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Legally Invisible Labour: Reclassifying Digital Freelancers Under Bangladeshi Labour Law

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ABSTRACT: Bangladesh now ranks among the world's largest suppliers of online freelance labour, yet the workers who earn this income occupy an uncertain place in its legal order. The Bangladesh Labour Act 2006 was drafted around a worker employed within an establishment under the direction of an employer. Digital freelancers, who contract directly with clients abroad through platforms such as Upwork and Fiverr, do not answer that description, and so are treated as independent contractors falling outside the statute's protections on wages, hours, safety, social security and collective organization. This article interrogates that exclusion. It contends that the omission of freelancers reflects a defect in statutory design rather than a deliberate judgment that such workers merit no protection, and that the defect can be remedied without sacrificing the flexibility that draws people to freelancing. Reading the problem through the dual lenses of precarity and the protective purpose of labour law, and against the contrasting responses of the United Kingdom, the European Union, the United States and India, the article shows that legal systems facing the same pressure have converged on protection by different routes: judicial reinterpretation, statutory presumption, a contested statutory test, and a dedicated social-security code. It then advances a reform programme for Bangladesh anchored in a statutory

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category of digital worker, a contributory social-protection scheme, a regulatory authority, a domestic dispute-resolution mechanism, and supporting measures on collective representation and fiscal policy. The argument is that recognising freelancers as workers is entitled to a defined floor of rights coheres with the Constitution, with the country's international labour commitments, and with its own digital-economy ambitions.

Keywords: *digital labour; freelancers; platform work; Bangladesh Labour Act 2006; worker classification; social protection; comparative labour law*

I. The Problem of the Invisible Worker

The organisation of work has changed faster than the law that governs it. A task that once required a workplace, a fixed schedule and a single identifiable employer can now be divided into discrete assignments, advertised on a global marketplace and completed by a person working alone with nothing more than an internet connection. The change has opened genuine opportunities, especially for young people in economies where formal employment is scarce. It has also generated a distinctive insecurity, because the people performing this work frequently do so without the legal status and, therefore, without the protection that the law has historically reserved for employees.

Bangladesh occupies a revealing position within this transformation. It is among the foremost suppliers of online labour worldwide, with several hundred thousand active freelancers earning a living through digital platforms. For a large number of educated young Bangladeshis, freelancing is not a temporary expedient but a vocation: a route to independent income, to skills that fetch a global price, and to a degree of professional autonomy that the domestic labour market seldom supplies. In a country where formal jobs are limited, this matters a great deal.

The legal position of these workers has not advanced at the same pace as their economic significance. The Bangladesh Labour Act 2006, amended in 2018, is the principal instrument governing employment relations (Hasan, 2025). It was constructed for the conventional relationship between an employer and a worker situated within an establishment. Freelancers, who deal directly with clients and platforms rather than with an employer, are generally classified as independent contractors. That classification silently removes them from the protections the Act extends to workers: minimum wages, limits on working hours, occupational safety, social-security schemes, the freedom to organize, and

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remedies against unfair treatment. The result is a population of economically active people who bear the risks of work without the legal cushion that ordinarily accompanies it.

This article asks how Bangladeshi labour law ought to respond, and it advances a single organizing claim. The exclusion of freelancers is better understood as a gap in statutory design than as a reasoned conclusion that such workers deserve no protection. The Act did not exclude freelancers on principle; it simply never contemplated them. Once the difficulty is framed in this way, the route forward comes into focus. The question is not whether freelancers should be forced into the existing definition of worker, which fits them poorly, but whether the law can be extended to furnish them with a defined and realistic set of protections suited to the way they actually work.

The analysis unfolds in five further parts. Part II establishes conceptual vocabulary and theoretical lenses through which digital labour is best understood. Part III examines how four legal systems, the United Kingdom, the European Union, the United States and India, have answered comparable pressures, and sets their responses side by side in order to distil what Bangladesh might usefully borrow. Part IV analyses the domestic legal framework in detail, taking in the Labour Act, the Constitution and the country's international obligations. Part V draws the principal problems together and develops a programme of reform, including a treatment of how a new category would interact with the existing definition of worker. Part VI concludes.

II. Mapping the Terrain: Concepts and Theory

A. The Vocabulary of Digital Work

A rigorous legal treatment of digital labour must begin with definitions, because the casual way these terms are used in ordinary speech conceals distinctions of real legal consequence. Three terms recur throughout this article: digital labour, freelancing and platform work.

Digital labour is the most capacious of the three. It denotes work performed through digital tools and online systems, spanning software development and graphic design at one end and data annotation, content moderation and micro-tasking at the other (Stephany, 2021). Some of this work is visible and well remunerated; much of it is fragmented, poorly paid

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or scarcely acknowledged. What binds it together is that the work is mediated by technology rather than by a physical workplace.

Freelancing describes a manner of working rather than a particular kind of task. A freelancer operates on a project basis, supplying specialised services to clients without entering the continuing relationship that defines regular employment (Prassl, 2018, pp. 72–83). A freelance developer in Dhaka may complete a contract for a client in one country one week and for another client elsewhere next, with no expectation of further work from either.

Platform work refers to work obtained and arranged through a digital intermediary, an application or website that connects the worker with clients, fixes the terms of engagement, processes payment and frequently rates performance. The platform is not the client, but it shapes the relationship between worker and client in ways more powerful than either party may appreciate (Srnicek, 2017, pp. 47–53). These categories overlap in practice; a single person may be a freelancer, performing digital labour, through a platform, all at once. The distinctions nevertheless become decisive in law, because the operative question, whether a person is a worker entitled to protection, turns on the precise character of the relationships at issue.

B. From Outsourcing to the Global Platform

Digital freelancing did not emerge overnight. It grew out of the diffusion of the internet and the older commercial practice of outsourcing tasks across borders. In the late 1990s, as information and communication technologies spread, firms began to engage remote workers for discrete assignments, and early platforms such as Elance and oDesk built marketplaces in which contractors could bid for short pieces of work (Kuek et al., 2020, pp. 10–16). Through the following decade, faster connections, cloud computing and collaboration tools made remote work feasible at scale. The merger that produced Upwork in 2015, alongside the rise of Fiverr and Freelancer.com, turned freelancing into a global industry reaching from software engineering to the smallest creative task (Kuek et al., 2020, pp. 10–16).

Across the Global South, in Bangladesh, India, Pakistan, the Philippines, Nigeria and elsewhere, this growth was accelerated by a youthful population, economic pressure and state policies promoting the technology sector (Graham et al., 2019, pp. 102–110).

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Bangladesh, with its large pool of young people and active official support, became a major supplier of online labour. The same expansion, however, produced new difficulties: control exercised by algorithm, intense price competition, opaque rating systems, and the absence of any social safety net (Scholz, 2017, pp. 25–33).

C. Precarity and the Protective Purpose of Labour Law

Two theoretical lenses help to make sense of these difficulties and, more importantly, to frame a legal response. The first is the concept of precarity. Guy Standing's account of the precariat describes a stratum of workers who lack stable income, benefits and a secure occupational identity (Standing, 2011, pp). Freelancers answer closely to this description. Their earnings rise and fall with demand and with the ratings they accumulate; they enjoy no guaranteed minimum; and they personally absorb the risks, illness, equipment failure, the gaps between contracts, that an employer would otherwise carry. The borderless quality of digital work, so often celebrated as freedom, in truth places the worker inside a global market governed by metrics and reputation scores that generate dependence without any answering responsibility on the part of those who profit from the labour. (Schor, 2020, pp. 31–38)

For freelancers in the Global South, currency movements and reliance on foreign platforms sharpen this exposure further (Graham et al., 2017, pp).

The second lens is the protective purpose of labour law itself. Labour law developed on the premise that the bargain between an employer and a worker is not a bargain between equals (Deakin & Wilkinson, 2005.). Its rules on wages, hours and safety exist precisely to correct that asymmetry. The challenge the digital economy poses is that it blurs the line between employee and contractor on which those rules depend. Scholars such as Simon Deakin and Hugh Collins urge a functional approach, one that attends to the reality of subordination and economic dependence rather than to the labels chosen in a contract (Collins, 2010). On that approach, a freelancer who depends on a single platform, whose access to work that platform controls, and whose performance it continuously assesses, may exhibit the substance of an employment relationship even where the contract insists upon independence (Prassl & Risak, 2016).

Read together, the two ideas point the same way. Precarity names the problem, real economic vulnerability presented as freedom, while the protective purpose of labour law

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supplies the response, an inquiry into substance rather than form and a readiness to extend protection to those who need it even when they do not fit the inherited categories. This combined framework underpins the analysis that follows, and it also supplies the criterion against which the comparative material in the next Part is assessed: not whether a given reform is elegant in the abstract, but whether it narrows the distance between the lived reality of dependence and the legal recognition of it.

III. Lessons from Abroad: Four Responses to a Shared Problem

Bangladesh is not the first state to confront the mismatch between an older labour law and newer forms of digital work. Several jurisdictions have already begun to answer, through courts, through legislation, or through both. This Part examines four, the United Kingdom, the European Union, the United States and India, selected because each illustrates a distinct technique for extending protection and because, taken together, they reveal both the range of available instruments and the trade-offs each entails. The comparison is illustrative rather than exhaustive; the object is to identify usable approaches, not to chronicle every development. After examining each in turn, the Part draws the four into a single comparative frame.

A. The United Kingdom: Reclassification Through the Courts

The United Kingdom furnishes the clearest instance of a court reshaping protection without waiting for fresh legislation. In Uber BV v Aslam, decided by the Supreme Court in 2021, the central question was whether Uber drivers were self-employed contractors, as their written agreements stated, or workers entitled to the minimum wage and paid leave (Uber BV v. Aslam, 2021). The Court looked through the contractual labels to the practical reality of the relationship. Uber set the fares, dictated the terms, controlled how the service was delivered, and penalised drivers who declined work. On that footing, the drivers were held to be workers. The decision built on an established willingness in United Kingdom law to disregard written terms that do not reflect the true agreement between the parties (Autoclenz Ltd v. Belcher, 2011).

Two features of the decision bear directly on Bangladesh. The first is its method. The Court treated status as a question of statutory purpose rather than of contractual drafting; a firm cannot remove its workers from protection merely by writing independent contractor into a document. The second is the intermediate worker category in United Kingdom law, which

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sits between the employee and the self-employed contractor and carries a defined bundle of rights, the minimum wage, paid holiday and protection from unlawful deductions, without the full body of employee rights such as protection from unfair dismissal (Employment Rights Act 1996 (UK), s. 230(3)).. This middle category matters because it shows that protection need not be all or nothing. A legal system can acknowledge that a person is neither a fully independent business nor a conventional employee and attach to that intermediate position a tailored set of rights. The limitation of the judicial route, however, is equally instructive: it advances one case at a time, depends on claimants with the resources and resolve to litigate against well-funded platforms, and leaves the boundary of protection to be settled in fragments rather than declared at once.

B. The European Union: Protection Through Statute

The European Union has approached the same problem through legislation, and its experience offers two distinct instruments that are easily and often confusing. The first is the Directive on Transparent and Predictable Working Conditions, adopted in 2019, which strengthened the entitlement of workers in non-standard arrangements to clear information about their terms, to greater predictability of working time, and to limits on restrictive conditions (Directive (EU) 2019/1152, 2019). The second, and more directly pertinent, is the Platform Work Directive, adopted in 2024 after several years of negotiation that began with a proposal in 2021(Directive (EU) 2024/2831, 2024).

This Directive addresses platform work as such. Its central device is a presumption of employment: where the relationship displays indicators of control and direction, the worker is presumed to be an employee, and the burden shifts to the platform to prove otherwise. It also brings algorithmic management within the regulatory field, requiring transparency about the automated systems that allocate work and assess performance, and a right to human review of significant automated decisions (Directive (EU) 2024/2831, 2024). For Bangladesh the model demonstrates two things. A statutory presumption can resolve the classification problem more cleanly than case-by-case litigation, because it reverses the burden and spares the individual worker the cost and delay of proving status from scratch. And the treatment of algorithmic control as a regulatory subject in its own right captures an essential truth, because for the freelancer the algorithm is frequently the employer in all but name. The cost of the statutory route is the political difficulty of enacting it, since

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platforms resist a presumption that places the burden upon them, and the administrative demand of supervising the obligations it creates.

C. The United States: A Contested Statutory Test

The United States illustrates both the promise and the fragility of reform pursued through a statutory test. In Dynamex, the California Supreme Court adopted the so-called ABC test, under which a worker is presumed an employee unless the hiring entity can show that the worker is free from its control, performs work outside its usual business, and is engaged in an independently established trade (Dynamex Operations West, Inc. v. Superior Court, 2018). The legislature then codified and broadened the test in Assembly Bill 5, extending it across much of the state's economy (Assembly Bill 5, 2019). The ABC test is notable for its clarity: it states three concrete conditions rather than leaving status to an open-ended balancing of factors, and it places the burden on the firm.

What happened next is the cautionary half of the story. The platform companies most affected financed a ballot initiative, Proposition 22, which carved app-based transport and delivery drivers out of the test and returned them to contractor status with a thinner set of guarantees (Proposition 22, 2020; Castellanos v. State of California). The subsequent litigation over that initiative's validity left the field unsettled for years. The episode teaches Bangladesh two lessons at once. A bright-line statutory test can deliver protection more decisively than judicial interpretation, but reform is durable only if it is insulated from reversal by the very interests it constrains, and only if its design anticipates the political and economic resistance it will meet.

D. India: A Route Through Social Security

India offers the closest comparator, both for its kindred legal heritage and for a strategy well-suited to a developing economy with a large informal sector. Rather than reclassifying gig workers as employees, the Code on Social Security 2020 created defined categories of gig workers and platform workers and rendered them eligible for social security benefits such as life and disability cover, accident insurance and health protection (Code on Social Security, 2020). The Code defines these categories expressly, detaching eligibility for protection from the contested question of employment status (Code on Social Security, 2020). It contemplates contributions from platforms alongside the central and state governments to finance the schemes.

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The Indian approach has notable strengths and an instructive weakness. Its strength is that it sidesteps the difficult classification contest: a worker may receive social protection without first being declared an employee, which avoids the resistance that full reclassification provokes from platforms. Its weakness is implementation. The benefits depend upon contributions and administrative machinery that have been slow to materialise, so that recognition on paper has not yet been translated fully into protection in practice (Code on Social Security, 2020). The double lesson for Bangladesh is that a social-security route is politically and administratively realistic but succeeds only where the funding mechanism and the administering body are designed with care from the outset rather than left to subsequent goodwill.

E. The Four Compared

Setting the four responses beside one another reveals a pattern that none discloses alone. They differ in their instrument, in where they place the burden of proof, in their durability, and in their administrative demands, and these differences map onto choices Bangladesh will have to make (Prassl & Risak, 2016; Graham et al., 2019).

Jurisdiction	Instrument	Burden of proof	Durability	Administrative demand
United Kingdom	Judicial reinterpretation of status	On the worker, case by case	Stable once decided, but built incrementally	Low; relies on existing courts
European Union	Statutory presumption of employment	Reversed onto the platform	High, fixed in legislation	Higher; supervision of algorithmic duties
United States (California)	Statutory ABC test	On the hiring firm	Fragile; reversed by ballot initiative	Moderate; depends on enforcement
India	Social-security code, status-neutral	Not engaged; eligibility by category	Strong on paper, weak in delivery	High; funding and a fund to administer

Three conclusions follow. First, the choice of instrument is a choice about who carries the burden of proving status, and every route that meaningfully protects workers shifts that burden away from the individual, whether by judicial method, statutory presumption or by

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removing the status question altogether. Second, durability is a design problem in its own right: the Californian experience shows that a strong rule can be undone if it is not insulated from the interests it binds, while the Indian experience shows that a durable statute still fails if its administrative engine is never built. Third, the routes are not mutually exclusive. A jurisdiction can name a category, attach a presumption to it, and fund a social scheme around it, combining the Indian device of status-neutral eligibility with the European device of a reversed burden and the British insight that substance governs form. This composite possibility is the foundation of the reform proposed for Bangladesh in Part V.

IV. The Domestic Framework and Its Silences

A. A Statute Built for the Factory Floor

The Bangladesh Labour Act 2006 came into force on 11 October 2006 as a statute to consolidate the law on the employment of workers, relations between workers and employers, minimum wages, the payment of wages, and compensation for injuries(Bangladesh Labour Act, 2006). Its long title alone signals its orientation: it was designed for workers employed in industrial and commercial settings within a recognisable employer and employee relationship(Bangladesh Labour Act, 2006, chap. 1). That orientation runs through the architecture of the Act. Its protections attach to a worker employed in an establishment, and the definition of worker contemplates a person engaged to do work in such a setting (Bangladesh Labour Act, 2006, s. 2(65)). The notion of an establishment is itself tied to a place of business with an identifiable proprietor (Bangladesh Labour Act, 2006, s. 2(31)). The model in the drafters' minds was the factory, the office or the commercial enterprise: a place, an employer and a continuing relationship of employment. The Act predates the rise of platform-based work, and nothing within it anticipates a person who works from home for a stream of foreign clients located through a website.

B. Three Points of Failure

When the Act is applied to a freelancer, three difficulties surface. The first concerns classification. The Act's protections depend on a person being a worker within an establishment, yet a freelancer typically has neither an establishment nor an employer in the sense the statute assumes. Work is obtained directly from clients or through a platform;

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there is no fixed workplace and no continuing employer on whom the statutory duties might fasten (Bangladesh Labour Act, 2006; Al Imran, 2020). It has been suggested that some freelancers might be treated as temporary workers under the Act, but the suggestion is untested and does not reflect how most freelancers actually work (Al Imran, 2020).

The second difficulty is the practical unavailability of protection. Even were a freelancer somehow brought within the Act's language, most of its protections are built around features of formal employment that freelancers do not possess. Minimum wages, overtime, statutory leave, occupational health and safety duties and collective agreements all presuppose an employer who can be required to provide them. Freelancers generally hold no appointment letter, no identity card and no service book, none of the documentary apparatus the Act assumes (Bangladesh Labour Act, 2006, ss. 5–6). The provisions on working hours and wages, in particular, presuppose a fixed workplace and a paymaster, neither of which the freelancer has (Bangladesh Labour Act, 2006, ss. 100–102, chap. 10). A protection enforceable against no one is, in practice, no protection at all.

The third difficulty is legal uncertainty itself. Because the law and the reality diverge, freelancers cannot say with any confidence what their rights are. Are they covered by the Act, and if so how far; and if not, what protects them instead? The uncertainty is itself a harm. It weakens their bargaining position, leaves them without recourse when a client refuses to pay, and excludes them from social protection that ordinarily presupposes an identifiable employer.

C. The Constitutional Backdrop

If the Labour Act offers freelancers little, the Constitution offers more in principle, though it stops short of conferring directly enforceable employment rights. Several provisions are relevant. Article 14 makes it a fundamental responsibility of the State to emancipate workers and peasants from all forms of exploitation (Constitution of the People's Republic of Bangladesh, art. 14). Article 15 commits the State to securing the right to work and to social security (Constitution of the People's Republic of Bangladesh, art. 15). Article 20 declares that work is a right and a duty and that everyone shall be paid according to their work (Constitution of the People's Republic of Bangladesh, art. 20). Article 34 prohibits all forms of forced labour (Constitution of the People's Republic of Bangladesh, art. 34(1)).

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Article 40 guarantees every citizen the freedom to enter any lawful profession or occupation (Constitution of the People's Republic of Bangladesh, art. 40).

These provisions belong for the most part to the Fundamental Principles of State Policy, which guide the State rather than create rights a worker may sue to enforce (Constitution of the People's Republic of Bangladesh, Part II, art. 8(2)). They are not, however, without force. They establish that the protection of workers from exploitation and the provision of social security are constitutional objectives the State is bound to pursue. A freelancer is a citizen who works and who is, on any honest view, exposed to the kinds of exploitation with which these provisions are concerned. The constitutional text therefore supplies a firm justification for legislative reform: extending protection to freelancers is not a departure from the constitutional scheme but a fulfilment of it.

D. International Commitments

Bangladesh has been a member of the International Labour Organization since 1972 and has ratified a number of its core conventions, and its labour legislation is presented as having been developed in line with international labour standards (International Labour Organization, n.d.). The principles those standards embody, decent work for all, freedom of association, collective bargaining, freedom from forced labour and minimum conditions of employment, are not confined by their terms to workers within formal establishments (International Labour Organization, 1998). The Organization's own work on digital labour platforms recognises that the changing nature of work requires these protections to reach workers who do not fit the standard employment relationship (International Labour Organization, 2019).

A familiar gap separates obligation from practice. Bangladesh already encounters difficulties of enforcement and compliance across its large informal sector. For freelancers and digital workers the gap is wider still, because their unclear legal status means the enforcement machinery does not reach them at all. To honour its constitutional and international commitments in substance rather than merely on paper, the State must bring these workers within a framework that can actually be enforced.

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E. The Cost of a Statutory Silence

Beneath each of these difficulties lies a single structural fact: Bangladeshi labour law does not name these workers. The Labour Act and its attendant rules contain no reference to freelancers, platform workers, digital workers or self-employed service providers. No provision tells us whether such a person is a worker, an employee, a contractor or something else (Al Imran, 2020). Without a classification there is no clear set of rights, and without rights there is nothing to enforce.

The consequences for Bangladesh are considerable. A large and growing share of its workforce, much of it young and concentrated in precisely the digital sector the State wishes to promote, works beyond the protection of labour law and outside any social safety net. The uncertainty makes it easier for the risks of work to be displaced onto the worker through low pay, insecure terms and the absence of any avenue for redress. And the mismatch sits uneasily with the country's professed commitment to decent work and to its international obligations. The problem is not that the law has decided freelancers deserve nothing; it is that the law has decided nothing about them at all. That is what reform must address.

V. Toward Recognition: Findings and a Reform Agenda

A. Six Structural Deficits

Drawing together the doctrinal analysis above and the secondary literature on digital labour, six connected deficits define the position of freelancers under Bangladeshi law. They are offered here as analytical findings that follow from the structure of the law and are corroborated by the existing scholarship, rather than as the product of fieldwork.

The first is the absence of legal recognition. The Act's conception of a worker, engaged under a contract, working under supervision, for an established wage, does not describe most freelancers, who work autonomously and on a task basis (Bangladesh Labour Act, 2006, s. 2(65); Rahman, 2021, p. 35). In legal terms they are largely invisible. The second is the absence of an employer and employee relationship. Freelancers perform task-based work for clients, frequently abroad, with no fixed wage and no hierarchical supervision, the very features by which the existence of an employment relationship is ordinarily tested.

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The traditional tests, such as the control test, do not transfer neatly to platform-mediated work, leaving the relationship outside the categories the law knows how to handle.

The third deficit is the lack of access to rights or social protection. Because they fall outside the Act, freelancers have no guaranteed access to paid leave, minimum wages, maternity benefits or compensation for work-related injury, while the structure of platform work tends to push operational risks onto the worker and to leave them outside any social-protection system. The fourth is unstable income and dependence on platforms. Earnings fluctuate with demand, with rating systems and with disputes, and a sudden suspension of a platform account can sever income entirely, the literature on algorithmic management documenting how this dependence translates directly into insecurity.

The fifth deficit is the want of effective dispute resolution. Freelancers face non-payment, unfair ratings and cancelled projects, yet the mechanisms operated by platforms are often opaque and rarely favour the worker, and Bangladesh has no domestic legal mechanism designed to resolve these disputes. The sixth is the absence of collective representation. Freelancers generally work alone, without unions or associations to speak for them, even though the scholarship consistently identifies collective organisation as essential to protecting platform workers' interests, and Bangladesh has no legally recognised body of this kind. A seventh observation cuts across the rest: despite contributing substantially to foreign-exchange earnings and to the growth of the technology sector, digital freelancing remains under-acknowledged in policy and regulation. The economic contribution is recognised; the workers behind it are not.

B. A Programme of Reform

The reforms that follow are designed to address these deficits together, drawing on the comparative lessons of Part III. They are intended to be realistic for Bangladesh's administrative and economic circumstances and to extend protection without dismantling the flexibility that makes freelancing valuable.

The foundational reform is a statutory category of digital worker. Bangladesh should amend the Labour Act, or enact dedicated legislation, to create a defined category of digital worker or platform worker. This category should sit between the employee and the fully independent contractor, following the logic of the United Kingdom's intermediate worker

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status and the European platform-work framework (Uber BV v. Aslam, 2021; Directive (EU) 2024/2831, 2024; Prassl & Risak, 2016). Recognition is the precondition for everything else, since until the law names these workers it cannot protect them. The category should carry a defined floor of rights, fair and transparent contractual terms, timely payment and a baseline of protection, calibrated to how freelancers actually work rather than imported wholesale from the model of factory employment.

The second reform is a contributory social-protection scheme. Following the Indian example, but heeding its difficulties, Bangladesh should establish a scheme for digital workers covering at least health cover, accident compensation and a pension or savings element. The lesson from India is that such a scheme must be designed from the outset with a clear funding mechanism, plausibly combining contributions from platforms, the State and workers themselves, and with a body responsible for administering it. Because freelancers move between clients and platforms, the benefits should be portable, attached to the worker rather than to any single engagement. A scheme that exists only on paper merely reproduces the problem it was meant to solve.

The third reform is a dedicated regulatory authority. A digital-labour authority should register digital workers, oversee the social-protection scheme, monitor platform compliance and provide a single institutional locus of responsibility for the sector. Without an institution charged with making the framework work, recognition and rights remain abstract. The fourth is a domestic dispute-resolution mechanism. Freelancers need a means of resolving disputes over non-payment, unfair treatment or wrongful suspension within Bangladesh, rather than depending on the internal procedures of foreign platforms; a specialised and accessible forum, whether attached to the proposed authority or to the existing labour-dispute system, would give them what they presently lack entirely.

The fifth reform is support for collective representation. The law should enable and recognise associations or unions of freelancers, since collective organisation gives otherwise isolated workers a voice in negotiation and in policy and is, on the comparative evidence, a necessary complement to formal rights rather than an optional addition. Two supporting measures complete the agenda. Programmes to inform freelancers about contracts, digital security and tax compliance would strengthen both their resilience and their bargaining position; and clear, supportive tax and remittance policies would help to

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formalise the sector, bring it within the reach of regulation, and secure its contribution to the national economy. These measures are modest individually but reinforce the structural reforms above.

C. Fitting the New Category to the Existing Definition

A reform of this kind must be reconciled with the definition of worker already in the Act, or it will produce confusion rather than clarity. There are two broad ways to proceed, and the choice between them shapes everything that follows. The first is to broaden the existing definition so that the digital worker falls within it, thereby attracting the full body of protection, subject to adaptation. This is the most generous route, but also the most disruptive, because protections written for the factory do not transpose cleanly to home-based, task-based work, and an over-broad amendment risks either imposing unworkable duties or being read down by courts reluctant to apply them.

The second route, preferred here, is to create a distinct category that sits alongside the existing definition rather than absorbing it, with its own enumerated floor of rights. This mirrors the intermediate worker status in the United Kingdom and the discrete categories in the Indian Code, and it has the advantage of precision: the legislature decides exactly which protections attach, rather than leaving the matter to litigation over whether a given factory-era provision applies.

To make the boundary workable, the statute should pair the new category with a presumption modelled on the European approach. Where a person provides services through a digital platform and the relationship displays indicators of control, continuous performance assessment, or economic dependence, that person should be presumed a digital worker, with the burden resting on the platform or client to displace the presumption. A presumption does the work that an open-ended definition cannot, because it tells decision-makers how to resolve the hard middle cases and it spares the individual the cost of proving status from nothing. The combined effect, a named category, an enumerated floor of rights, and a presumption that allocates the burden sensibly, is to convert the comparative lessons of Part III into a single coherent domestic design, rather than a borrowed assortment of unconnected devices.

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Taken as a whole, the agenda follows a single logic. Recognition through a statutory category makes protection possible; a presumption makes the category operative in contested cases; social protection, dispute resolution and collective representation give the recognition substance; and an authority, together with supporting fiscal policy, makes the framework work in practice. Each element supports the others, and the absence of any one weakens the rest.

VI. Conclusion

Digital freelancing has reshaped working life for a large and growing number of Bangladeshis, offering independent income and global opportunity to people the formal economy has been unable to absorb. Yet the workers who built this sector remain largely outside the protection of the law. The Bangladesh Labour Act 2006 was written for an older model of work, and its silence on freelancers leaves them legally invisible: without recognised status, without access to social protection, without a means of resolving disputes at home, and without collective voice.

This article argued that the exclusion is a design flaw rather than a settled judgment that freelancers deserve nothing, and that the flaw can be corrected. The Constitution already commits the State to protecting workers from exploitation and to providing social security; the country's international commitments point the same way; and the experience of the United Kingdom, the European Union, the United States and India shows that legal systems facing the same pressure have found workable means of response, each with its own lesson about burden, durability and administration. Drawing on those examples, the article has proposed a reform anchored in a statutory category of digital worker, supported by a presumption that allocates the burden of proof, a properly funded and portable social-protection scheme, a regulatory authority, a domestic dispute mechanism, support for collective representation, and accompanying measures on training and fiscal policy.

The choice Bangladesh faces is not between protecting freelancers and preserving their freedom. A carefully designed framework can do both, conferring on digital workers a floor of rights and a measure of security while leaving intact the flexibility that drew them to this work in the first place. Making that choice is not merely a matter of fairness to the workers concerned. It is also a condition of the country's own ambition. A digital economy

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that rests on the labour of hundreds of thousands of freelancers cannot indefinitely leave those freelancers beyond the protection of its laws. Recognising them as workers, entitled to a realistic set of rights, is the step that would bring the country's labour law into alignment with its Constitution, its international obligations and its own future.

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