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‘Roadblocks, speedbumps and potholes’: An investigation into the working conditions of e-hailing drivers in Cape Town, with reference to the city’s registration system

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A research report portfolio submitted to the Wits School of Literature, Language and Media, Faculty of Humanities, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Arts by coursework and research report equivalent in Journalism and Media Studies

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ABSTRACT

South Africa has experienced an increase in the demand for e-hailing platforms such as Uber, which has been doing business in the country since 2013, and enables passengers to conveniently commute from one place to another. The rapid adoption of ride-hailing services allows users to easily perform online transactions using their mobile devices and wireless networks.

Job seekers are attracted to working for e-hailing platforms, particularly amid the devastating economic fallout of the Covid-19 pandemic. These jobs are in demand, as they do not require special training, there is a potential good return and working hours are flexible. However, e-hailing drivers face several work challenges, ranging from personal safety while on the job to profile blocking and scamming. But perhaps the most crucial challenge for drivers who operate in Cape Town is the municipality's failure to issue operating licences.

This research report equivalent, which investigated the process of obtaining an e-hailing operating licence in Cape Town, is anchored on the hypothesis-based inquiry approach for investigative journalists that was developed by award-winning investigative author and academic, Professor Mark Lee Hunter. This portfolio of work is divided into three sections. The opening is academic in nature and contains: the aims and rationale; the literature review; the elements of planning the investigation, such as a source map to identify potential interviewees; a timeline to chronicle pertinent information. The next section is an investigative story that imitates the style of a publishable journalistic news article that offers context, data, interviews, and human interest, and is enhanced by multi-media features. The final section is a reflective essay that assesses the learning, success and limitations of this research project.

This investigative research project amplified - albeit modestly - the largely untold experiences of women e-hailing drivers in Cape Town. It confirmed that Uber and the City of Cape Town inadvertently benefit financially from a backlog in processing e-hailing permits. Furthermore, it revealed that, in 2021 the City of Cape Town issued fines in excess of R13 million to e-hailing drivers for a breach of the operating permit by-laws, while not granting a single e-hailing operating licence since February 2021.

DECLARATION

I declare that this research report portfolio is my own unaided work. It is submitted for the degree of Master of Arts by Coursework and Research Report Equivalent in the Department of Journalism, at the University of the Witwatersrand, Johannesburg.

It has not been submitted before for any other degree or examination at any other university.

Aismail

12 April 2022

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SECTION 1

AN INVESTIGATION INTO THE WORKING CONDITIONS OF E-HAILING DRIVERS IN CAPE TOWN

Summary introduction

This section provides a critical evaluation of the e-hailing services ecosystem as a backdrop to interrogating the administrative and regulatory challenges, and the resultant working conditions of e-hailing drivers, which is at the heart of this research project. Therefore, with a threefold focus on government, business and the less powerful, this study affirms the centrality of the role of investigative journalism, by engaging in watchdog activities, in fulfilling the social responsibility function to the public, by holding power and the powerful to account. Accordingly, it points out the need to adopt regulatory reform that will help protect drivers from being exploited, and hopefully help bend policy toward the arc of change.

However, a good investigative journalism story does not happen overnight. In fact, as this section demonstrates, it encompasses several stages of planning, which involve a great deal of secondary research using media reports, books, academic journals, government documents, financial statements, and court cases to uncover information that is instrumental to writing a watertight story. Hence, section one details the months-long planning process leading up to writing an investigative news article.

1.1. INTRODUCTION AND BACKGROUND

Investigative journalism, in a crusade to attain the "loftiest of objectives", paradoxically beams a search light on the "ugliest aspects" of humanity within the societies in which we live, asserts Professor Anton Harber (2018) in the introduction to the book, *Southern African Muckraking - 300 years of Investigative Journalism that Shaped the Region*, which he edited. According to Harber, investigative journalists "are journalistic disrupters; those who strive not just to reflect on our societies but to question, probe and make uncomfortable those who wield power and authority. Their natural mode is distrust, and they have an instinct for the muck" (2018: xi). Tracing the concept of muckraking, as investigative journalism was known in the early years, Harber (2018) observed that it originated in 1906 in America when US President Teddy Roosevelt appealed to journalists in a speech to not only "look down" and focus on the dirt but also to "look up" and see the blue sky.

When looking up to see the blue sky over Cape Town's Victoria & Alfred (V&A) Waterfront, with the majestic Table Mountain as its backdrop, one can easily be filled with awe at the sight of one of the most visited destinations in Africa (V&A Waterfront, 2019). The V&A Waterfront is a hive of activity and boasts a cosmopolitan blend of experiences that spans leisure, shopping, entertainment activities and surrounding attractions. Looking down over Entrance 2 of the Waterfront, one sees a hubbub of a different kind, as people glued to their cell phones wait for their rides from e-hailing operators, which swiftly arrive and depart like the clichaic seagull dipping into the ocean before winging its way across the sky.

A stone's throw from Entrance 2 is one of the MyCiTi bus stops located around the Waterfront precinct - and closer to the popular Ferris wheel, which offers views of the City Bowl and Robben Island - metered taxis are lined up. These are some of the public transport services available to commuters, but it is only the e-hailing operators who fear for their lives and livelihoods, merely because of being a driver on the Uber platform.

Uber Technologies pioneered e-hailing in the public transport market in South Africa (Competition Commission, 2021) in 2013 by introducing its operations in Johannesburg, Durban and Cape Town (Uber, 2016). By June 2015, Uber had garnered 5.3 million users in South Africa and recorded approximately two million trips (Uber, 2015). Uber's acceptance and utilisation by the public is not unique to South Africa: it is the best-known e-hailing service globally. "[W]e believe we have a leading ridesharing category position in every major region of the world where we operate" (Uber, 2021; 4).

Uber is headquartered in San Francisco, California. It was founded in 2009 and focuses on three operating segments, i.e. mobility, delivery and freight (Uber, 2021). Uber services have been available in some 10 000 cities in 71 countries since 31 December 2020 (Uber, 2021). According to the

company's 2020 annual report, submitted to the New York Stock Exchange, that year Uber had 93 million users and over five million drivers worldwide. They completed 4.98 billion trips, which translates into on average 18.7 million trips per day. The report indicates that Uber's annual revenue fell from $14.1 billion in 2019 to $11.1 billion in 2020; however, Uber's revenue by region shows that Europe, the Middle East and Africa – the region that South Africa is grouped under – rose from $1.8 billion in 2019 to $2.09 billion in 2020 (Uber, 2021).

Based on revenue generated between 2016 and 2019, Uber is the dominant player in the e-hailing market in South Africa, as revealed by evidence gathered by the Competition Commission during its market-based land transport inquiry, which included e-hailing services in its scope (Competition Commission, 2021). Uber earns revenue by taking a percentage of the cost of an e-hailing trip, while the remainder is allocated to the driver. The same revenue model is followed by Estonia-based ride-hailing app Bolt. With 2.1 million users, it entered the South African market in 2016 and now operates in a number of cities, including Johannesburg, Pretoria, Pietermaritzburg and Cape Town (Competition Commission, 2021).

"Bolt's concentration on Europe and Africa differentiates us from our competitors, and the success of this strategy is obvious, with South Africa becoming one of our top markets globally," said Markus Villig, CEO and co-founder of Bolt (Mfuneko and Van de Berg, 2019). The authors state that revenue in the ride-hailing segment in South Africa reached $314m in 2019 according to Statista, with annual growth of 18.4% anticipated by 2023 and resulting in expected market volume of $616 million by 2023 (Mfuneko and Van de Berg, 2019).

This market has seen several new competitors entering since this time. For example, inDriver launched in 2019 in Cape Town and Johannesburg (Competition Commission, 2021). It allows the passenger to determine the trip fare in real-time negotiation with the driver (Competition Commission, 2021). More recently, China-based e-hailing service Didi Chuxing, also known as Didi, entered the South African market in May 2021 (Didi, 2021). It was founded in 2012 and was initially piloted in South Africa in Gqeberha and then expanded to Cape Town (Didi, 2021). It charges R10/km on top of a base fare of R15 (Didi, 2021). This would make it relatively more expensive than competitors, such as Uber, which charges about R7.50/km (Malinga, 2021). Although Didi currently competes with Uber in certain countries in Latin America and Australia, Uber does hold a minority ownership position in Didi (Uber, 2021). However, it does state that is it not represented on the management team or board of directors and therefore do not participate in the day-to-day management of Didi (Uber, 2021). Didi's emergence in the South African market, may yet face resistance, says Kene-Okafor (Tech Crunch, 2021), seeing

that Uber and Bolt have faced challenges with the government, particularly its reported wish to protect traditional forms of public transport.

1.1.1 Aim of the research

This research report equivalent provides a detailed investigation into the working conditions of e-hailing drivers in Cape Town, with specific reference to the process of obtaining an e-hailing operating licence from the City of Cape Town. In doing so, this project draws on the qualities of an investigative journalist, as expressed by Harber (2018), to not just "reflect" but to also "question" and "probe for the public good" the city's e-hailing operating licence system.

City of Cape Town has halted the issuing of e-hailing operating licences (Vieira, 2021). This follows delays in processing applications amid claims by the city (Vieira, 2021) that the market is saturated and counterclaims by e-hailing drivers that traffic officials are targeting them in a bid to bolster revenue through fines on impounded vehicles (Charles, 2019; Qukula, 2020; Mafolo, 2020). The moratorium and historic delays have resulted in many e-hailing drivers operating without a permit (Competition Commission, 2021).

This research affirms the centrality of the role of the media and investigative journalism in terms of the theories of social responsibility, agenda-setting and the public sphere. In addition, the notion of spurring change is shown to be intricately linked as one of the main functions of investigative journalism in a democratic society, since reporters delve into stories in the interest of the public, which ultimately contributes to transparency and accountability (Jackson, 1993; Stapenhurst 2000; Fourie 2001; Wasserman & De Beer 2006; Camaj, 2013; Bahareh, 2019).

This study, with its triple focus on government, business and the less powerful, contributes to enabling citizens to participate in public debate, which is considered vital for democracy (Cowling & Hamilton, 2011). Accordingly, this research project gives voice to the drivers, who face obstacles because of government bureaucracy. It reveals how the City of Cape Town and e-hailing companies benefit financially because of government red tape, and finally points to the need to speed up regulatory reform that will help protect drivers from being exploited, and hopefully help bend policy toward the arc of change.

1.1.2 Rationale

The growth of e-hailing services in South Africa has been exponential since the technology is smartphone-compatible, making it super-fast and efficient. This innovation has received substantial media attention, with the coverage focusing primarily on driver and passenger safety, how e-hailing services have disrupted traditional transport systems, as well as the regulatory framework.

While isolated news events on vehicles being impounded have been reported in the news, it appears that there have been no meaningful in-depth investigations into the mechanics of this problem in Cape Town; therefore, it rightly deserves attention. Moreover, there appear to be no recent studies that interrogate the bottlenecks in the application process for obtaining an e-hailing operating licence in Cape Town, and the consequences for drivers, specifically amid the devastating economic fallout of the Covid-19 pandemic. This leaves a gap for research to be done in this area. The research gap is particularly relevant in terms of Cape Town, which is South Africa's most traffic-congested city (TomTom Traffic Index, 2020). Unemployment remains a challenge (Stats SA, 2021) and historical transport accessibility constraints continue to exist, owing to the spatial planning legacies of apartheid (City of Cape Town, 2019; Vegter, 2020).

This research study is, therefore, of crucial importance for several reasons. Firstly, there is a dearth of data on the subject of public e-hailing services. Secondly, this research includes narratives provided by several e-hailing drivers in Cape Town to better understand the challenges they experience with trying to obtain an operating licence. Thirdly, this research provides insight into the delays in processing operating licence applications and the potential remedies available. Fourthly, this research corroborates a body of information that considers Uber to be a controversial player in jurisdictions that include the United States, France, the United Kingdom, Norway, Pakistan and Mexico (Rampell, 2014; Rushe, 2014; Geradin, 2015; Cunningham-Parmeter, 2016; Drahokoupil & Fabo, 2016; Bruce, 2019; Smith, 2021; Competition Commission, 2021). Lastly, the investigative story emanating from this research positions the plight of women e-hailing drivers – albeit modestly – in the public consciousness, by revealing new information and casting previously available information in a new light to reveal its significance.

1.2. METHOD

The nuts and bolts of a solid investigative journalism story involve several steps. Harber (2018: xii) observed that investigative stories are “usually built on the slow, grinding collection of information, the gradual building of contacts and sources, and the study of data to turn rumour and talk and suspicion into proof”. This view is stretched even further by De Burgh (2008), Duncan (2013), the Konrad Adenhauer Foundation (2010), and Rodny-Gumede and Chasi (2016), who all contend that investigative reporters employ techniques developed through several stages of planning, research and reporting to scrutinise and uncover data and information that the powerful, elite and corrupt want to conceal; and it demands unimpeachable standards of accuracy, facts and evidence.

The method adopted for this study is the hypothesis-based inquiry approach for investigative journalists by investigative author, Professor Mark Lee Hunter. He developed a manual as a guide to basic methods and techniques of investigative journalism. "The majority of investigative manuals devote a lot of space to the subject of where to find information. They assume that once a reporter finds the information he or she seeks, he or she will be able to compose a viable story," asserts Hunter (2011: 2) in the introduction of the book Story-based inquiry: a manual for investigative journalists.

The hypothesis-based inquiry approach, explained Hunter (2021) in a Zoom seminar from his home in Paris to the Wits investigative journalism class, takes the basic assumption that a story is only a hypothesis until it can be verified. Therefore, a hypothesis that can be verified or disproved must be formulated for the intended story. "By analysing a hypothetical story, a reporter can more easily see which information he or she needs to seek" Hunter (2011: 2).

The advantages of the hypothesis-driven investigation, as outlined in the manual (2011), is that: it gives a reporter something to verify, instead of trying to uncover a secret, increases the chances of discovering secrets, makes it easier to manage the project, is a tool that can used again and virtually guarantees a story.

This study hypothesises that the perennial delays by the City of Cape Town seemingly helps it to rake in impoundment fees, while e-hailing companies like Uber also cash in. However, the men and women who risk driving the streets to earn a living are apparently short-changed.

The process that follows broadly falls within six distinct steps. The first step is to collect open-source data to verify the hypothesis. In the case of this research, news reports, media statements, court papers, a report based on an inquiry that included e-hailing riding services in its scope; and presentations submitted at this inquiry was perused. Secondly, human sources to speak to should be identified. In this study, names of people and organisations were identified while skimming through

news articles and transcripts of public hearings heard by the Competition Commission inquiry. Contact details of officials was extracted from government and company websites and press statements, while others were sought from working journalists and community activists. The third and fourth steps entail organising the information as it is being collected and placing the data in a narrative order to help compose the story. This project utilised a source map to organise and illustrate the open-source data to consult and the human sources to contact. In addition, a timeline was developed to highlight in chronological order all the salient information gathered that contributed to writing the story. The fifth and sixth steps involve quality control to ensure the story is accurate and then finally to publish the story.

For the purposes of this research, drivers utilising e-hailing apps are referred to as e-hailing operators. This includes drivers working for vehicle owners, drivers leasing vehicles and owners driving their own vehicles, while companies such as Uber and Bolt are called e-hailing companies. The primary e-hailing company chosen for this research proposal will be Uber Technologies. It is selected specifically because it is widely considered to have pioneered e-hailing in the public transport market in South Africa where it also dominates the e-hailing market (Competition Commission, 2021).

1.2.1 Hypothesis

This research hypothesises that e-hailing drivers face huge bumps on the road to earn a living as the wheels turn slowly at the regulatory entity tasked with granting operating licences. The delays force drivers to operate without a licence, but e-hailing companies and the City of Cape Town appear to be benefiting from it financially. I will attempt to dissect this hypothesis by:

- Outlining the application procedure required to obtain an e-hailing operating licence;
- Interrogating the bottlenecks in the processing and issuing of e-hailing operating licences;
- Giving a voice to e-hailing drivers about their personal experiences of having their vehicles impounded; and
- Collecting data on the number of impoundments and the monetary value of the fines.

Secondary questions arising from the hypothesis will assist to determine the background and context of the decisions made by the City of Cape Town:

- Why has a moratorium been placed on new applications for e-hailing operating licences?
- How many operating licences have been granted and what is the cap on the number?
- Why did the City of Cape Town make it a requirement for e-hailing and metered taxis to make their applications under the same permit?

- What measures are being implemented to remove some of the red tape involved in processing e-hailing operating licences?

It is prudent to state that Hunter (2011) emphasises that a hypothesis is a proposed explanation based on the evidence at hand that serves as a starting point for further investigation; and as such it is bound to change as new data emerges and therefore will also be deconstructed until a verified hypothesis is identified.

1.2.2 Source map



1.2.3 Timeline

A timeline is typically constructed in chronological fashion to document events, - through information in the public domain extracted from government and legal documents, presentations to parliament and media reports - in the order they occurred. Seeing what happened will also allow reporters to see what did not happen, Hunter (2021) explained in a Zoom seminar to the Wits investigative journalism class. A timeline, Hunter continued, tells a story and importantly, its structures the investigation. As such, it plots the stakeholders involved such as culprits, victims, and witnesses.

This timeline opens with a summary reiterating in brief what the investigative story is about before indicating, in chronological order, some of the information that appears in the final story.

- Within South Africa, licensing requirements for public transport vehicles vary from jurisdiction to jurisdiction.
- The Western Cape government requires drivers to apply for a metered taxi licence.
- This application process is onerous and appears to be riddled with delays.
- The apparently broken system is a potential breeding ground for corruption.
- As a result, e-hailing drivers are rendering their services without having permits.
- This results in their vehicles being impounded, which earns the City of Cape Town money due to fines.
- The application of the current legislation fundamentally creates tension between the metered taxi industry and those working in the e-hailing industry.
- The Western Cape government has placed a moratorium on the issuing of new licences for e-hailing operators until 2023.

October 2014

While the City of Cape Town has played down accusations of it targeting e-hailing driving, its Operating Licence Strategy for the period 2013–2018 (released in October 2014) tellingly states: “Law enforcement programmes need to be carefully considered and implemented in an open manner and … focus on priority incidents and/or offences, which will yield the best return with the limited resources available” (2014: 19).

January 2015

The calls for stricter regulations for electronic ride-sharing came into the spotlight in 2015, when Cape Town traffic officials impounded over 200 cars because the drivers associated with Uber did not have metered-taxi permits, which is required for all taxis in South Africa. The City of Cape Town approved 1 035 operating licences in 2015.

In January 2015, 34 vehicles on the Uber platform were impounded by City of Cape Town, after it introduced a moratorium in 2014 on issuing licences (Hypertext, 2015). According to a news report, the drivers were charged with operating without a valid licence and were made to pay a R1 500 fine, plus a R7 500 vehicle release fee (Hypertext, 2015).

A city official refuted claims that these drivers were being treated unfairly, adding that Uber had been in talks with the city for some time regarding licensing issues. Brett Herron, then a mayoral committee member, was quoted as saying that the city informed Uber that drivers had to be properly licensed (Hypertext, 2015). "I expressed the city's support for the Uber concept and indicated that we were planning a Metered Taxi By-law which would regulate all metered taxi operations, including those that use e-hailing [such as the Uber app] …. We advised them that they would have to apply for metered taxi operating permits since, in the absence of a licensing category that exactly matches their operations, this was the best fit in the interim. Transport for Cape Town, the city's transport authority, has been unambiguous about the type of licensing they require, and it is dishonest of them to suggest that they are the victims of ambiguity," said Herron (Hypertext, 2015).

Also quoted was mayoral committee member Jean-Pierre Smith, who said that Uber can only operate with a valid operating licence. "Their vehicles should not be on the road until they have such." He added that allegations that Uber had been unfairly singled out for enforcement were unfounded (Hypertext, 2015).

At the time, general manager of Uber in South Africa, Alon Lits, maintained that regulation is crippling job creation. "The partners we work with are professional drivers with professional driving permits (PDPs) that have gone through an Uber screening process that is better than the status quo. This final operator's license (and an ambiguous and unnecessarily bureaucratic process) is a license for the vehicle and the regulatory delay is getting in the way of empowering individual drivers to become small business owners and entrepreneurs" (Hypertext, 2015).

May 2016

As far back as 2016, the South African Metered Taxi Association (Samta) addressed a letter to then transport minister, Dipuo Peters, and the Parliamentary Portfolio Committee on Transport in May of that year to object to the "disruptive and illegal operations … [of] … all e-hailing transport". It was riled by the operating licence policy: "To add insult to injury they are

being offered Metered Taxi Permits in some cities, without broad-based consultation with the legal representatives of the industry in those cities" (Samta, 2016).

Samta also felt that there was not enough regulation of e-hailing services and said they used "predatory and aggressive" tactics to strong-arm the industry. An extract from their letter reads (Samta, 2016) as follows: "Very little enforcement action has been taken against them, rather they have been embraced as the 'darling' of public transport without investigation into their predatory and aggressive business tactics, which includes running at a loss to obtain market share and funding their aggressive campaign with investor funds, whilst our members continue to be fined at the slightest transgression of our public transport laws, as we struggle to keep afloat in trying economic times."

July 2017

In July 2017, Commissioner Winnie Everett from the Commission for Conciliation, Mediation and Arbitration (CCMA) ruled that, despite the independence implied in the term 'drivers-partners', drivers on the Uber platform are in fact employees of the ride-hailing service (Uber SA / NUPSAW, 2017). The respondents in the matter were 'deactivated' and subsequently referred their alleged unfair dismissal disputes to the CCMA (Uber SA / NUPSAW, 2017).

January 2018

Ultimately, Everett's decision was reviewed and set aside by the Labour Court, with an order confirming that the CCMA did not have jurisdiction to hear the dispute. In his judgment, André van Niekerk (Uber SA v NUPSAW, 2018) held that the Commissioner made a mistake by not identifying Uber BV and Uber SA as distinct legal entities.

In the circumstances, whether drivers are employees of Uber BV under South African law remains to be determined, wrote Van der Merwe and Dias (2021) in a blog piece that was published on the website of the law firm, Schindlers.

The court transcript shows that Judge van Niekerk noted "… whether the drivers are employees of Uber BV (either alone or in a co-employment relationship with another or other parties), or whether they are independent contractors of Uber BV, is a matter that remains for decision on another day" (SA v NUPSAW, 2018: 37).

January 2018

The City of Cape Town's Transport and Urban Development Authority (TDA) issued a Metered Taxi Strategy Report (2018–2023), which states: "Reconnecting people to economic

opportunities and forging sustainable connections across communities are integral to the efficiency and sustainability of Cape Town. The transport system is vital in this process" (TDA, 2018: 28). The report acknowledges that all transport modes "will be bolstered by the new technologies, such as e-hailing that have the potential to revolutionise person travel in the coming decades and will result in a 'new generation' of service offerings, especially on-demand unscheduled services potentially particularly well suited to e-hailing … services" (TDA, 2018: 342). The report affirms that it will "explore the opportunity to leverage e-hailing technologies and the related network to increase access to person travel, incentivise its use, reduce congestion and reduce overall cost to the wider transport system" (TDA, 2018: 35). The report also states that the "lesson from e-hailing is that it is has transformed the quality, reliability and safety of metered taxi services" (TDA, 2018: 357).

Significantly, the TDA's (2018) report indicates that regulating e-hailing services remains a key objective for the City of Cape Town and proposed that new definitions be attributed to e-hailing services, allowing for a distinction between e-hailing services and metered taxi services. However, it must be noted that there has not been much movement in this regard and that both e-hailing and metered taxis continue to apply for the same permit.

March 2018

Also taking issue with the permits, the Movement Advocacy Group Uber and Taxify Drivers pointed out in its 2018 presentation to the Competition Commission's market inquiry into land-based public passenger transport, that the granting of permits is one of the measures put in place to control the supply in the market (Movement Advocacy Group Uber and Taxify Drivers, 2018). "[H]owever as the permits have been stuck in the system, we have no measure of how many permits have been granted, and how much space there is for more vehicles" (Movement Advocacy Group Uber and Taxify Drivers, 2018: 2). It went on to bemoan the lack of transparency by the city, Uber and Bolt, and how this is contributing "to people purchasing fraudulent permits" (Movement Advocacy Group Uber and Taxify Drivers, 2018: 2). It noted: "We feel that there has been a lack of transparency [which] is one of the key factors in the overflooding of the market" (Movement Advocacy Group Uber and Taxify Drivers, 2018: 2).

Regarding impoundments, it singled out Cape Town. "Uber pays for cars that have been impounded, however most often the operators must pay to get the car out and then be refunded. Often the operators do not have funds available, and generally it takes 2 or 3 days to get the car released. This means a loss of earnings for both the driver and the owner. In

Cape Town it is particularly bad where hundreds of vehicles are being impounded and the first offence is R7 500" (Movement Advocacy Group Uber and Taxify Drivers, 2018: 2).

April 2018

In April 2018, the National Assembly passed the National Land Transport Amendment Bill. The Bill is set to provide for and regulate e-hailing services and to empower the Minister of Transport to prescribe requirements, standards applicable and offences for the use of e-hailing technology-enabled applications. The Minister of Transport, Blade Nzimande, said in a statement at the time: "The dispensation will ensure that we bring the much-needed stability between the metered taxi and the electronic hailing taxi industry, which was characterised by uncertainty, conflict and criminality" (Department of Transport, 2018).

May 2018

Truter (2018), noted in a blog post titled, 'New bill to regulate e-hailing services – can it be done?' for Schoeman Law, that the Bill would allow the government to prescribe requirements and standards, as well as offences for e-hailing services.

South Africa's National Land Transport Act No. 5 of 2009, as amended, only recognises six categories of private transport services, i.e. buses, minibus taxis, metered taxis, chartered vehicles, lift clubs and tuk-tuks. However, Truter (2018) pointed out that Uber has in the past consistently argued that it acts as a ride-sharing app that facilitates rides between passengers and drivers, and not as a metered-taxi operator. Truter (2018) wrote: "It is quite clear that Uber does not fit into any of the categories and cannot be made to fit into any of the categories due to its specific way of dealing with customers and offering the service." She concluded that several government regulations are outdated and are not agile enough to accommodate Uber and similar innovations.

June 2018

GroundUp reported in June of 2018, that drivers on the Uber platform were once again locking horns with City of Cape Town. This was after the city threatened that those operating without a licence faced impoundment.

Uber's spokesperson Samantha Allenberg said that the delays in drivers obtaining licences were due to backlogs on the city's side (Cebulski, 2018). "Driver-partners are providing for their families and giving the citizens of Cape Town a service, they want and need: safe,

affordable and reliable rides …. However, the city continues to enforce impoundments, even when the delay is on their side," Allenberg said (Cebulski, 2018).

Cebulski (2018) reported that the city had impounded 480 Uber vehicles between January and June 2018, while a total of 676 vehicles had been impounded the previous year. She wrote that the city had raked in R13.2 million from vehicle impoundments since the start of the fiscal year in July 2017. Mayoral committee member, Jean-Pierre Smith, defended the uptick in impoundments, noting that the city had more resources than before to focus on Uber permits (Cebulski, 2018). Brett Herron, then a mayoral committee member, is quoted as saying that the City of Cape Town had approved 56 applications in 2018 (Cebulski, 2018). He pointed out that while the city could determine the number of licences available, ultimately it cannot grant licences (Cebulski, 2018). Responding to criticisms about the delays, the Western Cape Provincial Regulatory Entity said that it had granted 802 licences in the past three years (Cebulski, 2018).

July 2018

A month later, the Weekend Argus reported that e-hailing operators feared that their vehicles would be impounded, which would leave them with hefty fines to pay. The news article headlined, 'Uber and Taxify drivers are struggling to stay legal', stated that in the first six months of that year, the city had impounded 480 cars, compared to 646 for the whole of 2017 (Folb, 2018). The city had also collected more than R13.2 million from impoundments from July 2017 to May 2018 (Folb, 2018).

Driver Sizwe Dlamini said that Uber had applied for an operating licence on his behalf, but a year later he was yet to receive it. He told the Weekend Argus (Folb, 2018): "We are targeted because we don't have the operating licence.… I have had to lie to them before when I was pulled over, and luckily I got through it. But I still have to drive very carefully."

December 2019

In December 2019, the Cape Argus reported that the City of Cape Town had impounded 1893 e-hailing vehicles that calendar year because of driving without an operating licence (Charles, 2019). Richard Bosman, the City's executive director for Safety and Security at the time, was quoted as saying: "If we find an e-hailing operator operating without a licence, the vehicle will be impounded - just as is the case with mini-bus taxis and metered taxis. The city is duty-bound to impound vehicles of public transport operators who are operating without a valid operating licence or who operate in contravention of their operating licence" (Charles, 2019).

February 2020

In February 2020, the Competition Commission released its comments based on a market inquiry and called for a uniform approach to regulating the industry and an overhaul of the licensing regime. It found that 79% of e-hailing operators in South Africa were providing a service without a valid operating licence (Competition Commission, 2021). The Commission's report stated that backlogs for licensing - for both metered taxis and e-hailing services - are a nationwide problem (Competition Commission, 2021).

The delay problem was flagged by the Competition Commission, which noted: "There are substantial backlogs at various Provincial Regulatory Entities, partly due to the inefficiencies of the National Land Transport Information System, as well as capacity and financial resources at various Provincial Regulatory Entities" (Competition Commission, 2021: xv). The Commission recommended that capacity at all the Provincial Regulatory Entities should be increased and that "all pending applications should be processed and finalised expeditiously", in order to free up capacity (Competition Commission, 2021: xvii).

March 2020

In March, GroundUp reported that the backlogs in processing operating licence applications meant that several Uber drivers were operating while fearing their vehicle would be impounded (Mafolo, 2020). An unlicensed driver said she had applied for her licence in 2018, but still had not received it two years later. She told GroundUp (Mafolo, 2020): "The way the city is treating us is pathetic. We're providing a service, we're not stealing or doing anything bad, we just want permits."

Uber spokesperson, Monique Thompson, told the publication that drivers who use the Uber app have already completed the requisite steps in applying for their operating licences under the National Land Transport Act, and continue to follow the steps requested by City of Cape Town (Mafolo, 2020). However, she said the process of operating licences has been delayed, as there is a backlog at the City of Cape Town, while impoundments continue (Mafolo, 2020).

September 2020

In September 2020, the City of Cape Town said it was in talks with Uber about operating licences and impoundments (Charles, 2020). City official, Felicity Purchase, was quoted as saying that Uber wanted support in issuing additional operating licences and had also raised the issue of the hefty impoundment fees (Charles, 2020). The media report stated that 1881 vehicles had been impounded between July 2019 and June 2020, while 321 impoundments

had occurred between July and September 2020 (Charles, 2020). In response, Uber said the backlog could be cleared if the City of Cape offered active support to drivers working on the e-hailing platform (Charles, 2020).

August 2020

The relationship between Uber and the City of Cape Town continued to sour, and in August 2020, e-hailing drivers accused the city of deliberately delaying permits to cash in on impound fees. One Uber driver told Cape Talk that he had applied for a licence back in 2015 and it had still not been granted five years later. "The city makes more money on the impound than what they are making on the licence application fee. So that's why they go around impounding all the cars in the city - so that they make a lot of money. They delay releasing the licences so that they can make lots of money on the impounds," explained the driver (Qukula, 2020).

February 2021

In February 2021, the City of Cape Town placed a two-year moratorium on new applications for metered taxis, including e-hailing services (City of Cape Town, 2021). In a media release, the city said the decision was because the industry had been growing since 2014. It stated that the impact of the Covid-19 pandemic meant that, at the time, there was a significant drop in passenger numbers (City of Cape Town, 2021). The city reiterated that the industry had become saturated but noted that metered-taxi operators who were already licensed could sign up to e-hailing platforms (City of Cape Town, 2021). The media release highlighted that the moratorium would allow the City of Cape Town to: undertake an inventory of all metered-taxi operating licences in the system; develop a method to determine the demand for metered-taxi services that would govern support for new metered-taxi operating licences in future; review and update relevant bylaws, policies, statutory plans and strategies related to the metered-taxi industry; and establish a metered-taxi intermodal planning sub-committee as an umbrella body or forum for engagement with the industry (City of Cape Town, 2021).

Meanwhile, as the City of Cape Town continues to impound e-hailing operators' vehicles, attorney Nicolene Schoeman-Louw argues that the National Land Transport Act 5 of 2009 is silent on e-hailing and therefore impoundments are "unlawful" and "severely prejudicial" (personal communication: 30 August 2021). She added that letters have been issued to the City of Cape Town demanding that they cease and desist impounds (personal communication: 30 August 2021).

1.3. THEORETICAL FRAMEWORK AND LITERATURE REVIEW

The desire for transformative change in the world is part of what encourages people to become journalists, according to Lou Cannon (in Iyengar and Reeves, 1997). This notion dovetails with one of the functions of investigative journalism espoused by American philosopher John Dewey, i.e. that an important role of an investigative journalist ought to be to bring about change (in Champlin & Knoedler, 2006). Multi-award-winning journalist, John Pilger, shares this view. He writes in the introduction to his book, Tell Me No Lies, that investigative journalism should hold those in power to account by, among other things, reviewing government policies and drawing attention to social issues (2005). He writes: "One of the noblest human struggles is against power and its grip on historical memory" (2005: xiv).

This study is situated in three theories: the normative theory of social responsibility, the agenda-setting theory, and the public sphere theory. It is based on the premise that investigative journalism should fulfil its social responsibility function as a tool to hold power and the powerful to account for the public good, by engaging in watchdog activities. Furthermore, investigative journalism should cultivate critical public opinion, and should be a useful agenda-setter to serve as a catalyst for change within society.

The social responsibility media theory – one of six normative press theories – argues that the essential tenet is that journalists have an obligation to society; and that they are duty-bound to report in a manner that is truthful, accurate and objective, while locating news in a comprehensive context that gives it meaning (McQuail, 2010; Christians and Nordenstreng, 2004; Fourie, 2001; Pitout and Ndlovu, 2001).

According to Kruger (2017) and Oosthuizen (2014), social responsibility is an especially relevant theory within the context of South Africa, where the media strives to serve as a watchdog against the government, produce and distribute a diversity of content, and bring marginalised voices into the national discourse. This is supported by Bruns (2019: 34): "Within the South African media context, social responsibility is still accepted as the norm." Specifically referring to investigative journalists, Gaines (2008) unequivocally calls them "watchdogs" who ensure a system of checks and balances over government. This can be seen through the critical work of investigative journalists in South Africa that has helped to expose corruption in the public and private sectors and therefore attracted high praise from the chairperson of the state capture inquiry, Deputy Chief Justice Raymond Zondo (Commission of Inquiry into State Capture, 2021).

Despite journalism's indispensable obligations to society, the relevance of social responsibility theory in public life when applied to the South African context has also been contested. "The media itself bears the characteristics of the continuing severe socio-economic inequalities in the rest of South African society, and have been accused of serving mostly an elite," contends Wasserman (2020: 465). It also lends credence to the argument put forth by Friedman (2011) that the concentrated ownership of South Africa's media landscape contributes to it serving the interests of the few, to the disadvantage of the many. Wasserman (2020) argues that this view that media agendas largely do not resonate with the poor or the marginalised, demonstrate the media's failure to deepen democracy. This concern was addressed by scholars like Christians and Nordenstreng (2004) and Ostini and Ostini (2002) in critiquing the social responsibility theory for being too focused on a Western perspective of idealism and democracy.

The agenda-setting theory focuses on the ability of the news media, through determining emphasis and importance, to bring matters to the attention of the public and policymakers (Scheufele and Tewksbury, 2007; McCombs and Reynolds, 2002). According to Littlejohn (1992), agenda setting occurs because the media is selective in reporting the news: "The news outlets, as gate keepers of information, make choices about what to report and how to report it. Therefore, what the public knows about the state of affairs at any given time is largely a product of media gate keeping" (Littlejohn, 1992:361). Also on gate keeping, Cowling and Hamilton (2011) add that journalism's agenda-setting effect was strengthened through the tendency of the news media to have a shared understanding of what was newsworthy and what were important public issues.

The agenda-setting effect can occur successfully, provided there is a reasonably open political system and a reasonably open media system (McCombs, 2004). That is to say that investigative journalism can function as a catalyst for reform in the governing process when an investigative story sparks changes in public opinion that subsequently mobilise citizens and ultimately lead directly to reform. This paradigm is termed the Catalyst Model by Feldstein (2007). It is one of three useful muckraking models that he developed to study the agenda-setting effect of investigative journalism.

Notwithstanding the pivotal role of investigative journalism in South Africa, according to Duncan (2013), social change in South Africa is more likely to come from below, in terms of strike action and pressure from civic and lobby groups, than from above. Duncan (2013) observes that government policy rarely sees a shift in favour of the working class without a struggle at grassroots level that affects the lives of ordinary people. In this regard, a successful example is how the Treatment Action Campaign (TAC), with considerable support from people on the ground, pushed for a dramatic

government policy turnaround to reflect and subsequently roll out access to life-saving antiretroviral treatment for poor South Africans.

The vociferous debate that was promoted by the TAC brings into sharper focus the theory of the public sphere as articulated by Jurgen Habermas. The public sphere theory considers the role of the media as that of a primary player in serving the public interest, by providing critical information that people need to engage in discussion and debate on important issues in society, such as governance and policymaking (Habermas, in Durham and Kellner, 2001). Calhoun (1992) asserts that these debates in the public sphere could serve as a means for private citizens to criticise government - hence alerting the state to the needs of general society. The Habermasian public sphere is an idealised realm for members to engage in communicative action by circulating ideas, opinions, and views freely regarding the public (Croteau & Hoynes 2001; Chambers, 2000). However, bringing to the fore limitations to the Habermasian public sphere as a general representative forum, Nancy Fraser (1991) argues that there also exists a plurality of counter-public spheres. “Virtually from the beginning, counter publics contested the exclusionary norms of the bourgeois public, elaborating alternative styles of political behaviour and alternative styles of public speech” (Fraser 1991: 116). Nevertheless, public spheres also create space for societal integration (Calhoun, 1992) between groups of people.

In a sense, this research also brings into the public domain a plurality of views from many publics relating to the regulation and administration of ride-hailing services in South Africa. This is also evidenced through the relevant available research reviewed from books, journals, articles, government documents and inquiries, financial statements, and court cases. At this juncture, it is important to reiterate that the timeline documents outstanding points that specifically relate to what the investigative story is about and partly what is incorporated into the investigative article. In contrast, the literature review provides a description, summary and critical evaluation of the e-hailing services ecosystem to investigate the regulatory challenges and resultant working conditions of e-hailing drivers.

1.3.1 Metered taxis cul-de-sac

E-hailing services have come to play a vital role in providing urban mobility services to commuters (Rayle et al., 2016; Ma et al., 2019; Tao Lyu et al., 2021) and, as a result, they have dramatically changed the market dynamics of the traditional taxi industry in several cities the world over (Wallsten, 2015; Kwan & Schwanen, 2016; Cramer & Krueger, 2016; Nie, 2017; Dong et al., 2018). This includes cities in South Africa, according to a report by the Competition Commission (2021) into e-hailing services and metered taxis in the country.

E-hailing operators work in the same manner as traditional metered taxis, in that they both transport passengers to their intended destinations for a metered fee; however, e-hailing services are driven by technology that uses a convenient electronic taxi-hailing system to find, book and pay for taxi services (Competition Commission, 2021). “The slow pace of technology adoption by metered taxi operators is leading to their demise, as evidenced by the entry of e-hailing services” (Competition Commission, 2021; 7).

Metered taxis are usually located at central depots like hotels, airports and malls and therefore a customer needs to physically walk and search for a taxi or place a phone call to order a taxi and wait for the vehicle to arrive (Competition Commission, 2021). From the perspective of consumers, this process is more cumbersome than hailing an Uber (Competition Commission, 2021). Additionally, due to metered taxis having greater distances between fares, operating costs are higher and are carried over for the passenger to cover a two-way trip fare (Competition Commission, 2021). This is economically inefficient for passengers, as shown by Dube (2015) in an analysis for the Centre for Competition, Regulation and Economic Development in its quarterly review of November 2015. Dube (2015) did a price comparison between the UberX service and the average quoted price of four sedan-based metered taxi companies to assess the travel cost of five different short-distance and longer-distance routes in Johannesburg and Pretoria. Dube (2015) found that metered taxis charge significantly higher than Uber drivers, i.e. as much as 265% more.

This contrasts with the e-hailing business model, which utilises technology to reduce the distances travelled between fares and has therefore garnered a groundswell of support from customers. With Uber, a customer simply orders a taxi, which comes right to their doorstep, at the lowest cost, with the added service of being able to track the arrival time of the car through a dedicated driver-passenger Uber application (Competition Commission, 2021). In financial terms, vehicle owners could potentially spend less by switching to e-hailing services, says economist Michael Kransdorff (2016), founder of independent price comparison website MyTreasury, who compared the costs associated with owning a car to using Uber daily. He found that the average South African who drives 40km daily (14 575km per year) would save as much as R14 000 annually by selling the car and switching to Uber (Kransdorff, 2016). His calculations were based on the most common car used by UberX drivers - Toyota Corolla - with a purchase price of R390 000.

The difference in the cost of using a metred taxi compared to an e-hailing service is noteworthy, since the Competition Commission (2021) identified the fundamental role of public transport in providing meaningful mobility for most of the population in pursuit of economic participation. In addition, South Africans spend a high proportion - more than 20% - of their disposable income on public transport

(Statistics South Africa, 2018), which is more than the world benchmark of 10% (Competition Commission, 2021).

1.3.2 Millennials take to the digital highway

The entry of e-hailing services into South Africa has disrupted the market with innovative technology, as acknowledged by the Competition Commission (2021). 'Disruptive innovation'– a term coined in 1997 by Harvard Business School professor, Clayton Christensen, in his book *The Innovator's Dilemma* – is successful because it meets "the unfulfilled needs of an emerging or niche market", explain Thomond and Lettice (2002: 4). This new cohort of customers is likely to be populated by millennials, suggest Alemi et al. (2017) - a group that is widely described to exhibit different travel behaviour compared to previous generations. This view is supported by Blumenberg and Smart (2010) and Ranzini et al. (2020), who distinguish the differences between the older generations and the millennial generation, who have a lower rate of private vehicle ownership, increasingly utilise non-motorised transport and are more likely to live in households with fewer or no cars.

With the millennial generation being technologically literate (Noble et al., 2009) and heavily engaged in online purchasing behaviour (Lester, Forman & Lloyd, 2006), companies had to transform and disrupt their business models to cater to the changing demands and new needs of consumers in the digital age (Blumenberg et al., 2010), including establishing smart and innovative transportation solutions. This is what Uber has capitalised on in South Africa and elsewhere.

The concept behind Uber is what a "sharing economy" is all about, since it enables motorists to earn an income while, in return, riders get to their destinations at a competitive price. The sharing economy is known for its innovative use of websites and mobile applications (Atmore, 2017), based on the principle that in a world with limited resources it is best to share, typically at a fee, than to own (Martin, 2016). This business model is utilised by Uber and has drawn many players into the market to cater to millions of riders worldwide, using a vast array of connected mobile devices (Cramer and Krueger, 2016).

1.3.3 A boon for jobseekers but e-hailing drivers face a hard road under SA labour law

Job creation associated with the sharing economy could be an important boost for the South African labour market and economy. South Africa's official unemployment rate hit a high of 34.4% in the second quarter of 2021 - the worst level since 2008, according to the Quarterly Labour Force Survey (QLFS) (Statistics South Africa, 2021). Transport (66 000) was one of seven industries - of the 10 monitored by the QLFS - that showed an increase in the number of employed people, with the biggest increases in employment seen in construction (143 000) and trade (108 000). The increase in the

number of jobs in the transport sector could be attributed to lockdown restrictions easing in the country, with more people returning to work. However, as the survey pointed out, of the 14.9 million persons who were employed, at least eight in every 10 (82.7%) were expected to work during the national lockdown by the companies/organisations that employ them. Arguably, the 7.3% job increase in the transport sector points to the possibility that more people turned to e-hailing services as a means of earning an income. Furthermore, the QLFS indicated that the Western Cape had the highest labour absorption rate in the country, at 63.1%. This means that, as a percentage of its population, more people in the Western Cape are employed than anywhere else in the country.

Because Uber operates in the sharing economy, the livelihoods of e-hailing operators are not protected under South African law. Uber (2015) describes itself as a technology company that does not employ its drivers, and as a service provider that acts as the intermediary software platform that facilitates demand and supply. This makes Uber the biggest company in the world in terms of providing passenger transport, while not owning a single car or employing a single driver (Srnicek, 2017). The lack of legal protection for workers outside a formal working contract, as well as the lack of a legal framework to define an employer without such a contract, makes is difficult for drivers to obtain rights as employees (Cunningham-Parmeter, 2016; Drahokoupil & Fabo, 2016).

In South Africa, there has yet to be a definitive pronouncement on the employment status of Uber drivers. There has been an attempt to provide some guidance after seven Uber drivers, the founders of Uber Drivers Guild, supported by the National Union of Public Service and Allied Workers (NUPSAW), referred an unfair dismissal dispute to the CCMA, which was later taken to the Labour Court.

The CCMA ruled that Uber should be considered the employer of drivers and therefore the drivers should be recognised as employees and not independent contractors. This was based on the controlling relationship Uber had with drivers and the drivers' economic dependency on the income. "They [drivers] are not independent contractors in any true sense and they are in fact highly dependent on Uber for work" (Uber SA / NUPSAW, 2017: 12).

Uber SA approached the Labour Court to review and set aside the CCMA's jurisdictional ruling. Importantly, on review, the Labour Court held that the Commissioner had conflated the distinction between Uber SA and Uber BV. The Labour Court ultimately set aside the Commissioner's ruling and upheld Uber SA's objection to the jurisdiction of the CCMA. This resulted in the Uber driver's referrals being dismissed. However, Judge van Niekerk noted: "Whether the drivers are employees of Uber BV (either alone or in a co-employment relationship with another or other parties), or whether they are

independent contractors of Uber BV, is a matter that remains for decision on another day" (Uber SA v NUPSAW, 2018: 37).

Bruce (2019) argues that, although Uber drivers do not neatly fall within the definition of an employee in terms of section 213 of the Labour Relations Act, they also do not neatly fit the category of independent contractors, based on the factors enumerated in the South African test of employment. As such, Bruce (2019) posits that it is the system upon which most labour practices are built that creates the dilemma facing "a vulnerable class of workers" in the shared economy. "This is a challenge that South Africa shares with the US. As a consequence of this uncertainty, Uber drivers are not afforded adequate protection under existing South African labour laws" (Bruce, 2019: 81).

1.3.4 Red traffic light in the workplace

As stated above, when working as independent contractors for Uber, drivers lack traditional legal protection, since they occupy an awkward space between the binary upon which South African labour law rests. In supplication, when researching non-standard labour practices, Lindell (2010) concluded that workers without a standard working contract tend to exercise little resistance. Adding to this complexity is that Uber also constrains collective labour organisations challenging workers' solidarity by fragmenting the workplace (Geitung, 2017).

Labour immigration can be seen as one of the forms of labour fragmentation. This perspective beams a light on a core research question posed by this study in trying to gain insight into the lives of Uber drivers in Cape Town. South Africa, including Cape Town, has a high number of immigrant workers (Deumert et al., 2005). As immigrants, they lack the close support network from family and friends, including access to support structures in the country of residence; therefore, immigrant workers have a more fragmented life (Rogaly, 2009). Furthermore, immigrant workers are vulnerable in general due to their geographical dislocation from their support structures (Deumert et al., 2005). This is particularly concerning, according to Geitung (2017), who examined the working conditions of Uber drivers in Cape Town. Geitung (2017) concluded that most of the drivers interviewed were adult family men who were immigrants from another African country, and they relied heavily on the income from driving with Uber.

The fragmentation of labour also threatens workers from becoming more powerful with numbers, which gains momentum through solidarity between groups of people working in the same space at the same time (Lindell, 2010). Similarly, Coser (1984) and Coe and Hess (2013) argue that the nearness in space and time that is needed to build solidarity lays the foundation for workers to be able to form or join trade unions to act towards a collective good instead of acting individually. This division was

evident in the attempts by the Uber Drivers Guild to start an association. “Perhaps the biggest challenge for getting more drivers involved in the struggle, was the individualism brought by the idea of being ‘independent contractors’. Many of the drivers did not see the value of collective organisation, as they saw themselves as ‘their own boss’” (Geitung, 2017: 47).

1.3.5 Livelihoods hijacked by attacks

The Uber Drivers Guild had some success in getting media attention after taking to the streets following attacks on Uber drivers. They marched to the Uber office and then to the Provincial Legislature office (Geach, 2016; Le Roux, 2016). In South Africa, violent protests and attacks on e-hailing drivers have become commonplace, according to news reports in various media, as detailed below.

In September 2021, a man was sentenced to 12 years’ imprisonment for assaulting a Bolt driver two years earlier (Mlambo, 2021). Mlambo (2021) reported that a police spokesperson had said that the driver had been threatened with a knife and throttled. In May 2021, an Uber driver single-handedly fought back against a group of hijackers in Durban (Comins, 2021a). A police spokesperson reportedly said that the driver had fought back by stabbing two of the three suspects who were later arrested (Comins, 2021a). In March 2021, Nthuthuko Tiny Goba, who worked on the Uber platform, was found dead in Durban (Comins, 2021b). The driver had left for work in the evening and, but his family was unable to reach him later. A security company then found his body in the Isipingo area (Comins, 2021b). In January 2021, the body of a 27-year-old e-hailing driver, who was allegedly hijacked and killed, was found on a sportsground in Durban (Govender, 2021).

1.3.6 Regulatory and policy roadblocks

Transport in South Africa is regulated on three fundamental levels, i.e. by: the national legislature, which enacts national legislation that is binding on all provinces within the Republic; the provincial legislature, which enacts provincial legislation that is binding in a specific province; local government, which enacts municipal by-laws and regulations that apply within the jurisdictional area of a particular municipality.

However, e-hailing services are not defined in the National Land Transport Act 5 of 2009 (NLTA). In the absence of formal recognition of e-hailing in the NLTA, the National Department of Transport issued a practice note in 2015 – two years after Uber’s entry in South Africa – to provide guidance to all provincial and municipal regulatory entities as an interim measure to inform a consistent approach when dealing with applications for an operating licence for an e-hailing service. Given that e-hailing services are not mentioned in the NLTA, the granting of metered taxi operating licences to e-hailing

operators follows a decision by the Transport Appeals Tribunal that is binding on all provincial regulatory entities (Competition Commission, 2021).

However, when applying for a new operating licence, a detailed description of the area that will be serviced is required, because metered taxi operations are generally radius-based or area-based services - not route-based services (Competition Commission, 2021). “In the case of e-hailing services, the radius is not adhered to, because the app used by e-hailing operators allows operators to connect to the nearest passenger outside their municipal boundaries in violation of the licence conditions. Given their use of an app, the violation of the licence conditions by e-hailing operators is difficult to monitor by law enforcement officials” (Competition Commission, 2021: 10). To deal with this problem, the Commission recommended that no area or operational restrictions should apply except in designated areas with specific requirements (Competition Commission, 2021). Furthermore, it called for metered taxis and e-hailing operators to be allowed to operate nationally once they are granted an operating licence.

In addition to the regulatory obstacles, according to the Competition Commission (2021), e-hailing operators also face administrative challenges with respect to the operating licence, given that provincial regulatory entities are dogged by massive backlogs, owing to the absence of directives by municipalities, limited capacity to develop integrated transport plans to inform the directives, general lack of capacity at the planning authorities, and inadequate stakeholder consultation. As a result of the backlogs, the Competition Commission (2021) noted that e-hailing operators show their customers a receipt of proof of application. “The receipt or proof of application does not constitute an operating licence, implying that it is illegal to operate using proof of application. Regardless of this, e-hailing companies accept applications from potential operators, who then provide a service illegally without operating licences” (Competition Commission, 2021: 55). Moreover, evidence from the Commission revealed that about 79% of e-hailing operators do not have valid licences for the major cities in which they operate. In its comments on the release of the market inquiry, the Competition Commission (2021) called for an overhaul of the licensing regime.

The foregoing discussion explored how Uber has divided public opinion. For riders, e-hailing means lower fares and safe and efficient transport, without worrying about a long waiting time. The e-hailing service is lauded for helping to reduce the barriers to obtaining some sort of income and thereby contributing to economic growth and empowering the marginalised working class (Henama & Sifolo, 2017; Cheng, 2014; Kennedy, 2017). However, critics hold the view that big companies like Uber tapped into the sharing economy to effectively lessen the risk of conducting business by transferring the risk to consumers and the workers on the platform (Schor, 2014; Martin, 2016; Zaffar, 2017). The

diversion of risk essentially gives e-hailing businesses some legal footing to challenge existing but outdated laws and regulations (Cunningham-Parmeter, 2016; Drahokoupil & Fabo, 2016). However, South Africa is on the cusp of regulatory reform through the development of a legal framework based on the National Land and Transport Amendment Bill of 2016, which intends to include a distinct category for e-hailing services.

1.4. LIMITATIONS AND ETHICAL ISSUES

This research project was conducted while South Africa was in a national state of disaster, which was announced in response to the COVID-19 outbreak. With restrictions on movement, curfews and social distancing practices were enforced to help curb the spread of the virus. Therefore, the research study had to conduct most of the scheduled interviews online or telephonically. This information gathering effort was, at times, hampered by patchy internet connections and dropped calls.

In addition, the entity tasked with processing applications for an operating licence for e-hailing drivers suggested making use of the Promotion of Access to Information Act 2 of 2000 (commonly known as PAIA) to gain access to certain information that was requested. However, since a moratorium was put in place in February 2021, no new operating licences have been granted since then. This issue is discussed further in section three of this submission.

In journalistic news writing, it is standard practice to use a case study as a means of gaining in-depth understanding of a problem and highlight a broader issue affecting a group of people. However, this approach may not be entirely reflective of the lived experience of all the people concerned.

Ethical consideration was given to how my interactions as a user of e-hailing riding services may have shaped my perspectives, assumptions and biases, and how this could have clouded my interpretation of my research. However, since the media's work is always rooted in the public interest, I was guided by the prescripts in the South African Press Code to maintain the highest professional and ethical standards during this research project.

SECTION 2

UNDER THE MICROSCOPE: THE PERMIT APOCALYPSE IMPOUNDING THE DREAMS OF E-HAILING DRIVERS IN CAPE TOWN

Summary introduction

The rise of ride-hailing services such as Uber in South Africa has been exponential. The technology is smartphone-compatible, making it cheap, super-fast and efficient for users. For jobseekers, it promises earning potential, autonomy, and flexibility, but the service is not without its challenges.

As is common in journalistic news writing, this investigative story – complemented by infographics, an interactive map and one sidebar – primarily employed semi-structured interviews to explore the struggles of e-hailing drivers. The in-depth article significantly breaks ground as it magnifies the working experiences of Cape Town's women e-hailing drivers who are arguably one of the most vulnerable groups of workers in the male-laden passenger transport sector.

The article reveals that the operating licence system in Cape Town is broken and has led to e-hailing drivers working without valid permits. If they are caught by law enforcement authorities, their vehicles are seized and only released after a hefty impoundment fine is paid. Consequently, the City of Cape Town issued fines to the tune of R13 million in 2021 but has not granted a single e-hailing operating licence since February 2021. Furthermore, this already dire situation is worsened by the fact that e-hailing drivers lack a representative body, while government and ride-hailing businesses can't seem to find time to gather around the table to unravel outdated policies and regulatory speedbumps.

In addition, this story demonstrates how the economic decline caused by the Covid-19 pandemic has thrown another spanner in the works, leaving women drivers in an even more parlous state, with lost working hours, lost earnings, and lost hope.

Permit catastrophe crushes livelihoods of e-hailing drivers … but cash rolls in for Uber, City of Cape Town

The operating licences system is broken, and drivers are going broke but raking in big bucks are US ride hailing giant Uber and the world-class City of Cape Town. In this deep dive, ***Adiel Ismail*** *turns a searchlight on the plight of women e-hailing drivers – arguably one of the most vulnerable groups of workers – who face demanding and dangerous bumps in the road to feed their families.*

One Uber driver. Two traffic officers. Ten minutes.

All Mary Muzengi wanted was to put food on the table for her family. But the cat-and-mouse game the aspiring social worker from Harare in Zimbabwe would have to endure for four years, always alert to the risk of traffic officials tailing her, is captured in a mere 10 minutes on a hot day in Cape Town.

It was a Sunday morning in January 2020. The sweltering heat was starting to beat down on Muzengi but the warm breeze rushing in through her car's window brought with it slight respite. It didn't last long. Almost instantaneously, she started perspiring and her heart began thumping in her chest. Why? She was pulled over by traffic officials requesting her identity documents and driver's licence. She had always dreaded what followed: they demanded the operating licence she must have in her possession to be on the road as an Uber driver.

"You are impounded," she recalls one of the officers telling her, throwing her hands up in the air. The 38-year-old was allowed to drop off the two British tourists who were in the car at a popular hotel nestled in the heart of the Cape Town's vibrant Victoria & Alfred Waterfront. The courtyard of this glamorous escape was where she had the nightmarish experience of having her livelihood snatched from her.

"I went from being the driver to being a passenger in my own car when they drove it to the impound centre. I didn't even have money to go home," she said.

Muzengi was fearful, frustrated and flustered.

She is one of almost 80% of e-hailing drivers – according to an investigation by the Competition Commission – operating without a licence who are torn between the desperation to make a living, and the fear that each ride may result in their car being seized. The same city administrators and officials enforcing this law are also responsible for perennial delays in processing these licences. The outcome? R13 million in impoundment fines for the City of Cape Town, and likely millions more in revenue for e-hailing companies.

Roughly 1 400km from Cape Town, Ayanda Lunga had a different experience getting her e-hailing operating licence in Johannesburg.

The 37-year-old applied for her permit around 2018 and despite a hiccough, a month later she could lawfully take to the streets.

She went to the provincial transport department's office thrice, where she spent hours before getting her permit, an experience she described as having to wait a "lifetime" to obtain.

"It was super long; it took over a month"

"You wait a lifetime to get your certification to say you are allowed to operate," she said as the call reconnected. After seven seconds she added: "That thing was long. It was super long; it took over a month."

After losing her job due to the pandemic, Lunga now works fulltime as an e-hailing driver. "I once made my salary in two weeks," she said to the clanking sound of metal hitting a china plate. She was forcing herself to eat the spaghetti, chicken, and veggies that she had cooked with a side of sweet chilli sauce, since she was pregnant and expecting her first child.

Currently, e-hailing drivers are granted operating licences as a sub-category of metered taxi services due to the absence of formal recognition of e-hailing services in the National Land Transport Act 5 of 2009 (NLTA). The provision for e-hailing operators to be licensed as metered taxi operators followed a decision by the Transport Appeals Tribunal in which it confirmed e-hailing services were not in contravention of the NLTA. Therefore, the National Department of Transport issued a practice note in 2015 – two years after Uber's entry into South Africa – to categorise e-hailing services under the metered taxi service umbrella as an interim measure while the National Land Transport Amendment Bill is still being considered in Parliament.

President Cyril Ramaphosa sent it back to Parliament in September 2021 after questioning its constitutionality. One of the submissions on the Act was from the City of Cape Town, which argued that section 7 removed its power, ceding responsibility for concluding contracts to the province.

Provincial regulatory entities are responsible for issuing all operating licences. However, municipalities, as planning authorities, make recommendations or issue directives to the provincial regulatory entities to either grant or refuse the application based on the need for the service.

What process is followed to obtain an operating licence to work as an e-hailing driver?

Applications for operating licences must be directed to the Provincial Regulatory Entity (PRE). The cost involved for each application is R300.

An operating licence is required for each vehicle used to provide a transport service. A fee must be paid for each vehicle.

With respect to the application for an operating licence in terms of metered taxi/e-hailing services, the area in which the service will be provided must be described, together with the submission of a business plan indicating the need for the service.



Once the PRE receives an application, the City of Cape Town is requested to provide direction on the application within 30 days.

The PRE then convenes to consider the applications. These hearings are open to the public and stakeholders should any objections be received in terms of the operating licence applications.

Should an application be unsuccessful, the applicant can appeal the PRE's decision with the Transport Appeals Tribunal.

Applications for operating licences in Cape Town must also be supported by the City of Cape Town as the planning authority. When the City considers an application, due consideration is given as to whether there is a demand for the service applied for.

In terms of the NLTA, the PRE has 60 days to process an application and deliver an outcome.

Speed bumps in the operating licence application process

When applying for a new operating licence, a detailed description of the area that will be serviced is required because metered taxi operations are generally radius- or area-based services and not route-based services. The Competition Commission said in a report released in April 2021, after an inquiry into the public passenger transport market and e-hailing and metered taxi services, that, in the case of e-hailing services, "the radius is not adhered to because the app used by e-hailing operators allows operators to connect to the nearest passenger outside their municipal boundaries in violation of the licence conditions. Given their use of an app, the violation of the licence conditions by e-hailing operators is difficult to monitor by law enforcement officials".

E-hailing operators also face regulatory challenges with respect to operating licences because PREs are dogged by massive backlogs owing to the absence of directives by municipalities, limited capacity to develop integrated transport plans to inform the directives, general lack of capacity in planning authorities, and inadequate consultation with stakeholders.

As a result of the backlogs, e-hailing operators use their proof-of-application receipts while they wait for their licences. However, the Competition Commission report, also said, "The receipt or proof of application does not constitute an operating licence, implying that it is illegal to operate using proof of application. Regardless of this, e-hailing companies accept applications from potential operators, who then provide a service illegally without operating licences."

"… If an operator operates without the required operating licence, then they will have to suffer the consequences for doing so"

Furthermore, evidence presented to the Commission revealed that about 79% of e-hailing drivers do not have valid licences for the major cities in which they operate.

Although the extent of the illegal operations poses an enforcement challenge for authorities, e-hailing operators feel they are victims of the system and are specifically targeted by law enforcement officials because impounding their vehicles adds more money to the City of Cape Town's coffers.

"Any public transport operator transporting persons for reward must be in possession of an operating licence for the said vehicle," explained Lee van den Berg, the City of Cape Town's manager for transport regulations. "The operator must further ensure that all conditions, as stipulated on the operating licence, are complied with," he added.

"The NLTA is very clear – if an operator operates without the required operating licence, then they will have to suffer the consequences for doing so," he stressed.

"Any vehicle found transporting passengers for reward without this operating licence will be impounded and fined by law enforcement officers and the vehicle taken to the City of Cape Town public transport pound."

City of Cape Town issues impound fines to the tune of R13 million

In 2021, a total of 1 418 e-hailing-type vehicles were impounded, said Merle Lourens, Cape Town traffic services' assistant chief in the transport enforcement unit.

There are two kinds of impound fees: operating without a valid operating licence and operating contrary to the conditions of an operating licence.

"Most of the impounds for the e-hailing-type vehicles were for operating without an operating licence," she added.

Impound transgression	Operating without a valid operating licence	Operating contrary to the conditions of an operating licence	Traffic fine
First offence	R7 000	R2 500	R2 500
Second offence	R10 000	R5 000	R2 500
Third and consecutive offences	R15 000	R10 000	R2 500

The impound fee for operating without a valid operating licence is R7 000 for the first offence, R10 000 for the second offence and R15 000 for the third and consecutive offences.

This means that at an average of R7 000 for 1 418 vehicles, the City of Cape Town issued impound fees to the value of at least R9 926 000.

A traffic fine of R2 500 is also issued for the transgression.

This means that at R2 500 for 1 418 vehicles, the City of Cape Town issued fines to the value of R3 545 000.

"Bear in mind that impound fees and traffic fines are at times reduced by the Magistrate," Lourens noted.

What happens when a car is impounded?

When a vehicle is impounded, the driver/owner gets issued with a Section 56 Notice. In the presence of the driver, the impounding officer completes an inventory sheet, which the driver verifies and signs afterwards.

The impounded vehicle is then driven to the public transport pound. Should the vehicle be mechanically defective, it will be transported to the pound via a breakdown service.

Once the vehicle arrives at the pound, a representative meets the officer at the entrance. Photographs of the impounded vehicle are taken both from the outside and inside, depicting any damage or any matter of concern.



On completion of this process, the officer will then drive the vehicle to an allocated bay, where the vehicle will be kept until such time that the legal process has been finalised and the vehicle can be released.

"…the biggest legal extortion that the City has ever had"

"Is it more profitable to fine and impound than it is to generate revenue for licensing," asked Elize Faivelowitz, a former traffic officer who served for 10 years in Cape Town.

“I understand that the law is the law. The challenge with a permit is who you know ... as the City drags its feet. I feel the City must get their house in order. It's not that time-consuming to get a permit.”

Regarding impounding, Faivelowitz believes that unlike the past, there is less focus is on clamping down on drunk drivers because it doesn't bring revenue in for the City, while impounding vehicles does. "This, in my opinion, is the biggest legal extortion that the City has ever had."

Meanwhile, as the City of Cape Town continues to impound e-hailing operators’ vehicles, attorney Nicolene Schoeman-Louw argues that since the NLTA is silent on e-hailing impoundments, they are “unlawful” and “severely prejudicial”.

Cease and desist letters

In letters dated 2 December 2020 and 29 November 2019, seen by this writer, Schoeman-Louw demanded that traffic officials cease and desist impounding the cars of e-hailing drivers in Cape Town.

Schoeman-Louw, who has been representing drivers on the Uber and Bolt platforms for about five years, sent these letters to Western Cape Premier Alan Winde and other officials in the City of Cape Town who deal with licensing.

"We have received the courtesy of one response from the Premier’s Office saying that they will look into the matter and that they have referred it to the Western Cape department of transport," she explained.

Schoeman-Louw said her clients observed that after the letters were sent, the impounds “stop for a couple of weeks and then re-emerge”.

Uber hits the brakes on information

After 36 emails and 14 phone calls sent to Uber over a period of almost 400 days, South Africa’s biggest e-hailing company submitted a paltry response to multiple questions, as can be seen below:

Q: How many operating licences have been issued to Uber over the last 12/24 months?

No answer.

Q: Is there a cap on operating licences for Uber drivers?

No answer.

Q: Do you know what is causing the delays?

Partially answered.

Q: How much has Uber forked out for impoundments over the last 12/24 months?

No answer.

Q: How does this figure differ from the City of Johannesburg?

No answer.

Q: Can you provide me with some clarity with regards to the difference in requirements for Uber drivers to operate in Cape Town compared to Johannesburg? From media reports, Cape Town has a more onerous process and more requirements – but this is not explained. Can you please detail what this difference is?

No answer

Q: Are you experiencing the same problems with regards to operating licences in Cape Town as in the City of Johannesburg?

Answered.

Q: What does Uber make of the allegation that there are deliberate delays in operating licences because the City of Cape Town is raking in money through impoundments?

No answer.

Q: What have your consultations centred on in Cape Town?

No answer.

Q: Is there anything else that you would like to add?

No answer.

In a generic response, Uber laid the problem at the door of the City of Cape Town: “Drivers depend on their vehicles to make a living for themselves and their families, however, continue to wait for their licences to be issued,” said Uber public relations officer, Monique Thompson.

“The process of operating licences has been delayed as there is a backlog with the City of Cape Town and they continue to enforce impoundments.”

Cape Town appears to be experiencing more impoundment problems than other cities, but Thompson conceded there were challenges across the different cities.

She said non-issuance of operating licences to drivers in Cape Town on the Uber platform was because of a "non-functioning system – and the problem is worsening as the backlog of permit applications steadily grows".

Thompson noted that drivers using the Uber application have already completed the requisite steps in applying for their operating licences under the current National Land Transport Act.

"All driver-partners using the Uber app have a Professional Driver's Permit (PrDP), a roadworthy certificate, have undergone a background screening, and have completed a driving evaluation," she continued.

As a company, Uber is doing as much as it can to make the process of obtaining operating licences easier for drivers and will continue supporting them, Thompson added.

Without going into detail, she said Uber continued to engage with the City of Cape Town as well as the PRE. "However, we have not been able to make any headway in reopening discussions on the issuance of operating licences and we would like to pick up on the discussion and find an amicable solution in smoothening the application process."

Red light for operating licences in the City of Cape Town

Meanwhile, the City of Cape Town said it meets with public transport operators on an ad hoc basis to discuss any operating licence supply and demand matters there might be.

"As a matter of interest, there are 15 e-hailing platform providers to which operators can subscribe for passengers to hail rides," said Van den Berg.

However, he noted that since imposing a moratorium in February, no further meetings had been held with any e-hailing platform providers as the items listed as part of the moratorium must first be addressed before any further discussions will be entered into.

What is the moratorium all about?

In accordance with the municipality's integrated transport plans, planning authorities have the powers to introduce and impose moratoriums on the applications for and issuing of new operating licences.

The City of Cape Town has issued two moratoriums in recent times: one that ended in 2014 after a considerable period and more recently, a three-year moratorium set to end in 2023.

“During the three-year moratorium period, the City of Cape Town will develop a supply and demand method that will determine the maximum number of operating licences required to ensure a sustainable number of metered taxi operating licences in the City of Cape Town,” Van den Berg explained.

In a letter to the PRE, seen by this writer, dated 24 February 2021, acting director of transport planning Tony Viera acknowledged the inadequacy of current legislation in dealing with e-hailing services.

He added that the innovative new service caught South Africa’s legislative and regulatory transport framework off-guard when it entered the country.

“Current national and provincial legislation as well as City by-laws, statutory documents and/or policies do not adequately address the provision of e-hailing services and the consequences should operators operate illegally and in so doing, oversaturate the market and jeopardise sustainability,” the letter read.

Some of the reasons cited by Viera for the moratorium included allowing the City of Cape Town to:

- Take inventory of metered taxi/e-hailing operating licences in the system
- Develop a method to establish the demand for metered-taxi services that would govern support for any new metered taxi operating licences
- Review and update relevant bylaws, policies, statutory plans, and strategies related to the metered-taxi industry
- Establish a metered-taxi intermodal planning subcommittee as an umbrella body or forum for engagement with the industry.

The letter stated that considering the complexity of some of these issues, the moratorium should come into effect immediately and remain in place until 31 December 2023.

However, Schoeman-Louw argued that if there is a moratorium on the issuing of new permits then it stood to reason there were no grounds for impounds. “If there is nothing for you to comply with, how can you be non-compliant?” she asked.

A broken system and broken dreams

Despite the moratorium, Johann van Rensburg, who lectures transport economics at Stellenbosch University, said a major problem is that anyone can work as an e-hailing driver after being vetted and granted approval by an e-hailing company. “You don’t need an operating licence for this and therefore can actually start providing a service.”

He also noted a complexity relating to policy. “The big issue is that government is of the view that Uber is a public transport company, but they say they are a technology company.”

Van Rensburg continued: “If they are classified as a public transport company then they are responsible for obtaining the operating licences for all vehicles using their platform. With this issue not being fully resolved, the responsibility falls on the driver or owner of the vehicle to obtain an operating licence. Many fail to do so and as such we have ‘illegal’ operators.”

This inadvertently creates oversupply in the system, and this is what government is battling to manage, he said.

The City might have halted the process because the market is saturated, but there are loopholes that make the entire system fraught, believes Reginald Kgwedi, a lecturer in the Department of Logistics at Stellenbosch University.

“The government must provide a conducive environment for all parties”

“We have a problem of a lack of political will in South Africa,” said Kgwedi. “The government must provide a conducive environment for all parties.”

In addition, he said municipalities were supposed to work with provinces to investigate issues around operating licences; however, this seemed to have stalled.

“For e-hailing companies, their service is in demand, they will continue using every avenue to continue serving their clients.”

While the City of Cape Town is beset with continual delays because of an apparently broken system, and e-hailing companies continue to cash in, it is the drivers who are suffering in the process.

Worker benefits take a backseat for Uber drivers in South Africa

Tsungi Pamela Kujinga tried to put in several hours behind the wheel as a driver working on the Uber platform as an Uber driver in Cape Town so that she could save enough money to cover the expenses that come with having a baby.

She gave birth to her fourth child during the lockdown. “I worked until the last day. I drove myself to the hospital,” she recalled.

Kujinga, who is originally from Zimbabwe, said the Covid-19 pandemic meant there wasn’t much work because the movement of people was restricted. “Uber was adhering to the lockdown restrictions so we could only work certain hours.”

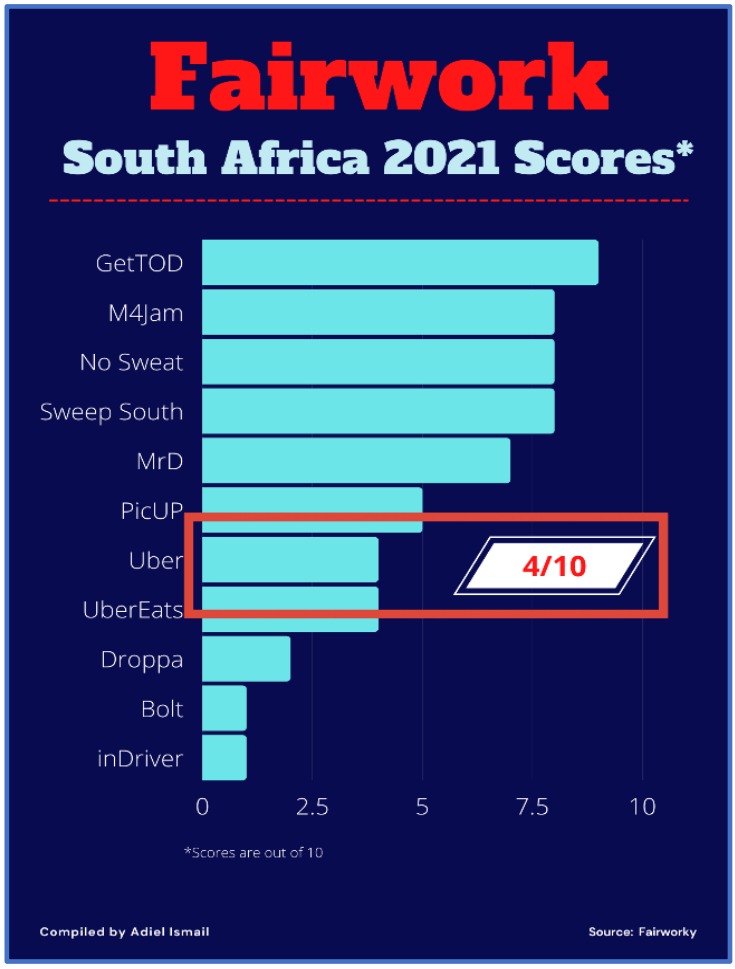
The livelihoods of e-hailing drivers aren’t adequately protected under South African law, as in many jurisdictions around the world, because they don’t have employee status. This means no sick pay, paid leave, pension contributions or maternity leave benefits.

“I was using my savings to help make ends meet,” said the 39-year-old mother about being at home to care for her newborn, who is now a year old.

The challenge faced by Kujinga is partly corroborated in the annual South African Fairwork report, released in July 2021.

The report presented a set of scores that evaluated platforms such as Uber, SweepSouth and Mr D Food against five principles of fair work: Fair Pay, Fair Conditions, Fair Contracts, Fair Management, and Fair Representation. The scores provided an independent perspective on work conditions for policymakers, platform companies, workers, and consumers, the report stated.

For two years in a row, Uber scored a measly 4 out of a possible ten points.



Covid-19 lockdowns inflicted heavy pain on drivers when there were fewer people travelling and during more restricted hours, said Professor Jean-Paul van Belle of the University of Cape Town’s (UCT) Department of Information Systems, the lead author on the report.

He said the main change observed with Uber was that the income for drivers had shrunk. “This is due both to the lack of adjustment of tariffs to account for increased petrol and other costs, as well as the introduction of discounts,” Van Belle said.

In 2013, the same year that Uber started operating in Cape Town, the price for unleaded 95-octane petrol was R12.65 per litre at the coast in November, compared to R18.82 in November 2021, according to the Automobile Association’s fuel pricing calculator. This represents an average increase of R6.17 in the price per litre of petrol.

Fares drop, petrol price surges but commission fee stays the same

Bemoaning rising fuel costs and "unfair" working conditions, about 100 e-hailing drivers marched to Parliament on a hot Friday morning in November 2021. They handed over a memorandum of demands to representatives of the transport and labour departments, urging government intervention. The memorandum included capping the commission fee at 13%, a minimum rate of R10 per kilometre to account for petrol price hikes, and that they to be included in important decision-making.

The chairperson of the activist organisation, Cape Town E-Hailing Drivers, who asked not to be named for fear of victimisation, said the protest followed Uber’s decision to drop ride fares earlier that month despite still claiming a 25% commission fee.

“.... They are exploiting the drivers tremendously"

"The commissions that they are charging are ludicrous .... They are exploiting the drivers tremendously," said Faivelowitz, who now runs a fleet management company.

She said the economic impact of the coronavirus outbreak compounded already rising living costs and tough working conditions. "The industry basically always required a minimum of 12 hours a day for six days a week, but now the industry requires more than 12 hours a day, seven days a week."

The drawback of these long hours, Faivelowitz pointed out, was driver fatigue on the road, which meant they were more prone to accidents. "The danger on our roads is so much more because we've got tired people whose minds aren't focused on driving."

Social scientist Dr Kelle Howson, a researcher on the Fairwork project at the Oxford Internet Institute, said Uber continued to work with Fairwork to improve its score in South Africa.

Howson said while Uber had succeeded in satisfying some of Fairwork's criteria in South Africa, such as improving health and safety and security provisions, and anti-discrimination work, there was still a long way to go to reach minimum standards of fair work.

"For instance, Uber has yet to guarantee to their workers that their earnings will not fall below a minimum wage after costs. Moreover, Uber has yet to take steps towards fair representation for workers in South Africa, including by recognising a representative collective body which can negotiate with Uber on behalf of workers."

The Competition Commission also noted the lack of a representative collective body in the e-hailing sector after its inquiry into the public passenger transport market, e-hailing and metered taxi services.

E-hailing operators should be empowered to represent and advance the interests of the industry, stated the report. It recommended the national transport department, with provincial regulatory authorities, assist in establishing a national association of e-hailing operators.

The recommendation came in the wake of an attempt by about seven drivers, the founders of the Uber Drivers' Guild, to bring together a collective organisation for workers associated with the e-hailing platform.

One of the seven drivers, Derick Ongansie, remembers the agony that led to establishing the Uber Drivers' Guild.

"The cash … made us a target for criminals…"

He said two of their major gripes at the time were that Uber started accepting cash payments and introduced Uber Black, which was cheaper than Uber X.

"We had no choice but to start driving on Uber X because passengers opted for it and because of that we weren't able to service our debt with the banks," said Ongansie, who turned to the bank to finance a new BMW in the hopes of making a living though offering his service on Uber Black.

He added: "The cash also made us a target for criminals and put us in direct competition with the metred taxis, which heightened tensions between us.

"We thought we were going to have decent jobs but in fact all the stakeholders were profiting from the drivers. The passengers got cheap rides. The banks were making money because we bought cars. The insurance companies got more clients. Uber got commission. The law enforcement targeted us

for fines and then the criminals also saw us to make a quick buck through robberies. It is a vicious cycle."

Ongansie explained that the guild aimed to draw up a constitution and hold elections once officially recognised. They planned to have a seat at the negotiating table to discuss how drivers were treated by Uber, dropping cash trips, and securing a commitment to ensure their safety.

Putting spokes in the guild's wheels

However, Uber clamped down on several of the founding members, who had been outspoken in the media, by deactivating them from the application. This was perceived by drivers as a warning to resist the agency of collective organisation.

"I was part of a group of about 200 drivers who led a protest to Uber's office in Cape Town. Suddenly I was then one of three drivers who was deactivated from the platform and up until today I don't know why," Ongansie said.

What followed was widely considered to be a major test case for workers on the e-hailing platform when the drivers lodged a dispute with the Commission for Conciliation, Mediation and Arbitration (CCMA). The drivers alleged that when they were deactivated from the Uber app, it constituted an unfair dismissal in terms of the Labour Relations Act.

The CCMA ruled that Uber should be considered the drivers' employer and therefore the drivers should be recognised as employees and not independent contractors. This was based on the controlling relationship Uber had with drivers as well as the drivers' economic dependency on the income. "They [drivers] are not independent contractors in any true sense and they are in fact highly dependent on Uber for work," commissioner Winnie Everett ruled in 2017.

Uber SA then turned to the Labour Court to review and set aside the CCMA's jurisdictional ruling. On review, the Labour Court pointed out a crucial distinction, stating that the commissioner had conflated Uber SA and Uber BV. The Labour Court ultimately set aside the commissioner's ruling and upheld Uber SA's objection to the jurisdiction of the CCMA, and the Uber drivers' referrals were dismissed.

However, Judge Andre van Niekerk noted in his 2018 ruling: "Whether the drivers are employees of Uber BV (either alone or in a co-employment relationship with another or other parties), or whether they are independent contractors of Uber BV, is a matter that remains for decision on another day."

Another matter for another day is the formation of an official representative body that can stand up for workers affiliated to e-hailing platforms. Ongansie said the Uber Drivers' Guild, which garnered

support from about 2 000 drivers at the time, eventually imploded because the drivers were so diverse and fragmented, which resulted in little progress on charting a way forward.

Meanwhile, the employee status of those working on the Uber platform remains moot. Kgwedi said that for those without operating licences, it is always a struggle. “In some cases, drivers are forced to exit the market because of the conditions.”

Muzengi was forced to quit her job as a driver during the pandemic because she wasn’t making ends meet. However, she now feels calmer knowing she no longer has to dodge traffic officers.

She said that although completing her last year to become a social worker is on hold, she was fortunate that, through being a driver, she got a taste of making her dream come true.

Her eyes glowed as she recalled an endearing moment about how a conversation with a teen passenger led her to reuniting a father and son. “We were chatting and when I told him that I am from Zimbabwe, he told me that his father, who met his mother in Angola, is also Zimbabwean but he never met him, and he gave up trying to find him.”

Before the 17-year-old stepped out of her car, she asked him to scribble his contact details and his father’s surname down on a piece of paper. “I thought it would be easy to track him down if I had a surname.”

Muzengi used the information to ask family and friends in Zimbabwe if they knew anyone with the same surname. She also put the word out to a couple of WhatsApp groups for Zimbabweans. But it was on Facebook that she struck gold and soon after, helped mediate the meeting between the father and son.

“It was late at night when I was scrolling through Facebook and spotted someone with the same surname. I sent him a message to ask if he knew this particular man and by the morning, when I woke up, I saw lots of messages. He said the man was his uncle. It was his father’s youngest brother.”

While helping this family reunite was an uplifting experience, Muzengi still hankers to fulfil her ambitions. Taking a spoonful of her tomato soup she said: “I still dream of being a social worker.”

Her dream remains impounded.

SIDE BAR: Women rev their engines to make a living in a man’s world

Faiza Haupt was dressed in black as she took to the steering wheel of her BMW to work as an e-hailing driver. She was the first woman driver for Uber in South Africa.

It was 2014 and the husky-voiced and bubbly Cape Town mother, who worked at a multinational retail company, was on the verge of retirement. She was also in dire need of an income boost after running into financial difficulties that forced her to sell her home.

But Haupt put the pedal to the metal to transport Uber passengers when she wasn't standing on her feet working at the retail store. "I thought if I work as an Uber driver, then I can earn up to R1 000 per shift compared to earning R3 000 per month."

She eventually became a full-time Uber driver in 2015 and began earning a decent income. "You decide how hard you want to work because everything is motivated by earnings and the desire to live a comfortable and decent life," said Haupt before quickly adding, "especially when you are older."

The 60-year-old no longer works as a driver, but she does have a fleet of five vehicles on the e-hailing platform for drivers.

"It is very difficult for women drivers to make a living in the transport sector," said Associate Professor Rose Luke, who lectures transport and supply-chain management at the University of Johannesburg. "The hours are long, there is a lot of time away from home, the work is stressful, and the sector is very male dominated. So, it stands to reason that women, especially those with families, find it difficult to participate in this sector."

"Women on the road are in great danger"

Elize Faivelowitz, a former traffic officer who owns a fleet management company in the e-hailing industry, concurred: "Women don't last long in the industry." She said most drivers she had worked with over the last three years are men.

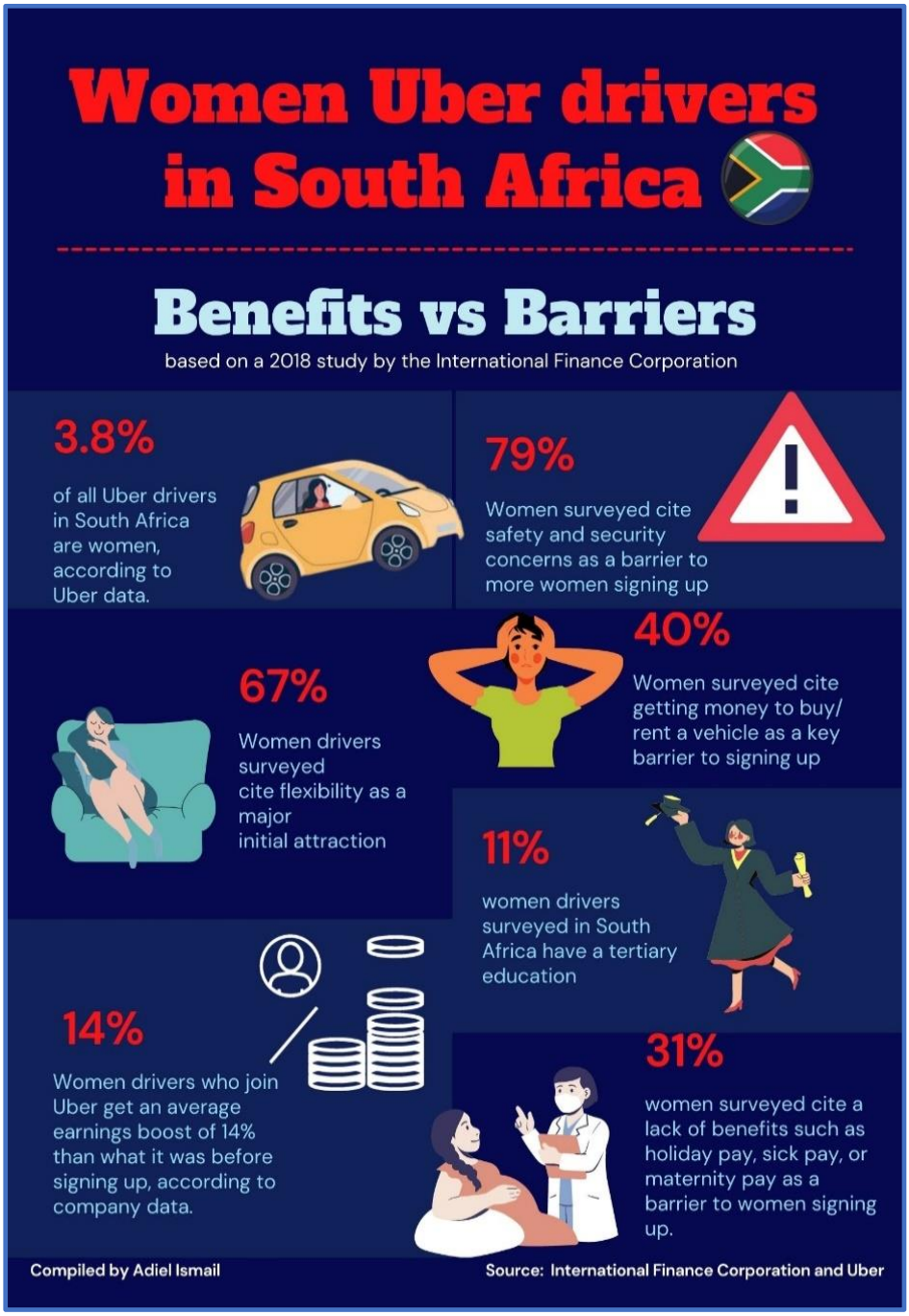
Faivelowitz added that "women on the road are in great danger" because of the areas they drive into and passengers who could see them as easy targets. "For a woman to take this job as a career is out of sheer desperation because there's no other way to feed her family," she said.

In a bid to get more women drivers to make inroads on the e-hailing platform in South Africa, Uber joined several women-focused ride-hailing services including Bolt, CheufHer, Ladies Own Transport and HER, to help connect women drivers with women passengers via a mobile app.

In July this year, Uber launched a feature giving women drivers the option to select a preference to pick up women passengers.

“We are also excited that this feature enables current female drivers with the power of choice and convenience when using the Uber app,” Uber sub-Saharan Africa head of policy, Busisiwe Khaba, said in a statement at the time.

Although women-focused products on e-hailing platforms offer a form of protection for women working in the e-hailing industry, the working hours and conditions make it a tough choice for employment.



This is evidenced in research released by the International Finance Corporation in 2018. The report, Driving Toward Equality: Women, Ride-Hailing, and the Sharing Economy, represented the first global study on gender and ride-hailing.

Almost 4% of Uber drivers in South Africa are women, stated the report, which leveraged data from Uber and surveys of more than 11 000 drivers and riders across six countries.

“As drivers, women face unique barriers to entry, adopt different driving patterns, and prioritise different benefits,” it found.

On promoting the entry of women drivers to e-hailing services platforms, the Competition Commission’s market inquiry into land-based public passenger transport report, gazetted in April 2021, recommended that the National Department of Transport and provincial regulatory entities develop an empowerment policy through prioritisation the issuing of operating licences to women.

"The Competition Commission is engaging with the provincial regulatory entities and planning authorities to ensure implementation of the recommendations," said Thulani Mandiriza, principal economist at the Competition Commission.

"This has been negatively affected by the Covid-19 pandemic, but efforts are on-going," added Mandiriza, who was also the head of the technical team of the Competition Commission's market inquiry into the public passenger transport sector.

SECTION 3

‘THE BASTARDS ARE LYING’: REFLECTIONS OF AN ASPIRING MUCK-RAKER

Summary introduction

The perilous, compelling, and detailed work of investigative journalists in South Africa has unearthed corruption, abuse of power and dereliction of duty, among others, in both the public and private sectors, with staggering consequences. Their diligent work attracted high praise from the annual Taco Kuiper Awards, which is considered the most prestigious award in the country recognising investigative journalism, as well as President Cyril Ramaphosa, chairperson of the state capture inquiry Deputy Chief Justice Raymond Zondo, and several civil society organisations.

As an aspiring investigative reporter, I am writing this reflective essay to draw back the curtain in an in-depth investigative project, digging into a black hole of crucial information and the obstacles hobbling the work of e-hailing drivers in Cape Town.

This essay is the final element in this portfolio of work that culminated in a publishable journalistic investigative story. It offers a critical account of the project, stretching over six months, by outlining the process of investigation, weighing up the learnings, and assessing the overall outcome, including ethical issues and constraints.

At the crux of this project are three formidable lessons: Step away from the investigation to allow your suspicions to percolate; let the facts tell the story to avoid falling into the pit of verification bias; and the most enlightening takeaway: there isn’t always a smoking gun.

The inside story: Unpacking the investigation into Cape Town's e-hailing permit system

If the pursuit of truth is the bedrock of investigative journalism, then it stands to reason that a muck-raker would have to begin by toiling away at digging out half-truths, deceit and patent lies. This crusade is by no means an effortless task since the challenges of probing an issue and finally attaining a truthful and accurate account are many and varied.

How would I navigate this rocky road? I traced the answer back to the very first investigative journalism seminar I attended together with a handful of aspiring investigative journalists on Zoom from the comfort of our homes in Gauteng, Limpopo and as far away as eSwatini.

"The bastards are lying!"

That was the simple yet bold answer booming from the mouth of Wits Adjunct Professor of Journalism, Anton Harber (2021), that reverberated through my dimly lit bedroom in Johannesburg, where I stayed in student accommodation while studying full-time. I remember feeling a bit unsettled because I tend to be more optimistic, but with the benefit of hindsight, I may have mistaken optimism for naivete. Harber backed up his argument by saying that the investigative journalist's natural mode is distrust, and this is the lens through which they are prone to view every source. Harber's audacious words kept on ringing loudly in my ears later as I reflected on and prodded questions around the City of Cape Town's e-hailing operating licence regime. It was the single most effective weapon in my arsenal in pursuing my in-depth investigative project.

Some other maxims, shared by a couple of South Africa's top investigative journalists, who presented separate talks to the 2021 investigative journalism class, also came to the fore. "It is like solving a puzzle," asserted an enthusiastic Susan Comrie (2021). "Sometimes information is hidden in plain sight," observed the soft-spoken Rob Rose (2021). "You have to be a bit of a dreamer," mused Adriaan Basson (2021).

The nuts and bolts

These pearls of insight underpinned the building blocks of this investigative story that was cemented through four vigorous sessions – reminiscent of a gruelling bootcamp – with award-winning investigative author, Professor Mark Lee Hunter. He introduced the Wits investigative journalism cohort to the hypothesis-based inquiry approach. During his seminars, he unpacked the basic methods and techniques of investigative journalism before outlining four elements of structuring an investigation: formulating a hypothesis, conceptualising a source map, documenting a timeline, and then finally composing the story.

Hunter (2021) humorously pointed out how, at times, journalists emulate “a monkey asking for a banana” when they engage news sources on a surface level by asking “what happened?” Instead, he suggested it would be better to ask probing questions and then ask for confirmation by perhaps saying: “This is what I have heard. Is it true?” But to get to this step of asking more substantial questions in the hopes of chasing a story, in email correspondence Hunter reiterated to me, “without knowing what’s been done already, it’s not worth it to commit to the project” (2021b). This was echoed by Harber (2021b): “It is important to know the context” and “Google the subject thoroughly,” he wrote to me.

Consequently, I spent a tremendous amount of time perusing a multitude of the available research relating to the e-hailing services ecosystem – only some of which proved relevant in the end. Morning turned to night and days to weeks as I scoured through news articles, government documents, state-led inquiries, academic journals, company and government financial statements and court cases.

Through this laborious process, I developed a comprehensive understanding of the regulatory challenges and resultant tough working conditions of e-hailing drivers in Cape Town, in South Africa and, to an extent, the world at large. Therefore, using this exhaustive document of notes, I refined the so-called working hypothesis of my investigative story. I proceeded to plot the various stakeholders forming part of my investigation by designing a source map to graphically illustrate events, human sources, and documents. I then extracted, in granular detail, all the pivotal information to carve out a timeline; and thereafter, I drew up lists of questions to pose to interviewees. Although this process culminated in an investigative story, the road to writing the story was bumpy and at times required me to revisit some of the aforementioned steps, including reworking the hypothesis as more information came to light and challenges surfaced.

In one instance, I once more skimmed through a 2020 preliminary report by the Competition Commission into the public passenger transport market and e-hailing and metered taxi services. This led me to the Competition Commission website, where I found the final report, which was released in April 2021. Three things came out of this: I tried to get additional information from the Competition Commission, who directed me to the head of the market inquiry’s technical team. I updated my research proposal with information from the final report. I downloaded a 266-page document of transcriptions from the third day of public hearings in Cape Town and in it I came across the dialogue of a participant who identified herself as the first woman e-hailing driver for Uber in South Africa. This is what sparked my interest in women drivers working in a male-dominated industry, which eventually pivoted my research project to focus on women e-hailing drivers – distinguishing my research significantly from the other stories on file.

Despite only having the first name of the first woman e-hailing driver for Uber, I used all my vigour to track her down, and with the help of a young man who started a Facebook page to disseminate news catering to Cape Town's Cape Flats audience, I was successful in getting her contact details and securing an interview. This was a breakthrough for my research because during an hour-long telephonic interview, she put me in touch with a man who was one of the so-called Uber Seven drivers who lodged a dispute with the Commission for Conciliation, Mediation and Arbitration to gain clarity on the employee status of drivers working on the Uber platform. This case eventually ended up in the Labour Court; however, no pronouncement was made on whether drivers are workers of Uber, as defined in terms of in the country's labour laws, or merely "partners", as the company claims.

The highs, lows, and lessons

This research report-equivalent aimed to provide a detailed investigation into the working conditions of e-hailing drivers in Cape Town, with specific reference to the process of obtaining an e-hailing operating licence from the City of Cape Town. I believe this was accomplished when measured against the four reasons cited in my research proposal for conducting this research.

To counter the dearth of public e-hailing data, I pulled together various strands of information from several open sources and also unveiled new information, which I obtained from human sources. This included the number of cars impounded, and the associated monetary value. In addition, while the investigative story tells the stories of e-hailing drivers, there is also an educational aspect for current and potential drivers as I explain and outline the step-by-step process followed to obtain an e-hailing operating licence.

It was important to give my research a human face by weaving through my story the narratives of several e-hailing drivers in Cape Town. I am satisfied that I gave a voice to e-hailing drivers, but I am most thrilled that I amplified the plight of women e-hailing drivers since they are a minority in the passenger transport industry, which is largely populated by men.

This research contributes to the existing body of information, which describes Uber as a controversial player in several jurisdictions. However, it also adds another dimension by identifying other role-players – such as government, passengers, financial institutions, law enforcement and criminals – who collectively place a punishing toll on e-hailing drivers. There hasn't been a single investigation that has pulled together all these elements to create a much clearer picture of the many difficulties e-hailing drivers have to face.

Although the long-form investigative story broadly sheds light on the reasons for the delays in the processing of operating licences, I would have preferred to give a more detailed account by identifying

exactly which steps in the process had the biggest loopholes. In addition, at the time of writing, I was unable to elicit a response from the Western Cape Provincial Regulatory Entity to obtain data from the Operating Licensing Board on the number of operating licences issued to e-hailing drivers. To consider providing me with the information or to advise me to request the information via the Promotion of Access to Information Act 2 of 2000 (PAIA), the Western Cape Department of Transport and Public Works not only wanted me to submit proof of registration that I was a student at Wits, and ethical clearance but uncommonly also wanted my approved research proposal. I was not willing to bow down to the latter. Not unearthing this vital material was a missed opportunity. This information, I believe, would have strengthened the investigative story.

With regards to the research project, which consists of a portfolio of work, it required a mind-shift from writing academically for my research proposal to rewriting some of the information in journalistic news style for the actual news story. On the one hand, it is my view that this slowed down the entire research and writing process. On the other hand, it taught me to be a more versatile writer and to give meaningful thought to selecting my words and constructing my sentences by emphasising certain ideas in the beginning or at the end of a sentence to coherently structure my paragraphs; and finally, to refine and polish my drafts.

Since this research took place amid a pandemic, it was incredibly difficult to get hold of experts who had insight into the e-hailing industry. I sifted through academic journals to find email addresses and reached out to people directly on Facebook and Twitter. In one instance, I managed to get hold of a relative of an economist, who promised to pass on my details, but nothing came out of it. Most academics were teaching from home and therefore calls to their offices went unanswered. They also apparently did not check their emails regularly. Another limitation, as anticipated, was the sluggish or scant responses to my questions. I feel strongly that some people shrugged off my queries for comment when they saw I was not a working journalist but a journalism student doing research.

However, I was ready to kick down the proverbial doors and through this experience I learnt to be patient but persistent. After close to 40 emails and 14 phone calls sent to Uber over a period of about 100 days, I eventually received a generic answer to nine of my questions. The City of Cape Town's transport department was more detailed in its response to my list of 16 questions, replying after only 40 days.

I approached a Cape Town-based academic who was a lead author of a study and after a week of no response, I emailed his colleague to get in touch with him. The academic responded a couple of days later saying he was on leave and unable to assist. Yet again I was not ready to accept no for answer: I appealed for a response to at least one question specifically related to the working conditions of

drivers on the Uber platform and asked if he could refer me to any other experts who could assist. I was successful on both counts.

Step away and get sleep!

As my investigation got under way and correspondence started gaining momentum, it was easy to get caught up in the hype of getting a response, but it is in assessing those responses and reading between the lines that some answers became clearer. I didn't figure this out while clicking away on my keypad; in fact, I was readying myself one day for an afternoon nap after being sleep deprived and as my head hit the pillow, I wondered why Uber seemed so reluctant to respond to my queries. After all, it would aid the men and women working on their platform, I thought. Then it hit me, what does Uber have to gain or lose through the City of Cape Town streamlining the permit system? It has nothing to gain other than doing business within the prescripts of the laws and policies of the province, but it has a lot of money to lose. If the Western Cape Provincial Regulatory Entity had a proper inventory of e-hailing operating licences in the system and developed a method to establish the demand for e-hailing services that would govern support for any new operating licences, then Uber would no longer have free rein to vet and approve countless drivers to work on its platform. Fewer drivers mean less revenue for Uber. I reached for my cell phone to jot down my thoughts on my notepad before falling asleep to the sound of rain and Joburg's thunder, which still gives me a fright at times.

Through this spark, I figured it was essential to occasionally step away from the investigation to allow your suspicions to percolate. I was so fixated on the City of Cape Town that I almost slipped into a pit of verification bias through only looking for information that would confirm my hypothesis while pushing aside evidence that did not serve my theory. Accordingly, I sought to let the facts tell the story. This also made me realise that at times there is no smoking gun, no single spot where the bones are buried, not because there isn't a story to probe but because the bones are scattered across many graves. At times it is because a system is unjust that the various stakeholders from government, business and labour contribute important pieces of the puzzle that finally makes a whole that in its entirety is responsible for wreaking havoc on the desperate and vulnerable.

An ethical moment

I was confronted with an ethical issue after I spotted advertisements on the Gumtree website selling operating licences that can be transferred to e-hailing drivers in Cape Town. I thought this could perhaps be a breeding ground for corruption if there were links to officials working for the Western Cape Provincial Regulatory Entity. This angle would also add depth to the investigative story by providing another perspective. I wondered how to approach this. Do I simply call and ask how the

transfer of sale works and then enquire about e-hailing drivers getting into trouble if it was unlawful? Do I need to identify myself beforehand and ask if they are willing to chat to me for my research? I posed these questions to Harber, my supervisor, who said: “You need to identify yourself as a journalist. You cannot do it under false pretences” (2021c). This lead died as no one answered when I dialled the numbers several times on separate occasions.

Faced with a mountain of information and a blank Word document on my laptop screen, I was left with brain fog and felt crippled at the thought of starting to write the investigative story. However, as it happened, midnight load-shedding eclipsed my scribing plans and I had to switch my laptop to ‘sleep’ mode before carefully making my way to my bed in the dark.

As the morning light peered through the blinds, I was restless to get this story out. I remember Harber (2021) suggesting, during one of his classes: “Find and tell the narrative that gives the public maximum interest.” As such, I thought it would be best to capture the attention of potential readers through narrative storytelling. I therefore began writing my article with a human-interest angle by describing the experience of a woman e-hailing driver who remembered an abundance of details about the day when she was called over by traffic police and her vehicle seized and impounded.

Thoughtful layout

In a separate class discussion, Harber (2021a) reiterated his observation that some investigative reports are painfully long to read. I couldn’t bear the thought of having poured so many hours into an article that wouldn’t be appreciated. To provide readers with a glimpse of what could be expected in the full story, I decided to preface the investigative article with a blurb. I wanted it to be more than an investigative story – I also wanted it to be an informative piece of work with utility value. Therefore, instead of having one long article, I opted to include a sidebar.

To demarcate and highlight important sections in the story, I inserted crossheads, pull-out quotes, and a table. In addition, to increase the tempo of the article, I decided to include the list of questions that I had emailed to Uber and indicated whether the question had been answered or not. While this writing technique may be unusual, I do feel that it would assist the reader to continue reading and it also adds a measure of transparency of how I went about gathering my information, and thereby taking the readers with me on this investigative journey.

Furthermore, one of the course requirements for this project was to include a multimedia element. It was an apt opportunity for me to utilise the power of data journalism through infographics to neatly illustrate certain aspects of my story. “Show, don’t just tell,” Laura Grant (2021), the director of Media Hack Collective, which produces data journalism projects, told the data journalism class. She backed

this up succinctly: “People remember 80% of what they see, 10% of what they hear and 20% of what they read.”

Armed with my newly honed skills from my data journalism course, I created a Google map on Flourish to showcase the impound facilities in the Western Cape. I created a bar graph to highlight how Uber stacked up against other e-platforms with regards to fair working conditions. I made use of an infographic that I created on Canva to depict the operating licence administration for e-hailing drivers. In addition, I designed a poster, also on Canva, based on a survey that was released in 2018 to outline the barriers and benefits for women drivers working on the Uber platform.

At the very least, I’m hoping that this story will position the plight of e-hailing drivers in the public consciousness. The research contained in it could also be used to put fresh pressure on the legislator to speed up reform and finalise the National Land and Transport Amendment Bill of 2016, which provides for a distinct category of e-hailing services in South Africa.

Sadly, despite stellar investigative reportage, the world sometimes just carries on being what it is. "That leaves only one reason we can count on for motivation," Hunter writes in the introduction to his book The Global Investigative Journalism Casebook (2012: 2). "We try to leave a true record of what we were, what we did, how we lived or died. In the process, we say to the people who lived the stories we tell, yes it happened, and no, it wasn’t just or fair." It is incidental that my name, which is of Arabic origin, loosely translates to just or fair in English. This research article might not have spurred change but I'm hopeful that writing it provides Mary Muzengi, Elize Faivelowitz, Tsungi Pamela Kujinga, Faiza Haupt, Derick Ongansie and Mr X with some solace that someone acknowledges that their lived working experience "wasn’t just or fair".

Done and dusted

This essay shows that the building blocks of this investigative project were laid down from the first day that classes kicked off for the 2021 academic year. This investigation allowed me to comfortably, although not without challenges, step into the shoes of professional investigative reporters, who endure arduous stages of planning, research and reporting to dig out information in the interest of public service to write a story that blends aspects that are both unreported and under-reported.

However, this essay also contended that including an aspect of the investigative story, i.e. with regards to the number of operating licences issued to e-hailing drivers, could have notably clarified the perceived rot within the licencing entity and therefore better contextualised the article. This missing layer could possibly have increased pressure on the City of Cape Town to be accountable and transparent.

I chose to unravel the twin issues of a seemingly broken system of local government and unpack a feature of Uber's controversial e-riding platform for my research topic. As the dust settles, however, my engagements with the many sources cited in the story helped me to have a better grasp of what Hunter (2021) meant when he said: "You don't just choose stories, stories choose you."

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