
Content Moderation and Mental Well-Being in India and Kenya – A Legal Framework

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Abstract

This paper examines the experiences of content moderators in India and Kenya and the implications for their rights to a safe and healthy work environment. Content moderators play a pivotal role in monitoring digital platforms by reviewing and filtering user-generated content. Content moderation is outsourced by big tech to developing countries such as India and Kenya, however, compared to their counterparts in the Global North they earn significantly lower wages. Furthermore, these workers operate in conditions akin to forced labour and they are exposed to inappropriate, offensive and gruesome content that severely impacts their mental health.

Labour laws remain unequipped to protect these workers. For instance, Indian labour laws provide some general safeguards regarding employment rights, but there are no specific regulations addressing the psychological risks associated with prolonged exposure to harmful content. Similarly, the legal framework of Kenya provides health and safety safeguards but the dynamic of employment arrangement remains ambiguous thereby leaving these workers vulnerable. In both these countries, mental health concerns are stigmatised which further exacerbates the indecent working conditions of content moderators.

The absence of a clear legal framework, coupled with the unique mental health issues of content moderation, highlights the urgent need for socio-legal reforms. Using desk-based research, this paper highlights the mental health challenges that content moderators encounter and examines the legislative loopholes. Furthermore, this paper aims to develop a theoretical legal framework to facilitate a healthy work environment and psychological support systems for content moderators in India and Kenya.

Keywords: India, Kenya, content moderators, mental health, labour laws

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