



Location-based platform work in South Africa

Mapping the prospects for organising

A Report for the Solidarity Center

Labour Research Service

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September 2023



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EXECUTIVE SUMMARY

- (01) The term 'gig work' predates the digital revolution and is used to describe short-term work done outside of a formal employer-employee relationship. This study is concerned with the 'platform worker', a category of worker that is a product of the digitisation of the service economy. Our specific focus is on location-based platform work in South Africa, work that is both 'location-based' and 'on-demand', requiring that the worker be in a certain place, offering a specific service, at an exact time (Vallas, 2018).
- (02) The study includes a review of international and national literature on the topic. The work also draws on twenty-two (22) worker surveys with Uber drivers in Cape Town, East London, Gqeberha (formerly Port Elizabeth) and Johannesburg. The aim of our surveys was to validate the findings of existing literature and to probe areas of interest in this study. Additionally, we spoke to several role-players within the industry, including a legal practitioner, an e-hailing council representative, an Uber insider and NGOs adjacent to the sector.
- (03) In 2019 there were roughly 150 digital platforms in South Africa, 90 of which traded in location-based work (Johnson, Bester, van Vuuren, & Dunn, 2020).
- (04) The Fairwork Project estimates that there are 30 000 gig workers on location-based apps in South Africa, including drivers, delivery workers and cleaners and that this number is growing at approximately 10% per year (Fair Work, 2020b).
- (05) There is evidence that the sector has grown beyond reasonable expectations since the entry of rideshare operators. In 2013, there were 686 legal meter taxis in Cape Town. In 2023 the total number is at about 2600 licenses (meter taxi and e-hailing).

- (06) Digital labour platforms have penetrated five main sectors: ride-hailing, delivery, domestic work, home services and care services. In South Africa as of late 2022, digital labour platforms have emerged only in the first three sectors (ride-hailing, delivery and domestic work), although SweepSouth - the leading domestic work platform - is expanding into home care services.
- (07) The land-based public passenger transport sector in South Africa is highly fragmented and is dominated by the taxi industry accounting for approximately 70% of total transport usage. The remaining 30% share of land-based public passenger transport industry in South Africa is captured by bus and rail, accounting for 20.1% and 9.9% respectively. Of the 70% taxi total, minibus taxi industry accounts for approximately 63% while the metered taxi industry account for 7% of the total transport usage.¹
- (08) In South Africa, the ride-hailing market is dominated by Uber, which arrived in South Africa in 2013 and commands a 75% market share, and Bolt (formerly Taxify), which launched in 2016 and controls the remaining 25% of the market (Reuters, 2019). Combined, these two platforms have 60 000 registered drivers and are the largest purveyors of gig work in the country (Businesstech, 2021; Walker, 2020; Mwareya, 2022). We note that estimates of “registered” drivers will overstate the number of jobs in the sector compared to a count of “active” drivers in the sector at any one time.
- (09) Delivery platforms, which constitute the largest digital providers by revenue, have transformed the food and retail industries, linking restaurants, grocery stores and e-commerce sites directly with consumers. These services exploded in popularity during the Covid-19 pandemic in response to restrictions on dining out and shopping (Lin, 2021; Mojumder, Ahmed, & Sadri, 2021).

¹ Written contribution from South Africa submitted for Item 3 of the 65th meeting of Working Party No 2 on Competition and Regulation on 4 June 2018 (OECD), 4 June 2018, [https://one.oecd.org/document/DAF/COMP/WP2/WD\(2018\)21/en/pdf](https://one.oecd.org/document/DAF/COMP/WP2/WD(2018)21/en/pdf) 12/092023.

(10) Delivery platforms, unlike ride-hailing, tend to employ more complex staffing arrangements, relying on a combination of direct employees, third-party service providers, labour brokers and 'independent contractors, or gig workers.

(11) In South Africa, the domestic work sector accounts for hundreds of thousands of jobs. According to the most recent Labour Force Survey by StatsSA, there are approximately 858 000 domestic workers in the Country, comprising more than 5% of all those employed (StatsSA, 2022). SweepSouth, South Africa's market leader in digitising domestic work launched in Cape Town in 2014, currently has around 7 500 registered cleaners and 40 000 users (USAID, 2020) and in 2022 secured a further \$11 million in private investment, enabling expansion into new African markets (Jackson, 2022).

(12) The SweepSouth platform seeks to intermediate all employment in the sector and is in competition with households that are single employers, offering full or part-time employment of indefinite duration. Unlike the ride-hailing sector, which appears to have grown with the advent of platform operators, SweepSouth feeds on an existing labour market and incentivises short-term work placement.

(13) The majority of multi-car or fleet operators within a rideshare platform like Uber are reported to be traditional meter taxi operators who have transitioned into rideshare. Our suspicion is that the restrictions on movement and trade that accompanied the Covid-19 pandemic flushed out many of the speculative or marginal fleet operators from the system.

There are several different kinds of operators in the rideshare space.

Independent drivers (that own their own car)

Drivers renting a car

Drivers in rent-to-own arrangements

Cooperative/stokvel collectives involving groups of drivers

Fleet operators (who actually have "fleet accounts" with Uber)

- (14) Many gig workers in Africa and other developing countries cannot afford a car or motorbike. This has sparked various solutions from informal 'fleet owners', who rent vehicles to drivers for a monthly fee, to established financiers acting in partnership with platforms to offer a gateway to ownership (Shah, 2017; Anwar, Otieno, & Stein, 2020). Moove, a Nigeria-based financial services company that launched in 2019 with operations across Africa, India and the Middle East, offers a revenue-based finance model for ride-hailing drivers and in 2021 announced an official partnership with Uber, becoming the company's largest vehicle provider in Africa (Outlook India, 2022).
- (15) Ride-hailing drivers in developing countries are an average age of 36 and delivery drivers 29, which is younger than workers in traditional sectors (taxi drivers: 44 years; delivery workers: 31 years) (ILO, 2021). This is consistent with findings from the South African literature, where surveyors found that the average ride-hailing and delivery driver is between 26 and 35, with delivery drivers averaging younger.
- (16) In South Africa, domestic workers on the SweepSouth platform are between 26 and 47 (USAID, 2020), with one study reporting that these workers are generally younger than domestic workers employed through traditional channels (Hunt & Samman, 2020).
- (17) The ILO also reports that workers in the ride-hailing and delivery sectors are predominantly male, with women comprising less than 10% of all drivers (ILO, 2021). The low proportion of women in this sector is consistent with what we see in South Africa with studies pegging the number at roughly 5%, except for on domestic work platforms which have an exclusively female workforce.
- (18) Both the international and South African literature attribute this disparity to entrenched gender structures, barriers to entry - with women less likely to own a vehicle or smart phone - and the safety risks faced by women drivers (Hunt, et al., 2019; Kasliwal, 2020). In an effort to lure women both as drivers and customers a number of

start-ups have launched women-only apps, including in India, Kenya and Indonesia (ILO, 2021), while in South Africa Bolt announced a women only driver service in 2021 and Uber has installed a feature allowing women drivers to select only women riders.

(19) Unlike the variables of age and gender, immigration status varies considerably between sectors and countries. The level of representation of migrants workers in the gig economy is directly related to the number of migrants entering a country overall as well as their opportunities to access formal work (ILO, 2021).

(20) In South Africa, it is difficult to ascertain from the literature alone the role of foreign workers in the gig economy. The figure is certainly high, with several studies pegging it above 60% (Adebayo, 2019; Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Anwar, Otieno, & Stein, 2020; Geitung, 2017; Pollio, 2019). Anecdotally, there is a perception in many quarters that migrant workers represent the vast majority of platform workers. According to our Uber insider informant, the composition of (Uber) operators by nationality varies by city and by product group. South African-born rideshare drivers are in a majority in Johannesburg and Durban, while the split is roughly even in Cape Town. This observation contradicts the perception that migrant workers are the vast majority in the e-hailing sector. Migrant workers are however in the majority in the product delivery category.² Migrant workers could still be said to be over-represented in rideshare employment in South Africa, but the assertion that migrant workers make up the vast majority of rideshare operators, 70-80% for example, appears to be false.

(21) The education level among gig workers across developed and developing countries is also relatively high. Women, youth, and immigrants in the sector have higher rates of education than other cohorts (ILO, 2021; Berger, Frey, Levin, & Danda, 2018; Berliner & Tal, 2018). These findings are echoed in a recent study by FES (2021) which concluded that roughly 70% of food delivery drivers across three African cities –

² Uber insider, March 2023

Johannesburg, Nairobi and Accra - held a matric certificate or above. The relatively high education level among platform workers is salient when thinking about organising dynamics.

- (22) A key difference between gig workers in developed and developing countries, is that gig workers in developed countries pursue gig work for supplemental income, while gig workers in developing countries rely on digital platforms as their sole source of income.
- (23) International findings are consistent with the South African literature, which found that the top two motivations for workers across all sectors are employment and income (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Hunt & Machingura, 2016; Pogorevici & Serobe, 2020; Wilmans & Rashied, 2021). Other motivators cited include the flexibility provided by platform work, although many drivers note that while they set their own hours these hours are (by necessity) incredibly long (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Howson, 2022; Pollio, 2019; Webster, 2020).
- (24) For South Africa's domestic workers the motivations for platform work are similar, namely income and a lack of alternatives, although flexibility was also cited more often among this cohort owing to the family obligations borne mostly by women in South Africa (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Hunt & Machingura, 2016; Hunt, et al., 2019).
- (25) Internationally, incomes for platform drivers are, on average, higher than earnings in the traditional taxi and delivery sectors, although this finding is not true for all countries (ILO, 2021).
- (26) Driver earnings appear to come under pressure as more and more drivers enter the market. In South Africa, Uber and Bolt now charge 25% commission up from 20% for Uber and 5% for Bolt, while the per km rate has increased only slightly (Competition Commission, 2020). Driver incomes are eroded by higher input costs,

including rising vehicle prices and fuel. For instance, in South Africa the price of petrol increased 70% from 2017 to 2022 (BusinessTech, 2022), while the per km rate for ride-hailing companies remained largely consistent (Competition Commission, 2020).³

(27) In developing countries, many drivers pay a monthly vehicle rental or finance fee which, which in South Africa ranges from R2 500 to R4 000 (US\$125 to \$220) a week for a car and roughly R600 (US\$30) a week for a delivery bike.⁴ Consequently, while Uber and Bolt champion monthly driver incomes of between R7 000 and R8 000 (US\$400 to US\$500), take home pay is far lower.⁵

(28) Checkers 60/60 reportedly pays a flat rate of R32 per delivery regardless of distance, although it is understood that a store does service a limited area. Mr D food delivery, which incorporates the Pick n Pay online shopping delivery service pays R28 per delivery. The online retailerTakealot is reported to pay about R17 per delivery, making it the worst paid of the bunch. Drivers carry all other costs.

(29) Incomes among domestic workers using digital platforms are more consistent, with fewer fluctuations in rates and commissions. Researchers from India, Pakistan, Kenya and South Africa agree that, while platform workers outperform traditional domestic workers on wages, the cost of transport and the irregularity of the work erode workers' wages (Hunt & Samman, 2020; Hunt, et al., 2019; Sehgal & Yatharth, 2022; Tandon & Rathi, 2021). For instance, Hunt (2019) found that South African domestic workers on the SweepSouth platform earn more than the minimum wage but the cost of travelling to one or more job each day can equal as much as 50% of their pay (Fairwork, 2020b).

³ The per km rate charged by ride-hailing companies is provided in a 2021 report by South Africa's Competition Commission. It found that rates charged by Bolt remained flat over the last five years, while Uber effectively decreased its rate through the introduction of the 'low cost', Uber X

⁴ The average cost of renting a car and bike was drawn from more than a dozen posts on Sales sites Gumtree and Facebook Marketplace.

⁵ Advertised driver incomes were gathered from company blogs, twitter postings and marketing materials, while vehicle costs were taken from car rental and financing sites, Gumtree and Facebook Marketplace.

- (30) In the 2021 ILO study, revenue from ride-hailing and delivery platforms in developing countries was found to be the main source of income for 84% and 90% of respondents respectively. These figures are echoed in the South African literature (Pogorevici & Serobe, 2020; Wilmans & Rashied, 2021; Anwar, Otieno, & Stein, 2020), and hold equally true for domestic workers on the SweepSouth platform (Hunt & Machingura, 2016; USAID, 2020).
- (31) Most workers in developing countries reported satisfaction with their work and pay (ILO, 2021). These findings are consistent with studies in the US, UK and South Africa (Anderson, C, Faverio, & Gelles-Watnick, 2021; Berger, Frey, Levin, & Danda, 2018; Berliner & Tal, 2018; Pogorevici & Serobe, 2020). At the same time, the ILO acknowledges that single-measure indicators may not be reliable, reporting that in-depth interviews reveal less satisfaction among gig workers (ILO, 2021).
- (32) Other South African studies in the ride-hailing sector describe persistent concerns around safety, particularly the risk of robbery, hijackings and violence (Adebayo, 2019; Henama & Sifolo, 2017; Wilmans & Rashied, 2021); the long working hours required to cover high operating costs and still earn a living wage (Adebayo, 2019; Fairwork, 2020b; Wilmans & Rashied, 2021); and issues with the digital rating system, which many respondents felt was unfair and exclusionary, and forced drivers to endure racism and verbal abuse (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Geitung, 2017). At the same time, Pollio (2019) and Ahmed et al (2021) interviewed many drivers who were satisfied with their working conditions, highlighting the flexibility, independence, and income potential.
- (33) While many domestic workers are happy with the flexibility of platform work, they feel unsupported when there are challenges. Issues raised include scheduling conflicts, penalties for not accepting jobs, and a persistent lack of work (Hunt & Machingura, 2016; Sehgal & Yatharth, 2022); the “rude, aggressive or abusive treatment received while working behind closed doors” (Hunt & Samman, 2020); the demand that workers do more than what is possible in the time they are booked or work extra hours

for no pay (Hunt & Machingura, 2016; USAID, 2020; Sehgal & Yatharth, 2022) and the high cost of transport to and between jobs, for which they are not compensated (Hunt & Machingura, 2016; Hunt, et al., 2019; Hunt & Samman, 2020; USAID, 2020; Sedacca, 2022; Tandon & Rathi, 2021).

(34) Platforms across all countries tend to perform better when they are owned by locals, as opposed to multinational companies. This finding held generally true regardless of the sector or the host country.

(35) The Washington Post dedicated a fair amount of print to the so-called “Uber leaks”, which described how Uber deliberately created a pool of drivers in South Africa far greater than what was demanded, then systematically eroded driver incomes and put the lives of drivers in jeopardy by incentivising them to drive in dangerous areas, and enabling cash payments, despite previously dismissing the idea as unsafe (MacMillan, 2022). This exposé is a reminder that despite corporate spin, these platforms are fairly cynical, if not outright callous, in their business practices.

(36) Digital platforms tend to operate adjacent to labour laws, reaping the benefits of consumer spending without the cost of compliance borne by traditional service companies.

(37) As an example, a delivery driver on a single platform may be classified as an employee in one country and an independent contractor in another (ILO, 2021). As a result of this confusion, employment status is often decided through litigation, with legal challenges filed by both the platforms and the workers themselves (De Stefano, Durri, Stylogiannis, & Wouters, 2021; ILO, 2021).

(38) International literature points to four general approaches to classifying platform workers. First, workers may be classified as employees, often based on the level of control exerted by the platform. This definition is applied to digital platforms in

several countries including the Netherlands and Italy, and typically follows a ruling from the courts (Deutsch & Sterling, 2021; De Stefano, Durri, Stylogiannis, & Wouters, 2021).

(39) The second and third approaches involve creating intermediate categories of workers to either (a) extend labour protections to platform workers, or (b) ensure workers obtain certain benefits, with some countries opting for a hybrid approach (De Stefano, Durri, Stylogiannis, & Wouters, 2021; ILO, 2021). This approach was taken during a recent ruling in the UK Supreme Court, which is heralded by many as a watershed moment in the battle for platform worker rights (Satariano, 2021).

(40) Finally, the fourth approach is to simply allow platforms to continue classifying workers as 'independent contractors', justified by the flexibility of the work arrangement (ILO, 2021). This approach, although contested by workers and rights organisations in almost every major economy, remains the most common owing to inflexible labour codes, lobbying by platform operators, and government's fear of chasing away jobs (De Stefano, Durri, Stylogiannis, & Wouters, 2021; OECD, 2020).

(41) In April 2021, the Competition Commission launched an enquiry into Online Platforms in South Africa (excluding ride-hailing services), but the enquiry was consumer oriented and focused on the pricing practices, commission and discount models used by companies like Takealot and Uber Eats and is not concerned with the well-being of drivers.

(42) The Land Transport Amendment Bill was tabled in South African parliament in 2016, passed in 2020 and is now working its way through the parliamentary process. The Bill, among other things, will classify ride-hailing services as a transport sector within the National Land Transport Act, effectively opening platforms up to further regulation. Interestingly, the Act also stipulates significant fines for ride-hailing

platforms if drivers work without a valid operating license⁶ (Minister of Transport, 2016), whereas currently the drivers themselves must pay the fines and impoundment fees. Platform driver groups appear supportive of these measures.

(43) Answering a written question around ride-hailing services, Minister of Employment and Labour Thulas Nxesi said that they are considering the use of quotas or complete prohibitions of foreign nationals that can be employed in any sector, including ride-hailing (BusinessTech, 2021). The intent is to shore up political support from South African drivers, both on platforms and in traditional transport sectors, while avoiding regulatory reform.

(44) The first legal challenge by platform workers was brought against Uber in 2016 by the Independent Drivers Guild, a small workers organisation. The organisation represented seven drivers whose Uber accounts were deactivated, arguing against what they perceived as an 'unfair dismissal'. Uber countered that the drivers could not be 'dismissed' as they were not employees of the organisation. The CMMA ruled in favour of the drivers but was overturned on appeal. However, the appeal focused on a technicality with the judge noting that his was not a definitive decision on the matter (Geitung, 2017). Our legal informant, who was close to the process, but who preferred to remain anonymous, alleged that there was blatant tampering with the case material to undermine the drivers' case. According to a report by International Lawyers Assisting Workers (ILAW) "confusion as to which Uber company is the correct counter-party in any employment status litigation does not occur by happenstance, but is rather created by design" (ILAW, 2021).

(45) In 2021, following rulings in the UK and California, the London-based law firm Leigh Day and Johannesburg-based firm Mbuyisa Moleele Attorneys announced plans to introduce a class action lawsuit in South Africa against Uber BV, alleging the drivers right to unpaid overtime and holiday pay under the Labour Relations Act.

⁶ According to the Competition Commission, 79% of ride-hailing drivers operate without a permit, owing in large part to processing backlogs and permit moratoriums (Competition Commission, 2020).

- (46) In South Africa, although the number and size of protests is small compared to what has taken place in Europe and the US, the literature points to a groundswell of opposition particularly among those in the ride-hailing and delivery sectors.
- (47) It is hard to assess the level of participation and effectiveness in the protest actions that have been staged in South Africa by e-hailing drivers in particular. Domestic workers do not have a history of protesting, because they are the most fragmented and isolated workforce in the world. Even though platforms aggregate domestic workers, the existence of a very large pool of reserve labour makes the prospect of organisation quite slim.
- (48) Worker strikes in South Africa echo some of the demands made globally, specifically the demand for better pay either through an increase in rates or reduction in commission (Banda, 2022). At the same time the protests also highlight local challenges including concerns over driver safety in the wake of a number of attacks on drivers and exploitation by operators (car/bike rental agencies) (Banda, 2022; Howson, 2022; Mntungwa-Makamu, 2022).
- (49) The Leeds Index finds that 11,8% of protests involved workers cooperating with worker collectives; 6,3% involved workers cooperating with traditional unions; and 7,5% had workers cooperating with new unions (ILO, 2022).
- (50) An ILO analysis of the Leeds Index found that “platform worker protest is driven by self-organisation among workers more so than by union organising efforts (ILO, 2022)”, employing what writers from the Harvard Business Review call ‘Decentralised Collective Action’ (Jin, Kominers, & Shroff, 2021).
- (51) In South Africa, there is a patchwork of groups on various social media platforms, especially WhatsApp and Facebook. There are several coordinating groups in the e-hailing space. There is the Unity in Diversity E-Hailing Association (UDEA) and

the E-Hailing Partners Council (EPCO). The South African Ride Hailing Association (SARIDEHA) is another umbrella body of ride-hailing groups and is reported to be affiliated to EPCO.

(52) There is more than one very large group on Facebook with a focus on e-hailing. Both the 'Uber, Bolt, Panda, Dilyver & T-Driver, Drivers Apps and Clients' group and the 'Uber and Bolt (Taxify) Drivers' group have over 135,000 members. Most of the posts relate to e-hailing drivers and many posts seem sincere. Having said that, the groups on the whole seem quite chaotic as you might expect of a public noticeboard.

(53) How do trade unions think about gig workers?

In one recent example, a group of e-hailing drivers wanting to organise approached as trade union federation. The federation's view is that they should be encouraged to find a home in an established trade union in the transport sector rather than try and form a new union of their own. It does make sense to incubate a driver's group with an established structure rather than expend significant energy and resources on establishing as brand new organisation. Even so, it raises important questions about how ready trade unions in South Africa are to provide a home for these kinds of workers. The federation do see a regulatory response as key to their efforts to support these workers and intend to mount a dispute at the CCMA to challenge the legal status of these workers.

(54) For domestic workers, despite significant interest in this sector among researchers and advocates, there are few known organisations offering representation. The South African Domestic Service and Allied Workers Union (SADSAWU), which represents traditional workers, acknowledges that it has received complaints from platform workers but does not have the scope to address them (Hunt, et al., 2019). Hunt and Machingura (2016), in their exhaustive study of South Africa's platform domestic workers, mention the involvement of the Social Law Project at University of the Western Cape and the Commission for Conciliation, Mediation and Arbitration as arbitrators of discussions between platforms and workers. Finally, the Centre for the Transformative

Regulation of Work (CENTROW) at UCT has launched a Domestic Worker Co-operative Platform Project (DPCP) to develop a domestic work app that is controlled and owned by the workers themselves.

- (55) Platform cooperativism, a term coined by the ILO, refers to the arrival of alternative platform business models, structured to run on cooperative principles. This approach has gained traction in North America and Europe and, through start-up accelerators, is spreading to parts of the developing world (Gurumurthy, Chami, & Bharthur, 2021).
- (56) What do drivers want? Most respondents (68%) answered 'reduce commission', which is the percentage of income taken by Uber and Bolt. The second-most common response (36%) was a desire for improved safety features, including a requirement that customers upload identification documents and profile pictures. The one-sided nature of such requirements, with only drivers required to supply identification, was also noted. Another common response, cited by 32% of drivers was a desire for better more timely communication from the platform, including speedier responses to driver grievances.
- (57) Nearly all drivers (93%) communicate with one another on WhatsApp, while 7% use Facebook. Subjects discussed include the challenges they face on a day-to-day basis such as crime (79%) and managing cooperatives (21%). In-person gatherings have been attended at some point by more than half (57%) of respondents, and most of those meetings are for cooperative management.
- (58) In August of 2023, a minibus taxi strike brought Cape Town to standstill for several days. Associations of Minibus taxi operators struck in protest of City of Cape Town authorities impounding taxis, rather than fining them for a range of infractions. The success of the action in disrupting economic activity put the relative power of taxi associations into sharp focus. The minibus taxi industry is an integral part of how working class people move around in Cape Town.

(59) Some reports had Uber driver associations joining the strike. The threat of violence hung heavy in the air around this time and any support by any group of Uber drivers for the strike can be seen as a purely pragmatic decision under the circumstances. It is fair to say that Uber drivers share the objection to the impounding of vehicles by the City of Cape Town, which is expensive and time-consuming. The issuing of operating licenses not being issued by the City is an underlying problem for gig-drivers in particular.

(60) EPCO reported planning for a national action on 19 and 20 September 2023. They planned to march to the office of the Premier in Gauteng and to the Department of Transport the next day. We are advised that they are not able to raise funds for the cost of a metropolitan police escort for this action. This reminds us that there are costs associated with protest action and points to some simple ways of supporting groups that wish to mobilise.

Concluding thoughts on organising

(61) The workers that are involved in location-based gig work are not identical and some face different challenges to others. Despite similar technologies being used, workers on e-hailing platforms like Uber have very different experiences to workers on a domestic work platform like Sweep South. Even within the driver-for-hire segment we can observe differences between e-hailing and retail delivery work. The two jobs pay differently, e-hailing in South Africa involves operating motor vehicles, while motorcycles are prevalent in the retail delivery sector.

(62) E-hailing is quite different from domestic work platforms. The growth in the number of meter taxi operators (traditional meter taxi and e-hailing combined) suggests that the private driver-for-hire market has actually grown since the advent of Uber and others. By contrast, Sweep South feeds off an established culture of ultra-low pay domestic work. The Sweep South model for domestic workers embodies low pay,

part time work requiring no time commitment by the customer beyond their immediate needs. As a movement we seem bereft of ideas of how to transform the experiences of domestic workers. It will take a highly creative and inspiring intervention to shift the level of organisation and association of domestic workers and this report does not pretend to have the answer. We will venture one question that we think points in the right direction. How do you create a community of domestic workers, when the experience of being a domestic worker is to be profoundly alone, hidden behind the walls of your employer? We think a worker-controlled platform might be a possibility, but we are realistic about the enormity of the challenge, which is both political and technical. It would require time, multi-disciplinary expertise and sustained coordination and no small amount of financial support.

(63) There is no doubt that workers on platforms have concrete demands, many of which relate to their immediate concerns. They cannot control petrol prices but they want the platform to be more sensitive to changes in the costs of these kinds of key inputs. They would like the platforms to deduct less commission. They want more fairness in the approach to customer ratings and its consequences for them. Above all, they want to feel safer.

(64) The literature and our interviews with workers indicate that many workers, certainly in the e-hailing space, value their perceived independence, the ability to choose when they work, and to self-direct, rather than have a boss. Some argue convincingly that the perceived flexibility and independence of gig workers are illusions and that the structure of the employment relationship and the work design offer these workers a constrained set of choices. For example, the 'choice' to work abnormally long hours to make an acceptable living. The research backs this up.

(65) We agree with this observation, but would add that this observation does not mean that you can dismiss worker affinity for independence and self-direction and importantly, that the constrained choices available to platform workers does not simply translate into an assumption that these workers want to be employed in the

traditional sense. It is fair to say that these workers would want access to some of the protections offered under formal employment, but this is not the same thing as wanting to be employed. Workers want regulation insofar as it advances their core needs. It is not clear that drivers want to become employees. Workers certainly have demands, but it is not clear that the standard employment relationship is one of those demands. Targeted legal challenges remain a viable tactic in this sector, but we argue that there is a need for much more thinking about what is the legal endgame for gig workers.

(66) It is useful to try and think about the counterfactual employment relationship. We can imagine that there is a court verdict that deems workers to be the employees of a platform operator, and then try and imagine how the platform would respond. The platform may choose to close shop if they deem the business model not to be viable when employing workers directly. If the platform continued to operate, the terms of the service for workers would likely change radically and it is not clear what pay and conditions of service would look like following such changes. Would it still be a gig-based commission model that allows for variable incomes (higher and lower pay of course), or would it be a flat pay structure that may or may not include performance incentives? How do workers choose between a system with no pay floor and a higher ceiling compared with a system with a minimum guaranteed income and a lower ceiling of possible earnings?

(67) If we acknowledge that workers want a range of concrete issues addressed to their advantage and also that workers themselves will be the ones best positioned to confront the challenges they face and to make the choices they need to make - then we can argue that the right or power to bargain with the platform is a key goal, and one which enables gains to be made in all the other areas that these groups of workers care about.

(68) How do we establish conditions for groups of workers to develop the power to force the platform to bargain or to win a right to bargain through regulation? The formations that have emerged are weakly developed and struggle to build power. The

most obvious starting point is to attempt to consolidate the groups that do exist. It is an educated estimation that what organisation there is among platform workers, proceeds through 100s of small social media groups with active membership of anywhere up to about 50 drivers. WhatsApp looks to be the preferred platform for these groups. There are larger social media groups identifying as representing e-hailing drivers. Some have over 100,000 followers, but these groups appear to lack substantial coherence, organisational structure or even group moderation. You will find individuals purporting to be representatives of certain driver associations interviewed in news articles from time to time. On the other hand, these groups appear to have limited online presence and very little by way of organisational capacity. Relatively modest financial support with spaces in which to develop their strategic thinking would likely boost these groups capacity to organise themselves a great deal.

(69) What forms of organisation or organisational forms are most appropriate to location-based platform work? The starting point is the different forms of collective action that already exist among these workers. Chief among the existing forms are small, medium and large social media groups. Whatsapp is home to the smaller, closed community groups and Facebook home to the larger open groups. These groups have different characters and it will be important to distinguish between groups that are organised along different lines. Some are organised by nationality, some are tight cooperative-type groups that are collectively financing vehicle ownership for group members and some are broad information sharing groups for anyone in the sector. All of these groups are concerned with information that matters to drivers on a day-to-day basis. Where are the traffic authorities stopping vehicles, which areas are safe, how do I get into the e-hailing game and how do I get better at the e-hailing game?

(70) It is not reasonable to assume that established trade unions are ready to engage with workers in these sectors and to absorb them into their organisation. The most interesting question is how to establish conditions within trade unions that make them a home for groups of platform workers. Making connections between incipient organisations of platform workers and trade unionists that are genuinely open to new

ways of thinking about organisation would be a start. These conversations would likely need to be facilitated in a spirit of intellectual and political openness to yield useful results. These workers are young, relatively well educated, online, independent, mobile and also culturally heterogenous. We will have to be open to possibilities that go beyond simply absorbing these kinds of workers into the trade unions that we know today.

1. INTRODUCTION

South Africa has a relatively large and advanced economy by comparison to other African countries. The country has high rates of smart phone ownership and broad internet access (particularly in urban areas) (Razzano, et al., 2020). Formal sector workers operate within a well-regulated labour market, alongside a thriving informal economy (ILO, 2018a). At the same time, the country suffers from incredibly high unemployment and poverty, and is one of the largest receivers of economic migrants on the continent (Anwar, Otieno, & Stein, 2022). It also has the unhappy distinction as the world's most unequal country (Sulla, Zikhali, & Cuevas, 2022).

The gig economy appears to have thrived in this environment. In 2019 there were roughly 150 digital platforms in South Africa, 90 of which traded in location-based work (Johnson, Bester, van Vuuren, & Dunn, 2020). These platforms are supported by up to 30 000 gig workers, making them a significant element of the country's workforce. These workers are considered 'independent contractors', and as such do not have access to the labour protections available to the traditionally employed.

This report was prepared by the Labour Research Service (LRS), a Cape Town based labour support organisation, and commissioned by the Solidarity Centre, South Africa. This study is meant to inform the strategic reflections of the Solidarity Centre by providing a better understanding of South Africa's growing gig economy and the prospects for worker organisation in this space.

The objective of the research will be to analyse the situation of gig workers, the prospects for organising and what the modalities of support for workers and their formations might look like in future.

From this perspective, there are four areas that the work should aim to make a contribution to.

1. How many gig workers are there (in a given sector)?
2. Where are these workers situated (spatially and temporally)?

3. What is important to gig workers? a. How do they experience their work and the forms of control deployed in the organization of work?
 - b. What incentives and disincentives are built into the system of organization of work?
 - c. How do gig workers see themselves or how do they identify?
 - d. What changes in the organisation and experience of work would gig workers like to see?
4. How can gig workers be contacted or communicated with?

It was understood that this research effort will not answer any one of these questions exhaustively, but also that the work ought to make a meaningful contribution to our understanding of the answers to these questions.

2. DEFINING 'GIG WORK' IN THE PLATFORM ECONOMY

The term 'gig work' predates the digital revolution and is used to describe short-term work done outside of a formal employer-employee relationship. It encompasses work done by freelancers, temporary workers, independent contractors and, more recently, platform workers. This study is concerned exclusively with the latter group, the 'platform worker', a category of worker that is a product of the digitisation of the service economy. Our specific focus is on location-based platform work in South Africa.

Platform workers access 'gigs' through online, digital platforms, each positioned to efficiently link supply and demand. The work is both 'location-based' and 'on-demand', requiring that the worker be in a certain place, offering a specific service, at an exact time (Vallas, 2018). Location-based platform work also tends to be low or semi-skilled creating a dynamic where labour supply, especially in developing economies, far outstrips demand (ILO, 2021). This differentiates location-based platform work from that done by digital freelancers and contractors, who tend to be higher skilled and have greater control over where and when they work and how much they earn.

Platform workers are compensated on a piece-rate basis (Drahokoupil & Fabo, 2016), although many companies pay their workers at regular intervals. Workers are characterised as 'self-

employed' or 'independent contractors' (Cherry & Aloisi, 2016), regardless of the number of hours worked. They are also required to provide their own capital equipment (Stanford, 2017) such as cars or motorbikes and cleaning supplies. This gives platform operators access to a large pool of flexible labour, without the attendant costs.

3. UNDERSTANDING THIS NEW WORLD OF WORK: OUR APPROACH

The rise of global and domestic platforms and their impact on South Africa's labour market is poorly documented. Several studies have considered the plight of South Africa's gig workers, their motivations, remuneration and conditions of work, but the results remain fragmented. There is also a tendency towards a multi-country approach, which papers over some of the distinct differences between South Africa and other African economies. This study intends to address the knowledge gap, using a mixed-methods approach.

a. Objectives and Areas of Enquiry

The main objective of the study is to analyse the situation of gig workers in South Africa and provide ideas about what the prospects for organising look like in the future. This analysis is meant to help the Solidarity Centre to think about how it might support these kinds of workers in the future.

The study sought to answer the following questions:

- What does the gig economy look like in South Africa, who are the main players, how have these actors given rise to other industries, and what was the impact of Covid-19?
- Who is performing gig work in South Africa, how do these workers see themselves, what motivates them, and what are their working conditions and pay?
- How does the experience of gig work in South Africa compare to that of other developing countries and to what extent is South Africa unique?
- What does the regulatory environment look like for gig work in South Africa?
- Who is representing gig workers and how?

b. Research Approach

LRS employed the following research methods. Findings from each were compiled into distinct reports, then analysed collectively to distill lessons for worker organisation.

1. **Literature Review:** The literature review assessed work by academics, labour rights organisations, industry researchers, the media and other groups, both in South Africa and globally. It provides an overview of the global gig economy and the workers who support it, highlights gaps in the existing research, and informs the remainder of our study.
2. **Worker Surveys:** The Study included **22 surveys** with Uber drivers in Cape Town, East London, Gqeberha (formerly Port Elizabeth) and Johannesburg. The aim of our surveys was to inform the profile of gig workers in South Africa; and to better understand what motivates workers to organise, to what extent they organise, and how these efforts manifest. The intention was not generate a representative survey of gig workers, but rather to validate the findings of existing literature and to probe areas of interest in this study.
3. We also spoke to several **roleplayers within the industry**, including a legal practitioner, an e-hailing council representative, an Uber insider and NGOs adjacent to the sector.

4. FINDINGS FROM THE LITERATURE REVIEW

Here is a summary of our findings from a literature review describing what we know and what we don't know about the platform economy. The review included a comprehensive look at the South African literature, from qualitative studies to industry reports, media filings and activist commentary, as well as a more targeted study of the international literature.

a. South Africa's Platform Economy

South Africa's platform economy is relatively young and was sparked by the arrival of Uber in 2013 and Bolt in 2016 (Heeks, Graham, Mungai, Van Belle, & Woodcock, 2021). This was followed by the launch of several home-grown platforms, which now dominate certain key markets and are eyeing expansion across Africa. However, despite extensive research, the actual size of the platform economy is hard to estimate. The platform operators provide little insight into their workforces.

The International Labour Organization (2021) provide the most comprehensive assessment of the global platform economy in their report *World Employment and Social Outlook: The role of digital labour platforms in transforming the world of work*. **They found 493 location-based platforms operating globally in 2021,⁷ of which approximately 90 platforms (18%) operate in South Africa (Fairwork Project 2020b)**. This figure is contested by other studies which place the number much higher but may also include companies that do not fit neatly into our definition (Mokofe, 2022; Johnson, Bester, van Vuuren, & Dunn, 2020).

The number of workers employed in the platform economy, specifically location-based, labour platforms, is even harder to determine. According to the ILO (2021) the percentage of adult workers engaged in platform work is highest in the US, a world leader in digital technology. A 2021 study by the PEW Research Center found that 16% of Americans have earned money from an online gig platform, while 9% earned money in the last 12 months (PEW Research Center, 2021). This is compared to a 2021 ILO study reporting that 4,3% of adults in the UK and EU earned money from platform work in the past year and 2,8% in the past month (Piasna, Zwysen, & Drahoukoupil, 2022). In both regions, these figures represent a more than five-fold increase over the last five years.

For developing countries, the data is less reliable. **A recent study in India reported 7,7 million platform workers, or 1,5% of the total workforce (Niti Aayog, 2022)**. While a 2018 ILO report from China found 75 million platform workers as far back as 2018, accounting for 9,7% of

⁷ Location-based platforms use real-time geo data to link consumers with workers, who must be in a certain place at a certain time to deliver their service. Examples include Uber, Bolt, Uber Eats and other delivery companies.

the country's workforce (ILO, 2020), with expectations that this number will be much higher today. It must be noted, however, these figures include freelancers and other gig workers that do not fall within our focus on location-based, platform work.

In Africa, digital platforms have gained a foothold within the fastest growing and most advanced economies. An online review of digital platform activity found a thriving platform economy in Kenya, Ghana, Rwanda, Egypt, Nigeria, Tanzania and, of course, South Africa. While data on the number of platform workers is scarce, reports from 2021 by the UK-based Fairwork Project estimate 60 000 to 90 000 platform workers in Ghana, 35 000 in Kenya (with the expectation that this will grow to 100 000 by 2023), and 90 000 Uber drivers alone in Egypt (Fairwork, 2021b).

In South Africa, one of the leading markets on the continent, platform workers are concentrated in major metropolitan areas, specifically Johannesburg, Pretoria, Cape Town and Durban, although several platforms have since expanded to smaller cities. The Fairwork Project estimates that there are 30 000 gig workers on location-based apps in South Africa, including drivers, delivery workers and cleaners and that this number is growing at approximately 10% per year (Fair Work, 2020b). The next table describes estimates of how many drivers are associated with different platforms from a range of sources.

Table 1: Gig worker estimates by Company

| Company | Estimated # of Regular Workers (Year)* | Source |
|--------------------------|--|---|
| Uber & Uber Eats | 20 000 – including 3 500 Uber Eats drivers (2022) | Engineering News interview with Uber sub-Saharan Africa GM Kagiso Khaole ((Venter, 2022) |
| Bolt | 25 000 registered drivers (2020) – assume 4 125 regular drivers based on Bolts 25% market share* | Business Insider interview with Bolt South Africa's Manager Gareth Taylor (Brown, 2020) |
| Takealot - includes Mr D | 13 000 drivers – including 4 500 for Mr D (2022) | Postings on the Takealot website (Takealot, 2022) and the Mr D Food website (Mr D Food, 2022) |
| SweepSouth | 7 500 cleaners (2020) | Report by USAID (USAID, 2020) |

*For Bolt, only the number of registered drivers was available (20 000). To estimate the number of regular drivers the LRS used market share,

with Bolt commanding 25% of the ride-hailing market and Uber 75% (i.e. Uber has 16 500 ride-hailing drivers X 25% for Bolt = 4 125 drivers).

If the Uber numbers refer to all registered drivers, rather than active drivers, then a true measure will be significantly lower. The same might apply to the Takealot estimate .

There is also considerable overlap between drivers active on different platforms, and a simple headcount would likely double count drivers when they operate on more than one platform.

All in all, considering -hailing, retail delivery and domestic work together, the Fairshare estimate of 30,000 looks like a respectable marker of the number of location-based, platform workers active at any one time in South Africa.

There is evidence that the sector has grown beyond reasonable expectations since the entry of rideshare operators. In 2013, there were 686 legal metred taxis in Cape Town. In 2023 the total number is at about 2600 licenses (metre taxi and e-hailing).

Immediately following the entry of rideshare operators, the traditional meter taxi industry does shrink, but this observation must be tempered by an understanding of how much of the sector shifts into the rideshare space.⁸ The traditional meter taxi industry is understood to have serviced a niche market that has since grown and developed in new ways. Meter taxi operators transitioned into the rideshare space in significant numbers and the market that developed with it.

b. Location-based digital platform work in multiple sectors

The ILO defines various categories of digital platforms differentiated by the services they provide. For gig workers, work opportunities are typically found within 'location-based, digital labour platforms', which link workers (supply) to consumers (demand) (ILO, 2021). Within this category, digital labour platforms have penetrated five main sectors: ride-hailing, delivery, domestic work, home services and care services.

⁸ Interview with Uber insider, March 2023

In South Africa as of late 2022, digital labour platforms have emerged only in the first three sectors (ride-hailing, delivery and domestic work), although SweepSouth - the leading domestic work platform - is expanding into home care services. These three categories, their structure globally, and their presence in South Africa are discussed below.

Ride-Hailing

Ride-hailing companies are the flag bearers for the platform economy. Their use of app-based technology to link passengers and drivers upended the urban transport industry, defined the modern gig economy, and created a template for 'disruption' in other sectors. Globally, the largest ride-hailing companies by revenue are US-based Uber and Lyft, which operate in every major market; Didi, a Beijing-headquartered company with a growing footprint across East-Asia, Australia, Latin America and Europe; and EU-based Bolt, a leader across much of Europe and Africa with a foothold in the Middle East and Latin America. In 2019, Uber alone generated US\$10,7 billion in revenue (ILO, 2021), which is equal to the annual turnover of Shoprite Holdings, South Africa's largest retail company.

Ride-hailing platforms attract the lion share of digital platform investment receiving US \$62 billion from 2007 to 2020 (ILO, 2021), despite not being profitable. This ability to attract investors, while incurring substantial losses, enabled Uber and others to enter new cities at below-market prices. To attract drivers, companies like Uber and Bolt would offer higher than sustainable fares and then, after capturing market share, reduce driver incomes by increasing their commission and keeping rates steady despite rising fuel costs. This practice has resulted in driver protests in countries from the UK to Nigeria (Mortimer, 2018; Prinsloo, Alake, & Genga, 2021), as well as complaints to the Competition Commission in both India and South Africa (ILO, 2021; Competition Commission South Africa, 2020).

The land-based public passenger transport sector in South Africa is highly fragmented in nature, and is dominated by the taxi industry accounting for approximately 70% of total transport usage. The remaining 30% share of land-based public passenger transport industry in South Africa is captured by bus and rail, accounting for 20.1% and 9.9% respectively.

Of the 70% taxi total, minibus taxi industry accounts for approximately 63% while the **metered taxi industry account for 7% of the total transport usage.**⁹

In South Africa, the ride-hailing market is dominated by Uber, which arrived in South Africa in 2013 and commands a 75% market share, and Bolt (formerly Taxify), which launched in 2016 and controls the remaining 25% of the market (Reuters, 2019). Combined, these two platforms have 60 000 registered drivers and are the largest purveyors of gig work in the country (Businesstech, 2021; Walker, 2020; Mwareya, 2022), which is why this category of gig worker is the focus of our primary research. Other companies that have tested the South African market include Chinese leader Didi and home-grown start-up NextNow, both launching in South Africa in 2021 yet ceasing operations within a year, with NextNow citing anti-competitive behaviour by the incumbents (Malinga, 2022).

Both Uber and Bolt classify their drivers as **'independent contractors'**, not employees, except in jurisdictions where the courts have intervened. According to the ILO (2021), only 18% of ride-hailing drivers receive some form of social protection, with enormous cost savings for the company. By one estimate, Uber's global costs would rise by 20% if drivers were classified as employees (Efrati, 2019).

The 'Uber model' has given rise to criticism over the amount drivers are paid and the hours they must work. While the companies routinely champion the income potential and flexibility of platform work, global studies show that the average ride-hailing driver works 65 hours week and reports earnings only slightly higher than those in the traditional taxi sector, with income further whittled down by operating costs (ILO, 2021). These critiques are mirrored in a 2021 assessment by the Fairwork Project, which scored Uber at 4 out of 10 and Bolt at only 1 out of 10 on principles of fair pay, fair conditions, fair contracts, fair management, and fair representation (Fairwork, 2021b).

⁹ Written contribution from South Africa submitted for Item 3 of the 65th meeting of Working Party No 2 on Competition and Regulation on 4 June 2018 (OECD), 4 June 2018, [https://one.oecd.org/document/DAF/COMP/WP2/WD\(2018\)21/en/pdf](https://one.oecd.org/document/DAF/COMP/WP2/WD(2018)21/en/pdf) 12/092023.

Food & Package Delivery

Delivery platforms, which constitute the largest digital providers by revenue, have also transformed the food and retail industries, linking restaurants, grocery stores and e-commerce sites directly with consumers. Many of these platforms launched globally during the 2008-09 recession and were followed by competitors soon thereafter. They have since exploded in popularity during the Covid-19 pandemic in response to restrictions on dining out and shopping (Lin, 2021; Mojumder, Ahmed, & Sadri, 2021), although it remains unclear whether this growth will sustain.

Delivery platforms, unlike ride-hailing, tend to employ more complex staffing arrangements, relying on a combination of direct employees, third-party service providers, labour brokers and 'independent contractors, or gig workers. For instance, Uber Eats and Meituan, the leading Chinese e-commerce site, have adopted the Uber model using gig workers exclusively to deliver products to customers. While Amazon, the world's largest e-commerce company, was built with drivers as employees. Later, the company launched Amazon Flex to bring 'independent contractors' into their labour pool. This approach illustrates an adoption of the Uber model by companies that have otherwise employed more traditional labour practices.

South Africa's leading online shopping platform, Takealot, launched in 2011 as an e-commerce site but quickly expanded into food delivery with the purchase of Mr D, South Africa's original food courier. Initially, Takealot's e-commerce business relied on a network of 'franchisees', each employing a team of drivers. Over time, the company has shifted toward the independent contractor model, using a hybrid of franchisees and 'driver partners' – known as the 'Takealot Delivery Team' to deliver both packages and food.¹⁰ According to the Takealot Website and the Naspers 2020/21 Annual Report¹¹, the number of drivers under the Takealot/Mr D umbrella doubled to 10 000 during the worst of the pandemic, growing to 14 000 by 2022. These drivers must own their own car or bike and cover expenses, with 600 drivers participating in the Takealot rent-to-own bike scheme (Takealot.com, 2022; Crouth, 2021; Naspers, 2021).

¹⁰ Takealot's arrangement with drivers and its evolution over time was determined by reviewing the companies early job postings and media statements.

¹¹ Naspers – one of South Africa's largest holding companies – purchased a majority stake in Takealot in 2015.

A similar model is used by Shoprite-Checkers, one of South Africa's leading grocery retailers for delivery through their popular Sixty60 app. Shoprite initially procured delivery services from logistics provider RTT, which appoints drivers as independent contractors dispatched using a digital platform (Witbank News, 2022).¹² In 2021/22 the two companies formed a joint venture, Pingo, giving Shoprite-Checkers greater control over their delivery service. The company has also expanded the Sixty-60 service from 37 stores in 2019 to 300 stores in 2022, reporting that this expansion created work for 800 delivery drivers (Shoprite Holdings, 2022; Holdings, 2022a).

Domestic Work

Domestic work platforms represent the third pillar of South Africa's platform economy. These platforms are somewhat unique in that they are more prevalent in developing countries than in developed countries. Unequal labour market outcomes in developing countries enable the widespread employment of low-cost domestic help. Consequently, market leaders are found in India, Indonesia, Argentina, Mexico, Colombia, Pakistan, Kenya, and South Africa, among other developing markets (ILO, 2021; USAID, 2020; Tandon & Rathi, 2021). Some of these platforms have grown into multinational companies, including South Africa's SweepSouth which recently expanded to Nairobi and Lagos and India-based Urban Company which now serves customers in the UAE, Singapore, Australia and select US cities.

In South Africa, the domestic work sector accounts for hundreds of thousands of jobs. According to the most recent Labour Force Survey by StatsSA, there are approximately 858 000 domestic workers in the Country, comprising more than 5% of all those employed (StatsSA, 2022).

SweepSouth, South Africa's market leader in digitising domestic work launched in Cape Town in 2014 followed a year later by Domestly. Both platforms offered a similar service, linking cleaners to consumers through a digital app, but only SweepSouth survived the Covid-19 pandemic. **SweepSouth currently has around 7 500 registered cleaners and 40 000 users**

¹² Shoprite-Checkers arrangement with RTI and their drivers was ascertained through media statements and tweets by company representatives.

(USAID, 2020) and in 2022 secured a further \$11 million in private investment, enabling expansion into new African markets (Jackson, 2022).

Domestic work platforms have adopted some features from the 'Uber model', including creating a direct link between consumers and workers. At the same time, the intimacy of working in someone's home means that these platforms must foster greater trust between the worker and the consumer than ride-hailing or delivery apps. Platforms address this issue by carefully screening cleaners, displaying their name and photo to potential customers, and inviting customers to rate their experience, with sanctions ranging from fewer gigs to removal from the platform. **There is no similar oversight of customers, exhibiting what Sehgal and Yatharth call an "assumption in the [platform] design that the customer can be implicitly trusted by virtue of being the person who has booked the service" (Sehgal & Yatharth, 2022).**

While Sweep South will argue that it is providing work opportunities, the model embodies low pay, part-time work without security or social protection. The Quarterly Labour Force Survey tells us that many domestic workers are paid below the national minimum wage. While Sweep South pays above the national minimum, it is hard to assess net earnings outcomes for domestic workers on the platform compared to domestic workers in more direct employment relationships with households.

The Sweep South model embodies low pay-part time work requiring no time commitment by the customer beyond their immediate needs. The platform seeks to intermediate all employment in the sector and is in competition with households that are single employers, offering full or part-time employment of indefinite duration.

c. The Platform Value-Chain

The platform economy has reoriented the way consumers access goods and services. The sheer size of this disruption has also sparked opportunity in several other sectors, creating what we refer to as the 'platform value-chain'. In advanced economies, this value-chain comprises mainly digital services, including cloud computing, software development and

platform analytics, creating what the World Economic Forum calls a 'digital ecosystem' (Jacobides, Sundararajan, & Van Alstyne, 2019) to nurture platform development and expansion.

The majority of multi-car or fleet operators within a rideshare platform like Uber are traditional metre taxi operators who have transitioned into rideshare.

There are several different kinds of operators in the rideshare space.

- i. Independent drivers (that own their own car)
- ii. Drivers renting a car
- iii. Drivers in rent-to-own arrangements
- iv. Cooperative/stokvel collectives involving groups of drivers
- v. Fleet operators (who actually have "fleet accounts" with Uber)

Many gig workers in Africa and other developing countries cannot afford a car or motorbike. This has sparked various solutions from informal 'fleet owners', who rent vehicles to drivers for a monthly fee, to established financiers acting in partnership with platforms to offer a gateway to ownership (Shah, 2017; Anwar, Otieno, & Stein, 2020).

While these solutions enable access to gig work the monthly fee also erodes earnings, forcing drivers to work longer hours while rarely earning a living wage (Anwar, Otieno, & Stein, 2020; Fleitoukh & Toyama, 2020). In both India and South Africa, drivers have protested the high cost of car rentals and the perceived exploitation by 'operators' or 'middle-men' (Shah, 2017; Banda, 2022; Howson, 2022).

The 2021 ILO Survey on platform worker's experience reports that only 69% of ride-hailing drivers own their own vehicle, while the 31% in rental arrangements are concentrated in developing countries (ILO, 2021). In Africa, Moove is the leading source of vehicles for ride-hailing drivers, having replaced many of the fleet operators who fell out of business during the pandemic. Moove, a Nigeria-based company that launched in 2019 with operations across Africa, India and the Middle East, offers a revenue-based finance model for ride-hailing drivers and in 2021 announced an official partnership with Uber, becoming the company's largest

vehicle provider in Africa (Outlook India, 2022).

d. Profile of a Gig Worker

The following offers a profile of the digital platform gig worker in South African. The profile is drawn from 10 research studies involving South African workers conducted between 2019 and 2022 (Adebayo, 2019; Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Anwar, Otieno, & Stein, 2020; Anwar, Otieno, & Stein, 2022; Geitung, 2017; Pollio, 2019; Stein, 2021; Wilmans & Rashied, 2021; Hunt, et al., 2019; FES, 2021) and is verified by our own worker survey, presented later in this report.

Age

Globally, the most comprehensive survey of location-based platform workers was conducted by the ILO in 2019 and 2020 with a focus on the ride-hailing and delivery sectors. The survey encompassed 11 countries, all in the developing world¹³ and included more than 7 000 respondents. It found that **ride-hailing drivers in developing countries are an average age of 36 and delivery drivers 29, which is younger than workers in traditional sectors (taxi drivers: 44 years; delivery workers: 31 years) (ILO, 2021).** This is consistent with findings from the South African literature, where surveyors found that the average ride-hailing and delivery driver is between 26 and 35, with delivery drivers averaging younger. In contrast, a PEW Research study in the US found that ride-hailing and delivery drivers are younger, with approximately 30% under the age of 30 (Anderson, C, Faverio, & Gelles-Watnick, 2021), while a study across the UK found the opposite, with drivers averaging between 30 and 40 years of age (Berger, Frey, Levin, & Danda, 2018).

In South Africa, domestic workers on the SweepSouth platform are between 26 and 47 (USAID, 2020), with one study reporting that these workers are generally younger than domestic workers employed through traditional channels (Hunt & Samman, 2020).

¹³ Countries included in the ILO survey are Chile, Ghana, India, Indonesia, Kenya, Lebanon, Mexico, Morocco, Ukraine, Argentina and China.

Gender

The ILO also reports that workers in the ride-hailing and delivery sectors are predominantly male, with women comprising less than 10% of all drivers (ILO, 2021), a finding consistent with studies in the UK but not true for the US which has a more even gender divide (Anderson, C, Faverio, & Gelles-Watnick, 2021; Berger, Frey, Levin, & Danda, 2018). The lack of women in this sector is consistent with what we see in South Africa with studies pegging the number at roughly 5%, **except for on domestic work platforms which have an exclusively female workforce**. Both the international and South African literature attribute this disparity to entrenched gender structures, barriers to entry - with women less likely to own a vehicle or smart phone - and the safety risks faced by women drivers (Hunt, et al., 2019; Kasliwal, 2020). In an effort to lure women both as drivers and customers a number of start-ups have launched women-only apps, including in India, Kenya and Indonesia (ILO, 2021), while in South Africa Bolt announced a women only driver service in 2021 and Uber has installed a feature allowing women drivers to select only women riders.

Migrant Status

The ILO survey also looked at the role of foreign workers in the gig economy and found that, unlike age and gender, immigration status varied considerably between sectors and countries. In developing countries, the ride-hailing sector was far less likely to attract immigrants at only 1% of those surveyed, compared to the delivery sector at 15%. The proportion of migrants in the sector also varied between countries, with some hosting very few migrant gig workers, while others such as Argentina and Chile had a rate of more than 70% for delivery apps (ILO, 2020). This is compared to the UK where the proportion of immigrants driving in both the ride-hailing and delivery sectors is very high, with one study pegging it at 82%, while in the US immigrants are prevalent but not dominant in the sector (Anderson, C, Faverio, & Gelles-Watnick, 2021; Berger, Frey, Levin, & Danda, 2018; Berliner & Tal, 2018). **The presence of migrants in the gig economy is directly related to the number of migrants entering a country overall as well as their opportunities to access formal work (ILO, 2021).**

In South Africa, it is difficult to ascertain from the literature alone the role of foreign workers in the gig economy. While the figure is certainly high, with several studies pegging it above 60%

(Adebayo, 2019; Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Anwar, Otieno, & Stein, 2020; Geitung, 2017; Pollio, 2019) there is the risk that these findings are skewed by the specific geographies in which earlier studies were conducted. The literature also points to a higher proportion of migrant gig workers in Cape Town than in Johannesburg (Ahmed, Chinembiri, Moyo, & Gillwald, 2021), and it can be assumed that the rate will be even lower in smaller urban centres. Regardless of the exact numbers, the proportion of migrants conducting gig work in South Africa is high. This is attributed to South Africa's large migrant labour force, which is concentrated in urban areas. .

The composition of (Uber) operators by nationality varies by city and by product group. South African-born rideshare drivers are in a majority in Johannesburg and Durban, while the split is roughly even in Cape Town. This observation contradicts the perception that migrant workers are the vast majority in the e-hailing sector. Migrant workers are however in the majority in the product delivery category.¹⁴

Migrant workers could still be said to be over-represented in rideshare employment in South Africa, but, the assertion that migrant workers make up the vast majority of rideshare operators, 70-80% for example, appears to be false.

Education

The education level among gig workers across developed and developing countries is also **relatively high**. According to the ILO survey, 24% of ride-hailing drivers and 21% of delivery drivers are highly educated¹⁵, with education levels much higher than taxi-drivers and delivery drivers in traditional jobs, while in the US and UK education levels are comparable with the general population (Berliner & Tal, 2018; Anderson, C, Faverio, & Gelles-Watnick, 2021; Berger, Frey, Levin, & Danda, 2018). These studies also found that **women, youth, and immigrants in the sector have higher rates of education than other cohorts** (ILO, 2021; Berger, Frey, Levin, & Danda, 2018; Berliner & Tal, 2018). These findings are echoed in a recent study by FES (2021) which concluded that **roughly 70% of food delivery drivers across three African cities –**

¹⁴ Uber insider, March 2023

¹⁵ The ILO categorises a person as 'highly educated' if they possess a bachelor's degree or higher.

Johannesburg, Nairobi and Accra - held a matric certificate or above. The relatively high education level among platform workers is indicative of the youth unemployment crises across most developing economies, including in South Africa, which is forcing young people to take jobs well below their capacity (Surie & Koduganti, 2016).

e. Motivations for Joining the Gig Economy

The global literature provides two distinct findings on what motivates workers to enter the gig economy. In wealthier economies such as the US and EU, supplemental income and flexibility are the main motivators, while **in Asia, Africa and Latin America workers are motivated more by income and a lack of alternatives** (ILO, 2021; FES, 2021; Smith, 2016; Pogorevici & Serobe, 2020; McKinsey & Company, 2022; Berliner & Tal, 2018; Berger, Frey, Levin, & Danda, 2018). **This distinction points to a key difference between gig workers in developed and developing countries, with the former generally pursuing gig work for supplemental income, while the latter relies on digital platforms as their sole source of income. An exception is with immigrants, who are motivated more by a lack of alternatives whether they live in a developed or developing country** (ILO, 2022; van Doorn & Vijay, 2021; van Doorn, et al, 2022).

These findings are consistent with the South African literature, which found that **the top two motivations for workers across all sectors are employment and income** (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Hunt & Machingura, 2016; Pogorevici & Serobe, 2020; Wilmans & Rashied, 2021). Other motivators cited include the flexibility provided by platform work, although many drivers note that while they set their own hours these hours are (by necessity) incredibly long (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Howson, 2022; Pollio, 2019; Webster, 2020); access to alternative sources of income, such as work as tour guides or full-time domestic workers (Pollio, 2019; Hunt & Machingura, 2016); a safer working environment owing to cash free transactions (although this may be negated by Uber's introduction of cash trips) (Geitung, 2017; Pollio, 2019); and the perception that platforms offer a fair allocation of work compared to traditional companies where administrators can 'manipulate' the system (Pollio, 2019).

For South Africa's domestic workers the motivations for platform work are similar, namely income and a lack of alternatives, although flexibility was also cited more often among this cohort owing to the family obligations borne mostly by women in South Africa (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Hunt & Machingura, 2016; Hunt, et al., 2019). Other motivations cited in the South African literature include the platforms' payment system, which allow workers to earn money quickly without the risk of carrying cash (Hunt, et al., 2019; USAID, 2020), while others take on platform take on gig work in the hopes of securing consistent, full-time employment (Hunt & Machingura, 2016; USAID, 2020).

f. Income & Working Conditions

Workers in the digital platform economy lack access to basic rights and protections at work, and are unable to bargain collectively or negotiate independently. As a result, worker incomes and conditions are mediated only by the platforms' desire to maintain a large labour pool and generate profit. This creates a power imbalance between the platform and the worker, especially in developing countries where workers have few income alternatives.

The following is an overview of income and working conditions in the platform economy and is informed by academic studies, the work of labour organisations, news articles, and information posted online by gig workers themselves. The review sets out to determine how gig workers experience their work, whether it meets their basic income needs, and to what extent workers in developing countries, in particular South Africa, face a more exploitative and less rewarding work environment.

Income

Gig worker incomes, like earnings in the rest of the economy, vary considerably between countries. Incomes in the developing world are provided in the *2021 World Employment and Social Outlook* study by the ILO, which surveyed more than 7 000 ride-hailing and delivery drivers across 11 countries. The study reports **average earnings for ride-hailing drivers ranging from USD \$0.9 an hour in Ghana and \$1.1 in India to as high as \$8.2 in Lebanon.** These incomes are, on average, higher than earnings in the traditional taxi and delivery

sectors, although this finding is not true for all countries (ILO, 2021).

The ILO also notes, the importance of incentives and bonuses, which 85% of respondents noted as an important part of their income (ILO, 2021). Incentives and bonuses, which vary considerably between countries, are offered by ride-hailing platforms to motivate and retain drivers and generally include financial rewards for completing a certain number of rides, working asocial hours, or driving during times of peak demand (ILO, 2021).

In South Africa, one example is the \$400 bonus and \$4 per ride subsidy offered by Uber to new drivers following its Cape Town launch in 2013 (MacMillan, 2022).

These findings point to a growing crisis among gig workers as digital platforms move to reduce or eliminate incentives and bonuses in many markets (MacMillan, 2022; Mishra, 2017; Gridwise, 2022; ILO, 2021). This move is designed to reduce business costs and is a function of the platform business model. Companies enter a new market intent on attracting drivers and gaining market share, with most losing money along the way. Then, once they secure consumers and a large pool of dedicated drivers, the bonuses are clawed back (Wu & Zhang, 2019; Cusumano & Gawer, 2019; Horan, 2019; Attwood, 2022). This approach, pioneered by Uber, is clearly spelled out in the Company's 2019 S-1 filing with the US Securities and Exchange Commission (SEC), which notes that **"as we aim to reduce Driver incentives to improve our financial performance, we expect Driver dissatisfaction will generally increase"** (Uber Technologies, 2019).

The take-home pay for gig workers is further diminished by an increase in commissions, which is the percentage that a platform takes from each transaction. In most markets, including the US, UK, South Africa, India, Nigeria and Kenya (Iruoma, 2021; Smichowski, 2018; Attwood, 2022; Kpilaakaa, 2022) ride-hailing companies increased their commission once they established market share, reducing the take-home pay for drivers. In South Africa, Uber and Bolt now charge 25% commission up from 20% for Uber and 5% for Bolt, while the per km rate has increased only slightly (Competition Commission, 2020). As South African drivers and advocates search for a response, legislators in other countries have acted, but with mixed

results. For example, in June 2022 Kenya's National Transport and Safety Authority (NTSA) capped ride-hailing commissions at 18%, giving companies until September 2022 to comply. One month later only the Nairobi-based Safaricom Little had reduced their commission, while Uber and Bolt continue to charge 25% and 23% respectively (Kpilaakaa, 2022).

Finally, driver incomes are also eroded by higher input costs, including rising vehicle prices and fuel. For instance, in South Africa the price of petrol increased 70% from 2017 to 2022 (BusinessTech, 2022), while the per km rate for ride-hailing companies remained largely consistent (Competition Commission, 2020).¹⁶ The result is that studies from the US to South Africa show drivers earning less than minimum wage, with many losing money once all costs are considered (Fairwork, 2022; Zoepf, Chen, Adu, & Pozo, 2018).

Low incomes are further eroded in developing countries where drivers generally pay a monthly vehicle rental or finance fee which, which in South Africa ranges from R2 500 to R4 000 (US\$125 to \$220) a week for a car and roughly R600 (US\$30) a week for a delivery bike.¹⁷ Consequently, while Uber and Bolt champion monthly driver incomes of between R7 000 and R8 000 (US\$400 to US\$500), take home pay is far lower.¹⁸

Checkers 60/60 reportedly pays a flat rate of R32 per delivery regardless of distance, although it is understood that a store does service a limited area. Mr D food delivery, which incorporates the Pick n Pay online shopping delivery service pays R28 per delivery. The online retailer Takealot is reported to pay about R17 per delivery, making it the worst paid of the bunch. Drivers carry all other costs.

Incomes among domestic workers using digital platforms are more consistent, with fewer fluctuations in rates and commissions. However, domestic workers' ability to earn a living wage is also impeded by high costs. Researchers from India, Pakistan, Kenya and South Africa all agree that, while platform workers outperform traditional domestic workers on wages, the cost

¹⁶ The per km rate charged by ride-hailing companies is provided in a 2021 report by South Africa's Competition Commission. It found that rates charged by Bolt remained flat over the last five years, while Uber effectively decreased its rate through the introduction of the 'low cost', Uber X

¹⁷ The average cost of renting a car and bike was drawn from more than a dozen posts on Sales sites Gumtree and Facebook Marketplace.

¹⁸ Advertised driver incomes were gathered from company blogs, twitter postings and marketing materials, while vehicle costs were taken from car rental and financing sites, Gumtree and Facebook Marketplace.

of transport and the irregularity of the work erode workers' wages (Hunt & Samman, 2020; Hunt, et al., 2019; Sehgal & Yatharth, 2022; Tandon & Rathi, 2021). For instance, Hunt (2019) found that **South African domestic workers on the SweepSouth platform earn more than the minimum wage but the cost of travelling to one or more job each day can equal as much as 50% of their pay (Fairwork, 2020b).**

In a separate but related finding from the 2021 ILO study, **revenue from ride-hailing and delivery platforms was found to be the main source of income for 84% and 90% of respondents, respectively.** These figures are echoed in the South African literature (Pogorevici & Serobe, 2020; Wilmans & Rashied, 2021; Anwar, Otieno, & Stein, 2020), and hold equally true for domestic workers on the SweepSouth platform (Hunt & Machingura, 2016; USAID, 2020). This contrasts with the experience in developed countries, where most platform workers (except migrants) take on gig work as a supplement to other income (Berliner & Tal, 2018; Anderson, C, Faverio, & Gelles-Watnick, 2021; Berger, Frey, Levin, & Danda, 2018; PEW Research Center, 2021). This challenges the argument that gig work's flexibility makes it appealing to workers, while placing it outside the scope of regulation.

Working Conditions

A consistent theme emerging from the literature review is the argument that gig workers face worse working conditions than the 'traditionally' employed owing to their status as 'independent contractors' and the consequent lack of income and labour protections (Pogorevici & Serobe, 2020). Yet, a review of surveys in both developed and developing countries yields a more nuanced view. In the 2021 ILO study of workers **in developing countries most workers reported satisfaction with their work and pay (ILO, 2021).** These findings are consistent with studies in the US, UK and South Africa (Anderson, C, Faverio, & Gelles-Watnick, 2021; Berger, Frey, Levin, & Danda, 2018; Berliner & Tal, 2018; Pogorevici & Serobe, 2020), while a study by the US based PEW Research Centre unearthed complaints over a lack of benefits, harassment and safety concerns (Anderson, C, Faverio, & Gelles-Watnick, 2021). At the same time, **the ILO acknowledges that single-measure indicators may not be reliable, reporting that in-depth interviews reveal less satisfaction among gig workers (ILO, 2021).** For instance, when the ILO asked gig workers specific questions about their pay, 44% of

ride-hailing drivers and 38% of delivery drivers felt they were paid unfairly (ILO, 2021).

One comprehensive study by Ahmed et al (2020), assessed workers on ride-hailing, delivery and domestic work platforms and found that, while many workers are content with their working conditions (albeit with the desire for greater pay), others desire standardised fares and/or social benefits such as health insurance, life cover, unemployment benefits (UIF) and death benefits.

Other South African studies specific to the ride-hailing sector unearth more specific, yet oft repeated, concerns around safety, particularly the risk of robbery, hijackings and violence brought about by those in the traditional transport sector (Adebayo, 2019; Henama & Sifolo, 2017; Wilmans & Rashied, 2021); the long working hours required to cover high operating costs and still earn a living wage (Adebayo, 2019; Fairwork, 2020b; Wilmans & Rashied, 2021); and issues with the digital rating system, which many respondents felt was unfair and exclusionary, and forced drivers to endure racism and verbal abuse (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Geitung, 2017). At the same time, Pollio (2019) and Ahmed et al (2021) interviewed many drivers who were satisfied with their working conditions, highlighting the flexibility, independence, and income potential.

For domestic workers, digital platforms do little to address existing patterns of abuse and exploitation, with working conditions that mirror those in the traditional economy. International studies, particularly in developing countries, indicate that **while many workers are happy with the flexibility of platform work, they feel unsupported when there are challenges**. Issues raised include scheduling conflicts, penalties for not accepting jobs, and a persistent lack of work (Hunt & Machingura, 2016; Sehgal & Yatharth, 2022); the “rude, aggressive or abusive treatment received while working behind closed doors” (Hunt & Samman, 2020); and the demand that workers do more than what is possible in the time they are booked or work extra hours for no pay (Hunt & Machingura, 2016; USAID, 2020; Sehgal & Yatharth, 2022). Concerns are also raised in some studies about discrimination based on race and other characteristics, although these issues are not aired in the South African literature (Tandon & Rathi, 2021; Sedacca, 2022), as well as the high cost of transport to and between jobs, for which they are not compensated (Hunt & Machingura, 2016; Hunt, et al., 2019; Hunt &

Samman, 2020; USAID, 2020; Sedacca, 2022; Tandon & Rathi, 2021).

The literature also highlights, time and again, **the politics of ratings** on domestic work platforms and their outsize impact on future bookings. Customers often misunderstand the numerical rating system, for instance they may believe that 4 out of 5 is a good rating when in fact a 4.7 may be considered high by the platform (Surie & Koduganti, 2016; Sehgal & Yatharth, 2022). The ratings also disincentivize workers from turning down unfair or unpaid work requests or responding to harassment, which could mean a bad rating with an outsize impact on future bookings or even suspension from the platform (Hunt & Samman, 2020; Sehgal & Yatharth, 2022; Flanagan, 2018).

The Fairwork Ratings

A comprehensive, albeit less nuanced assessment of working conditions is offered by the Fairwork Project (2021) which evaluates gig work against the principles of Fair Work, Fair Pay, Fair Conditions, Fair Contracts and Fair Representation. The Labour Research Service (LRS) reviewed all 22 Fairwork country ratings issued over the past two years seeking out patterns between different countries and regions.¹⁹

Digital platforms generally rank higher in developed countries across all measures. This is attributed to local norms, greater oversight from the public, government and media, as well as pressure from workers who are more empowered to vote with their feet. At the same time, the rankings also show significant variance between regions, with Africa and the Middle East faring better than Asia and Latin America, although the reasons for this are less well understood.

Finally, **platforms across all countries tend to perform better when they are owned by locals, as opposed to multinational companies.** This finding held generally true regardless of the sector or the host country. While the reason for this is unknown, it is speculated that home-grown platforms have a better understanding and appreciation for labour needs and norms, are more accountable to legislative and court rulings, and perhaps have a greater commitment to socio-economic principles.

¹⁹ The 22 Fairwork Ratings Reports can be found at <https://fair.work/en/fw/ratings/>

In September 2022, Fairwork released their fourth annual South Africa ratings report titled - *Platform Work Amidst the Affordability Crisis* (Fairwork, 2022). The report rates 13 platforms operating in South Africa against the five Fairwork principles. Overall, **South Africa scored well compared to other developing economies but slightly less than most other African countries, while several platforms improved their ranking year-on-year.**

The 2022 South Africa Ratings specifically highlight improvements in working conditions, particularly within South African owned companies. The top-ranking company, for the first time, was the domestic work platform SweepSouth, which led in terms of providing dignity for their workers. Fairwork also notes that, despite improved conditions, South African platform workers are increasingly distressed over income and affordability, as incomes fail to match rising inflation.

The Uber Leaks

In July 2022 over 124 000 internal Uber documents were sent to more than 40 news organisations around the world. The documents, leaked by former Uber lobbyist Mark MacGann, laid bare the tactics employed by Uber during the company's aggressive expansion from 2013 to 2017. They demonstrate Uber's commitment to **a business model designed to attract and then undermine workers.** They also show how Uber leaders and staff delighted in their ability to flout laws, secretly lobby politicians, and commit tax fraud (Davies, Goodley, Lawrence, Lewis, & O'Carroll, 2022; MacMillan, 2022; BBC, 2022).

The leak was particularly damaging for Uber's reputation in South Africa. Local news agencies covered it extensively and the Washington Post published a detailed expose, informed by the leaked files as well as interviews with dozens of former employees. The Washington Post article highlights how Uber deliberately created a pool of drivers in South Africa far greater than what was demanded, eroded driver incomes to well below a living wage, and put the lives of drivers in jeopardy by incentivising them to drive in dangerous areas, and enabling cash payments, despite previously dismissing the idea as unsafe (MacMillan, 2022).

Media coverage of the Uber leak sparked calls for implicated politicians to step down, protests by both Uber drivers and their opponents in the taxi industry, and outrage from labour rights

activists (Harrisberg, Gill, & Chandran, 2022; Medina, 2022). But, three months later there are few consequences for Uber and their enablers, with no sign of further legal or legislative action. In South Africa, government has largely failed to comment on these issues while Uber's only response is a pilot project enabling both drivers and riders to make a voice recording of their trip (Akabor, 2022).

g. Defining Gig Workers – Independent Contractors or Employees

Digital platforms tend to operate adjacent to labour laws, reaping the benefits of consumer spending without the cost of compliance borne by traditional service companies. This paradox is a global problem but raises even more concerns in developing countries such as South Africa, where gig workers rely on platforms as their sole source of income rather than a supplement to formal wages (Hunt & Machingura, 2016; Anwar, Otieno, & Stein, 2020; ILO, 2021; ILO, 2020; Pogorevici & Serobe, 2020; Wilmans & Rashied, 2021).

At the root of this challenge is the categorization of platform workers as 'independent contractors', rather than employees, allowing them to evade responsibility for protecting the rights and interests of workers. This issue has sparked global debate, as countries grapple with how to balance innovation and job creation with their responsibility to protect workers, all within legal frameworks ill equipped to govern the digital economy.

The Employment Status of a Gig Worker

Platform work emerged long after the formation of labour laws and protections in most countries and therefore does not fit neatly within established frameworks. Globally, countries have thus taken different and at times contradictory approaches to defining the employment status of gig workers. This means that a delivery driver on a single platform may be classified as an employee in one country and an independent contractor in another (ILO, 2021). As a result of this confusion, employment status is often decided through litigation, with legal

challenges filed by both the platforms and the workers themselves (De Stefano, Durri, Stylogiannis, & Wouters, 2021; ILO, 2021).

International literature points to four general approaches to classifying platform workers. While these categories paint over much of the complexity in redefining employer-worker relationships, they do offer a useful way of thinking about platform workers in the context of labour law. First, workers may be classified as employees, often based on the level of control exerted by the platform. This definition is applied to digital platforms in several countries including the Netherlands and Italy, and typically follows a ruling from the courts (Deutsch & Sterling, 2021; De Stefano, Durri, Stylogiannis, & Wouters, 2021).

The second and third approaches involve creating intermediate categories of workers to either (a) extend labour protections to platform workers, or (b) ensure workers obtain certain benefits, with some countries opting for a hybrid approach (De Stefano, Durri, Stylogiannis, & Wouters, 2021; ILO, 2021). This approach was taken during a recent ruling in the UK Supreme Court, which is heralded by many as a watershed moment in the battle for platform worker rights (Satariano, 2021).

Finally, the fourth approach is to simply allow platforms to continue classifying workers as 'independent contractors', justified by the flexibility of the work arrangement (ILO, 2021). This approach, although contested by workers and rights organisations in almost every major economy, remains the most common owing to inflexible labour codes, lobbying by platform operators, and government's fear of chasing away jobs (De Stefano, Durri, Stylogiannis, & Wouters, 2021; OECD, 2020). In South Africa in particular, where platform workers have no protection or benefits, the fear of job loss is often blamed for discouraging reform (Pollio, 2019).

Defining 'an employee' in South Africa

The definition of an employee in South Africa is found in both the *Labour Relations Act (LRA)* and the *Income Tax Act*. According to the LRA, a worker is deemed an employee if one or more of the following conditions are met. The legislation also states that employment is in this case presumed, unless the contrary is proven.

- the manner in which the person works is subject to the control or direction of another person, organisation or company;
- the person's hours of work are subject to the control or direction of another person organisation or company;
- in the case of a person who works for an organisation or company, the person forms part of that organisation or company;
- the person is economically dependent on the other person, organisation or company for whom he or she renders services;
- the person is provided with tools of trade or work equipment by the other person, organisation or company; or
- the person only works for or renders services to one person, organisation or company.

In South Africa, digital platform workers using location-based platforms generally meet one or more of these conditions. As noted in the literature, most platform workers rely on this work as their sole source of income, using digital apps to dictate where and when they work (Pogorevici & Serobe, 2020; Wilmans & Rashied, 2021; Anwar, Otieno, & Stein, 2020). Furthermore, the number of hours one must work to earn a living wage goes beyond that of a full-time employee, negating much of the flexibility touted by platform operators.

The challenge, however, is that there is no definition of an 'independent contractor' in either piece of legislation. Rather, the term is derived from common law with determinations based on both statutory and common law tests. As a result, platforms opt for this opaque and financially fortuitous classification. There is thus "a need to re-evaluate the statutory definition of employee and ascertain whether it is still germane with modern day work arrangements, international labour standards and constitutional framework (Kasuso, 2015)". Following such a reevaluation it is likely that workers will emerge under an intermediate category, providing them with basic rights and protections, while allowing for the financial viability of digital platforms within the South African market.

South Africa – Attempts at Reform

South Africa, like the rest of the world, is grappling with how best to regulate the platform economy, ensuring workers are protected, taxes are collected and the public is safe. To this effect, institutions such as the Competition Commission, the Department of Employment and Labour, and the Department of Transport are seeking provisions that will regulate digital platforms (Ahmed, Chinembiri, Moyo, & Gillwald, 2021; Howson, 2022). Regrettably, these proposed changes will do little to protect South Africa's gig workers.

In April 2021, the Competition Commission launched an enquiry into Online Platforms in South Africa (excluding ride-hailing services), examining the pricing practices, commission and discount models used by companies like Takealot and Uber Eats. The Commission found that the leading food delivery companies, Mr Delivery (now Mr D) and Uber Eats, restrict competition by offering contract incentives with major restaurant chains; requiring that restaurants offer items at the same price across every platform; and through aggressive promotions and delivery subsidies. The Commission's recommendations include restrictions on contracting with national chains, removal of price parity clauses from contracts, and greater transparency for consumers around menu surcharges and commission. The Commission does, however, note that such measures are difficult to enforce (Competition Commission, 2021). These findings come on the heels of the 2017 enquiry into Land Based Public Passenger Transport which, among other things, attempted to level the playing field between metered taxis and ride-hailing companies. Key recommendations include the removal of area restrictions, which dictated where metered-taxis could operate but were not equally applied to ride-hailing services, as well as the recommendation that government no longer be involved in determining the fare structure for metered-taxis (Competition Commission, 2020). If implemented, these measures should enhance competition in the food delivery and transport sectors, but will mean little for platform workers.

The Department of Employment and Labour has also done little to regulate the gig economy, despite growing pressure. To be fair, given that workers in the platform economy are not considered employees, the Department is limited in what it can do. Where intervention is likely, such reforms focus exclusively on migrant labour, rather than the protection of all workers. Answering a written question around ride-hailing services, Minister of Employment and Labour Thulas Nxesi said that they are

considering the use of quotas or complete prohibitions of foreign nationals that can be employed in any sector, including ride-hailing (BusinessTech, 2021). The intent is to shore up political support from South African drivers, both on platforms and in traditional transport sectors, while avoiding regulatory reform.

The Land Transport Amendment Bill, tabled in parliament in 2016, passed in 2020 and is now working its way through the parliamentary process. The Bill, among other things, will classify ride-hailing services as a transport sector within the National Land Transport Act, effectively opening platforms up to further regulation. The Act also stipulates significant fines for ride-hailing platforms if drivers work without a valid operating license²⁰ (Minister of Transport, 2016), whereas currently the drivers themselves must pay the fines and impoundment fees. These costs are devastating and often exceed a driver's monthly income (Mafolo, 2020).

h. A Better Deal for Gig Workers

From its inception, the platform economy has attracted protest from various groups. First, came opposition from traditional sectors including taxi associations, aggrieved by the encroachment of an unregulated competitor. Then came the intervention, in some jurisdictions, of legislators and regulators to reign in unregulated platforms and restore a sense of competition. We now appear to be in a phase of worker opposition, characterised by a growing dissatisfaction among gig workers around working conditions, safety and pay.

Worker opposition in the platform economy takes many forms, including legal action, protests, new ways of organising, and the launch of worker-owned platforms. We conclude the literature review with a sample of these activities, chronicled in the global literature, media reports and social media. This information, supplemented by findings from interviews and surveys, illustrates a diverse effort among gig workers to shift power away from faceless platforms towards the millions of workers who rely on them.

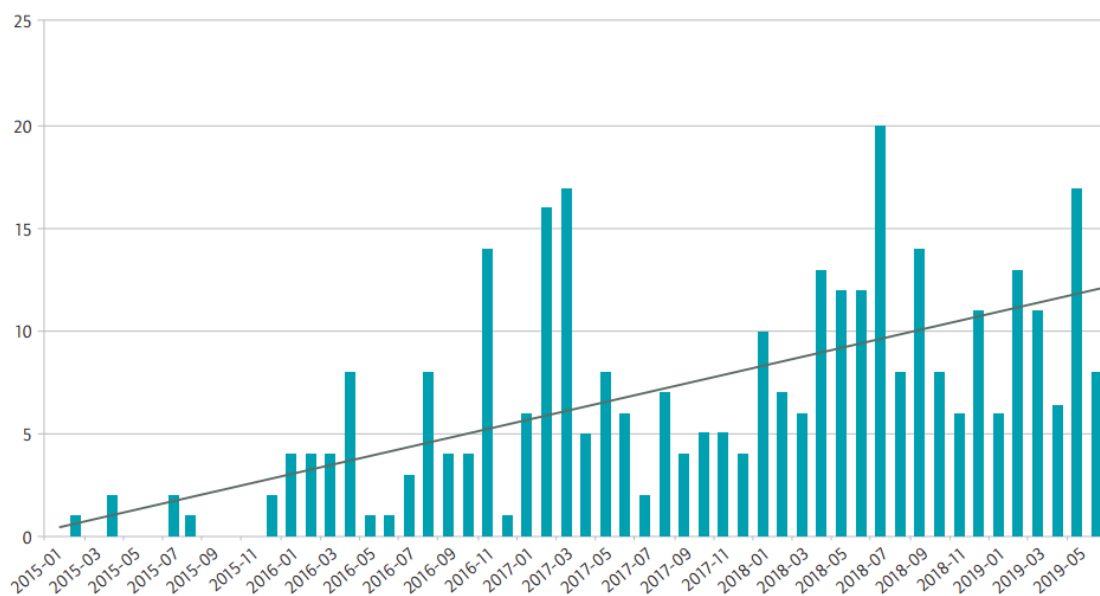
²⁰ According to the Competition Commission, 79% of ride-hailing drivers operate without a permit, owing in large part to processing backlogs and permit moratoriums (Competition Commission, 2020).

The Leeds Index

The Leeds Index of Platform Labour Protest is the most comprehensive source on worker opposition in the platform economy. Compiled by the University of Leeds Centre for Employment Relations, Innovation and Change (CERIC), the Index draws on global media coverage, labour movement reports, activist networks and online forums, and includes data on more than 1 500 protests globally from January 2017 to July 2022. These protests encompass log-offs, demonstrations, legal action and ‘institutionalisation’, which is defined as the formation of unions, work councils or agreements between platforms and workers (ILO, 2022).

In June 2022, the ILO published a report on the Leeds Index, noting a “general increase in the volume of protest events over time”. These protests tend to be small and relatively brief, although not always. They are typically aimed at a single platform (67%) and are far more common in the ride-hailing and delivery sectors. **The number one issue in most protests is pay, followed by working conditions and employment status, with an increase in health and safety related protests during the pandemic** (Bessa, Joyce, Neumann, Trappmann, & Umney, 2020). The following diagrams are drawn from reports by the ILO and CERIC and illustrate the upward, albeit uneven, trend in the number of protests and the way in which they differ between regions and sectors.

Diagram 1: Platform worker protests globally, January 2015-July 2019



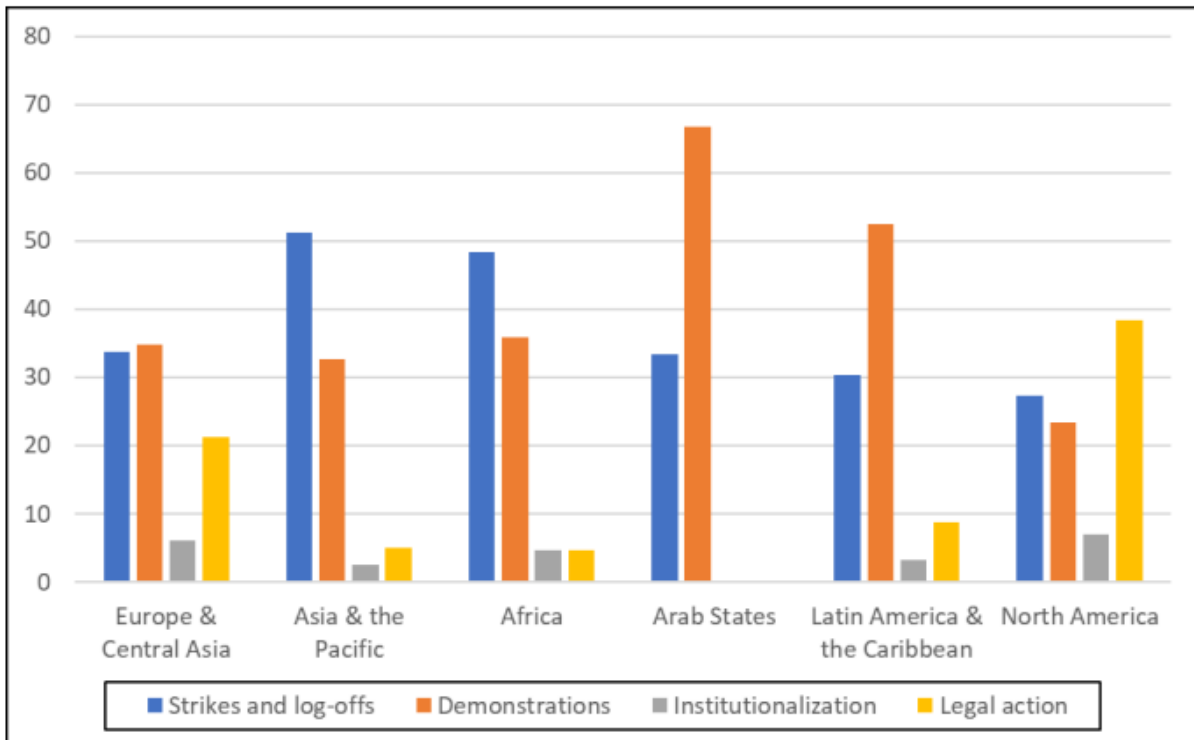
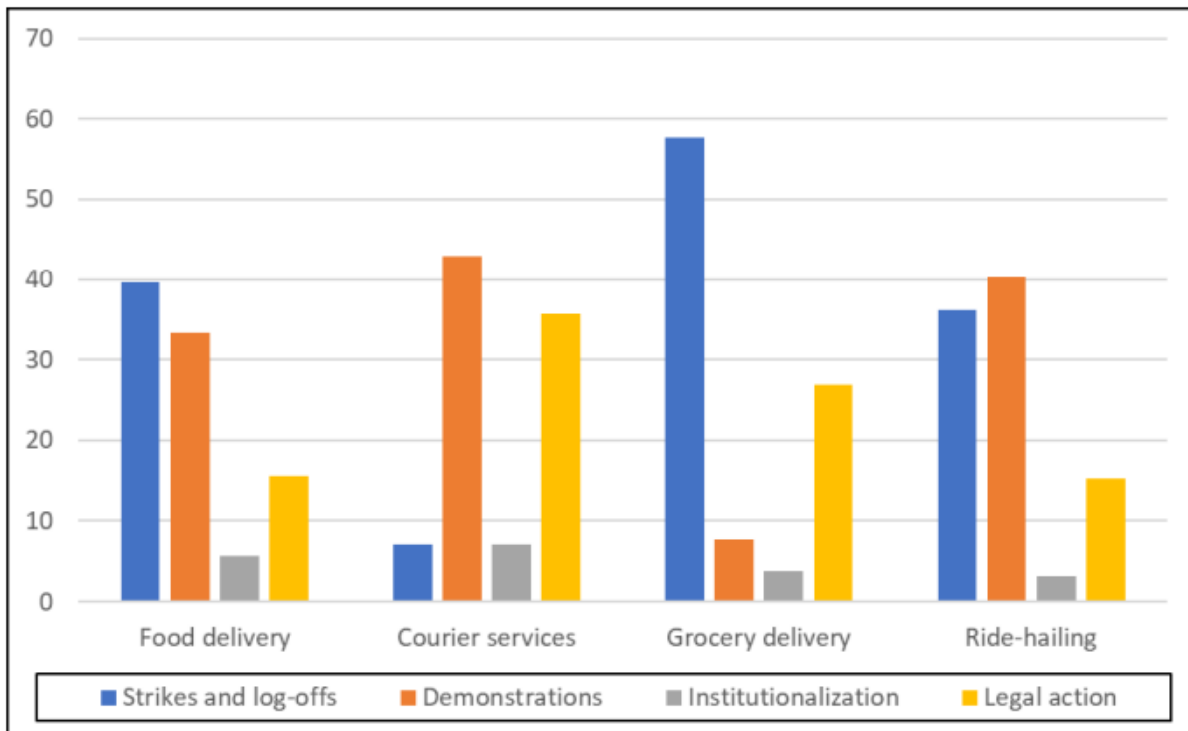


Diagram 2: Type of protest, by region (%)

Diagram 3: Type of protest, by sector (%)



Legal Challenges

Platform companies worldwide are embroiled in an enormous amount of litigation, relating most often to the employment classification of workers and the protections and benefits that come with this. According to the University of Leeds roughly one-third of more than 300 worker protests assessed since 2015 constitute legal action (Bessa, Joyce, Neumann, Trappmann, & Umney, 2020). Indeed, Uber alone was successfully taken to court over their labour practices in the UK, India, Brazil, Canada, the EU and the US states of California, Massachusetts, New York, and Pennsylvania (ILAW, 2021). Many of these cases, although not all, have resulted in changes to labour legislation or, at a minimum, required Uber to provide worker protections and benefits, often retroactively.

The UK and US, two leading countries in the platform economy, offer the best examples of worker-led litigation and its capacity to improve worker rights. In the UK, after a series of rulings for and against digital platforms, the British Supreme Court decided in 2021 that Uber drivers should be classified as ‘workers’, rather than independent contractors, stopping short of labelling them employees. Consequently, over 70 000 Uber drivers in the UK are now entitled to minimum wage, vacation pay and access to a pension plan, but will not have access to the full scope of employment benefits such as maternity leave and severance pay in the event of dismissal (Satariano, 2021).²¹ This ruling is in contrast with a separate 2021 judgement from the UK Court of appeals on a case between delivery cyclists and Deliveroo, the country’s leading food delivery app. In this case, the Court overturned an earlier ruling, concluding that delivery drivers were self-employed and thus not entitled to the benefits afforded to ‘workers’ (Reuters, 2021).²²

In the US, legislation brought by workers has led to a patchwork of rulings, providing greater rights and protection to a segment of the country’s platform workers. In New York, both the

²¹ In *Uber BV v Aslam* [2021] the UK Supreme Court found in a unanimous decision that Uber must pay its drivers the national living wage and 28 days paid holidays, including for time between rides, so long as drivers are willing and able to work. The Supreme Court did not rule as to whether the drivers should be classified as employees but indicated that the criteria for employment status was fulfilled, given Uber’s control over drivers.

²² In the *Independent Workers of Great Britain v Central Arbitration Committee* the committee found that Deliveroo cyclists are not workers, and as such do not have the right to organise and collectively bargain, as claimed. The CAC declined to follow the earlier ruling by the Supreme Court.

Unemployment Insurance Appeal Board²³ and the Eastern District Court²⁴ found in favour of drivers, ruling that Uber was liable for unemployment insurance benefits, while an ongoing case in Pennsylvania is determining whether Uber drivers are entitled to pay while on the app and waiting between gigs (ILAW, 2021). While in California litigation and legislation have battled to find common ground on the issue of employment status. In 2018 the Supreme Court of California ruled in favour of delivery drivers in what became known as the Dynamex Decision over the issue of minimum wage (ILAW, 2021).²⁵ This was followed in 2019 by California Assembly Bill 5 which effectively reclassified as many as 2 million independent contractors as employees (Miller, 2021). Platform companies were later exempted from this rule after voters passed Proposition 22, which limits the types of workers who can access protections and benefits following an expensive campaign by Uber, Lyft, DoorDash and Instacart to sway public opinion (Miller, 2021).

In South Africa, litigation against platform companies receives far less fanfare or funding, but nevertheless remains a critical tool in the fight for worker rights. The first challenge by platform workers was brought against Uber in 2016 by the Independent Drivers Guild, a small workers organisation. The organisation represented seven drivers whose Uber accounts were deactivated, arguing against what they perceived as an 'unfair dismissal'. Uber countered that the drivers could not be 'dismissed' as they were not employees of the organisation. The CMMA ruled in favour of the drivers but was overturned on appeal. However, the appeal focused on a technicality with the judge noting that his was not a definitive decision on the matter (Geitung, 2017).

In 2018 a second court case was brought against Uber by the National Union of Public Service

²³ In the Matter of Lowry (Uber Tech Inc v the Commissioner of Labour) the Appellate Division (New York's highest state court) confirmed an earlier ruling by the Appeal Board which found that Uber was liable to pay Unemployment Insurance contributions to drivers, owing to the degree of control Uber exerts over drivers.

²⁴ In Islam, et al v Cuomo, et al the United States District Court for the Eastern District of New York found that the drivers had a substantial case for receiving UI benefits, ordering the State to establish a Working Group to address and expediate the backlog in drivers' UI claims.

²⁵ In Dynamex Operations W Inc v Superior Court 4 California the Supreme Court of California ruled that workers are only considered independent contractors if they are free from control and direction by the hirer, that the work is performed outside the usual course of the hiring entity's business, and that the worker is customarily engaged in this type of work. By this definition, most platform workers in the State would be reclassified as employees.

and Allied Workers (NUPSAW) over the issue of employment status. The Court ruled in favour of Uber arguing that because there was no contract between the drivers and Uber South Africa the question of employment was moot. The ruling does however state that no decision was taken on whether the drivers were employees of Uber's parent company in the Netherlands, Uber BV (Cape Town Labour Court, 2018). According to a report by International Lawyers Assisting Workers (ILAW) **"confusion as to which Uber company is the correct counter-party in any employment status litigation does not occur by happenstance, but is rather created by design"** (ILAW, 2021).

In 2021, following rulings in the UK and California, the London-based law firm Leigh Day and Johannesburg-based firm Mbuyisa Moleele Attorneys announced plans to introduce a class action lawsuit in South Africa against Uber BV, alleging the drivers right to unpaid overtime and holiday pay under the Labour Relations Act. This case may force the South African Labour Court to explicitly rule as to whether drivers and (by extension) other gig workers should be considered employees of the platform on which they work (McLeod, 2021). Should the Labour Court follow the lead of the UK and California this would have a tremendous impact on South Africa's gig economy and the plight of gig workers.

Labour Protests

Platform worker protests take many forms. Some protests, such as worker demonstrations, are familiar while others, including 'logoffs', are unique to the gig economy. According to the ILO, these protests are driven by a range of grievances. Some call for greater government involvement in classifying workers, with protestors seeking the rights and benefits afforded to the 'traditionally employed', while other protests call for less government regulation in areas such as restrictions on driver numbers and registration requirements. It is also common for workers to protest the technology itself, with issues ranging from information asymmetry to arbitrary deactivation and the pressure of the ratings systems. While protest action around pay and working conditions are increasingly prevalent (ILO, 2022).

Examples are found throughout the globe. In 2015, one year after taxi drivers shut down London's streets to protest Uber's unregulated arrival, Uber drivers themselves launched a protest demanding better pay and a reversal of commission hikes (Malik, 2015). Over the next five years the number of protests continued to climb, stemmed only by the arrival of Covid-19

in 2020. Workers held demonstrations aimed at bringing attention to their cause, logging-off delivery apps, blocking roads, and camping out at company headquarters and city halls. These protests occurred in cities as diverse as New York, Paris, Buenos Aires, and Kampala (Kartono, 2019; Malik, 2015; Gurumurthy, Chami, & Bharthur, 2021).

While the **worker protests were largely consistent in their demands – higher rates, lower commissions, and better conditions** – the role of unions in organising and representing workers varied. Both established and grass roots unions play a central role in organising worker protests across Europe, Latin America and, to a lesser extent, the US, but were less involved in Africa and Asia. At the same time, there is an upward trend in union engagement in the platform movement across all regions, as workers find new ways of organising and engaging representatives (Bessa, Joyce, Neumann, Trappmann, & Umney, 2020). This finding was also highlighted in a recent study by Trade Unions in Transformation, which chronicled 19 delivery driver protests including six with a global footprint and two in Africa (Trade Unions in Transformation, 2020).

In South Africa, although the number and size of protests is small compared to what has taken place in Europe and the US, the literature points to a **groundswell of opposition particularly among those in the ride-hailing and delivery sectors**. Several small-scale ‘strikes’ occurred prior to and during the first year of the pandemic, as demand for rides on Uber and Bolt fell considerably in response to lockdown restrictions. This was followed in 2022 by large-scale demonstrations, including a protest in March 2022 by ride-hailing drivers on Uber, Bolt, InDriver and Didi (smaller competitors that have since ceased operations). The protest brought services to a halt over the course of three days in several major cities (Human, 2022). This was followed in April by a smaller strike among Takealot delivery drivers in Durban, South Africa’s third largest city (Goba, 2022). While Unity in Diversity, a grass-roots labour organisation, claimed responsibility for the ride-hailing protest (Banda, 2022; Khumalo, 2022), strike action is largely organised by workers through Facebook and WhatsApp.

Samy Bala of the Western Cape E-Hailing Association claimed that 10,000 drivers participated in their strike in August of 2022.²⁶

Worker strikes in South Africa echo some of the demands made globally, specifically the demand for better pay either through an increase in rates or reduction in commission (Banda, 2022). At the same time the protests also highlight local challenges including concerns over driver safety in the wake of a number of attacks on drivers and exploitation by operators (car/bike rental agencies) (Banda, 2022; Howson, 2022; Mntungwa-Makamu, 2022). During each protest South Africa's Minister of Transport agreed to meet with strike organisers, yet it is unknown whether these discussions were fruitful.

Organising Gig Workers

Unions and other worker collectives have played, to varying degrees, some role in supporting gig workers. An ILO review of the Leeds Index found that, of 1,271 protests surveyed globally, approximately half were organised by unions and worker collectives, while the other half were organised organically by the workers themselves. The Index further breaks down the type of organisation, noting that 11,8% of protests involved workers cooperating with worker collectives; 6,3% involved workers cooperating with traditional unions; and 7,5% had workers cooperating with new unions (ILO, 2022).

In Asia the International Transport Workers' Federation (ITF) worked with ride-hailing collectives in 15 cities from 2017-19 to better understand working conditions. This culminated in a campaign to improve worker policies, which the ITF will track over the coming years. In Indonesia the ITF is working to establish a National Public Transport Workers Union to represent public sector transport workers as well delivery workers on Gojek, the country's leading ride-hailing platform (Gurumurthy, Chami, & Bharthur, 2021).

In South Africa, Uber drivers received support from the New York based Independent Drivers Guild (also referred to as the Uber Drivers Guild), in preparing a submission to Parliament on the Land Transport Amendment Bill. The submission called for greater regulation of Uber including labour protections for drivers (Uber Drivers Guild, 2016).

²⁶ <https://www.groundup.org.za/article/uber-bolt-drivers-strike-for-two-days/>

An ILO analysis of the Leeds Index found that “platform worker protest is driven by self-organisation among workers more so than by union organising efforts (ILO, 2022)”, employing what writers from the Harvard Business Review call ‘Decentralised Collective Action’ (Jin, Kominers, & Shroff, 2021).

One example, also occurring in Indonesia, is the establishment of ‘driver collectives’. These collectives, which formed in Jakarta’s ‘base camps’ – areas where ride-hailing drivers wait for their next gig - have since become a tool for organising resistance against ride-hailing company Gojek. Drivers have created hundreds of worker communities using social media to warn each other about scams, assist one another following accidents and even handed out food parcels to drivers during the pandemic (Hao & Freischland, 2022).

In South Africa, there is a similar patchwork of groups on various social media platforms, especially WhatsApp and Facebook. These groups are borne from the smaller support networks cropping up on WhatsApp and Facebook (Anwar, Otieno, & Stein, 2022; Howson, 2022; Hunt & Machingura, 2016; Hunt, et al., 2019; Ogwang, Okoruwa, & Ndung'u, 2021). Initially used to share information and advice among workers, such groups are now forming the basis of larger worker movements, albeit still in their infancy.

There are a few coordinated groupings in the e-hailing sector. They include the Unity in Diversity E-Hailing Association (UDEA), which advocates for drivers and delivery workers on all platforms and were involved in the planning of worker strikes in 2021 and 2022 (Banda, 2022; Howson, 2022).



The E-Hailing Partners Council (EPCO) appears to build on regional chapters, including the Gauteng E-Hailing Partners Council. The continuity in branding makes it clear that EPCO emerges out of the Unity in Diversity initiative. We spoke to Vice Chairperson, Mrs Nomagugu Damba. EPCO has been set up as an NPC with support by the Department of Transport. It has been in existence for one year and three months and is still in the very early stages of development. EPCO has a leadership structure of 16 members and 6 executive members. All roleplayers are unpaid voluntary actors.

Mrs Damba said that the council has several needs. These include financial support, offices for establishing contact points for drivers and competency development to assist leadership in running and building the organisation into the future. EPCO does not have a membership register at this time, but sees this as an important next step, noting



The time has arrived, sithi phambili ngeTransformation.

E-Hailing Partners Council

GROUND BREAKING MASS MEETING

- The industry app of choice - **Ambee**. For the **Drivers**, by the **Drivers!**
- On a mission to **change** the E-hailing Sector status quo by **all means** necessary.
- Come and hear all details about the local drivers' app for yourself.

mon pain & suffering.
ie Benchmark.
t us all be there at

TIME:
10hr00 - 13hr00

| | |
|--|--|
| Mr Hendry "BH" Mathebula GP-Chairperson (Eburhuleni Region) | Mrs Nomagugu Damba GP-Vice Chairperson (IHB Region) |
| Mr Melithemba Mnguni GP-Secretary General (IHB Region) | Mr Sidney Madondo GP-Deputy SG (Westrand Region) |
| Mr Mabandla Sambo GP-Treasury General (Eburhuleni Region) | Mr Nhosinathi Zwane GP-Spokesperson (IHB Region) |
| Mr Swazi Nkosi GP-DC Chairman (IHB Region) | Mr Pule Muelase GP-P.R.O (Eburhuleni Region) |
| Mr Kgamoiso Senokwane GP-Training officer (Eburhuleni Region) | Ms Nosipho Mzimela GP-Compliance officer (IHB Region) |
| Mr Penselele Mokhari GP-Legal officer (IHB Region) | Mr Menzi Mahlangu GP-Safety officer (Westrand Region) |
| Mr Ephraim Matjila GP-Drivers officer (IHB Region) | Ms Lindiwe Zitha GP-Operators officer (IHB Region) |
| Mr Tumelo Kubheba GP-Riders officer (Sedibeng Region) | Mr Bongani Mbelu GP-Administrator/Webmaster (Sedibeng Region) |



that drivers might be reluctant to join for fear of being blocked on their e-hailing apps. EPCO reportedly approached a vehicle financing company with a view to a partnership that would offer drivers better financial terms when buying card and were told that proof of their

membership would be necessary to take talks forward.

EPCO advertised a mass meeting in early August of 2023 and we do not know how many people were attendance. The meeting planned a march to the office of the Premier on the 19th and a march to the Department of Transport on the 20th of September 2023. The key issues are safety, financial stress resulting from cost of living increases, petrol price increases, and the entry of very small cars onto the platforms, such as the Bajaj Qute. The Baja Qute costs as little as R75,000 new (about USD 4,000).

The poster for the meeting advocates for an e-hailing app called Ambee²⁷. Ambee is a South African start up accredited to entrepreneur Karabo Mogajane. Ambee offers a rate of 18% commission, described as a subscription fee for access to the app. **EPCO appears to be partnering with Ambee to push it as an alternative for drivers.** Further investigation would be required to establish how ready to operational the app is and what exactly the value proposition is for drivers, apart from a slightly lower commission.

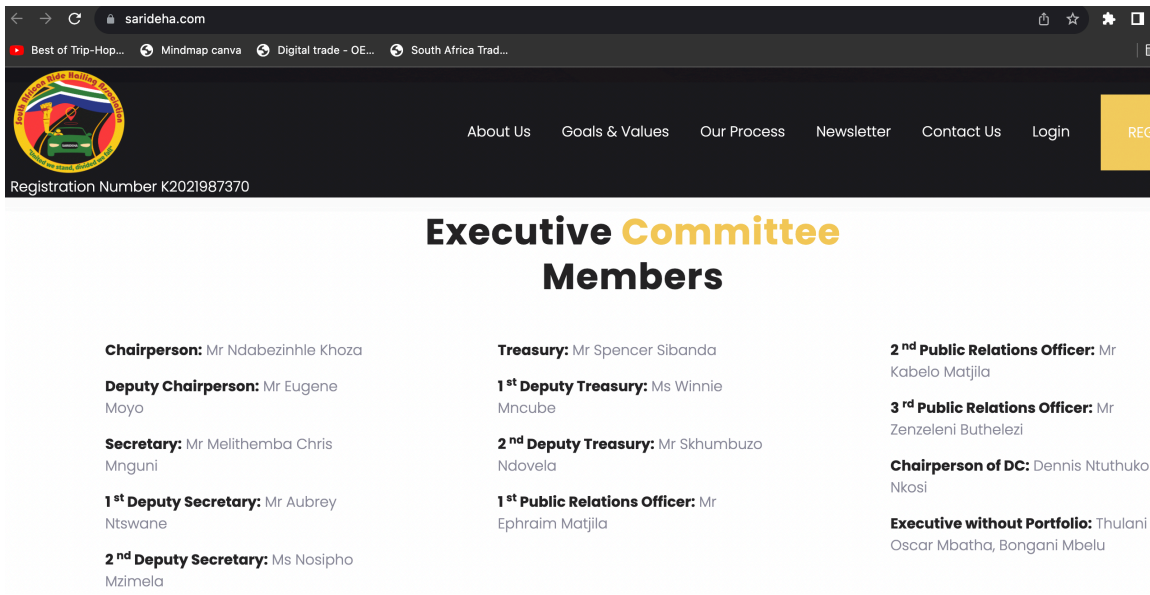
EPCO appears to have a strong focus on regulation, specifically the National Land Transport Amendment Bill, as a pathway to better conditions for drivers and the industry. In a petition, started by Melithemba Mnguni of EPCO, e-hailing drivers and operators are demanding government to intervene in their plight to create a safer industry, by primarily beefing up in-app security and ensuring stringent customer on-boarding processes.²⁸

The South African Ride Hailing Association (SARIDEHA) is another umbrella body of ride-hailing groups and is reported to be affiliated to EPCO.

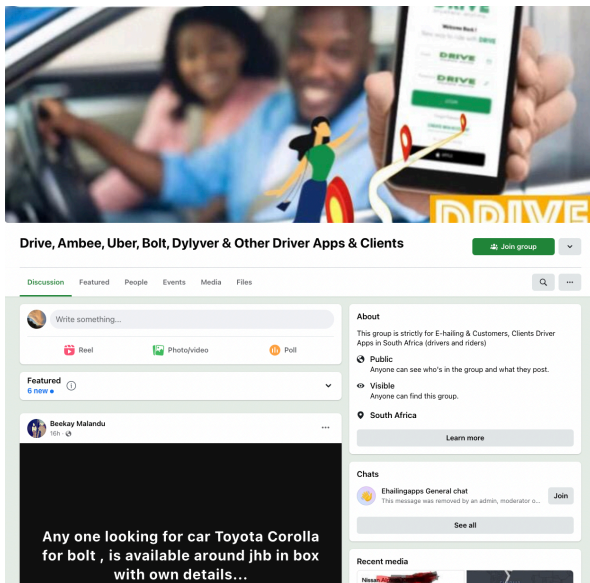
There are two individuals that are common to both entities. Mr Melithemba Chris Nguni is secretary of SARIDEHA and GP-Secretary General (Jhb Region) within EPCO. Ms Nosipho Mzimela is 2nd Deputy Secretary of SARIDEHA and GP-Compliance Officer (Jhb Region) for EPCO.

²⁷ <https://ambee.co.za/>

²⁸ S Malinga in ITWEB, 09/06/2023, <https://www.itweb.co.za/content/KA3WwMdzBAEvrydZ>, accessed 13/09/2023.



There is more than one very large group on Facebook with a focus on e-hailing. Both the ‘Uber, Bolt, Panda, Dilyver & T-Driver, Drivers Apps and Clients’ group and the ‘Uber and Bolt (Taxify) Drivers’ group have over 135,000 members.



The first is open to drivers and riders and the other identifies as a drivers’ group. There is certainly an exchange of information on the groups. The exchange is driven by the questions that are posted by members. Most of the posts relate to e-hailing drivers and many posts seem sincere. Having said that, the groups on the whole seem quite chaotic as you might expect of a public noticeboard. There is little evidence of coordinated action or a communications

strategy in play. An exception to that rule was the call for a national shutdown in March of 2022 and July of 2023.



There is anecdotal evidence of some workers heeding these calls to switch off their apps, but it is very difficult to assess these actions, simply because there is very little evidence to go other than hearsay. How can we measure the extent to which calls for protest mobilise workers nationally or locally? This question is worthy of further enquiry in future.

Facebook groups exist elsewhere in Africa, including the ‘*All Online Cabs, Partners & Drivers*’ group in Kenya, which has 50 000 members. A review of public posts shows the multi-faceted nature of such groups, with members posting grievances, seeking advice, debating the merits of protest action, and organising strikes, demonstrations and logoffs. These Facebook groups also point to Whatsapp as a tool for sharing similar information and for mobilising workers, once a protest takes shape.

The national organiser at trade union federation SAFTU, Lebohang Phanyeko, reports that they have been approached by a group of e-hailing drivers wanting to organise. SAFTU’s view is that they should be encouraged to find a home in an established trade union in the transport sector rather than try and form a new union of their own. It does make sense to incubate a driver’s group with an established structure rather than expend significant energy and resources on establishing as brand new organisation. Even so, it raises important questions about how ready trade unions in South Africa are to provide a home for these kinds of workers. SAFTU also see a regulatory response as key to their efforts to support these workers and intend to mount a dispute at the CCMA to challenge the legal status of these workers.

What about domestic workers?

For domestic workers, despite significant interest in this sector among researchers and advocates, there are few known organisations offering representation. The South African Domestic Service and Allied Workers Union (SADSAWU), which represents traditional workers, acknowledges that it has received complaints from platform workers but does not have the scope to address them (Hunt, et al., 2019). Hunt and Machingura (2016), in their exhaustive study of South Africa's platform domestic workers, mention involvement of the Social Law Project at University of the Western Cape and the Commission for Conciliation, Mediation and Arbitration as arbitrators of discussions between platforms and workers. Finally, the Centre for the Transformative Regulation of Work (CENTROW) in Cape Town has launched a Domestic Worker Co-operative Platform Project (DPCP) to develop a domestic work app that is controlled and owned by the workers themselves.

Platform Cooperativism

Platform cooperativism, a term coined by the ILO, refers to the arrival of alternative platform business models, structured to run on cooperative principles. This approach has gained traction in North America and Europe and, through start-up accelerators, is spreading to parts of the developing world (Gurumurthy, Chami, & Bharthur, 2021). The following offers a few examples of these new alternative platforms, highlighting some of the lessons for workers and social enterprise in South Africa.

In New York City, The Driver's Collective was founded in 2019 by a former Uber employee, labour organiser and Uber driver. The collective is a driver-owned digital platform designed to provide better working conditions and pay 8-10% higher than a driver makes on Uber or Lyft. Drivers are offered a chance to buy a small stake in the company and thus share in the profits (Jin, Kominers, & Shroff, 2021; The Driver's Collective, 2022). As of 2022, the collective has more than 3 000 drivers and 30 000 regular users (Jin, Kominers, & Shroff, 2021). In Canada, the Montreal-based Eva founded in 2019 has a similar model, offering both ride-hailing and delivery drivers the opportunity to take an ownership stake in local franchises with zero franchising or licensing fees (Scott, 2021). In doing so, Eva is fueling a driver-led expansion into other Canadian cities. While in Europe, delivery workers can also find support through CoopCycle, a federation of more than 70 bicycle delivery cooperatives that pools services for delivery riders and deliver advocacy support for workers (CoopCycle, 2022).

There are also a number of worker led platforms designed for the domestic work sector. In the US, the National Domestic Workers Alliance (NDWA) has launched the non-profit Alia, which houses two platforms to support domestic workers in the wake of the pandemic. Alia Benefits makes it easier for clients and full-time employers to provide benefits to their domestic worker, while Alia Cares offers emergency cash relief for domestic workers who become ill or need to care for a family member (NDWA Labs, 2022). In a recent book *The Modern Guide to Labour and the Platform Economy*, authors Andrea Paramo and Carlos Nelson contrast the Alia platform with Mexico's Aliada, a for-profit app linking workers to clients. They conclude that Aliada, has not improved conditions for domestic workers as promised, while Alia – if the platform can survive – has the potential to provide meaningful benefits for domestic workers in an otherwise precarious industry (Paramo & Nelson, 2021).

5. FINDINGS FROM THE WORKER SURVEY and how they relate to observations emerging from the literature

Categorising the findings

| | |
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| | Our findings support the literature |
| | Our findings contradict the literature |
| | Our findings build on the literature |

Literature Review Findings

Findings of this research

| DEMOGRAPHICS | |
|--|--|
| The average age of South African ride-hailing drivers is 26 – 35 years | <ul style="list-style-type: none"> ★ Drivers between 26 - 35 years: 68% ★ Drivers below 26 years: 5% ★ Drivers above 35 years: 27% |
| Ride-hailing and delivery sectors are predominantly male, with women comprising less than 5% of all drivers in South Africa | <ul style="list-style-type: none"> ★ Male: 95% ★ Female: 5% |
| There is a high percentage of foreign workers in the gig economy, with Cape Town constituting of the highest percentage in South Africa | <ul style="list-style-type: none"> ★ Foreign drivers: 36% ★ South African drivers: 64% ★ 71% of foreign drivers in Cape Town ★ 100% of drivers in East London are South African ★ Only 33% of drivers in PE are foreigners ★ Most drivers in JHB (80%) are South African |
| The education level among gig workers across developed and developing countries is also relatively high (bachelor's degree or higher) | <ul style="list-style-type: none"> ★ Bachelor's degree or higher: 54% ★ High school level education: 32% ★ Lower than high school: 5% ★ Illiterate: 9% |
| Revenue from ride-hailing and delivery platforms was found to be the main source of income for 84% and 90% of respondents, | <ul style="list-style-type: none"> ★ Source of income is mainly from ride-hailing services: 68% ★ Driver has another source of income: 32% |

| <i>Literature Review Findings</i> | <i>Findings of this research</i> |
|--|---|
| respectively | |
| WORKING CONDITIONS | |
| Ride-hailing drivers drive an average of 65 hours a week | ✳ Median weekly hours of 65 hours |
| THE PLATFORM VALUE CHAIN | |
| Monthly vehicle rental or finance fee which, which in South Africa ranges from R2 500 to R4 000 | <ul style="list-style-type: none"> ✳ Drivers who paid between R2 500 to R4 000: 92% ✳ Drivers who paid below R2 500: 8% |
| CHALLENGES AND BENEFITS OF PLATFORM WORK | |
| Less than 20% of drivers receive social protection | This assertion is accurate. No driver alluded to receiving social protection from the platform, despite the fact that only 9% of drivers expressed a desire for social benefits like UIF and health insurance on e-hailing platforms. |
| Earnings are diminished by operating costs like fuel and high commission rates | ✳ All drivers (100%) agreed with this statement |
| Drivers highlighted flexibility, independence, and income potential as the main benefits of joining e-hailing platforms | ✳ All drivers (100%) agreed with this statement |
| Workers in the digital platform economy are unable to bargain collectively or negotiate independently | ✳ 64% of drivers (14 drivers) communicate with other drivers, and of them, 79% discuss issues related to crime and traffic. 21% of drivers communicate with other drivers to manage "cooperatives". |
| The charge per km for ride-hailing companies remained largely the same despite rising input costs | <ul style="list-style-type: none"> ✳ All drivers (100%) agreed that high costs (petrol, commission to uber) were the biggest difficulties ✳ 23% of drivers asserted they would like to change the charge per km for ride-hailing companies |
| Drivers complained over a lack of benefits and safety concerns, particularly the risk of robbery, hijackings and violence | <ul style="list-style-type: none"> ✳ All drivers (100%) agreed that crime is one of the biggest difficulties they face ✳ 36% of drivers expressed the need for e-hailing companies to improve the safety of drivers by requiring customers to upload identification |

| Literature Review Findings | Findings of this research |
|--|---|
| | documents, profile picture and adding safety features |
| Drivers desire standardised fares and/or social benefits such as health insurance, life cover, unemployment benefits (UIF) and death benefits | <ul style="list-style-type: none"> ★ Only 9% of drivers expressed a desire for social benefits like UIF and health insurance on e-hailing platforms ★ The drivers who were open to becoming formally employed by the platform (35%), stated that they would become employees if there were perceived social benefits like health insurance, life cover, unemployment benefits (UIF) and death benefits. |
| IDENTITY/CONCIOUSNESS | |
| Uber and Bolt classify drivers as independent contractors | <ul style="list-style-type: none"> ★ Drivers who classified themselves as independent contractors: 86% ★ Drivers who classified themselves as employees: 14% |

The Labour Research Service conducted 22 interviews with South African gig workers. The surveys collected both quantitative and qualitative data from drivers on the Uber and Bolt platforms. Respondents were selected at random using the Bolt and Uber apps and were paid, via the apps, for their time. The interviews were conducted across four metropolitan municipalities (Johannesburg, Cape Town, Gqeberha (formerly Port Elizabeth) and East London).

The interview questions focused on the driver's demographics, the platform value chain – the relationship between drivers and operators and drivers and Uber - how drivers organise themselves and the challenges and benefits associated with platform work. The interview contained pre-coded and open-ended questions allowing those surveyed to respond in their own words.

Here is a summary of the responses from our interviews.

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| <i>Interview Questions</i> | <i>Summary Responses from 22 interviews with drivers in Cape Town, East London,</i> |
|----------------------------|---|

| | <i>Gceberha & Johannesburg</i> |
|---|--|
| THE PLATFORM VALUE CHAIN | |
| Do you own this car (including vehicle financing) or do you rent it from someone else? | <ul style="list-style-type: none"> ✪ Drivers that own their cars: 50% ✪ Drivers that rent their cars: 50% ✪ Most (85%) of Cape Town drivers own their cars ✪ In EC (PE and EL) 70% of drivers rent the cars they drive |
| Is your car/s owned outright or financed with a bank or vehicle financing company? | <ul style="list-style-type: none"> ✪ 82% of drivers have outright ownership ✪ 18% of drivers have vehicle financing ✪ 43% of drivers in Cape Town financed their car through cooperatives (it is the only city with a strong presence of cooperatives) |
| If you own the car, how did you arrange vehicle finance? Was it through uber, independently or some other way? | <ul style="list-style-type: none"> ✪ Independently: 100% of drivers organised vehicle financing independently. ✪ Of the total number of drivers who own their cars - 18% financed their cars using a bank ✪ Of the total number of drivers who own their cars – 45% financed their cars using savings ✪ Of the total number of drivers who own their cars – 27% financed their cars through cooperatives |
| If you rent the car, is it a formal arrangement with a bank, vehicle finance entity or car rental company or is it a more informal arrangement with a private individual? | <ul style="list-style-type: none"> ✪ Private individual: 82% ✪ Fleet rental companies: 18% |
| What would you call people who rent out cars to drivers? “driver partners” or “operators” or something else? | <ul style="list-style-type: none"> ✪ Driver-partners: 55% ✪ Operators: 45% |
| If you rent from a private individual, do you have a written contract with the car owner or is it a verbal agreement? | <ul style="list-style-type: none"> ✪ 11% of drivers who rent from private individuals have a written contract ✪ 89% of drivers who rent from private individuals have a verbal contract |

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| Can you negotiate the payments you have to make for the car when work is slow? | <ul style="list-style-type: none"> ★ Can negotiate payments: 55% ★ Can't negotiate payments: 45% |
| Are the hours you work on any day continuous or broken up into different time slots each day? | <ul style="list-style-type: none"> ★ Continuous hours: 18% ★ Broken-up hours: 82% |
| How many days a week do you drive? Which days of the week do you drive? | <ul style="list-style-type: none"> ❖ 7 days a week: 32% ❖ 6 days a week on average: 64% ❖ Variable days a week: 4% |
| ORGANISING/ASSOCIATING | |
| Do you speak to other drivers or in any way communicate with other drivers? | <ul style="list-style-type: none"> ★ 64% of drivers communicate with other drivers ★ 36% of drivers don't communicate with other drivers |
| Are you part of any groups with other drivers? a. Do you gather in person? b. How do group members communicate with one another? c. Do you have a WhatsApp group/FB/other? | <ul style="list-style-type: none"> ★ 57% of drivers gather in person ★ 43% of drivers do not gather in person ★ 7% of drivers are in Facebook groups ★ 93% of drivers are in WhatsApp groups |
| How did you become part of that group? | <ul style="list-style-type: none"> ★ Personal network: 93% ★ By searching on Facebook: 7% |
| What are the main things discussed in the group? By this we mean things that are discussed with some kind of regularity or things that come up repeatedly because they are of interest to most group members. | <ul style="list-style-type: none"> ★ Drivers update one another on issues that affect them on a day-to-day basis like traffic and crime: 79% ★ Managing "cooperatives": 21% |
| CHALLENGES AND BENEFITS OF PLATFORM WORK | |
| In past studies, drivers have said that the main problems with driving for uber/bolt are (1) crime and (2) high costs (petrol, commission to uber). Do you agree that these are the biggest difficulties? | <ul style="list-style-type: none"> ★ All (100%) drivers agreed with the statement |
| Are there other difficulties or new | <ul style="list-style-type: none"> ★ Difficulty in obtaining permits: 18% |

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| challenges that we don't know about? | <ul style="list-style-type: none"> ★ Harassment by customers: 14% ★ Drivers who mention no other/new challenges: 14% ★ Harassment by taxi drivers: 9% ★ Bad communication by the platform: 5% ★ Diminishing returns: 5% ★ Getting taxed: 5% |
| Are there other benefits for driving uber/bolt? | <ul style="list-style-type: none"> ★ Drivers who mentioned no other benefits: 82% ★ Gained clients for private tours: 4,5% ★ Drivers were given monetary bonuses in the past: 4,5% ★ Uber drivers get refunded if they pay impound fines (UBER): 4,5% ★ Driver indicated that if you are involved in an accident, Uber pays for damages if you were driving at a speed limit of 40km/h and aren't at fault (UBER): 4,5% |
| If you could change 3 things for drivers what would those changes be? | <ul style="list-style-type: none"> ★ Reduce commission: 68% ★ Improve the safety of drivers by requiring customers to upload identification documents, profile picture and adding safety features: 36% ★ Improve the platform's communication: 32% ★ Change per km per minute rate: 23% ★ Remove Uber Go as an option: 9%²⁹ ★ Exempt drivers from tax: 9% ★ Display trip destination before accepting the trip: 9% ★ Introduce benefits such as UIF and health insurance: 9% ★ Only allow card payments on the platform: 5% ★ Give drivers more control: 5% ★ Charge commission monthly vs on a per-trip basis: 5% ★ Bring back monetary bonuses: 5% |

²⁹ Uber go is priced at relatively lower rate than Uber X and XL

| | |
|--|---|
| | <ul style="list-style-type: none"> ✪ Allow drivers to cancel without being penalised: 5% ✪ Get rid of faulty cars on the platform: 5% ✪ Provide drivers with payslips so that they can acquire credit: 5% ✪ Allow EC drivers to 'rent-to-own' cars from the platform (Bolt): 5% |
| IDENTITY AND CONCIOUSNSS | |
| Do you see yourself as an independent contractor or an employee of the platform company? | <ul style="list-style-type: none"> ✪ Employee: 14% ✪ Independent contractor: 86% |
| Would you want to be an employee of Uber or Bolt? | <ul style="list-style-type: none"> ✪ Wants to be an employee: 35%³⁰ ✪ Does not want to be an employee: 65%³¹ |

5.1. Demographic Profile

The survey reiterated the demographic findings set out in the literature review. Of the 22 drivers surveyed, 95% were men. Several respondents reported that women refrain from joining ride-sharing platforms due to security concerns. Most drivers (73%) are between the ages of 18 and 34 and are thus considered youth by South African standards.³² Of this age group, only 5% of drivers were under the age of 26, while 27% were above 35.

More than half of workers surveyed are well educated, which is consistent with the literature review findings. Of those surveyed, 32% held a matric certificate³³, 54% held some higher education, and only 14% had failed to complete grade 12. Many drivers cited unemployment as the main contributing factor for joining the platform while some of the workers were previously employed as mechanics, retail outlet employees and truck drivers. Education levels were higher among foreign migrant workers, which is attributed to the difficulty migrants face

³⁰ The drivers who were open to becoming formally employed by the platform (35%), stated that they would become employees if there were perceived social benefits like health insurance, life cover, unemployment benefits (UIF) and death benefits.

³¹ Most of the drivers who did not want to be formally employed stated it would take away autonomy from the platform and it would restrict their earnings

³² South Africa's National Youth Commission Act, 1996, defines youth as those from ages 15-34.

³³ In South Africa, a matric certificate indicates the successful completion of grade 12.

accessing work permits and formal employment.

The survey found that, although migrant workers constitute a high percentage of drivers on ride hailing platforms, the figures are not as high as reported in earlier studies. Migrant workers represented 71% of drivers surveyed in Cape Town and 20% in Johannesburg, while 100% of the drivers surveyed in East London were South African nationals. In Cape Town, several drivers reported that they were drawn to the city for its tourism industry and the potential for steady work.

5.2. Driver Flexibility

The surveys explored the benefit of flexibility, which is cited in the literature and by technology platforms as a key benefit of the gig economy. However, platform work was found to be the primary source of income for most drivers, with nearly three-quarters (70%) working at least 40 hours a week as a driver, across one or more platforms. Among the drivers who disclosed their involvement in additional income-generating activities – several respondents mentioned running a business, offering tours to tourists, and providing personal training services.

The drivers' responses also suggested that they were open to finding jobs with more job security. At the same time, when respondents were asked if they would rather become employees of Bolt or Uber, instead of contract workers, 65% of drivers were opposed. Drivers voiced concerns over limited autonomy and a probable decline in earnings. This finding reiterates the importance of nuance to the notion of flexible work. Drivers appreciate the flexibility of gig work yet tend to rely on this work for 100% of their income.

5.3. Hours Worked and Income

The majority (50%) of platform workers drove for more than 65 hours a week, with several noting that long hours were necessary to earn a living. South Africa's income disparity means that a few drivers own their own cars. This was especially true in the Eastern Cape (East London and Gqeberha), where only 30% of drivers owned the car they drive, compared to 40% in Johannesburg and 85% in Cape Town. Drivers who do not own their own vehicle reported taking part in "cooperatives", which function as rotating savings scheme where members contribute a fixed amount of money weekly or monthly to save for the purchase of a car. These cooperatives were especially common in Cape Town and were used by 43% of drivers. Other

arrangements include leasing cars from fleet companies, or car rental schemes offered by Uber and Bolt.

Previous studies show drivers spend between R2 500 and R4 000 renting and financing their vehicles. This is in line with the findings from our survey, which showed that more than 90% of drivers paid between R2 500 and R4 000 a month for their car. Public relations material from Uber and Bolt highlights average monthly earnings in South Africa of R7 000 to R8 000. This means that, after car rental costs, most drivers earn R5 500 or less per month, before they pay for petrol.

5.4. Challenges

The surveys also explored the challenges experienced by drivers, with findings consistent with other South African studies. The interviews reveal that 96% of drivers work between 6-7 days a week with only 18% of workers driving continuous hours. All drivers (100%) agreed that crime and high costs including petrol and commission paid to Uber are their main challenges. Other issues reported include assault by customers and taxi drivers, difficulty obtaining permits, diminishing returns and poor communication from the platforms.

Cape Town respondents emphasised the difficulty of obtaining permits to drive in the city. Drivers further disclosed that they are fined R10 000 if they are caught operating without a permit, a fee which can be financially devastating. Uber seemed to provide workers with more benefits than Bolt, including the refunding of impound fines and care repairs if the damage was caused at a speed below 40km/h. One respondent revealed that they received an annual bonus of R20 000 in the past from the Uber platform, although this incentive is no longer available.

5.5. What do drivers want?

Survey participants were asked to recommend three platform-related changes to improve the workers' experience. It is noteworthy that most respondents (68%) answered 'reduce commission', which is the percentage of income taken by Uber and Bolt. The second-most common response (36%) was a desire for improved safety features, including a requirement that customers upload identification documents and profile pictures. The one-sided nature of such requirements, with only drivers required to supply identification, was also noted. Another

common response, cited by 32% of drivers was a desire for better more timely communication from the platform, including speedier responses to driver grievances.

Other notable recommendations include:

- Increasing the per km per minute rate (23%);
- Increasing the rate paid for Uber Go cars (9%);
- Exempting drivers from tax (9%);
- Displaying the trip destination before accepting a request (9%);
- Introducing benefits such as UIF and health insurance (9%);
- Allowing only card payments, not cash (5%);
- Providing drivers more control on the platform (5%);
- Charging a monthly fee as opposed to commission on each ride (5%);
- Bringing back monetary bonuses (5%);
- Allow drivers to cancel a trip without being penalised (5%)
- Removing faulty cars from the platform (5%);
- Providing drivers payslips so that they can acquire credit (5%); and
- Offering the option of "rent-to-own" to drivers in the Eastern Cape (5%).

5.6. Worker Rights

The literature review noted that less than 20% of drivers receive social protection worldwide, with South Africa requiring no protection for drivers. In our survey, 9% of drivers expressed a desire for social benefits such as UIF and health insurance, which they are excluded from owing to their classification as independent contractors. All respondents (100%) highlighted flexibility, independence, and income potential as the main benefits of joining platform work.

The study also explored the bargaining power of drivers. Notably, not one driver interviewed reported taking part in collective action, or even communications to this effect. That said, many use social media as a communications tool. Nearly all drivers (93%) communicate with one another on WhatsApp, while 7% use Facebook. Subjects discussed include the challenges they face on a day-to-day basis such as crime (79%) and managing cooperatives (21%). In-person gatherings have been attended at some point by more than half (57%) of respondents, and most of those meetings are for cooperative management.

6. CURRENT AFFAIRS

In August of 2023, a minibus taxi strike brought Cape Town to standstill for several days. Associations of Minibus taxi operators struck in protest of City of Cape Town authorities impounding taxis, rather than fining them for a range of infractions. The success of the action in disrupting economic activity put the relative power of taxi associations into sharp focus. The minibus taxi industry is an integral part of how working class people move around in Cape Town.

Some reports had Uber driver associations joining the strike. The threat of violence hung heavy in the air around this time and any support by any group of Uber drivers for the strike can be seen as a purely pragmatic decision under the circumstances.

While the Western Cape E-hailing Association appears to have come out in support of the taxi strike, the Daily Maverick reports that, “*The association was in attendance at the taxi association meeting held in Makhaza, Cape Town, on Thursday 3 August. But when called to vote on whether to strike or not, no one stood up.*”³⁴

It is fair to say that Uber drivers share the objection to the impounding of vehicles by the City of Cape Town, which is expensive and time-consuming. The issuing of operating licenses by the City is *an underlying problem* for gig-drivers in particular.

In response to GroundUp queries, Quintas said that the freeze on new permits, imposed in February 2021, was necessary “*to ensure the long-term sustainability of the metered-taxi industry*”. He said the number of metered-taxi operating licences had increased from 685 in 2015 to about 4,300. (The metered-taxi industry includes e-hailing services in this context.)³⁵

EPCO reported planning for a national action on 19/20 September 2023. They will march to the office of the Premier in Gauteng and to the Department of Transport the next day.

³⁴ <https://www.dailymaverick.co.za/article/2023-08-04-forget-about-swiping-for-uber-or-bolt-e-hailing-services-have-joined-cape-towns-taxi-strike-action/> accessed 12 September 2023

³⁵ <https://www.groundup.org.za/article/uber-bolt-drivers-strike-for-two-days/>

7. CONCLUDING THOUGHTS ON ORGANISING

7.1. **The workers that are involved in location-based gig work are not identical and some face different challenges to others.** Despite similar technologies being used, workers on e-hailing platforms like Uber have very different experiences to workers on a domestic work platform like Sweep South. Even within the driver-for-hire segment we can observe differences between e-hailing and retail delivery work. The two jobs pay differently, e-hailing in South Africa involves operating motor vehicles, while motorcycles are prevalent in the retail delivery sector.

7.2. E-hailing is quite different from domestic work platforms. The growth in the number of meter taxi operators (traditional meter taxi and e-hailing combined) suggests that the private driver-for-hire market has actually grown since the advent of Uber and others. By contrast, Sweep South feeds off an established culture of ultra-low pay domestic work. The Sweep South model for domestic workers embodies low pay, part time work requiring no time commitment by the customer beyond their immediate needs. As a movement we seem bereft of ideas of how to transform the experiences of domestic workers. It will take a highly creative and inspiring intervention to shift the level of organisation and association of domestic workers and this report does not pretend to have the answer. We will venture one question that we think points in the right direction. **How do you create a community of domestic workers, when the experience of being a domestic worker is to be profoundly alone, hidden behind the walls of your employer?** We think a worker-controlled platform might be a possibility, but we are realistic about the enormity of the challenge, which is both political and technical. It would require time, multi-disciplinary expertise and sustained coordination and no small amount of financial support.

7.3. **There is no doubt that workers on platforms have concrete demands, many of which relate to their immediate concerns.** They cannot control petrol prices but they want the platform to be more sensitive to changes in the costs of these kinds of key inputs. They

would like the platforms to deduct less commission. They want more fairness in the approach to customer ratings and its consequences for them. Above all, they want to feel safer.

7.4. The literature and our interviews with workers indicate that **many workers, certainly in the e-hailing space, value their perceived independence, the ability to choose when they work, and to self-direct, rather than have a boss.** Some argue convincingly that the perceived flexibility and independence of gig workers are illusions and that **the structure of the employment relationship and the work design offer these workers a constrained set of choices.** For example the 'choice' to work abnormally long hours to make an acceptable living. The research backs this up.

7.5. We agree with these observations, but would add that this observation does not mean that you can dismiss worker affinity for independence and self-direction and importantly, that **the constrained choices available to platform workers does not simply translate into an assumption that these workers want to be employed in the traditional sense.** It is fair to say that these workers would want access to some of the protections offered under formal employment, but this is not the same thing as wanting to be employed. **Workers want regulation insofar as it advances their core needs.** It is not clear that drivers want to become employees. Workers certainly have demands, but it is not clear that the standard employment relationship is one of those demands. Targeted legal challenges remain a viable tactic in this sector, but we argue that there is a need for much more thinking about what is the legal end-game for gig workers.

7.6. It is useful to try and think about the counterfactual employment relationship. We can imagine that there is a court verdict that deems workers to be the employees of a platform operator, and then try and imagine how the platform would respond. The platform may choose to close shop if they deem the business model not to be viable when employing workers directly. If the platform continued to operate, the terms of the service for workers would likely change radically and it is not clear what pay and conditions of service would

look like following such changes. Would it still be a gig-based commission model that allows for variable incomes (higher and lower pay of course), or would it be a flat pay structure that may or may not include performance incentives? **How do workers choose between a system with no pay floor and a higher ceiling compared with a system with a minimum guaranteed income and a lower ceiling of possible earnings?**

7.7. If we acknowledge that workers want a range of concrete issues addressed to their advantage and also that workers themselves will be the ones best positioned to confront the challenges they face and to make the choices they need to make - then we can argue that **the right or power to bargain with the platform is a key goal, and one which enables gains to be made in all the other areas that these groups of workers care about.**

7.8. **How do we establish conditions for groups of workers to develop the power to force the platform to bargain or to win a right to bargain through regulation?** The formations that have emerged are weakly developed and struggle to build power. **The most obvious starting point is to attempt to consolidate the groups that do exist.** It is an educated estimation that what organisation there is among platform workers, proceeds through 100s of small social media groups with active membership of anywhere up to about 50 drivers. WhatsApp looks to be the preferred platform for these groups. There are larger social media groups identifying as representing e-hailing drivers. Some have over 100,000 followers, but these groups appear to lack substantial coherence, organisational structure or even group moderation. You will find individuals purporting to be representatives of certain driver associations interviewed in news articles from time to time. On the other hand, these groups appear to have limited online presence and very little by way of organisational capacity. **Relatively modest financial support with spaces in which to develop their strategic thinking would likely boost these groups capacity to organise themselves a great deal.**

7.9. **What forms of organisation or organisational forms are most appropriate to location-based platform work?** The starting point is the different forms of collective action that already exist among these workers. Chief among the existing forms are small, medium and

large social media groups. Whatsapp is home to the smaller, closed community groups and Facebook home to the larger open groups. The groups have different characters and it will be important to distinguish between groups that are organised along different lines. Some are organised by nationality, some are tight cooperative-type groups that are collectively financing vehicle ownership for group members and some are broad information sharing groups for anyone in the sector. All of these groups are concerned with information that matters to drivers on a day to day basis. Where are the traffic authorities stopping vehicles, which areas are safe, how do I get into the e-hailing game and how do I get better at the e-hailing game?

7.10. It is not reasonable to assume that established trade unions are ready to engage with workers in these sectors and to absorb them into their organisation. The most interesting question is **how to establish conditions within trade unions that make them a home for groups of platform workers.** Making connections between incipient organisations of platform workers and trade unionists that are genuinely open to new ways of thinking about organisation would be a start. These conversation would likely need to be facilitated in a spirit of intellectual and political openness to yield useful results. These workers are young, relatively well educated, online, independent, mobile and also culturally heterogenous. We will have to be open to possibilities that go beyond simply absorbing these kinds of workers into the trade unions that we know today.

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