadvantaged in their local work markets with opportunities to generate income (Graham, 2017). In addition, people lacking adequate academic credentials will be provided with employment prospects in the gig economy (Graham, 2017).

Although the gig economy offers numerous benefits, academics have identified multiple issues like inconsistent income, limited legal protections, low workplace safety and lack of job security associated with the gig economy. Workers in the gig economy are almost always classified as independent contractors and have only very limited access to labor protection (De Stefano, 2016). The advent of the gig economy and online talent platforms has revolutionized the notion of "jobs" and offers a new outlook for individuals looking for work and companies that deviate from conventional practices. Due to the existing labor regulations, it is difficult to find new labor models that can adequately tackle the situation (Horney, 2018, as cited in Mojeed-Sanni & Ajonbadi, 2023). The gig economy has six challenges: absence of benefits, unpredictability, fierce competition, self-provision of work equipment, personal development, and work environment (Tay & Mohammad, 2022). Engaging in gig employment entails inherent risks (Kaine & Josserand, 2019). Gig platforms face criticism for their vague algorithms, which grant customers an excessive amount of influence over workers (Lutkevich & Gillis, 2020). They also impose excessive control over employees through reputation systems that are dependent on ratings, and this puts workers in significant danger of being unfairly penalized based on feedback from customers (Niti Aayog, 2022). Given that the job is structured through a digital platform and employees have limited face-to-face interaction, it could be difficult for them to get together in groups for the purpose of engaging in collective bargaining. They forfeit their right to engage in collective bargaining

(Fairwork, 2020). Workers often face a significant opportunity cost. They dedicate extensive periods of time to platforms, although the compensation they receive is minimal. Despite working long hours, their incomes may be lower than those of their counterparts in traditional employment (Friedman, 2014). Furthermore, rural areas lacking access to internet services and digital technologies are deprived of the opportunity. There is a lack of both the framework and governmental aid needed to provide a conducive environment for high-quality work and initiatives, protect worker safety, and give them benefits equal to those supplied in regular occupations (Donovan, 2016).

Digital platforms have led to significant growth of employment opportunities worldwide. The gig economy constitutes around 12.5% of the worldwide labor force (World Bank, 2023). The emergence of globalization and computerization has led to the establishment of important gig work-sourcing platforms like Upwork, Amazon Mechanical Turk, Uber, TaskRabbit, and others, thereby making the gig economy widespread worldwide (Aloisi, 2015).

Undoubtedly, gig platforms are effectively mitigating unemployment worldwide. It is considered the most optimal option for employment in many countries. This topic is widely addressed, and countries around the world have recognized its significance. This topic has sparked intense debate among legal and scholarly circles. Researchers worldwide are examining the gig economy, including its advantages and regulatory frameworks, through research papers, essays, and dissertations. Regrettably, there is a shortage of literature, particularly in the context of Nepal, about gig labor, its significance in job creation, and the associated legal and regulatory frameworks. In nations like Nepal, where the unemployment rate hovers around 11%, gig work can be an ideal substitute. The gig economy in Nepal is adversely affected by a shortage of clearly defined legislation and mechanisms to oversee this

sector and safeguard the rights of gig workers. This gives rise to ambiguous challenges while also offering substantial opportunities for economic growth (Paudel, 2024). Hence, this study aims to provide an in-depth understanding of the possible advantages of the gig economy for Nepal and to ascertain its regulatory frameworks.

### **Methods**

This research employs a descriptive approach to systematically analyze and synthesize existing literature on the gig economy, with a specific focus on its regulation and potential benefits for Nepal. The methods employed in this study involve a comprehensive assessment of publicly accessible academic journals, articles, newspapers, books, and reports, encompassing both physical and digital formats. To ensure a broad and inclusive understanding of the gig economy and its regulation, a systematic search was conducted using online databases such as ResearchGate, Google Scholar, and Google. These platforms were selected due to their extensive repositories of academic and professional literature. The search process utilized specific keywords and combinations thereof, including "gig economy," "Nepal," "regulation," "benefits," "gig platforms," "labor laws," and "employment," to identify relevant sources.

In the initial phase, a large number of potential sources were identified. Titles and abstracts were screened to determine their relevance to the research questions. Inclusion criteria focused on publications that discussed the gig economy, its regulation, and benefits, particularly within the Nepali context or in comparable developing countries. Only peer-reviewed journals, conference papers, reports from reputable organizations, and books were considered. Publications not available in full-text format, those published before 2007, and studies irrelevant to the core focus of the gig economy regulation and benefits were excluded.

Following the preliminary screening, 35 complete texts were selected for an in-depth review. These texts were meticulously evaluated to extract pertinent information on the regulatory frameworks governing the gig economy, the economic and social benefits of gig platforms, the challenges and limitations faced by gig workers, and comparative analyses with gig economy practices and regulations in other countries. Key themes and patterns were identified and categorized, ensuring a comprehensive understanding of the topic.

## Results

### *Benefits of the Gig Economy in Nepal*

The result shows that the gig economy offers a favorable prospect in Nepal's job sector. Presently, the Nepalese economy is facing a scenario where economic expansion is not leading to the creation of employment opportunities, thereby causing a deficiency in inclusive growth. The following table displays the literature review matrix concerning research that emphasize the advantages of the Gig Economy and demonstrates how Nepal might benefit from it.

**Table 1**

*Literature Reviews Matrix for Studies related benefits of Gig Economy*

Authors	Research Focus	Methodology	Key Findings
Grahman et al. (2017)	Digital Labor Platforms and gig economy impacts	Integrates transaction log data from a major digital labor platform with semi-structured interviews conducted with 125 digital workers and 27 stakeholders	Digital labor platforms offer both advantages and difficulties, with significant issues over negotiating leverage, economic inclusiveness, intermediate value chains, and prospects for worker growth.

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in South-east Asia and Sub-Saharan Africa.

Poudel (2024)	Economic and Social benefits of Gig Economy	Literature Review	The gig economy presents novel avenues for Nepali laborers to income, potentially diminishing their need on conventional remittances. Digital platforms enable economic activities that have the potential to stimulate innovation, generate employment opportunities, and foster economic expansion in Nepal.
Steward & Standford (2017)	Exploring regulatory options for gig economy work	Literature review and analysis of existing laws	The Gig economy offers flexibility and autonomy for workers. The article highlights the difficulties in applying conventional labor regulations to gig work and proposes five regulatory alternatives: enforcing current laws, providing clear definitions of employment, establishing a new classification for independent workers, granting rights to gig workers, and

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			reconsidering the concept of employers.
Ahamed (2021)	Future of the gig economy in Malaysia, focusing on university students' involvement during the COVID-19 pandemic	Survey Questionnaire and Interviews	A significant number of students participated in gig economy jobs, such as drop shipping, courier services, and food delivery, throughout the MCO era. Gig jobs are perceived as having a favorable economic influence and the possibility for expansion. Gig workers must prioritize upskilling and reskilling to maintain their competitiveness.
Tay & Mohammad (2022)	Exploring advantages and challenges of the gig economy in the Malaysian Hospitality Industry	Qualitative approach, thematic analysis, interviews	Gig economy offers flexibility (in terms of work time, workplace and attire), better compensation and less stress.

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Implementing a gig economy has the capacity to efficiently tackle the problem of unemployment in Nepal especially among the younger generation. Furthermore, the gig economy fosters innovation, entices investment, and facilitates the establishment of infrastructure. The gig economy has the potential to decrease the escalating labor migration

from Nepal to the Gulf and other nations. Nepalese workers are progressively utilizing digital technologies and freelance work as alternate methods to generate income online, potentially decreasing their need for conventional international remittances (Poudel, 2024). Nepal's gig economy is very new but has seen significant expansion since 2016. A significant portion, specifically 43 percent, of online freelance work in Nepal is carried out by individuals engaged in software and technology development (Pradhan, 2021). Thus, Nepalese freelancers who are engaged by multinational organizations can make a valuable contribution to the country's foreign exchange reserves by receiving payment in foreign currencies.

Nepalese companies are becoming more aware of the benefits of using freelancers. This allows them to quickly tap into a flexible pool of talent, lower their operational expenses, and encourage fast-paced innovation (Poudel, 2024). The company can gain a competitive edge through cost advantages. Implementing remote work enables organizations to save on expenses associated with leasing office space, thereby potentially resulting in reduced costs for goods and services. The gig economy eventually benefits the country by providing job opportunities for its citizens.

### ***Global Regulatory Frameworks for the Gig Economy***

Countries worldwide adopt various regulatory frameworks to address the growth of the gig economy. States in the USA have enacted laws to create a new classification of worker called a "dependent contractor." California Assembly Bill 5 (AB5), which came into effect in January 2020, mandates that corporations classify workers as employees rather than independent contractors, unless they meet the criteria outlined in the "ABC test." The purpose of this legislation was to give gig workers with entitlements such as a guaranteed minimum salary, health insurance coverage, and unemployment insurance. This classification aims to grant certain advantages to gig workers while maintaining their status as independent

contractors. The Department of Labor has released recommendations regarding the classification of gig economy workers under the Fair Labor Standards Act (FLSA). Additionally, the U.S. House of Representatives has enacted the PRO Act (Protecting the Right to Organize Act), which contains provisions aimed at facilitating the unionization of gig workers and improving their ability to negotiate for higher wages and improved benefits (Hovhannesyan, 2023).

In "The 13th Five-Year Plan for Economic and Social Development of the People's Republic of China," the Chinese policymakers have given preference to the gig economy and have developed a set of regulations to manage and promote its growth (Ziang, 2021). Protocols for Safeguarding the Rights and Interests of gig Workers issued by the Ministry of Human Resources and Social Security, seek to strengthen safeguards for gig workers in areas such as remuneration, working conditions, and social insurance. Gig workers are included in the state-led social insurance schemes provided by the government (Xu, 2022).

In the European Union, The Directive on Transparent and Predictable Working Conditions seeks to enhance the work terms and conditions for workers, particularly those in the gig economy, by offering greater predictability and clarity regarding their rights. The Platform Work Directive aims to enhance the working conditions of platform workers by providing clarity on their employment status and guaranteeing their access to social safeguards. The Italian government seeks to ensure a minimal degree of protection for gig economy workers employed under self-employment contracts and align their status more closely with that of regular employees (PWC Legal Report, 2021).

In Armenia, gig-workers usually register as individual entrepreneurs with the State Registry of Legal Entities. They then submit a statement to the tax authorities to be classified as micro-entrepreneurs, which allows them to be exempt from corporate income tax, VAT, or

turnover tax. However, this classification is only available to entrepreneurs whose annual turnover does not exceed AMD 24 million (approximately USD 50,000). The labor reform implemented in Brazil in 2017, although not directly aimed at the gig economy, has resulted in increased flexibility in employment contracts, which has had an influence on gig workers and platform-based work (Hovhannesyan, 2023).

The UK government implemented the Good Work Plan as a response to the Taylor Review. This plan sets out specific actions to guarantee equitable and satisfactory employment conditions, particularly for individuals engaged in gig work. The document contains suggestions to elucidate job status and entitlements (Thompson, 2019).

Canada has likewise made significant efforts to recognize gig workers. The Ontario Changing Workplaces Review led to revisions in labor rules in Ontario, with the goal of enhancing working conditions for gig workers. These modifications tackle concerns pertaining to the minimum wage, labor scheduling, and worker classification. (MOL, 2017).

Indian government has included a specific chapter on gig and platform workers in the Code on Social Security 2020 law. The legislation aims to require both the federal government and state governments to establish state-funded welfare programs that provide benefits such as insurance, pension plans, maternity, and childcare (Dubey, 2022).

### ***Regulatory Framework in Nepal***

Given the increasing expansion of the gig economy, there is a demand for the legislature to enact suitable laws to address the safety and insurance provisions for gig workers. It is important to determine the classification of workers employed on online platforms and establish regulations that can protect their rights.

The Nepalese government has granted official recognition to the ride-hailing business, which is a prominent component of the gig economy. The government revised the Industrial Enterprise Act -2076 to incorporate ridesharing as a service-oriented industry since February 2024. As a service-oriented business, it is now mandatory for anyone wishing to start or manage a ride-hailing industry to register with the industry registration authority. Gig platforms in Nepal are required to adhere to the Company Act of 2006 for its registration and operation. This encompasses fulfilling obligations pertaining to the establishment and disclosure of business entities. In addition, ride-hailing services will be subject to penalties and regulations in accordance with the many acts. The ride-hailing sector will be liable for a 25% corporate income tax rate. However, the law lacks specific provisions concerning the social security benefits and safety regulations for workers.

The inclusion of ride-hailing services into the existing law has the potential to serve as a positive catalyst for the further development of the gig economy. Moreover, there exist numerous sectors within the gig economy. The job categories include delivery services, home activities, caregiving, and internet-based gigs such as design, multimedia, creative work, business and professional management, business and professional aid, and sales and marketing support. The government has yet to address these platforms, and there is a lack of clear legal recognition and regulations for the gig workers operating in these sectors.

### **Discussion**

The gig economy in Nepal is an emerging sector that has a considerable impact on the labor market, especially in urban areas by contributing to the creation of employment possibilities. However, Nepal faces challenges with the inefficiency of its legal and regulatory frameworks in protecting workers' rights. In Nepal, a country where the culture of privatization has not yet fully developed, the government is responsible for safeguarding the

rights, interests, facilities, and safety of workers in various establishments (Adhikari & Gautam, 2010). This encompasses the insufficient implementation of regulations regarding minimum pay and the neglect of offering post-employment benefits. These issues are expected to worsen for gig economy workers, who may also have limited access to benefits often offered to full-time employees, such as private health insurance, work-related accident insurance, and participation in retirement plans. The lack of necessary safety nets in gig employment renders it hazardous and unsustainable in the long term. Nepal ought to adopt digital innovations and establish appropriate rules for the gig economy.

Besides ride-hailing, there are many other gig sectors like food delivery, freelancing, transportation, IT, caregiving, creative design, construction, etc. It is imperative to integrate these sectors into the current legislation.

The country can benefit from the advantages of taxes. A mere provision of legal status is insufficient. The government of Nepal should implement standardized criteria for the gig economy workforce, including a mandated minimum salary and improved working conditions. This involves enhancing individuals' proficiency in using digital technology, broadening the availability of technological resources, and guaranteeing equitable treatment and remuneration for individuals engaged in gig employment. Additionally, it is necessary to overcome obstacles such as regulatory obstacles and ensure a stable income to promote an effective gig economy ecosystem in Nepal (Poudel, 2024). The legislation should ensure equal treatment for gig workers as regular laborers. Thus, it is imperative to establish a legal framework that ensures gig workers are granted the ability to exercise their rights to organize, engage in collective bargaining, and benefit from additional precautions (Hovhannesyan, 2023). The government should guarantee the proper implementation of legislation and assistance programs specifically created for gig workers.

Due to the difficulty in defining and identifying gigs and gig workers in employment data, Nepal lacks noteworthy data regarding the precise number of gig workers. Collecting data on the overall number of residents involved in the gig economy can help Nepal develop more precise legislative frameworks. Nepal shall assess the impact of the gig economy on the whole economy through the implementation of increased taxes, usage fees, or alternative sources of revenue. Moreover, it is essential to customize competition policy, taxation, and labor market rules to effectively address the specific requirements and issues of the gig economy (Ghosh, 2023). Occasionally, individuals participating in the gig economy may partake in illicit activities, such as perpetrating fraud. Therefore, it is imperative to enact strict legislation that includes appropriate provisions for penalizing individuals responsible for such offenses.

The gig economy will encompass a forthcoming era of employment. Consequently, there is an urgent requirement to enhance working conditions, which is expected to motivate younger jobseekers to participate in the gig economy on a long-term basis (Mehta & Kumar, 2020). Nepal must prioritize aligning its education system with the requirements of the gig economy by cultivating a workforce that is highly skilled in digital technologies. Nepal may contemplate allocating resources towards enhancing infrastructure to support remote work, including ensuring dependable internet connectivity, improving technology accessibility, and upgrading road networks.

### **Conclusion**

The gig economy in Nepal has significant possibilities for generating employment opportunities and fostering economic growth. The population of gig workers in Nepal is undeniably increasing. Considering the continuous growth of the gig economy, it is crucial to tackle the difficulties linked to gig platforms by implementing strong regulatory frameworks.

Legislators in Nepal and companies must collaborate to create effective resolutions that address the interests of both gig workers and gig employers. Gig workers lack stable employment, retirement plans, medical benefits, insurance, and other supplementary advantages. Nepal can leverage the potential of the gig economy to stimulate growth and enhance livelihoods by ensuring equitable treatment, social protection, and a reliable income for gig workers.

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