E-HAILING AND THE CRISIS OF WORK

A contextual investigation into the working conditions of e-hailing drivers in South Africa.

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Contents

Abstract

The objective of this thesis is to provide a contextual analysis into the working conditions of e-hailing drivers in the Global South, and specifically in South Africa. Through fifteen in-depth telephonic interviews with these drivers conducted between May and October 2020, a number of key insights were derived that support the argument that a context-specific understanding of the unique dynamics of each nation State is of critical importance in informing policy that is just and equitable. Existing literature emphasises the current narrative around the precarious working conditions of e-hailing drivers exclusively within countries of the Global North. These are grounded on the assumption that workers own their vehicles and that e-hailing has had an informalizing effect on the standard employment working relationship that has characterised the relationship between capital and labour in traditional economies. These Northern analyses thereby fail to capture the unique dynamics of countries in the Global South, characterised as having high levels of inequality and fragmented transport industries. Similarly, they provide a simplistic understanding into the contextual complexities around formal and informal work in developing economies. As such, the tensions between e-hailing companies, such as Uber and Bolt, and drivers within these networks ensuing on a global level, are informed predominantly by Northern experience.

Of particular importance is the ownership and leasing structure implemented in SA, and other developing countries, where e-hailing drivers who lack the financial ability to own their own vehicles are forced to lease vehicles from third party *Drive Partners.* Designed to integrate drivers who lack the means of vehicle ownership into the e-hailing network, the leasing system creates an ownership class that reinforces existing patterns of inequality in developing countries as the ensuing contracts (or lack thereof) borne out between drivers and Drive Partners, contributes to the complexity and precarity many drivers face as a result. This leasing structure is central to understanding how new and emerging forms of work associated with the gig economy have been adapted to the differing realities of the Global South. The financial pressure these drivers face, reinforced by decreasing e-hailing demand during the Covid-19 Lockdown, together with heightened levels of fear over driver safety and security, are additional features that differentiate the Southern driver experience to that of the Northern one. This thesis highlights these differences and emphasises the need for specific and contextual considerations in policy formulation should it have any relevance for e-hailing drivers within their respective localities. The analysis herein uses a North/South framework to demonstrate the relative differences drivers face in their respective geographies. It is important to emphasise that while drivers across the globe experience differing realities, they too have many shared experiences. The framework does thereby not intend to generalise, nor is it meant as a tool to create classification binaries between North and South, instead it is used to emphasise common driver experiences based on localities with similar socio-economic histories and contexts, albeit that these may differ significantly in themselves.

"Digital labour platforms have the potential to benefit both workers and businesses – and through them, society more generally. Nevertheless, they will only fulfil this positive potential… if the work opportunities they provide are decent. Ensuring that all workers, irrespective of their contractual status, are covered by key labour standards will be critical, as will social dialogue."

Guy Ryder, ILO Director General (2021)

1. Introduction

South Africa (SA) is facing a crisis of work with one of the highest unemployment rates in the world. According to Statistics South Africa's Quarterly Labour Force Survey for the last quarter of 2020, the country's unemployment rate stands at a 13-year high of 32.5% (Dludla, 2021). This has been exacerbated by the Covid-19 pandemic illustrated by the International Labour Organization's (ILO) Global Wage Report (2020: 15), which states that global average wages for workers decreased during the first half of 2020 due to the economic ramifications of the pandemic, with SA as no exception. The overall wage decrease affected lower paid workers disproportionately, thereby increasing wage inequality and further entrenching the inequality chasm prevalent in the country (International Labour Organization, 2020: 15). Further compounding SA's crisis of work has been a series of downgrades by various ratings agencies of the country's economy, which promise to have adverse economic effects with a detrimental effect on employment levels. In this context, the challenge for policy makers in SA lies in creating jobs for the country's bourgeoning unemployed, while ensuring that these jobs are dignified and sustainable.

The gig, or platform, economy is described by De Stefano (2016) as an economy that provides a market for short-term temporary work functions that exist outside of the standard permanent employment relationship. It can be characterised as "crowd-work" performed through online platforms regardless of geographic location – such as online data capture or coding, or "work-on-demand" which involves the carrying out of physical micro tasks such as transport or cleaning services on a needs basis, dependent on the existence and availability of local infrastructure. Gig work is globally touted as a possible way for countries to increase employment levels by creating a greater pool of workers to meet the demand for on-demand services, as companies increasingly seek to outsource much of their functions as cost-saving strategies. The convenience and innovation of apps such as Uber, Mr D, Sweepsouth, Zulzi and others have ushered in a new era of on-demand services that challenges traditional models of doing business, where work is more adaptable to the current business needs in that specific moment of time. The disruptive implications for business are immense, with many companies simply outsourcing their labour requirements to those within the gig economy meaning firms no longer have to incur the cost of a sizeable portion of permanent staff.

The ramifications on labour are equally dramatic, as the gig economy has spawned a class of workers who work on an on-demand basis, generally outside of the standard employment relationship. While this arrangement may appear to offer them a degree of autonomy and flexibility in determining when they want to work and the hours they choose to work, they sacrifice many of the benefits offered in standard employment relationships, including minimum wage, medical insurance and vacation leave. Catchy advertising slogans like "be your own boss" and "skip the 9-5" invokes an entrepreneurial spirit amongst potential gig workers. The reality, however, is much different. Working in a highly competitive environment, with no social protection can render these workers highly precarious. In addition, the fluid nature of gig work, and the commodification of labour, erodes the stability and career mobility in which workers with permanent jobs are accustomed. The relative social context in which such gig work operate is also of critical importance. As such, the social, economic and political differences between countries of the Global North and South play a major role in how gig workers experience the precarious elements of their respective working conditions. The analysis herein uses a North/South framework to demonstrate the relative differences workers face in their respective geographies. It is important to emphasise that while workers across the globe experience differing realities, they too have many shared experiences. The framework does thereby not intend to generalise, nor is it meant as a tool to create classification binaries between North and South, instead it is used to emphasise common worker experiences based on localities with similar socio-economic histories and contexts, albeit that these may differ significantly in themselves.

Considered pioneers in the gig economy, e-hailing digital platforms, which include Uber and Bolt, provide potential employment opportunities within the transport industry by disrupting traditional patterns of ownership and creating new markets that appeal to consumer's appreciation of a cost-effective, safe and efficient transport alternative. There is, however, a commonly held view that technologies within the broader gig economy have ushered in new forms of precarity amongst workers, reinforced by disparate power relations between employers and employees which effect the ownership structures within various industries (Anner, Pons-Vignon, & Rani, 2019). Anwar & Graham (2019: 3) call it a reproduction of exploitative neoliberal capital production relations, where mechanisms within the contingent employment relations of digital platforms have shifted risk from capital to labour in both the Global North and South.

In the transport industry, those who see e-hailing work as increasingly precarious, argue that e-hailing companies undermine existing regulations implemented to protect transport workers, including those who are self-employed. These arguments have been made primarily in the Global North, where highly regulated taxi and transport services are the norm. An inverse relationship potentially exists in the Global South, where there is a contradictory trend where the prevailing transport industry is largely informal, fragmented and fraught with complexity, yet e-hailers bring an element of formalization to an unregulated, or self-regulated, industry. While this may be the case in terms of the direct relationship between e-hailing companies and the drivers, this thesis demonstrates that is not always the case. Third-party leasing structures introduced (but not implemented) by Uber and Bolt in developing countries to incorporate drivers who lack the financial means to own their vehicles into the system, are generally based on informal and precarious external relationships. The dynamics of formal and informal work are thereby a proverbial grey area in the sense that drivers technically operate within the formalizing e-hailing structure, yet practically their means to do so rests on informal third party contracts outside of Uber and Bolts scope of accountability.

Most of the current literature is concerned with how gig worker precarity plays out in a Northern context. The recent court ruling in the UK, which forces e-hailing companies to recognise e-hailing drivers as "workers" and not "self-employed", entitling drivers to benefits such as minimum wage and vacation leave, highlights the struggle of many of these drivers. In addition, the legal battles playing out in many European countries and the United States follow a similar tone that highlights the dynamics at play between capital and labour in the global gig economy (Satariano, 2021). These developments, however, focus solely on the driver experience in the context of richer, more developed nations, with little consideration given to the unique dynamics and driver experiences of the Global South. This thesis addresses this gap, through an investigation into the unique experience of the e-hailing driver in South Africa. While it is inappropriate to extrapolate the findings of this research to all Southern countries, there are many key insights that support the contention that socio-economic conditions within developing countries lend itself to greater precarity amongst workers in the gig economy.

Fifteen in-depth interviews were conducted with Uber and Bolt drivers between May and October 2020, which investigated the working conditions experienced by e-hailing drivers in SA. The interviews were conducted at a time when the country was under lockdown – a measure imposed by the government to contain the spread of Covid-19. The lockdown, considered particularly stringent in SA, saw the restriction of movement of most South Africans other than for essential purposes. This had a direct effect on the demand for e-hailing services. While the pandemic was an exceptional event in the sense that everyone was affected simultaneously across industries and geographies in different ways, it was unexceptional in the sense that it amplified the existing precarious position that e-hailing, and many gig workers at large, found themselves in. The fact that people were commuting less, meant that the precarious working conditions drivers experienced were all the more apparent. Less rides meant less money, affecting the entire value chain from the driver to those who leased out e-hailing vehicles, and to the e-hailing companies themselves. In this regard, the Covid-19 pandemic is not viewed as a phenomenon that altered the entire e-hailing industry, rather as an event that amplified the existing harsh realities that e-hailing drivers were experiencing beforehand. Similarly, while the pandemic may have forced changes in policies around the operations of e-hailing, such as stricter health and safety protocols and evening curfews, the precarious working conditions drivers experience remain the same as pre-pandemic times, if not more acutely.

During the interviews, a number of themes emerged that highlight the varying experiences that these drivers have which differentiate them from those typically experienced in the Global North. A significant difference lies in the previously mentioned ownership structures implemented by the e-hailing companies in the Global South. Intended to incorporate drivers into the e-hailing industry who lack the means of vehicle ownership, a leasing system that includes owners leasing vehicles to drivers, adds an extra layer of complexity to an already complicated ownership structure. While providing access to drivers who lack the means of outright ownership, the system effectively outsources the employment relationship to the lessor and the lessee – characterised mostly by exploitative and informal agreements between the two parties of which e-hailing companies themselves take no responsibility. This relationship, unique to poorer countries in which e-hailing companies operate, serves to reinforce existing patterns of exploitation and inequality that are endemic in countries such as Mexico, Pakistan and South Africa . This system and relationship is central to the exploitative conditions that many drivers find themselves in as a result. It is the starting point to many of the financial and social insecurities that drivers experience thereby enhancing their precarious positions.

The above-mentioned ownership structure, as well as the inherent structure of the apps on which e-hailers operate, make for an unhealthy work-life balance for many drivers, many of whom experience heightened levels of stress and anxiety as a result. The leasing agreements in place in SA mean that many of the drivers who lease their vehicles have the extra cost burden of paying their leasing partner, or drive partner, as well as complying with the standard deductions of around 25% that Uber and Bolt deduct from their trip earnings. All of the interviewed drivers who lease their vehicles reported that they are barely making ends meet, and as a result are working that much harder with much longer hours. As expected, longer working hours equates to less down time. With many drivers having families, they regret the not being able to spend more time with them. As mentioned, the leasing ownership structure is prevalent in countries within the Global South, which indicates that drivers operating in the richer countries of the North are not as exposed to the added financial pressures and marginal earnings that come with a leasing partner, thereby highlighting the varying levels of precarious working conditions between the two regions

The vulnerabilities that drivers experience regarding safety and security further serves to amplify the precarious working conditions that South African e-hailing drivers experience. High levels of crime, such as the danger of being hijacked or mugged by passengers; add to the fear and anxiety that drivers live with on a daily basis. In addition to such criminal opportunism lies the threat of violence from traditional metered taxis who consider e-hailing drivers a direct threat to their livelihoods.

What has resulted is a form of turf war between the two, and has seen e-hailing vehicles being torched and vandalised, and in some cases drivers killed. The burning of Bolt driver, Siyabonga Ngcobo, in Pretoria in 2018, serves as a constant reminder of the dangers that e-hailers face on a daily basis. That is not to say that drivers of the North are not victims of crime and raise the ire of disgruntled metered taxis, rather, the level and commonality of these crimes are heightened in countries like South Africa where crime is more endemic and law enforcement considerably weaker.

The final theme that is identified that emphasises the different contexts that drivers of the Global North and South experience lies in their abilities to organise as a strategy to affect policy change through driver solidarity. The fragmented and atomised nature of e-hailing means that drivers seldom get the opportunity to meet with each other and formulate such strategies. Further, the fact that drivers are in essence competing with each other makes these strategies even more difficult. While these conditions are not unique to any particular context and are inherent in the nature of e-hailing, the respective traditions and histories of local labour movements are important in how workers organise. This thesis argues that in order to create lasting policy change to better the working conditions of e-hailing drivers, innovative strategies need to be devised that capture the true nature of the struggles experienced by drivers operating within the gig economy at large. The archaic structures of trade unions, and the ownership structures implemented by e-hailing companies in SA, means that local drivers face a unique set of circumstances in cultivating solidarity amongst themselves.

The objective behind highlighting these contextual differences in how drivers experience precarity, lies in bringing information to light that may contribute to the debate around the exploitative working conditions experienced by e-hailing drivers in South Africa, and the Global South. It stops short at providing concrete policy proposals, and instead highlights the complexity policy makers face in creating, and sustaining, just and dignified employment opportunities. They find themselves in a conundrum in creating non-exploitative forms of employment, while also expanding the amount of opportunities available in a country that is battling record levels of unemployment. The e-hailing companies (which have never recorded a profit) will argue that they simply cannot afford to recognise drivers as permanent employees given the added cost burdens of providing a minimum wage along with social benefits. This, however, implies that these companies can only operate under conditions where they exploit the drivers that use their platform. In the context of SA's history of labour exploitation, such business models should be considered unsustainable.

This thesis thereby advocates for contextual thought in policymaking, as well as encourages multi-stakeholder engagement between all parties in the formulation of policy that is more just and equitable. In SA, gig work in many instances formalises informal work, however, external third party leasing agreements tend to undermine this assumption and emphasises that the classification of informal and formal work are not useful in this analysis. Southern contexts means that there are some formalising elements, yet also some informalising elements to gig work, adding to the complexity that policy makers face in creating just and equitable conditions for e-hailing drivers. The status quo, however, does not empower Southern workers, but rather marginalizes them and serves to reinforce the lopsided power differentiation between labour and capital. While these dynamics ultimately bear negatively on the day-to-day working conditions of workers, the formalization aspects of e-hailing provides an opportunity and a resource for the potential mobilization and organisation of workers to put pressure on government to guarantee legal protection and implement measures to improve working conditions. The potential for such action, however, is undermined by the informal nature of leasing agreements which serve to reinforce the precarious working conditions of drivers. These dynamics show that e-hailing drivers in both the Global North and South both experience varying levels of precarity, however these experiences relate to differing social experiences and varying economic contexts and should therefore be afforded adequate contextual consideration in policy making.

Given these contextual differences and complexities, this thesis addresses the following research question:

Counties of the Global North and South have varied historical experiences and as a result of vastly different socio-economic contexts. New and emerging forms of employment associated with the gig economy thereby have different implications for workers operating within these new economies in their respective nation-states. Given these contextual differences, this research asks how the e-hailing industry has affected the experience of workers in South Africa, and more generally to countries of the Global South.

In answering this question, this thesis commences by providing a comprehensive literature review that specifically analyses the predominant narratives around how technology is shaping labour, and how these forces require a contextual-sensitive analyses rather than one that focus purely on a Global, or Northern experience. It then examines the obstacles to dignified labour in countries of the Global South, specifically dealing with high levels of poverty and inequality. Importantly it also investigates how the gig economy affects employment dynamics against the backdrop of a pervasive informal economy. The latter part of the literature review looks at the unique landscape of the South African transport economy and how it's informal and fragmented nature lends itself to platform work. Finally, the barriers to labour mobilisation and collective action, posed both by the nature of public transport landscape and the inherent nature of e-hailing, are examined within a South African context.

The second section discusses the research methodology employed to gain insight into the experiences of South African e-hailing drivers through 15 in-depth semi-structured telephonic interviews. The merits of this methodology are discussed, as well as the opportunity and challenges the research posed in the context of a stringent Lockdown associated with the Covid-19 pandemic. The section is concluded by a discussion on the reliability and validity of the research as well as ethical considerations in conducting the research.

The thesis then turns to an in depth-discussion and analysis around the information derived from the interviews and how this information relates to current narratives captured in the literature review. The section is categorised into five key themes that featured prominently in the research, namely:

- Ownership, earning Empowerment
- Working Conditions
- Safety and Security
- Work/Life balance
- Organisation and policy pressure.

The thesis concludes by a summation of the research findings and policy implications thereof.

2. Literature Review

2.1. Labour in the age of technology

Technology brings about rapid change to all aspects of society. The gig economy is a product of this technological transformation, and is changing the way stakeholders interact in transactional relationships. Work within the gig economy is predominantly performed through online crowdwork, or work-on-demand as distinguished by De Stefano (2016: 2). This research has a particular interest into how these changes affect the labour landscape in terms of working conditions, and what this means for drivers operating within e-hailing networks, as well as how these conditions differ between varying economic contexts. Key to this is how labour relations are affected by technological disruption embodied in the South African transport sector.

The prominent debate around the effects of platform-based technologies on labour are distinguished between techno-optimism and techno-pessimism. The former, espoused by the World Bank (2019), acknowledges that increasing technology may result in job losses mainly related to automation. These challenges, however, can be offset through innovation as technology generates new industries and new jobs, specifically through innovations associated with the proliferation of digital application software within the gig economy. The Institution's *World Development Report, titled - The Changing Nature of Work (2019)* examines ways in which humanity can harness the opportunities created by technology through transformative policies and skills development. Critically however, it fails to provide insight into the prevailing labour conditions of workers affected by this technological change. Anner et al. (2019), challenge the Report arguing that the World Bank's perspective ignores the growing research that identifies the risks and challenges faced by workers in their struggle for decent working conditions due to technological change. They argue that technology is distributed disproportionately leading to increasing inequality in the interests of short term economic gains resulting in the declining labour share of national income and a growing power imbalance between capital and labour. Further, they argue that while technological innovation may, or may not result in an increase of jobs in society, the quality of jobs that emerge need to be considered (Anner et al., 2019). The International Labour Organisation (2018) paints a similar picture highlighting the commodification of workers, below average pay, flexible work structures and a lack of social protection as key challenges faced by workers operating within the gig economy. The ILO's World Employment Social Outlook Report (2021), similarly differs from the World Bank's report in not only recognising potential opportunities for employment that accompany major change associated with the gig economy, they emphasise the major challenges it poses, further exacerbated by the Covid-19 pandemic. ILO Director-general Guy Ryder (2021: 5) points out that the pandemic has accelerated changes in work society that were already underway as entities are increasingly adopting digital platforms and technological innovation as a means of conducting business, thereby becoming pervasive in society. Conversely, Ryder (2021: 5) recognises that "workers on digital platforms often struggle to find sufficient well-paid work to earn decent income, creating a danger of working poverty". These dangers are exacerbated by the increasing need for social protection especially in the context of economic slowdowns as a result of State interventions to mitigate the spread of Covid-19.

The context to some of the major challenges that workers face in a capitalist world with rapidly advancing technological aspirations are embodied in the work of Guy Standing. Standing (2011a) argues that through the neoliberal growth and development model, the accumulation of profits are maximised by the entrenchment of labour market flexibility. Under these conditions, the nature of work has changed and the standard employment relationship, embodied by the reciprocal rights and obligations by an employer and an employee, has weakened. Labour flexibility has led to a labour market that is highly precarious, with limited access to social protection for the working-age unemployed, and a general societal detachment leading to a “dangerous class in the making” defined as “The Precariat” (Standing, 2011). David Weil (2014) compliments Standing’s view of the conditions that have led to the emergence of the Precariat in the sense that firms maximise their profits and minimise their losses by “fissuring” – a term used for the outsourcing of labour by firms which has led to deteriorating wages and working conditions and an increase in unsecure labour. The ILO (2018) paints a similar picture highlighting the commodification of workers, below average pay, flexible work structures and a lack of social protection as key challenges faced by workers operating within the gig economy. De Stefano (2016) takes a more holistic view of precarity by arguing that a rise in informalization and casualization of labour, is not a new occurrence that exists in isolation, but rather part of a broader phenomenon and not confined to the digital gig economy. Here precarious work needs to be understood as being part of the broader neoliberal economic system, and not necessarily caused directly by the emergence of the digital platforms.

This section thereby highlights the tensions that exist between workers for dignified forms of works and existing models of capital, given the complexity that technology and the gig economy has bought to the labour market. The rise of the gig economy has led to the proliferation of temporary and micro-tasked jobs, which have led to a more flexible workforce. While the proliferation of gig-type work has made these forms of employment more pervasive and globally accessible, the quality of these jobs is the subject of examination in this thesis. The following section looks at how the relative understanding of the quality of these jobs is experienced differently due to contextual differences between workers of the Global North and South.

2.2. Precarity North and South: Contextual Differences

At this point, an investigate into how precarious and flexible labour structures influence the labour environment within differing nation-states is necessary, with a particular focus on the unique context of South Africa. Bieler et al. (2008) argues that inequality is a direct symptom of globalisation as unequal ownership structures operating within the global economy have led to unequal capital accumulation and distribution. This inequality is largely distinguished between the Global North and South, polarised between developed and developing countries

Scully (2016: 2) argues that Standing’s work on defining the *Precariat* “has the problematic tendency to universalize the causes and effects of precarious work across the globe”. He points out that Standing has failed to recognise the history of precarious work in the Global South and thereby neglects important lessons from anti-precarity labour politics amongst Southern workers, which stem from the pre-globalisation era. Scully cites three features that illustrate the common precarious history of Southern workers. The first is a long legacy of Southern worker detachment of labour evident in various anti-colonial labour struggles, which differs from Standing’s understanding that this detachment is a product of globalisation (Scully, 2016). Secondly, he cites the distinctive relations of distribution as a feature that differentiates North and South. Here Standing (2014) refers to the commodification of workers, precluded by a de-commodification of workers of the North with a move away from wage labour and towards State-sponsored social income programmes. Scully contends that this was exclusively a feature of the North and fails to capture the experience of Southern workers. Finally, Scully identifies distinctive relations to the State between Northern and Southern workers. Standing (2011) argues that the contemporary precariat lacks a range of basic rights previously afforded to them by the State. Once again, Scully demonstrates that the Southern experience is markedly different in the way that the State denied citizenship rights to a majority of workers, which was evident under various forms of colonial government.

Anwar and Graham (2019), through their study on the effects of platform work on labour in Africa, further Scully's position that context is important, and argue that the nature of platform work, in it's current capitalist manifestation coupled with the socio-economic context of labour realities on the African continent, renders African workers particularly vulnerable to exploitation. Recognising that unemployment levels in many African countries are unsustainable, platform work is seen by policy makers as an attractive option to alleviate the existing jobs crisis. Anwar and Graham (2019: 6), however, argue that "these jobs are symbolic of deteriorating working conditions and labour standards amongst the workforce that is already structurally constrained in local labour markets". Terms such as "Freedom" and "Flexibility" are touted as attractive aspects related to platform work and imply a degree of worker autonomy. Anwar and Graham (2019: 6), however, argue that these terms are loaded with the language of neoliberalism and exemplify the new-market principles espoused within the gig economy. The "freedom" and "flexibility" to choose your client, set your price and working hours have ushered in new elements of precarity where these perceived freedoms are constrained by algorithmic controls in competitive and saturated markets that exploit labour by seeking out the cheapest option. In addition, platform work has the tendency to favour individual over collective freedom, which erodes workers occupational capacity to organise and mobilise against unfair labour practices thereby putting further pressure on workers ability to set wages, working hours and conditions (Anwar & Graham, 2019: 6). This individualizing effect renders Southern workers more precarious in the sense that labour unions tend to be weaker in countries of the Global South.

While these distinctions are important in relating precarity across the global income divide, it is important to note that a precarious class contains fundamental differences between them. Standing (2011) concedes that:

> The globalisation era resulted in a fragmentation of national class structures. As inequalities grew, and as the world moved towards a flexible open labour market, class did not disappear. Rather a more fragmented global class structure emerged.

In Frank Parkin's (1989) theory of social closure, he argues that fundamental differences between classes, as expressed by Marx, are overstated. Following similar ideas put forward by Max Weber, Parkin argues that class should not be defined by their ownership of the means of production, but by the strategies of social closure, or patterns of exclusion, employed by groups in gaining access to resources while excluding others (Parkin, 1989). While the class difference between capital and labour has been exacerbated by the emergence of the gig economy, class fragmentations also exist on an intra-labour level, adding to the complexity around collective action. Following this line of thought, drivers within e-hailing platforms are fragmented according to a range of factors that could include driver seniority, nationality and driving localities, despite having similar collective class interests (Malin & Chandler, 2017). This does not necessarily imply substantial class differences, but highlights the inherent diversity amongst e-hailing drivers which has the potential to influence strategies of organisation.

Drivers operating within e-hailing platforms are thereby differentiated within themselves due to a range of factors, indicating differing experiences and perspectives of precarity. This has made it difficult for them to form any noticeable solidarity in creating a unified voice to lobby for better working conditions and deter exploitation (Anner et al., 2019). This may be changing, as there have been a number of examples of strikes amongst drivers from e-hailing platforms. Most notably a 24-hour shutdown in cities across England in 2019, as well as in Johannesburg, over pay and security issues as previously mentioned (Mabuza, 2018; Morris, 2018; Nyathi, 2020).

At this point, it is important to emphasise that this section does not intend to polarise the experience of workers according to Global North and South binaries. There are many similarities, and difference, drivers share across geographies. The intention of using the North/South framework in this thesis is to highlight the potential challenges that workers face in their respective contexts which are influenced by unique and complex histories and experiences, which can generally be understood as being influenced by income levels. In this sense, one can make the distinction that countries of the North are generally richer and more developed than those of the South – this has a bearing on how the gig economy is applied to the labour realities of each respective country as will be demonstrated in preceding sections.

2.3. Relative understandings of informal economies

A great deal of literature emerging from Northern contexts is that gig work, specifically e-hailing is having an informalising effect, on what were otherwise formal transport economies governed and regulated by each countries respective labour laws. Under these circumstances, employees involved in public transport sectors were generally regarded as being party to standard employment relationship, where they were paid a salary and entitled to benefits such as social protection and vacation leave. Disruptive technological platforms, such as Uber, have ushered in significant change to this status quo. Drivers operating within e-hailing networks no longer are considered permanent employees, but rather loosely as “independent contractors”. While the legal definitions and their implication are analysed in length in this thesis, it is important to recognise that the shift from formal definitions of work to more informal ones bought on by e-hailing have affected workers variably according to the socio economic circumstances in which they operate. Conversely, to the experience of e-hailing drivers in more developed countries, the Southern driver experience is more likely to represent one where platform work actually formalises work. This is due to the unique social and makeup of countries within the Global South where informal economies are pervasive.

Section 3.5.2. describes how the South African public transport economy is fragmented and largely informal. Given this, e-hailing should have the effect of formalising work. This may be the case if a driver who was employed within the informal minibus-taxi industry changes jobs by driving for Uber or Bolt. From the research upon which this thesis is based, all of the drivers interviewed indicated that prior to them becoming e-hailing drivers; they were employed in the private sector in formal employment relationships. From this information, these drivers would have experienced the informalising aspect related to e-hailing, not related to the respective e-hailing companies, but rather through the third party leasing arrangements common in the SA’s e-hailing industry necessitated by potential drivers lacking the financial means to own their own vehicles.

This arrangement demonstrates how e-hailing has varying effects depending on how prevalent a country’s economy is geared toward informal aspects. According to the ILO definition REF “informal employment refers to employment without social protection through work – both inside and outside the informal sector” (Chen & Carre, 2020: 4). According to Chen and Carre (2020: 5), many observers criticise this definition of informality as being too binary and too broad. Instead, they argue that most workers and enterprises fall on a continuum between being fully formal or fully informal. While the ILO’s definition may be useful for understanding how the State relates to the informal sector, it fails to capture the sheer complexity of how informal economies operate in varying context and the differing ways the informal sector contributes to economic growth. Chen and Carre’s definition of informality is important in understanding how informal work and platform work relate and interact. The informalising, and formalising, aspects of e-hailing in a South African context is in parts ambiguous and highly complex. The way these dynamics relate to each other is dependent on the size and nature of a country's informal economy, the nature of e-hailing in that country, as well as the State's policies in accommodating informal workers. This necessitates the specific contextual analysis when analysing how e-hailing effects the nature of work within any given country.

2.4. Roadblock: Obstacles to Dignified Labour in the Global South

This section assesses the literature that analyses the obstacles that workers need to overcome to secure more just and equitable work within the gig economy. Some of these obstacles are shared across geographies while many are specific to those of the Global South and a function of the unique conditions that characterise their informal transport economies.

2.4.1. Ownership and Empowerment

One of the most prominent and topical issues surrounding gig work at large is the legal classification of gig workers. Legally defined in many countries as being "independent contractors", workers are considered non-permanent employees of the platform companies themselves. This classification has important ramifications for working conditions. Companies like Uber and Bolt will advocate that the current classification afford workers the means to be their own boss, by allowing them a flexible work schedule built around their own specific needs. Conversely, this arrangement also deprives workers of social protection such as a minimum wage, sick leave, or health insurance, generally offered in standard employment working relationships. While some may be willing to forego these benefits in favour of the flexibility advocated by companies in the gig economy, they are likely to be from richer countries and less dependent on the gig economy as a means for income. Countries of the Global South experience a different reality where many of the drivers are solely dependent on the gig economy to sustain their livelihoods. This is a result of the existing socio-economic dynamics in these countries, and largely attributed to the ownership structure implemented by Uber and Bolt.

This ownership structure, involves a leasing system, whereby drivers who lack the means of vehicle ownership can lease their vehicles from third party operators – known as Drive Partners. The arrangement, designed to overcome the lack of purchasing power by many drivers, is indicative of the poorer and unequal context of Southern workers. The system introduced an additional layer of ownership supplementing an already complex situation related to ownership and employment classification. Here ownerless e-hailing drivers are more accountable to their Drive Partners than they are to the apps upon which they operate. So while the legal debates around labour classification that are prominent in the literature are important, they are derived predominantly from a Northern context and fail to take into account the Southern experience. This thesis supplements the debate by providing a perspective of workers from the Global South.

As explained, the narrative playing out through legal avenues in many countries is the debate on how gig workers should be defined within the ambit of respective national labour laws. Gig workers are generally classified as "independent contractors", as opposed to permanent employees despite a number of legal challenges to the contrary. A distinction that prevents workers formally entering a standard employment relationship with an employer, and thereby depriving them of basic social benefits that come with permanent employment. These include the right to a minimum wage, insurance, leave and other forms of social protection. The lack of access to these benefits and social security is an argument that is strongly asserted by pro-labour movements that argue that access to work is not enough, and workers are entitled to dignified forms of employment with a minimum amount of protection from exploitation (International Labour Organization, 2019). Conversely, large tech platform companies and associated lobby groups, argue that being classified as "independent contractors" affords workers the rights and flexibility to work on their own time and to be their own boss. Furthermore, they argue that platform workers are made well aware of the terms of employment prior to entering into any contractual agreement with any company. In addition, companies such as Uber and US-based e-hailing service Lyft, argue that the flexible nature of platform work allows employers to avoid the costly and burdensome salary overheads associated with standard employment relationships. They argue that by having drivers on their books as "employees" would continue to render them unprofitable and unsustainable (O'Brien, 2020).

At the heart of the argument, and evident through legal representations around the world, lies the element of control. Labour legislation traditionally states that a standard employment relationship has merit to exist depending on the level of control that the employer has over the employee (Davidov, 2017: 8). In the case of e-hailing, companies like Uber argue that drivers are free agents where they can choose their working hours and determine their own working conditions, with no interference or level of control from the company itself. Multiple court rulings, however, have rejected this argument on the basis that e-hailing companies exert a more direct control over drivers than they care to admit (Davidov, 2017: 10). Technology inherent through platform work, allows these companies to maintain and even strengthen control through price controls, customer ratings mechanisms, and stringent terms of agreement between companies and the drivers, giving credence to the argument that platform workers should in fact be classified as permanent employees (De Stefano, 2016: 476). In addition, to consider e-hailing drivers as independent entities seems misguided when Uber drivers provide an Uber Service to an Uber customer on an Uber platform, indicating that they are part of an integrated organisation (Davidov, 2017: 8). In contexts where third party leasing arrangements are common, an additional layer of control is evident through the relationship between lessor and lessee, which strengthens the argument that e-hailing companies exert more control, directly or indirectly through leasing, over drivers than they would in contexts where leasing is less prevalent.

Prassl & Risak (2016:2), argue that this dichotomy is not a novel phenomenon when it comes to worker classification, however, is irrelevant given the complexities around labour dynamics within the gig economy. Decades of academic and judicial argument over how contractual labour agreements fit into existing regulatory requirements are outdated within the context of technological proliferation of gig work. The traditional binary divide of employer and employee no longer holds relevance as platform work introduces a greater number of stakeholders, namely customers and third party leasing partners to the traditional employee-employer classification, and adds another layer of contracts with legal ramifications that fit uneasily within existing labour legislation (Prassl & Risak, 2016: 3). While not considered by Prassl & Risak, the complexity around the leasing system in countries of the Global South strengthens their argument for more flexible legal structures that accommodate labour regulations appropriate to specific contexts.

By looking at the functional definition of an employer, and how these functions relate to companies within the platform economy, the authors (2016) argue that due to the multi-contractual nature of gig work, other stakeholders within the broader relationship carry out some of these functional employer responsibilities, thereby detracting legal weight to the argument for employer-employee classification binaries. In this respect, an entity should be classified as an "employer" according to the level of control the entity has within the conditions of a functional employer. They go on to present the categories they use to define control which they use as a basis to define general characteristics of an employer. Here they identify many gig companies as having employer categories, however, they determine that e-hailing companies lack these characteristics, thereby presenting an argument in favour of maintaining the status quo of the legal classification of e-hailing workers as independent contractors. While the authors advocate a more flexible framework to determine employer status based on control, the framework nevertheless lacks the contextual nuances of experiences within the countries where leasing arrangements are more pervasive. Their analysis does not include the complex drive-partner ownership structure inherent in the e-hailing industries of the South, which further identifies the literature gap of contextual analysis accommodating Southern labour experiences.

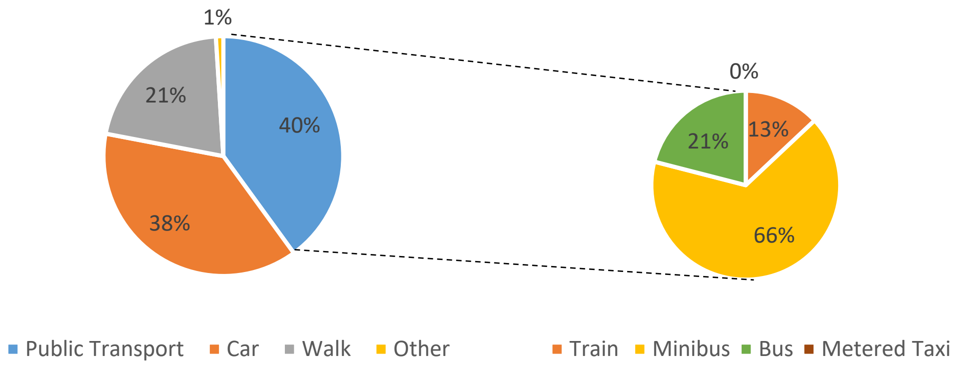
2.5. A Complex Roadmap: The Informal and Fragmented South African Transport Industry

Given the context of the contributing perspectives around technology, labour precarity and labour classification, it is important to understand the nature and context of labour in the South African transport industry - characterised as being highly fragmented and decentralised which provides complex challenges to regulation. This section illustrates the dynamics of the South African transport industry and presents how it is positioned to manage labour complexities that stem from discriminatory historical legacies, providing the contextual background upon which it is subject to formalising elements in the form of e-hailing technologies.

To understand the context of the South African transport industry, it is important to provide a historical background of the country's political economy upon which the system was ancillary to forms of racial discrimination and the entrenchment of various forms of social mobility injustices. Barrett (2003) and Venter (2012) explain how the sector is highly fragmented and informalized with its roots set in Apartheid spatial planning. This manifested itself between the period of the 1970's up until the democratic dispensation in 1994, where the majority of black people lived away from traditionally white areas and were excluded from living in proximities of economic hubs and business centres. Since 1994 there has subsequently been various State-led attempts to centralise and formalise the transport sector, however, despite some advancement in the rail sector via the Gautrain and the Rea Vaya bus service, it remains largely exclusionary, fragmented and informal.

A central actor in SA's public transport sector is the minibus taxi industry, and an analysis that excludes their influence would remain incomplete given how pervasive this form of transport is amongst South Africans. Here Barrett (2003) is concerned with the emergence and subsequent influence that the minibus taxi industry has had on the country's transport landscape, and more specifically on how labour dynamics within the industry were shaped as a result. Barrett's analysis requires recognition of how the minibus taxi industry relates towards the bigger picture of integrated public transport in the country. The way in which all of these elements interact with each other to create a unique picture of fragmentation and informalization within the public transport sector is important in this review. This context therefore provides a base for further investigation and analysis into how the emergence of e-hailers add to this complexity.

Figure 1: The Share of Public Transport Choices in South Africa 2015.



Source: (The South African Department of Transport, 2015)

Figure 2: The Scale of Public Transport Choices in South Africa 2015.

	Daily Commuter Trips	**Scale of Network**	**Stations/Ranks**
Minibus Taxi	15-million	200 000 vehicles	2 600
Train	2-million	3 180 kms of rail	550
Bus	9-million	19 000 vehicles	100
Metered Taxi	17-20 000	All major urban roads	NA

Source: (The South African Department of Transport, 2015)

It is unclear why e-hailing services are not recorded in the above table, however, it is likely due to statistics being unavailable as Uber only entered the South African market in 2013, or the contribution of e-hailing services to the public transport mix being negligible as of 2015. Giddy (2019), however, argues that e-hailing has proliferated in South Africa, as by the end of October 2019, Uber alone had services over 1-million active users with more than 13 000 drivers who had covered more than 9-million kilometres across SA since its inception in 2013 (Walker: 2019). Regardless, both Figure 1 and 2 illustrate the diverse nature of public transport in SA.

A report by the Competition Commission investigating Land Based Public Passenger Transport (2020) acknowledges the sheer complexity of the South African public transport sector. While the Government is cited as working towards an objective of creating "an efficient, competitive and responsive economic infrastructure network", the Report conversely finds that public transport in a local context is anything but integrated. The Commission (2020) argues that public transport in SA is by no means a system, or a network that facilitates easy connections between transport modes, but rather consists of fragments that operate within different spheres of government with little to no coordination. Here it is important to note that an integrated system is considered to be integral to a successful public transport network as it increases inter-modal efficiencies and lowers consumer costs – which is critical in a country where commuters spend on average over 20% of their income on public transport, compared to a global benchmark of 10% (2020: 1). Framed in this way, a fragmented transport system is a hindrance to consumer spending power and inhibits economic growth. Although the Report focuses on bus, minibus taxis and rail, e-hailers add a further layer of complexity that needs to be examined within the specific social, economic and political dimensions that dominate the South African transport sector.

Another important aspect to consider is how the country's transport context contributes to tensions with agents who have, or have the potential, to disrupt the status quo of the industry. The main point of focus here is how e-hailing companies have threatened the traditional hierarchy – particularly in the metered taxi sector. Metered taxis in this regard have been unable to compete with Uber and Bolt's low prices and have often reacted violently to the threat that these e-hailers pose to their livelihoods. Violence instigated by metered taxis on e-hailing drivers is well documented, contributing to the precarious nature of e-hailing in SA and is an important aspect when considering labour conditions in the e-hailing industry.

This section hereby illustrates the complex and fragmented nature of the overall South African transport sector. While the country works to formalise aspects within the industry, it is dominated by the informal minibus industry - the mode of how most South Africans commute. A full understanding of the complex nature of how South Africans relate to transport requires a more in-depth class analysis, as the country's formerly disadvantaged and majority lower to middle class are confined to cheaper forms of transport, such as minibus taxis. In addition, due to Apartheid spatial legacies, many of these people reside in locations relatively further away from economic centres, meaning they generally travel further distances between home and their place of work. While access to public transport plays an important role in economic upliftment, as well as in the reinforcement of class divisions, it is not the subject of this thesis. For the sake of this research, however, it is important to recognise the complexity and unique context that abounds within South Africa's transport industry. This complexity needs to be acknowledged when considering the conditions in which e-hailing drivers operate.

2.6. The Structural Obstacles to Organisation and Collective Action

When examining the dynamics that exist between labour and capital, traditionally worker organisation and collective action have been a powerful force in labour's struggle for better working conditions. Cornerstone to labour organisation is the right to freedom of association and the right to pursue a strategy of collective bargaining. In more traditional forms of work these rights are considered fundamental, in the gig economy however, the ability of workers to form collective action strategies is curtailed by a number of factors, which this section investigates. The online structure of gig work, as well as the atomised nature of gig workers, act as obstacles in their ability to mobilise collectively for better working conditions. In addition, the traditional structures of trade unions, geared more towards accommodating traditional forms of work, are poorly positioned as organisations to effectively represent the true interests of gig workers and enact meaningful change on their behalf. They do, however, provide an important platform with the potential to launch strategies for future collective agency. Digital platform companies, which in current form perpetuate the exploitation of gig workers across the world, often exploit these obstacles in order to maintain the status quo, thereby serving their interests.

As mentioned, there are a number of obstacles facing gig workers in forming collective agency. Some of these are inherent in the nature of gig work within the context of the broader economy, while others rest with structures located within the traditions of collective action. The nature of collective bargaining between countries is specific to the unique dynamics that exist within that specific socio-political realm – often, but not always, distinguished by the divide between the Global North and South labour traditions. Johnston and Land-Kazlauskas (2019), identify a number of these issues. The first being that the online gig economy is a relatively new phenomenon, in which many structures that have existed for collective action, such as trade unions and cooperatives, have failed to adapt to the unique conditions faced by many gig workers. With a few innovative exceptions, particularly in Northern Europe, they argue that many union-strategies have failed to capture the unique challenges at play within the gig economy. They do, however, recognise the importance that unions can play in forming a basis for collective bargaining amongst gig workers. Worker representation is likely to be more successful within larger union structures, as opposed to smaller minority or independent unions – who face significant sustainability obstacles and lack the political clout in enforcing change at a macro level (Johnston & Land-Kazlauskas, 2019: 38). The challenge then lies within the unions themselves, in their ability to accommodate a new form of worker with unique characteristics synonymous with a dispersed, atomised and largely online workforce.

While these are broader strategies for collective action, it is important to outline the specific challenges that exist for gig worker mobilisation. First is the relatively new phenomenon of gig work. While globally increasing and accelerated by the Covid-19 pandemic, and recognised by the ILO as being a major component of the future makeup of labour, their presence is relatively small. Johnston and Land-Kazlauskas (2019: 10) point out that, despite the total size of the gig economy yet to be fully quantified, studies by Katz & Krueger in 2016, estimate that 0.5% of the US workforce derive a majority of their income through app-based platform work such as Uber and Taskrabbit. Other research points to a similar figure for Europe indicating the relatively small proportion of people in Northern countries who derive their primary income from app-based platforms (Johnston & Land-Kazlauskas, 2019: 10). These figures are likely to be even smaller in countries of the Global South, whose digital infrastructure is less pervasive than in countries of the North. Undoubtedly, these proportions are increasing as the global nature of work adapts to technological progress, yet the current uncertainty and scope of the global gig economy does provide a challenge to organisational strategies for gig workers and unions alike.

Work performed within the gig economy is by no means homogenous, with two distinct groupings that have emerged along spatial and geographic organisation patterns. De Stefano (2016) identifies these as being “crowdwork” and “work-on-demand via apps”- or place-based workers. These categories have a bearing for collective organisational strategies amongst workers in relation to them being fragmented or localised. Crowdwork takes place completely online and can connect vast numbers of workers across large distances, regardless of geographies (Johnston, 2020: 3). Jobs within crowdwork include computer coding, translation services and data entry and can be provided from anywhere in the world with a fixed and stable internet connection. Work-on-demand apps, such as e-hailing services, are platform-facilitated but geographically bound. While customers and workers are connected via an app-based platform, the actual work is performed in person and cannot be practically offshored (Johnston, 2020: 3).

The distinction is important as the fixed geographies of labour within work-on-demand apps has a bearing on strategies, and challenges, for collective action in pursuing more equitable working conditions. Johnston (2020: 5) contends the following:

> Placed-based workers and crowdworkers have developed divergent strategies in their efforts to identify a suitable regulatory framework or arbiter for their collective claims. These alternate approaches are attributable to differences in the spatial organisation of platform work to the extent to which the organisation of work maps on to existing labour and industrial relations regulations.

As this thesis is concerned with place-based e-hailing work, the collective struggles of drivers are located within the ambit of South African labour legislation, giving added importance to the socio-political context in which they operate. In this sense, the organisational struggles of workers are less about crafting a new approach to labour relations given the advent of the gig economy, but more about pursuing avenues for change within existing regulations, and amending those regulations to be more accommodating to gig work. According to Johnston (2020: 5), this works in the favour of place-based workers, as evidence suggests that collective gains are more successful when workers pursue mechanisms embedded within existing industrial regulatory frameworks. Crowdwork, conversely, rest on workers pursuing gains on poorly established transnational regulatory frameworks that lack contextual nuance, giving credence to the argument advocated by proponents of digital platform work that crowdwork is “beyond regulation” (Johnston, 2020: 6).

Crowdworkers lack a singular geographic locality presenting a challenge to collective organisation. This, however, is not to say that on-demand workers do not experience similar challenges. The high levels of mobility of workers, the lack of a common workplace, the existing competition between workers and the high levels of isolation mean that e-hailing drivers face similar challenges of worker fragmentation. The global standardization of management practises for many multinational digital platforms, however, has created a common cross-geographic solidarity amongst workers that has the potential to scale up into transnational and international movements. Johnston (2020: 7) identifies the global Uber strikes that occurred before the company’s listing on the New York Stock Exchange in 2019. This provided drivers from disparate geographies with a singular counterpart to whom they could voice their collective grievances pertaining to the platform, such as transparency and exploitative pricing models. While this is a form of global protest, and is less likely to directly influence local legal frameworks that provide labour regulation for the broader economy in the short to medium term, it does have the potential to influence the actions of e-hailing companies, which in effect change the way these companies operate within respective countries.

The fragmentation of platform workers poses a challenge in forming collective agency amongst themselves. Intuitively one may think that due to the online nature of platform work, many workers could utilise the internet’s far-reaching network to organise and galvanise collective grievances as a basis for mobilisation. While this may be the case, Johnston and Land-Kazlauskas (2019:13) argue that, due to the open-ended nature of online forums and the isolated nature of worker grievances, the efficacy and legitimacy of them becoming a tool for labour relations engagement is doubtful.

The customer feedback mechanism, or rating service, offered by most on-demand apps, plays a major role in skewing the power relationship between workers and the platform in favour of the latter. De Stefano (2015) points out that these rating systems, have created a system where the supervision of workers is outsourced onto the customers themselves, where control is exerted through the app dictating that the worker’s conduct and standards are enforced by customers themselves. In the case of e-hailing, passengers are empowered to act as “middle-managers” over drivers, thereby having a direct influence over their eligibility to drive in the future through positive, or negative, ratings based on their trip experience. A driver who receives a poor rating can altogether destroy their credibility and their prospect for future work. This form of control adds to the precarious nature of drivers who find themselves with very little recourse to the app itself accompanied by a complicated appeal process. In essence, they are at the mercy of customer feedback. This rating system has effectively created a situation where the platform companies increase their control, but limit their own oversight, over the drivers and thereby strengthen potential claims over driver misconduct (Johnston & Land-Kazlauskas, 2019: 13). Similarly, control is centralised but oversight effectively outsourced to lessors where in many cases a stronger case for a standard employment relationship exists. In this context, however, a lessor is another avenue to pass off accountability over their drivers.

The power and influence that the ratings system has over workers necessitate the need for a common mechanism to provide them with a form of recourse or appeal. In the current state of play, platform companies seem unfazed by worker grievances with no formal mechanism to represent worker's interest. Johnston and Land-Kazlauskas (2019:14) argue that the increasing labour supply, the high turnover of platform workers and the ability for companies to hire and fire workers at will based on their legal status as "independent contractors", renders the development of successful worker organisation difficult. Most online forums in their current state, channel workers grievances based on retribution, which carry a sense of urgency. The efficacy of these strategies are doubtful in creating long-term structural change, for reasons relating to their legitimacy and credibility. Instead, worker-led forums should provide the basis for solidarity intent on changing structural injustices within gig economies that disadvantage workers and compromise their rights. Workers should rather focus on the longer-term goal of creating a broader movement grounded in undoing discrepancies between labour and capital by leveraging existing online networks.

3.7. The Contextual Obstacles to Organisation and Collective Action

While sustainable and lasting change in the working environment for gig workers will be enacted through broad legislative change that disrupts the status quo, the inherent structure of the gig economy is preventing workers from using collective mobilisation as a strategic platform. E-hailing companies, under current labour law, classify drivers as "independent contractors", and thereby not under the direct employ of the company itself. Effectively this means that each driver acts as its own business unit, even though housed under the broad e-hailing umbrella. Being profit-seeking individuals, drivers pursue as many trips as possible at a given time. Given commuter demand, drivers are thereby competing with other drivers in the same geographic location. Johnston and Land-Kazlauskas (2019) identify this "intra-driver" competition as a major obstacle in forming collective agency on the basis of lack of shared and common interests, and an element that needs to be overcome in the movement towards more favourable policy reform.

A second obstacle is the ever-present fear amongst gig workers that they may lose their job. While the digital platform companies hold substantial weight in determining whether a worker gains employ through their platform, there are a number of contextual conditions that reinforce this power. In the e-hailing case, the increasing demand for gig work and limited job supply, mean that companies like Uber and Bolt could easily replace a driver should they be removed from the platform for whatever reason. The decline in the global economic environment, perpetuated by the lockdown associated with the Covid-19 pandemic, has led to an increase in unemployment, meaning that an increasing amount of people are seeking livelihoods through gig work, corresponded by a lack of employment opportunities within the gig economy. Job supply cannot keep up with job demand. The result is that the power relationship between labour and capital is skewed disproportionately in favour of the latter, reducing the bargaining scope for labour. Conversely, the increasing number of people engaged in the gig economy as a result provide for the potential for more sizeable collective movements. Such broad-based collective agency, however, are yet to be experienced in the local economy to enact policy changes in current form.

These challenges reflect the difficulty that workers within the gig economy face in enacting changes in prevailing labour conditions through collective agency. The inherent nature of the gig economy itself, which perpetuates and reinforces an invariable level of power that platform companies exert over labour, as well as the prevailing economic conditions that shape capital and labour dynamics, combine as major obstacles to labour mobilisation. In addition, current models of organisation, such as unions, have yet to effectively embody the unique struggle that gig workers face. While online forums have been largely reactive in seeking retribution for perceived wrongdoing by platform companies, these forums have yet to be utilised for broad-based mobilisation efforts in enacting structural change within existing labour relations, beyond a few isolated examples. As Johnston and Land-Kazlauskas point out, however, they do hold massive potential as avenues for gig workers to further their objectives in improving their working conditions. The way in which these avenues are channelled depend on context – specifically the unique political economy that exists within a given country. This thesis is concerned with these contextual differences and investigates how they influence collective organisation and mobilisation amongst workers in the local e-hailing industry.

3.8. Industry and Policy Implications

Given the tensions related to labour precarity within a highly fragmented and complex South African transport context, considerations regarding policy need to be understood in order to improve the experience of e-hailing drivers. These considerations need to take place while not stifling the environment that allows e-hailing companies to operate sustainably, or restricting innovation. Here context is of critical importance. The existing political, social and economic forces within a specific country determine policy outcomes that are best suited to these contexts. Here the varying power that exists between government, the private sector and labour organisations will shape the face of policy. Undoubtedly, the trends that are shaping the regulatory landscape of the Global North will too be considered as a form of legal precedent. What is clear, however, is that the South African context differs considerably from of the Global North, and these contextual differences will take prominence if future policy change is to be just and equitable.

All drivers within the e-hailing system are all subject to the company's terms and conditions, to which they accepted to become independent contractors, and not permanent employees. Despite this consent from both parties, these terms and conditions have ultimately resulted in precarious working conditions for drivers and shifted the balance of power in favour of capital (Anner et al., 2019). Uber has successfully entrenched itself in the market by largely price undercutting more traditional metered taxis, as Dube (2015) notes that metered taxis charge a significantly higher premium of 265% compared to Uber X for similar distances. Uber recently introduced Uber Go to it's brand stable, direct at the lower end of the market with even cheaper prices to Uber X representing an even greater price disparity between e-hailers and traditional metered taxis. This disparity can be partially explained by the increased efficiency associated with the technology and scale of e-hailers, as well as the aggressive pricing strategy inherent in companies that seek to disrupt existing industries by their preparedness to incur significant financial losses, with the view of creating eventual monopolies by offering highly discounted service rates that appeal to the consumer. Isaac (2014) points out that Uber has been able to outcompete metered taxis due to three reasons:

1. Their ability to classify itself as a "technology company" as opposed to a transportation company, exempting it from existing transport laws and regulations
2. The classification of drivers within its network as "independent contractors" rather than employees, thus allowing the company to evade costly social benefits they would have to pay in a standard employer-employee relationships, and;
3. A depressed labour market that has given rise to workers accepting the above terms out of desperation.

The above conditions play an important role in how policy makers approach e-hailing services. There are two binary arguments to e-hailing regulation. Firstly, those that advocate a laissez faire approach in allowing e-hailers to operate with minimal legal and regulatory barriers in the interest of entrepreneurial innovation. Secondly, those that argue for stricter regulation in the interests of protecting worker rights, and advancing competitive behaviour within the market. The former asserts that technological innovation is stifled by regulation, and that greater regulatory control can place a greater cost burden onto the consumer, as higher corporate overheads such as taxes are likely to be factored into service pricing.

The argument for greater regulation adopts an approach that seeks to instil checks and balances on e-hailers to deter price undercutting which marginalizes traditional market players like metered taxis (Eggers & Turley, 2018). In addition, it seeks to eliminate the exploitative elements to drivers within the platform through greater labour control (Kenney & Zysman, 2015). An attractive case for the State is that greater regulation of the industry will equate to higher direct tax revenues that could be repurposed for a number of State-sponsored transport innovations, or enhanced and more innovative social protection policies for drivers and society as a whole (Colin & Palier, 2015).

Policy developments have predominantly occurred in developed countries with notable legislative challenges in the State of California who have sued e-hailing companies in an effort to compel them to recognise drivers as permanent employees and not independent contractors (Conger & Scheiber, 2019). While the State of California was initially successful in forcing e-hailing companies to recognise drivers and permanent employees, the ruling has since been overturned with Uber, Lyft and lobby groups resisting the new platform economy labour reforms by finding a middle-ground of securing minimum wage pay for drivers (Kolodny, 2020). While seen as a victory for e-hailing companies, the legal wrangle is representative of the changing landscape of labour legislation ushered in by technology-based companies. A ruling in the UK, dealing with a similar issue, conversely found in favour of e-hailing drivers, thereby forcing e-hailing companies to recognise drivers as workers (Satariano, 2021).

Drafting regulations around gig work requires considerable context-sensitive research into the policy areas that would merit changes to existing policies. Huws, et al (2017) identify the prominent policy challenges to be considered in regulating the gig economy, which provide a framework for the analysis that this research is concerned with. Although these policy challenges have been identified in a European context, there application to developing countries hold relevance in varying degrees and are outlined under the four broad themes below:

- Ensuring economic growth while maintaining local competitiveness, and not compromising working conditions;
- Marrying existing legislation with progressive regulation that ensures equal and fair treatment between clients and workers alike;
- Creating dignified and sustainable forms of employment;
- Ensuring a healthy work-life balance.

In summary, this literature review has provided an overview of the ongoing debates affecting the research question and shaping the narrative around the conflict between labour and capital within the e-hailing industry, and the gig economy at large. The structural nature of companies that operate within the gig economy, combined with the forces that are shaping both global and local economies, mean that the power balance between capital and labour has shifted in a way that gig workers operate within exploitative and inequitable conditions. This is well established through existing literature. What is not well established is how these forces and dynamics vary according to contextual differences. There is a gap in existing narratives over how Southern countries are positioned, or have adapted, to changes to traditional economies in the form of gig work. The differences between the Global North and South, the developed and the undeveloped, the rich and poor, means that each country varies in context significantly, forcing us to consider each one according to its unique contextual circumstances.

A series of key themes identified in this literature review, and further developed during the research phase of this thesis, are used as a framework to address the research question and are broadly categorised as follows:

- Ownership and Empowerment
- Working conditions
- Safety and Security
- Organisation and Collective Action
- Industry and Policy Implications

4. Research Methodology

The following section provides an overview of the research employed in interrogating the research question. The research strategy considered the nature of the subject matter, the research subjects and the physical context of conducting the research into account. This is followed by a discussion on the advantages and disadvantages of such a strategy. The section is concluded by a discussion into reliability, validity, ethical considerations and other observations during the research process.

4.1. Operationalising the Research

The research set out to investigate the experiences of drivers operating within e-hailing digital platforms with particular interest into their working conditions, and the regulatory implications thereof in a South African context. E-hailing drivers are the primary sources of information and the research subjects. I conducted fifteen in-depth semi-structured telephonic interviews on an individual basis to investigate their individual experiences and interrogate the research question, as well as four follow-up interviews.

This methodology was selected due to its ability to derive rich and high-quality information from human subjects in the process of exploratory research (Bless et al., 2013). The conditions of work and unemployment are complex and multi-layered, and a conversational interview gave drivers the opportunity to provide privileged and sometimes emotional insight into these issues. In some instances, drivers were initially reluctant to talk about sensitive issues that relate to ownership and income, however, after developing a rapport between them and myself, they were more forthcoming in sharing sensitive information.

Prior to conducting the interviews I intended to set up meetings with drivers located in areas where they generally wait for passengers (commuter hotspots), such as airports or business centres, and conduct interviews with these drivers while they wait for trips. These interviews would be organised through preliminary trips where I would establish a relationship and discuss the possibility of interviewing them more formally. Should they be willing, I intended to schedule a time and place that would be most convenient for them such as the above-mentioned commuter hotspot areas. I was also prepared to compensate them for their time.

The research phase of the project coincided with the national lockdown related to the Covid-19 pandemic, which made it difficult to conduct the research as outlined above. Level four and five lockdown regulations, which severely prohibited the movement of people except for essential purposes, made it challenging to establish any interviews from a logistical perspective, as well as posed a health concern for both the drivers and myself. As a result, I conducted telephonic interviews as opposed face-to-face interviews, which proved to be more practical, more cost-effective and more productive from a time perspective. Prior to the pandemic I fortuitously made contact with an Uber driver who had extensive links to other drivers by running a WhatsApp group where participants would share various types of information concerning e-hailing such as accidents, traffic and dangerous areas etc. The said driver, through the group, was able to coordinate a number of interviews that were conducted telephonically during May 2020. Other interviews were initially planned and scheduled through prior personal e-hailing trips after which telephonic interviews were conducted over the course of October 2020. In addition, a number of follow up interviews with research subjects were conducted in November 2020 to assess potential changing attitudes following the easing of lockdown regulations.

4.2. Sampling

According to 2016 statistics, Uber had around 317 000 vehicles on the road, with 174 000 of these being in Johannesburg (Vermeulen, 2017). It is likely that these numbers have steadily increased in the preceding four years since 2017. It is acknowledged that the 15 interviews conducted for this thesis are not a representative sample of these statistics. Large-scale representative research is not the objective of this project, as more in-depth exploratory interviews that assess the emotional nuances with the subject matter within a smaller sample is more appropriate in achieving the required research outcomes.

Convenience sampling was used, as a central research subject was able to refer me to other research subjects within their own network as described in the previous section through the association of a WhatsApp group. During the national lockdown, this proved to be the most effective strategy under difficult circumstances. The potential weaknesses to this strategy, which include that of selection bias, which may result in the over, or under, representation of a group within the sample population and thereby affect the reliability of the results, are acknowledged (Bless et al., 2013). While these research subjects were gained through a degree of snowball sampling (through the referral nature of the WhatsApp Group), they carry the similar threat of selection bias as subjects tend to refer people of similar views and perspectives (Bless et al., 2013).

4.3. Data Collection and Analysis

To ensure that no information was overlooked, I recorded the interview via a voice recorder, as well as recorded detailed notes. Following the phone call, each interview was transcribed for analysis within 48-hours to ensure that the information derived was still top-of-mind. After post hoc analysis of the transcribed interviews, I was able to develop the broad themes and trends, identified in the literature review, which include the following:

- Ownership, Earnings and Empowerment
- Working conditions
- Safety and Security
- Work/Life balance
- Organisation and policy pressure.

These themes, and how they relate to existing literature form the basis of the discussion section in this thesis.

4.4. Observations and Challenges

While the research did derive a number of observations and insights, there were, however, a number of challenges, which are described in the following section.

4.4.1. The Effect of Covid-19

Operationally, the biggest challenge in carrying out the interviews was the logistical barriers around Covid-19 lockdown regulations. As previously detailed, the pandemic forced me to pivot my interview strategy from face-to-face to being telephonic. While the new strategy was more resource effective, telephonic interviews have the potential to overlook some of the emotional and human nuances that come with face-to-face communication. While I felt that most of the research subjects were open and honest, it is more difficult to tell whether they were withholding any information without conducting the same interview face-to-face. Nevertheless, telephonic interviews were considered the most appropriate way to conduct the research given the unprecedented conditions facing the country at the time. Furthermore, the interviews succeeded in deriving high quality information and insight that positively contributed to addressing the research question.

The second aspect around Covid-19 had to do with the emotion generated within subjects themselves around the pandemic and the economic effects thereof. During the month of May 2020, when most of the interviews were conducted, SA was going through some of the most stringent lockdown measures in the world. Level five lockdown regulations permitted e-hailing for essential travel purposes with strict health and safety protocols enforced on drivers and commuters alike. Furthermore, the level of anxiety within the national psyche meant that many South Africans were simply not leaving their houses nor travelling anywhere, unless deemed an essential service worker. The economic effect on drivers, particularly on those who lease their vehicles, was devastating, translating into a higher degree of frustration towards their respective e-hailing companies. As the interviewer, it was difficult to locate whether these emotions were directed at the government's response to the pandemic and the associated socio-economic conditions, or to the ongoing exploitation by e-hailing companies and driver partners, or a combination of both. One of the reasons I decided to conduct follow-up interviews with selected research subjects was to interrogate the source of this anger and frustration in a context of less-stringent lockdown measures and increased levels of general economic activity. Through this control, what become apparent was that the pandemic in the context of e-hailing, was less of a disruptive event than it was one that amplified existing vulnerabilities among drivers. Drivers grappled with precarious working conditions prior to the Covid-19 outbreak, however, the pandemic made these experiences more acute.

4.4.2. Communication Breakdown

One of the disadvantages previously identified regarding telephonic interviews was that research subjects had the potential to feel uncomfortable when discussing sensitive issues over the telephone with someone they are unfamiliar with. With this in mind, the initial part of my interviews revolved around introductions and attempts to get to know the subject more personally. An informal discussion about ones family and the weather was a good way to break the ice and get the conversation flowing. Thereafter, I was surprised at how candid and willing the drivers were in sharing information. While initially scheduled for 40 minutes, many of the interviews exceeded an hour due to drivers being so forthcoming in sharing their experiences, as Bolt-driver Peter said – It was great to have someone listen.

A disruptive element, which occurred during several interviews, was that drivers occasionally had to interrupt the interview in order to embark on trips. While this was expected, it did affect the flow of the conversation and meant that the interview would have to recommence once the trip was complete. Consequently, the tone and subject would need to be re-established. While disruptive, I do believe they had little effect on the quality of the information that derived from the interviews.

4.4.3. Conflicted Drivers

One of the features that was highlighted during the interviews was that many of the research subjects were conflicted in their emotions and their answers in varying degrees. A majority of the drivers were angry and frustrated, especially those who leased their vehicles, over their current working conditions. As mentioned, it was initially unclear whether they were frustrated over their treatment by the e-hailing companies, or over the unfavourable economic conditions associated with the Covid-19 lockdown regulations. This necessitated the need for a number of follow-up interviews during a period of a less-stringent lockdown when commuter and economic activity had recovered somewhat, which subsequently established that the source of driver frustration was a long-standing feeling of vulnerability accentuated by the Covid-19 lockdown.

Regardless the source of their emotions, most drivers were conflicted over their feelings regarding e-hailing. Yes they appreciated the opportunities that the service had provided them as drivers, however, with e-hailing becoming more normalised over nearly seven-years the novelty of the opportunity had started wearing thin – and with that a level of animosity to the companies from the drivers has become prevalent. Undoubtedly, the drivers all agree that e-hailing has overall contributed positively to society. This does not negate the fact that, despite these societal benefits, those who contribute to making the service function need to be treated in a dignified and respectful manner so that all of society benefits and not just a single section of it.

4.5. Ethics

This research was deemed to fall in the Low Risk ethics category, as the only foreseeable risks are that of discomfort and a degree of sensitivity inherent in some of the questions asked during the interview, particularly around income. I did not consider there to be any potential harm that could be invoked during the interviews, and it was made explicit to the research subjects that they have the right to refuse to answer any question or discontinue the interview. Furthermore, I accepted when interviews were interrupted by ride requests so as to not interfere with any potential income for the drivers. The decision to conduct telephonic interviews, as opposed to face-to-face, was informed by ethical considerations pertaining to health and safety. In addition, this thesis refers to drivers using pseudonyms thereby concealing their identity and protecting them from and potential harm or reputation damage. Interview consent was obtained partially through positive responses on the initial Whatsapp Group managed by my driver contact. More formal consent was obtained at first contact where I would carefully explain the intention of the research and what I would use the information they would be providing for. If they understood and agreed to partake in the research, the interview would consent. I was guided by the following script:

> My name is Bradley Dubbelman, and I am a Masters candidate studying Development Studies at Wits University.
>
> I am conducting research that will contribute to my final research report, which investigates the working conditions of drivers within the e-hailing industry in South Africa. It investigates the relationship between drivers, driver partners, e-hailing companies and the government. Central to this research is gaining a first-hand experience from drivers themselves, which I hope to obtain through this interview.
>
> The interview should not take longer than 40 minutes and will be recorded strictly for my records and reflection with your consent? Whatever you disclose in the interview

will be treated as being strictly confidential and your identity will be anonymous – pseudonyms will be used in the final report when referring to any information you may divulge.

Thank you for your time. Before we begin – do you have any questions and concerns, and do you consent to the interview?

Subsequently, the research was granted approval by the School of Social Science Ethics Committee with ethics reference number: DVS20190103

4.6. Reliability and Validity

There were a number of measures undertaken to ensure validity and reliability of the research. One was to ensure consistent measurement procedures in collating the data. This meant that the interviews had comparative value, which aided the analysis and improved the reliability and validity of the research. Here the interviews followed a similar structure according to the identified themes in the literature review.

Another important aspect to enhancing the validity of the research was to conduct triangulation procedures. Triangulation is the process of verifying, or testing, your data by cross-referencing it with other sources of information (Badenhorst, 2008). In the context of this research, the results derived from the interviews were triangulated by comparing it to case studies investigating similar topics in different markets or countries, as being central to the research report.

5. Discussion and Analysis

The following section provides a detailed discussion on the key themes that emerged following the literature review and the research process. While the research subjects all contained varying social experiences related to their own specific circumstances, there were several broad themes that emerged from the interviews detailed below.

5.1. Ownership, Earnings & Empowerment

A key feature uncovered by the interviews in the South African e-hailing industry is a relatively complex ownership structure, consisting of the e-hailing company, a Drive Partner *(or Lessor)* and the actual driver. In practice, e-hailing companies award a predefined amount, depending on economic factors, of operating permits (slots), to Drive Partners. Effectively, these slots provide Partners with a license to operate on their digital application software, or app, of connecting drivers to commuters.

There are three categories under which one can apply to become a Partner, namely:

1. A driver
2. Vehicle owner, driving
3. Vehicle owner, not driving

Should you successfully register as a (3) *vehicle owner, not driving* you will be required to register your driver as according to the e-hailers terms and conditions (*Uber Requirements for Drivers in South Africa*, 2020). Uber, specifically, assists these Partners in finding appropriate drivers for their vehicles by stipulating a number of fleet partners on their website, but plays no part in providing guidelines to the nature of the contractual relationship between the vehicle owner and the driver.

In the first few years in which Uber started operating in SA, the slot allocation process was lauded as being open, transparent and relatively easy to obtain on condition that applicants met the company's qualification requirements. The ease of obtaining a slot can be attributed to the company's aggressive strategy of on-boarding as many Partners as they could to build an e-hailing footprint in SA's major cities. Some seven years since the company launched in SA, Uber has temporarily stopped allocating slots as supply matches, or exceeds, demand due to a combination of a surge in slot demand and a decrease in commuter mobility due to suppressed economic activity related, but not limited to, Covid-19 restrictions.

The Driver-Partner leasing structure, endorsed by both Uber and Bolt, is essentially a strategy employed by the companies to bypass the lack of driver-owned vehicles to operate within the e-hailing networks. Due to socio-economic factors, the barriers to vehicle ownership in countries of the Global South, which include low wages and higher vehicle financing costs, exclude a large proportion of prospective drivers from entering the e-hailing industry as driver owners. The lease agreement is thereby a way of creating a middle-man, or bridging structure, in which vehicle owners rent out their vehicles to drivers who lack the means of acquiring vehicles themselves. The terms and conditions to these agreements vary between parties, and take on different structures within different countries. The common thread, however, is that none of the e-hailing companies provide any guidelines or conditions to the nature of these agreements, which they consider as "third-party arrangements", effectively removing themselves from any legal accountability. This is a clear shift from the normal operating model that e-hailing companies pursue in most Northern countries, where drivers generally have the financial means to own their own vehicles. This is not to say that leasing agreements do not exist in Northern countries, but are more prominent in countries that experience higher levels of inequality. Effectively, this third-party leasing arrangement experienced in Southern countries is an attempt to create a buffer between the e-hailing companies and the drivers themselves in what is undeniably an employment relationship, while at the same time perpetuating the precarious position these drivers find themselves.

5.1.1. Who Owns What: The Precarious Nature of Leasing Agreements

A majority of the interviews consisted of the budget offerings of Uber X and Bolt drivers who did not own their vehicles, and instead leased them through negotiated agreements with their respective Partners. The drivers interviewed who operated Uber Black and Uber Van all owned their own vehicles, and only operated their vehicles for e-hailing purposes on a part-time basis and was not their solitary source of income. Based on this evidence, the leasing agreements are more prolific amongst the Bolt and Uber X categories where supply is relatively higher and profit margins are lower. Although the e-hailing companies do not specify the details of contractual relationships between owner and driver, there are consistent terms that seem to have been established informally between the two parties, generally consisting of the following:

- The driver leases the vehicle from the Partner at an agreed rate,
- The driver pays for fuelling costs,
- The driver pays for airtime and data costs,
- The Partner finances any insurance on the vehicle (an e-hailing requirement for the vehicle to operate on Uber and Bolt applications),
- The Partner pays for any servicing costs.

While, most drivers have not reported any disputes with their Partner, and the relationship is mostly professional and amicable, the lack of a formal contract poses the possibility of abuse of this relationship rendering the driver open to varying forms of exploitation with no protection from the e-hailing company. Similarly, the Partner may also expose themselves to abuse of their vehicle by the driver. More broadly, it perpetuates the notion that the relationship between the driver and the vehicle owner is an informal one peripheral to legislation and regulation. While this may not be legally true as an employment relationship, as recognised by South African labour law, certainly does exist, it demonstrates the complexity inherent in these multi-stakeholder relationships prominent in the South African e-hailing industry.

Moses, who has been driving for Uber X had a particular run-in with his Partner from whom he leased a Toyota Etios. The Partner required him to drive a maximum amount of 2000km a week to minimize the costs of ware-and-tear on the vehicle. Travelling this distance, however, impeded Moses' ability to complete the amount of trips that would be required for him to fulfil the cost of leasing the vehicle from the said Partner. The incident resulted in the Partner taking their car back, thus stripping Moses' access to drive for Uber and compromising his ability to seek a livelihood.

The problem here is twofold. Moses believes that the Partners expectations, expressed within the verbal agreement, are unrealistic – especially under recent and current circumstances, where the traffic on trips is slow due to a constrained economy associated with Covid-19 lockdown regulations. It leaves Moses in a predicament under which he can only travel a defined distance per week, but needs to travel further to fulfil his financial obligations to the Partner. A second aspect to this issue lies within the pricing structure of Uber itself. At the time of writing Uber X rates were R8 per km

(Makena, 2020), which may be inadequate in providing drivers with the earning potential required to fulfil their leasing obligations. In addition, Uber's commission is set at 25% of each trip, while Bolt's is between 15-20% depending on the city in which they operate and deducted on a weekly basis (Wasserman, 2020). In this respect, Moses has no recourse available to Uber as the company regards itself as being independent from any third party agreement and thereby beyond reproach.

While Uber assists in connecting Partners with potential drivers through referrals on their website, most interviewees formed these relationships online or through referrals. Martin, a Bolt driver from Cosmo City North of Johannesburg, says that he was introduced to his Partner through a friend informally, while fellow Bolt driver Peter found his Partner through online retail platform Gumtree. Regardless of how they were formed, drivers have no recourse to e-hailing companies should the relationship between themselves and the Partner break down, and in the absence of a formal contract the likelihood of it to do so remains a possibility. While drivers may be the public face of the company, they are more accountable to their Partners and their respective leasing agreements than they are to the e-hailing companies. Should a dispute arise, Partners simply could leverage the high demand for e-hailing jobs and find a new driver within the Uber's application backlog thereby skewing the power dynamic within the Driver-Partner relationship in favour of the latter. While each party has the right, under South African labour law, to bring a case before the Commission for Conciliation, Mediation and Arbitration (CCMA) should a dispute arise, this has not been the case according to the interviews conducted. It is, however, important to note that such a structure does exist for such disputes, but equally important to acknowledge that such recourse is seldom exercised by drivers nor partners.

Figure 2. E-hailing slot allocation structure

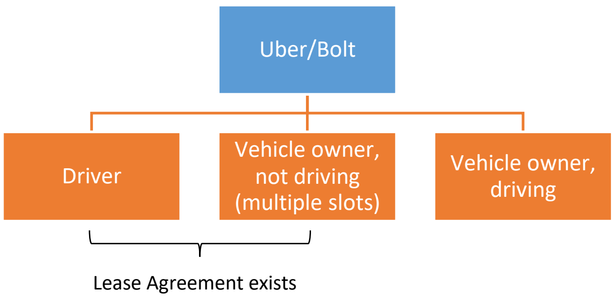


Figure 2. provides a simple breakdown of the ownership structure within the e-hailing industry in SA. As previously mentioned, the e-hailers award a certain number of slots based on supply and demand dynamics. In conjunction, prospective drivers and Partners apply for these slots based on their desired categories. To register as a Fleet Partner with Uber you are required to be a business owner indicating that you have a license to conduct economic activity. While this may mean a greater number of slots allocated to Fleet Partners due to their ownership of multiple vehicles, it is also a mechanism for the e-hailing companies to ensure quality control of the vehicles. The awarding of slots to fleet operating companies effectively crowds out potential applicants and creates a powerful class of oligopolistic Drive Partners, further reinforcing the argument that drivers are employees of the Partner themselves given their ability to own multiple slots and thereby control multiple fleets and drivers. Uber and Bolt, in the meantime are insulated from such a direct employment relationship. While nothing is stopping potential drivers for matching up with one of these fleet companies and leasing a vehicle through them, the general leasing agreement between driver and

Partner is highly precarious. This again illustrates the proverbial grey area between formal and informal work under these leasing arrangements. While drivers work within the networks of Uber and Bolt, which contain many formal employment aspects, leasing arrangements are inherent with many features that are characteristic of informal work.

While Uber and Bolt claim to award these slots fairly and transparently, according to some of the drivers interviewed - the allocation of these slots is highly unequal with some drive partners awarded up to 100 slots – particularly within the Uber X and Bolt categories. John, an Uber X driver for over 5-years, alluded to a mafia-type structure where a small group of Partners owns a majority of the e-hailing cars in operation. He claims that bribery is occurring between the e-hailers and these Partners in an industry rife with corruption. He explains that he has applied multiple times over a period of four years, yet someone with money can come in first time and be awarded with a slot. "Money speaks brother" – he exclaims. While these claims are unsubstantiated, it speaks to the perception amongst drivers of a lack of transparency and fairness when it comes to slot allocation and further reinforces the notion that large fleet operators have much more power than individual applicants.

Information regarding the proportion of e-hailing vehicle ownership in SA is not available to corroborate the John's assertion that such ownership lies in so few hands, the general feeling remains amongst drivers that ownership is highly concentrated and undemocratic. This perceived unequal distribution, however, may not be the fault of the e-hailing company, but rather with the unequal access to vehicle finance inherent within South African financial institutions. Most Uber X and Bolt drivers have poor credit scores due to no monthly payslips and an inconsistent income that fluctuates on a weekly basis. Under the Basic Conditions of Employment Act, drivers should be supplied with payslips, at least from their Partners, to prove their credit records. None of the drivers interviewed, however, had never received such a document, thereby reinforcing their precarious position. Viewed in this way, the leasing of vehicles by Drive Partners is a way that allows industry access, albeit limited with little chance of upward driver career mobility, which may otherwise not be possible through traditional means of vehicle finance.

5.1.2. Driving to Survive

In addition to the precarious nature of the agreements between driver and Partner, is the marginal earnings most drivers receive who are in leasing agreements. The following is a breakdown of a driver's average general ledger regarding income and expenses derived from the interviews:

Figure 3. Average weekly expenses for Uber and Bolt drivers in Driver-Partner Leasing Relationships

	Average weekly gross income	**Average Expenses**
Total	R6000 (on an average earning week – after company commissions)	Leasing costs = R2500
		Fuel = R1800
		Airtime and data = R150
	R6000	R4450
Total Income	**R1150**	
Total Income per/hour	**R19,16 (based on average work week of 60 hours per week)**	

The data in Figure 3. are calculated on the earnings for an average week as derived from the interviews. Most drivers reported that they had to work an average of 60-hours a week to make these targets, and admitted that it was not worth their effort for such low pay. When broken down, their hourly earnings equate to under R20 – less than the R21,69 minimum wage prescribed under South African labour law (Bhengu, 2021). Bad or slow weeks often result in drivers making a financial loss meaning that they struggle to make ends meet. According to Ebrahim, a Bolt driver for nearly two years, these marginal earnings make professional mobility very difficult for drivers. Their financial obligations to their Partners mean that they are more in a fight for survival, than in the pursuit of the entrepreneurial dream as advertised by the e-hailing companies. After their expenses, they have no money to save or invest in furthering their careers. Ebrahim would like to save money towards financing a vehicle for himself, however the fact that his profit margin is so low and has a family of four to support, there is little leftover for such ambitions and feels he is stuck in a "dead-end job".

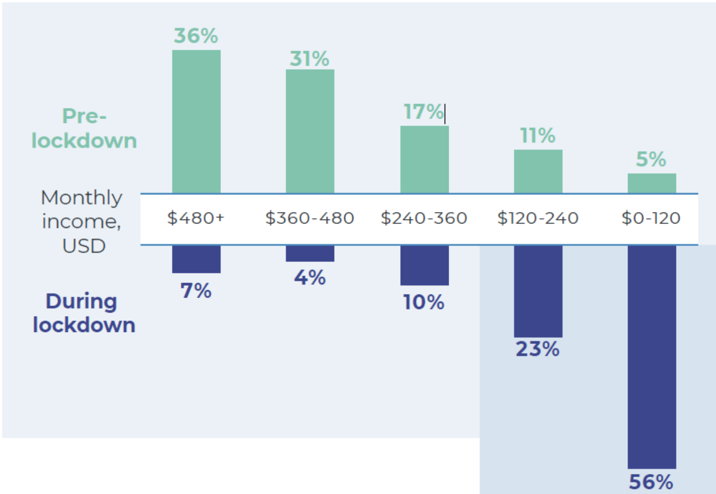
The answer to whether leasing a vehicle from a Partner is career fulfilling lies centrally with the drivers themselves and in their own social experiences. All the research subjects expressed frustration at how the Partners were exploiting them with harsh and stringent terms and conditions within their leasing agreements, with little recourse from Uber or Bolt. Many drivers are in a fight for survival, as opposed to building financial resilience to fund future career ambitions. John speaks of how he has set a golden rule that he does not work on a Sunday so that he can spend the day with his six year old daughter. During the week, he simply does not see her as he wakes up at 4am and only gets home after 10pm. The social repercussions of this are unquantified.

Further, most of the drivers interviewed came from skilled positions before working as e-hailing drivers, with most employed in formal structures in capacities as drivers. Joseph was a long-haul truck driver, Tom delivered wholesale meat to butcheries, and Earl picked up recyclable paper from corporate offices. Regardless of how they became e-hailing drivers, most of them mentioned the entrepreneurial promises made by Uber at the time that they became e-hailing drivers. "Be your own boss" and "Chose your own hours" were some of the slogans bandied around when they decided to enter the e-hailing industry. Many express regret at their inability to meet these entrepreneurial ambitions and no longer see e-hailing as a future viable career option, but rather a job of necessity. Joseph planned to start his own tour operation before Covid-19 bought the tourism industry to a halt, while Martin sees his driving career with Bolt as being purely temporary while he pursues an online teaching degree.

The Market Inquiry Report by the Competition Commission into Land-Based Passenger Transport (2020), highlights the decreasing and marginal earnings made by e-hailing drivers since Uber's market entry in 2013. In those early days, an Uber driver would earn on average of R68 on a trip of less than 2km, which represented a very attractive opportunity for potential drivers. Today these earnings have whittled away to between R17.75 and R18.50 on the back of a saturated market (Wasserman, 2020). Uber has subsequently rebuked the figures saying that the Commission was using earnings for Uber Black drivers (Uber X was only launched a few years later) and are irrelevant for such a comparison (Wasserman, 2020). Regardless, the current earnings of an Uber X driver are meagre and extracting a decent living wage from the occupation is increasingly difficult as earnings sometimes fall below minimum wage.

With the broader economic conditions worsening in SA following the implementation of the national lockdown in March 2020, financial strife amongst e-hailing drivers, and gig workers at large have become particularly acute. This was evident through the interviews where all drivers indicated that they had experienced a decrease in income compared to pre-lockdown conditions. These findings are supplemented by a report released by Flourish Ventures, a global venture capitalist firm, highlighting the profound financial effects that Covid-19 has had on the economic situation in SA, and what effect this has had on gig workers in the country. Through research conducted in June 2020, some three months following the implementation of the lockdown, the Report established that out of all 605 gig workers surveyed online as part of their research, financial strife was particularly prevalent. According to their research 82% of drivers suffered a significant decrease in income, and 47% of them reported a large decline in their quality of life (Costa et al., 2020).

Figure 4. below indicates the gig workers monthly income before and after the lockdown associated with the Covid-19 pandemic:



Source: Digital Hussle: Gig Worker Financial Lives Under Pressure (Costa et al., 2020)

While the graph accounts for all South African gig workers, the report does acknowledge that e-hailing drivers are the hardest hit within the subsector of the gig economy (Costa et al., 2020: 5). Regardless, this data depicts just how detrimental the lockdown associated with the Covid-19 pandemic has been on gig workers livelihoods and thereby increasing their levels of financial vulnerability and precarity.

5.1.3. The (un)sharing Economy and Inequality of Leasing

The rise of platforms within the gig economy has led to claims that there is a new sharing economy with features of collectiveness, decentralization, sustainability and inclusivity. Their application across the Global North and South, and who benefits the most in these differing contexts raises questions of whether the concept of the “sharing economy” is applicable in countries who have higher levels of inequality.

The Drive-Partner leasing agreement is implemented mostly across many countries in the Global South by e-hailers according to specific socio-economic circumstance. Countries of the Global North are relatively wealthy, and have equal access to economic opportunities compared to their Southern counterparts. Put differently, those who enter the e-hailing network either own a vehicle, or have the financial means to acquire one for the purposes of e-hailing. In such social-economic contexts, the need for intermediaries is generally diminished. While this characteristic is generalised across the North/South divide, it is important to point out that it is not necessarily exclusive to countries of the South.

Southern countries have a different reality, with many characterised as having higher levels of socio-economic inequality, effectively excluding a large portion of the population from finding gainful employment in the formal economy. As a result, a relatively higher number of economically active people seek livelihoods through the informal sector. E-hailing, and work through the sharing economy at large, thereby represents a promising opportunity for many workers within the Global South's informal sector, especially when prospects for entering the formal economy within their respective countries are minimal. Within the e-hailing sector, however, many lack the purchasing power of owning a vehicle to take full advantage of the potential benefits of driving for an e-hailing company. Here the Drive Partner leasing system was implemented by e-hailing companies as a way of overcoming the structural economic problems faced by poorer countries, and thereby attract and integrate drivers into their respective networks to meet driver demand and by-passing their inability to own vehicles.

Here Uber and Bolt's business models work differently to that of the Global North. In order to operate sustainably, e-hailing industry requires an economy where people can afford to use on-demand e-hailing services. On the other hand, and Uber's biggest initial challenge in Southern countries, was catering for this demand through drivers having the financial means to afford the entry level vehicles Uber deemed suitable enough for operation. Due to the high cost of car ownership and the low level of wages in these countries, purchasing a vehicle for many is unattainable. Uber thus devised the leasing system to accommodate the inequality inherent in in the Global South by finding people to finance new vehicles and then encouraging them to find drivers who would subsequently operate these vehicles on the Uber app. This system is typical of how e-hailing companies operate in SA, as well as other countries in the Global South, with similar socio-economic wealth disparities such as Mexico and Pakistan (de Greef, 2018).

With a predominantly informal and low-wage economy, Uber faced similar problems when they launched in Pakistan in 2016. Similar to SA's major cities, Lahore and Karachi had a fragmented and largely informal public transport system. In this sense, demand was high for a safe and reliable on-demand cab service making them prime locations for Uber investment. The investment, however, did not empower or economically uplift Pakistan's ownerless drivers, but rather offered wealthy fleet managers the opportunity of high investment returns. Unlike in SA, the leasing agreements that ensued were based on fixed salaries for ownerless drivers, and not calculated on a percentage of earnings, resulting in a distorted incentive system which compromised service standards (Jafri, 2016).

The high proportion of ownerless drivers in the Global South is indicative of a trend of a higher concentration of ownership within the broader gig, or sharing economy. Due to a lack of purchasing power in the Global South, the economic opportunities and benefits that accrue from the sharing economy falls squarely into the hands of those who already have assets and wealth to deploy. Take Airbnb as an example – where the majority of the company's revenue is derived from those who have multiple listings which drive a powerful class of rentiers (Slee, 2014). These rentiers act as a corollary to the ethos of the "sharing" economy, as not all who participate in it benefit equally.

This high and unequal concentration of ownership limits the economic empowerment of those drivers at the bottom of the e-hailing pyramid and perpetuates the patterns of inequality inherent in many countries of the Global South. In addition, the often desperate financial situation prospective drivers find themselves in in the South due to a lack of employment opportunities, gives them little power in negotiating more favourable leasing agreements with Partners. Compounding their problems is the fact that their purchasing power is decreasing with vehicle financing becoming increasingly expensive, while car insurance premiums have doubled since 2015 (de Greef, 2018).

Coupled with increasing petrol costs and a sluggish economy, drivers find themselves in a tight spot often having to work longer hours to honour their financial commitments to their Partners. Despite these difficult conditions for drivers, the e-hailing companies' position remains secure with their 25% commission rate regardless of the fortunes of drivers or Partners.

Here Uber and Bolt are not liberating workers, nor are they disrupting traditional models of capital – as so often espoused by advocates of the sharing economy – they are perpetuating it. While Uber says that it has established special arrangements with South African banks that help drivers purchase cars, many of the drivers interviewed argue that these terms are still too stringent and exclusionary which require previous formal employment history and payslips, which many simply do not possess (Brown & Eulich, 2018).

5.2. A Bumpy Road: Working Conditions for E-hailing Drivers

5.2.1. Legal dynamics

While proponents for the sharing economy decry the old, rigid and heavily regulated traditional relationships that exist between employer and employee, those working in the system sorely miss the social benefits that exist within these relationships. The standard employment relationship is broadly characterized by formal agreements between two parties in which the employee is provided with a certain amount of social security in return for predefined services rendered to the employer. Often labour law in each respective country guarantees these benefits as a bare minimum. In the case of e-hailing no such contract exists – not between partners allocated slots on their apps, and seldom between Partners and drivers themselves, even though written contracts are applicable under the Basic Conditions of Employment Act in South Africa.

Drivers operating in the e-hailing industry, and many participants of the sharing economy at large, lack this standard employment relationship. Uber and Bolt classify their drivers and Partners as "independent contractors" and explicitly not employees. In doing so, they are able to avoid providing drivers with social security benefits that would be costly to the company. This has been under intense scrutiny and public debate with drivers taking legal action in the State of California against both Uber and Lyft over the classification. The San Francisco Supreme Court initially ruled in favour of the drivers effectively blocking Uber and Lyft from classifying drivers as "independent contractors", and instead as permanent employees, effectively granting them access to social security benefits (Sainato, 2020). Uber and Lyft thereafter threatened to shut down operations in California pending an application for a stay of the order, further threatening the livelihoods of drivers already acutely affected by the Covid-19 pandemic. Through intense institutional lobbying, which stood for maintaining the status quo regarding independent contractors, the court's decision was overturned. The lobby groups argued that millions of e-hailing drivers would lose their jobs should they be classified as permanent employees. Instead they propositioned that they continue classifying drivers as independent contractors, while increasing social benefits available to them, which include a healthcare stipend, as well as a minimum wage of 14% above what is prescribed in California State Law (Lyons, 2020).

While this legal wrangle is playing out in the US, e-hailing drivers in the Global South have voiced similar grievances. Zane, a 46-year old Uber driver from Soweto, is quick to compare the benefits he received when working as a courier driver, to the lack of those he currently receives as an Uber driver. Even though he was not satisfied with his earnings as a courier driver, he said that he always felt protected not only by South African labour law, but also through his association with a trade union. He went on to say that he would feel less vulnerable if he had could save some "rainy day" money should business be slow or if he needed money for a family emergency. The fact that he can barely meet his weekly payments to his Partner means that obtaining such a financial safety net is simply not possible.

Zane is not alone in his concerns. Legal action by Uber drivers, represented by NUPSAW and SATAWU Unions, challenged Uber SA at the CCMA over what they perceived as unfair dismissal after Uber BV (the Netherlands-based holding company of Uber SA) deactivated their driver profiles, in 2017 after passenger complaints over driver misconduct. The case highlighted the blurred distinction between and "employee" and an "independent contractor", which is so often disputed within the broader sharing economy. Technically an "employee" has the right to recourse as prescribed within the LRA, while the relationship that "independent contractors" have with a certain business entity may be terminated in terms of the respective contractual agreement (Truter, 2017).

While Uber SA was confident that the deactivation of the driver's profiles did not amount to dismissal under SA labour legislation, the Commissioner found otherwise by applying *The Code of Good Practice: Who is an Employee* within the LRA. The Commissioner ruled that:

- The drivers rendered personal services,
- The relationship between driver and company was indefinite as long as the drivers complied with company requirements,
- The drivers were subject to control of Uber,
- As far as their ability to drive, the drivers were economically dependent on Uber; and,
- Uber drivers were essentially part of Uber's service (Truter, 2017).

Significant to the ruling was the point pertaining to control. While the Commissioner acknowledged that the drivers did possess a degree of control through their ability to choose working hours and decline and accept lifts, Uber ultimately exercised a greater degree of control over them through their ability to suspend and deactivate access to the app. This effectively deprived them of their ability to work and earn an income – an element more akin to being an employee, rather than an independent contractor. This control was not exercised through physical supervision but rather through technological means (Truter, 2017).

Uber took the ruling on review and challenged it in the Labour Court, which took a different stance, stating that the CCMA had failed to consider the fact that Uber BV and Uber SA are separate and independent entities (Padgens, 2020). Under this ruling, Uber SA was found to be an administrative arm of Uber BV, and had no involvement in the deactivation of the driver's profiles. While Uber, essentially successfully appealed the CCMA ruling on an apparent technicality, critically it left the employee-contractor definition question unanswered and remains a contentious issue in the industry and the gig economy at large.

The binary relationship that exists between the e-hailing platform and the driver is mainly a feature of richer countries of the Global North. The leasing arrangement implemented in the Global South, however, adds an extra layer of complexity. As previously described, this leasing arrangement has created a buffer between the e-hailing company and the drivers themselves by introducing a third party, which further complicates labour relations, as well as blurring the lines between formal and informal work. On these grounds, there is a solid basis for an employment relationship between the drivers and the Partners and is an element that needs to be further considered within e-hailing labour relations.

5.2.2. Challenging Classification Binaries

Technology is a rapidly advancing phenomenon that has liberalized rigid corporate and legal structures, and has changed society in a profound manner evident through the emergence of the digital gig economy. The pervasive and fluid nature of technology means that the legal structures that govern labour relations cannot keep up with their rapid advancement, which has in many ways, jeopardized the standard employment relationship, rendering it inappropriate and obsolete in some cases. Furthermore, the traditional binary divide between employer and employee does not capture the multiplicity of contractual relationships that arise between platforms, workers, Partners and customers themselves inherent in the sharing economy. This classification mismatch is the core of the problem and has resulted in the exclusion of platform workers from even basic labour standards (Prassl & Risak, 2016: 3). The following section outlines some of the legal dynamics that shape the narrative around e-hailing regulations and classification, and how these dynamics inform the basis for policy formulation.

In many jurisdictions, and embedded within South African labour law, the determining factor of whether a standard employment relationship exists between a company and a service provider depends on influence, control and dependency. In the case of e-hailing, drivers register on the respective platforms and thereby adhere to the respective terms and conditions of that platform at the very least. Thereafter the e-hailing platforms provide the software services to connect registered drivers with registered customers. According to Prassl & Risak (2016: 12), any other additional rights that may reinforce dependence, influence and further obligations will strengthen the case for these drivers to be classified as employees. The element of control and influence over each stakeholders business and livelihoods thereby becomes critical in determining whether a standard employment relationship should exist, as was illustrated by the previously mentioned ruling in the Labour Court between Uber and NUPSAW and SATAWU.

While e-hailing platforms have argued that they simply provide the intermediary services of connecting drivers to commuters, and exercise limited control or influence over a driver's freewill, tacitly this is not the case. There are factors inherent in e-hailing that create a dependency of the drivers on the platform, thereby creating an unbalanced power relationship in favour of the platform. These include the platform's ability to deactivate the driver's partner status for reasons pertaining to violations of their terms of service (Legal | Uber). While e-hailing platforms have to maintain minimum standards of service, many drivers complained that they had little recourse to challenge the reasons for their driver termination. Walter complained how one day he could not log onto his driver profile through the Uber app, which said his profile had been suspended. Following a string of unanswered emails and phone calls to the company, he was only informed that his suspension related to a particular passenger complaint after physically going to the Uber office in Sandton. While the complaint may be valid, Walter was denied the opportunity to provide his version of events. In this case, Uber's customer-centric model implemented at the driver's expense denied Walter a fair and just process in challenging his suspension.

The overt, and unreciprocated, influence that e-hailing platforms have over drivers has indeed formed the basis of many legal challenges by drivers pushing for standard employee recognition, however there are arguments that mitigate the appropriateness of a standard employment contract, mainly put forward by those in Northern countries. In Uber and Lyft's legal challenge to the State of California's ruling which required the reclassification of drivers as employees, they argue that such reclassification will create unaffordable labour costs for the companies, as well as restrict freedoms of drivers themselves – which they argue is one of the appealing factors for drivers working within e-hailing platforms (Ivanova, 2020). Here it is important to consider the fragmentation amongst drivers themselves – while some may advocate for the benefits and protection that come with a standard employment relationship, others value the flexibility in being able to choose their own working hours on their own terms. The latter are more likely to be prevalent in developed countries, where many drivers collaborate with e-hailing platforms on a part-time basis for supplementary income, as opposed to many Southern drivers who completely rely on e-hailing platforms as their main source of income.

Another element of control exercised by e-hailing companies' lies in the reputation systems built into their platforms, such as a customer satisfaction rating, which puts pressure on the driver to gain and maintain a positive user rating. While drivers are not generally obliged to accept any rides, the rider frequency or app activity is built into the reputation system of the driver within the app (Prassl & Risak, 2016: 12-13). In other words, a driver's reputation is enhanced with the amount of trips that they have completed, thereby putting pressure on drivers to work harder to achieve a favourable reputation. This is a form of control that platforms exercise to compel drivers to work harder and longer hours. In addition, these reputation management systems are purely customer driven, with little recourse from drivers should a dispute arise, thereby denying them fair process by providing a skewed rating that favours the opinion of the commuter over drivers.

The control or influence a company exerts on their drivers may differ between the Global North and South, with drivers in the South being almost completely dependent on e-hailing companies for their livelihoods. The argument that e-hailing companies have little control on their operations is thereby a shaky one due to the complete financial dependency drivers have on the platform. This distinction is less obvious in the Global North where many drivers use e-hailing as a means to supplement their income, and are less dependent on e-hailing platforms. Viewed in this light, it is likely that many of these drivers value their status as independent contractors in being able to give them the freedom of choice in when and for how long they work. It is likely that this freedom and flexibility is what attracted them to become e-hailing drivers in the first place. The dignity and right to fair and just working conditions, however, should never be compromised on the grounds that it may suit a certain minority within the e-hailing industry that values the current arrangement.

This thesis does not have a legal solution to the problem; however, it does recognise that legislation needs to be crafted that is grounded in context. It has been established that there are substantial socio-economic differences between countries of the Global North and the Global South. Legislation governing the gig economy needs to contain not only contextual significance for each respective country, but must be flexible and fluid enough to accommodate the fast moving nature of the digital gig economy.

5.3. Safety & Security: A Dangerous Road

One of the major concerns that drivers expressed during the interviews related to physical safety and security. Many of them feel more vulnerable to crime and violence than when they first started driving for e-hailing companies. Drivers identified the threat that the metered taxi industry pose to e-hailing drivers, where metered taxi drivers have on multiple occasions violently attacked Uber and Bolt drivers on the pretence that they are stealing their business, largely due to the cost differences between the two with e-hailing being considerably cheaper thereby giving them an unfair cost advantage. 2017 saw a spate of Uber cars being petrol bombed by metered taxi drivers, followed by

Uber drivers retaliating by torching and breaking windows of metered taxis around the Gautrain Station in Sandton (Naik & Serumula, 2017).

Another disturbing incident occurred in 2018 when the charred remains of Bolt driver- Siyabonga Ngcobo, was found in the boot of his car in Sunnyside, Pretoria. Fellow drivers believe that he was killed by metered taxi drivers (Mahlokwane, 2018). What followed was a number of protests by e-hailing drivers calling for government intervention to curb the violence between metered taxis and e-hailers. In response, Gauteng Premier David Makhura established a special police task force to deal with the situation and while it seems that violent flare-ups between the two camps are less frequent, tension remains and the possibility for violence persists. Bolt driver Peter says that here is a cloud hanging over drivers who live under constant threat from metered taxi drivers. He says that the threat of violence is particularly acute at the Pretoria Gautrain Station, which e-hailing drivers simply avoid. He says that he requests that clients wait for him at the petrol station a few hundred meters away from the Station so as to not antagonise the metered taxis. Zane, also commenting on the situation in Pretoria, says that the "ghost of Siyabonga serves as a constant reminder of what can happen to us as Uber drivers".

A second safety threat comes from opportunist criminals posing as commuters. Bolt driver Victor*,* describes how he picked up two passengers in central Johannesburg who subsequently held him up at knifepoint a few kilometres into the trip and took his phone and wallet. Uber driver, Earl, shares a similar experience where he was help up at gunpoint and instructed to drive to an ATM and withdraw money from his own account for the attackers. Uber driver, Moses*,* was hijacked by three passengers who requested a trip to a remote location just outside Vereeniging. Upon arrival, two of the passengers drew weapons, threatened to kill him and then drove off with his Toyota Corolla leaving him carless and phoneless. Most of the drivers reported incidents of petty theft and opportunist muggings, which add to their precarious working situation.

These incidents are unfortunate, and while many of the drivers were quick to lay some of the blame at the foot of Uber and Bolt, they are not the fault of the e-hailing companies, but rather a symptom of the social context within which they operate. Crime is endemic in South Africa with crime statistics for 2020 indicating that there were 18 162 incidents of carjacking, and 165 494 incidents of common assault (CrimeStats SA, 2020). South Africa is considered the "car-jacking capital of the world" with an average of 46 cars hijacked a day (Bayliss, 2018). E-hailing companies are not in the business of law enforcement so there is little that they can do to reduce crime in the country. They have, however, introduced measures to help safeguard drivers namely through a safety button on the drivers (and passengers) mobile phone which triggers a phone call to emergency services (Caboz, 2019). More recently, commuters are required to verify their identification by supplying a unique code upon entering the vehicle. While these measures are largely appreciated by the drivers, their efficacy is doubtful. Bolt driver, Ebrahim*,* questions how any of these measures will help once someone is in the back of your car with a gun to your head. He exclaims:

> Once someone is in your car with a weapon, there is little emergency services can do to protect you. They may be able to provide medical support should you sustain an injury after the fact, but they can do nothing to protect you in the moment.

This is not the fault of the e-hailing companies, who have taken the step to provide the digital infrastructure that connects driver and commuters to emergency services. The responsiveness, or lack thereof, therefore lies within the ambit of the emergency services. The major concern, and one that renders more accountability on e-hailing companies, relates to any death or injury that may occur on the job. Arguably, carjacking, theft, muggings and accidents in this context relate to occupational hazards meaning that the e-hailing companies would be directly accountable for such misfortunes. For the drivers, however, this is not the case due to their tenuous employment classification. Legally this means that vehicle owners are required, and mandated by their e-hailing company, to have their own car insurance. Should they fail to do so, the Drive Partner will be deactivated from the respective e-hailing platform. Uber itself has “contingent liability insurance” which will come into effect only if drivers’ claim should be declined by their own personal insurance. These claims, however, are reportedly circumstantial and are considered a last resort. Furthermore, drivers may be liable to an excess fee (Ridester, 2020). Conversely, if a driver was legally classified as an employee they would be covered by the companies insurance under the Compensation for Occupational Injuries and Diseases Act (130 of 1993), which provides for:

> Compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases (SAICA, n.d.).

Here injured employees will be able to access funds through The Compensation Fund. As mentioned, e-hailing drivers lack the legal classification of an employee and the Act therefore does not apply. Effectively the financial fallout from a work related injury will need to be covered by the drivers themselves, either through personal insurance or by cash payment. This represents an additional overhead cost for drivers – a cost which many cannot afford rendering them vulnerable and precarious should such a situation arise that compromises their ability to drive and earn a living.

While all countries experience varying levels of crime, a reality is that e-hailing drivers are vulnerable targets to criminal threats in any country. An important contextual difference between the Global North and South, however, lies in each respective State’s ability to provide reliable and accessible social support for their populations. Countries of the North have well developed and advanced social systems in place such as healthcare, social security and emergency services. Universal access to quality healthcare is a feature of many European countries. The Netherlands, for example, has a compulsory medical aid tax implemented to maintain their high standards of healthcare for their citizenry that is accessible to any Dutch citizen. In addition, developed countries tend to have enough wealth to maintain strong social security networks that allow for financial support to anybody who is out of work, regardless of their circumstance – but especially should one be unable to perform their work function caused by an injury sustained on the job.

Poorer countries of the Global South reflect a different reality. With relatively more poverty and inequality, these countries lack the wealth to provide adequate access to the social benefits and universal healthcare. The pervasive inequality that exists in SA means that the majority of the country’s population lacks access to adequate health care and meaningful social support, while the wealthier minority incurs an additional expense for private medical aid and other insurance policies for social protection, which are of a considerable higher quality than the healthcare infrastructure provided by the State. All of the research subjects fall into the poorer majority who lack access to private health care and other policies for social support, and are thereby left to the mercy of the public healthcare system. In summation, e-hailing drivers in the Global South are generally contextually more precarious than those in the Global North due to their lack of access to social support - which includes structural obstacles to accessing quality healthcare, quality public education, quality childcare and unemployment insurance.

5.4. No Down Time: A Skewed Work/Life Balance

A direct symptom of the marginal earnings by most of the drivers interviewed is the necessity of working long and tiresome hours to honour their financial commitments made to their Drive Partners. Here the distinction between vehicle ownership and a leasing arrangement is important. It has been established that drivers who are engaged in leasing their vehicles from vehicle owners generally have greater financial obligations than those who own their vehicles. Drivers are obligated to pay a weekly portion of their income to lease their vehicles from their Drive Partners at unregulated and uncontracted rates – most often determined by the vehicle owners themselves. Drivers have little alternative but to accept these rates due to the inability to access vehicle finance through the traditional banking system due to a lack of credit history. Consequently, drivers are beholden to their Drive Partners in meeting difficult, and sometimes-unattainable and unregulated leasing targets meaning that they have to work as hard and long as they possibly can.

Many of the drivers were frustrated and cynical about the long hours they had to work to make ends meet. Victor*,* the sole breadwinner of a family of four explains how he constantly feels tired and says that he sometimes devotes 18 hours a day to driving his Uber vehicle. He says, "It's not only my Drive Partner than I owe money on a weekly basis, I have to feed my family and pay for my children's school fees". His experience is not unique, with many of the drivers complaining about the unhealthy work hours. Earl explains how he has to be available to take advantage of the morning and evening rush hours, while during the slow periods in the day he will sit idly in his car waiting for a trip and sometimes sleep. Many of the drivers live some distance away from the busy commuter centres, where e-hailing demand is relatively low meaning that it doesn't make economic sense for them to drive back to their homes during the slow periods to rest or spend time with their families. Furthermore, there is a high level of competition amongst drivers for trips meaning that they need to be situated close to commuter hotspots in anticipation of trips. John says that he used to have a golden rule that he does not work on a Sunday so that he could spend time with his family and daughter. In recent times, however, trip demand has been low due to the economic slowdown associated with Covid-19, meaning that he has had to break this rule in order to earn more money to meet his financial obligations.

The national lockdown associated with Covid-19 has suppressed demand and negatively affected the income of e-hailing drivers meaning that they have to work longer hours to make the same amount of money. More hours on the road means less time for family and downtime contributing to increasing psychological conditions such as stress and anxiety. Uber driver Moses explains how he feels enormous pressure since the lockdown. He says:

> I cannot face the possibility of not being able to provide for my family. I grew up in rural Kwazulu-Natal and still send money to my parents there every month. Too many people rely on me for their livelihoods. I will work 24-hours if I have to provide for my loved ones.

This points to some of the less tangible elements of precarity that drivers face, being that of the burden of stress and anxiety, due to a number of factors. Established throughout the interviews was a correlation between financial security and stress and anxiety. Most of the drivers who were leasing their vehicles constantly had to worry about how they were going to find the money to pay their Partner. The constant threat of the vehicles being dispossessed by these Partners serve as a constant threat to each driver's ability to earn a living. Martin explains how such a threat to his livelihood is stressful and unhealthy:

> Sometimes it's all that fills my mind – how am I going to scrape enough money together for the week to pay my Drive Partner. It's all I think about – work work work – never mind that I have a hundred other issues going on. I can feel myself taking mental strain.

For many of the drivers, the fear of being emasculated in not being able to provide for their families looms large. In a male-dominated industry, most of the drivers interviewed held the view that it was primarily their own responsibility to be the breadwinners. They expressed the concern that should they lose their livelihoods and be unable to provide, they would feel embarrassed. Zain revealed that he would even be ridiculed by those in his community further adding to his stress levels.

Compounding drivers stress and anxiety lies in their lack of financial support, or social safety net, that they could rely on should they lose their livelihoods. According to the Flourish Report, which looks at the financial health of gig workers in South Africa, "nearly 3 out of 5 workers could not cover household expenses for a month without borrowing money if they lost their main source of income" (Costa et al., 2020: 5). Due to their legal classification as being independent contractors, drivers have no recourse from any kind of financial support or cushioning from the e-hailing companies. This reality leaves drivers in a vulnerable position. As indicated, many do not have savings or much cash to buffer against a potential job loss or loss of income. The drivers interviewed are acutely aware of this danger which contributes to their already heightened levels of stress and anxiety, which is detrimental to their overall mental health and adding to the precarious nature of their occupations

While the lockdown associated with Covid-19 has exacerbated feeling of stress and anxiety amongst drivers, the health risks associated with the pandemic further add to these stress levels. Many of the drivers felt that they were part of frontline workers and at a higher risk of contracting the virus due to them being in a confined space with passengers. Moses was particularly vocal about the issue saying:

> We are in close contact with passengers all the time. We are more at risk than most people who are safe in their homes. Uber and Bolt have done little for our safety, and I haven't even received any help with masks and sanitizers. Am I expected to pay that cost?

Although Moses claims he has received no help or assistance, Uber claims to have provided financial assistance as well as sanitizer and disinfectant for the drivers (Uber, 2020). While many of the drivers expressed disappointment over the R350 provided by Uber for financial assistance, the e-hailing company has taken measures to protect their drivers and commuters alike. Bolt launched a service called *Bolt Isolate,* in which a transparent plastic sheet separates the driver from the passenger. In addition, masks are mandatory for both parties and vehicles are required to be sanitized between individual trips. These added safety steps are acknowledged, however, the anxiety around the pandemic remains with drivers considered a high-risk category adding to their vulnerability, which all have the potential for adverse physical and mental health effects.

These mental health effects reinforce existing elements of worker precarity, which include financial vulnerability and health concerns. From the interviews, these effects particularly the financial ones, are more pronounced among those drivers who were leasing their vehicles from Drive Partners compared to drivers who owned their vehicles. While still exposed to the financial pressures associated with sluggish demand for e-hailing services, vehicle owners did not come across as being as financially vulnerable compared to those who leased their vehicles. Two of the owners drove for Uber on a part-time basis and indicated that e-hailing was not their sole source of income. Uber driver Neill, who provides location-scouting services for the film and production industry, spotted a gap in that industry which required a driver to collect various props and materials for filming and production purposes. He explained how the company would acquire the services of an independent driver to fulfil this function during filming. Neill purchased a vehicle to fulfil this function himself for an extra fee, while in his spare time uses the vehicle for e-hailing. He explains that during the lockdown, the film and production industry came to a grinding halt with very little work available, meaning that he was using his vehicle for e-hailing more often. During this time, he had to dip into his savings, which he supplemented with the money he earned from e-hailing despite the low demand for trips.

Vehicle-owner Terence*,* drives his Mercedes Benz for Uber Black, and explains that he drives strictly part-time. An ex-professional soccer player, he says that he has many business ventures that he is involved in and only drives when it suits him depending on how busy he is. Fellow vehicle owner, Tony, only drivers his Uber Van for bigger parties, generally during peak weekend hours. He says that he primarily rents out his driving services privately mainly for full-day events such as bachelor parties, birthday parties and weddings.

The clear differentiator between vehicle owners and those who lease their vehicles is that the latter have the extra financial burden of paying a Drive Partner. These obligations mean that they have to work longer hours to make ends meet. They are not in the financial position, nor do they have the time to pursue other endeavours or business opportunities in which they can supplement their income. They are full time e-hailing drivers. Despite, the promises made by Uber and Bolt of "working on their own time" and "being their own boss" they are forced to work unhealthy and long hours, and their boss is their Drive Partners. These distinctions are critical in understanding the e-hailing context in developing countries. The difference in owning and leasing a vehicle is monumental in terms of one's financial and mental wellbeing and has a direct effect on the precarity of drivers. It illustrates the inequality that exists between these classes of drivers, which is a microcosm of the economic inequality countries of the Global South experience at large. The ownership bridging structure implemented by the e-hailing companies is a feature of countries of the South and illustrates the contextual differences between them and those in the North. This has important implications to how we understand labour dynamics in varying contexts and the attitudes and relationship that drivers have to e-hailing companies.

5.5. Navigating Change: Organisation and Policy Pressure

Existing literature points to a number of obstacles to gig workers pursuing broad-based collective agency in enacting change in existing labour policy (Johnston & Land-Kazlauskas, 2019) (Johnston, 2020). These obstacles are classified as being both structural and contextual. Structural in the sense that the very nature of gig work is prohibitive to workers organising around a set of common interests. Intra-driver competition, the legal classification of being independent contractors and the customer feedback mechanism integrated into e-hailing apps all exert an element of control in favour of the e-hailing platform. A sluggish global economy, rising unemployment and a burgeoning labour supply provide some of the contextual conditions that are providing capital with more power over labour in the bargaining process over working conditions.

While these conditions differ between countries and social contexts, they are certainly prominent within the South African e-hailing industry. All drivers interviewed expressed shared views in their acknowledgment that they are in a precarious position because of the structures inherent within the e-hailing industry. Many emphasised an unequal playing field when it comes to bargaining for better working conditions. They recognised that the major legislative obstacle revolves around their legal classification of being independent contractors, thereby disqualifying them from benefits a permanent employee would otherwise receive as determined under South African labour law. The dynamics and injustice of this classification has been discussed at length in this thesis and play an important role in the drivers' rights and ability to pursue collective bargaining strategies. An element of complexity exists in the South African context, as opposed to Northern countries, as the local driver-ownership model has increased the amount of stakeholders in the industry with many drivers expressing confusion over who to take up their grievances. The lack of a common central point for drivers to express common labour grievances adds to the difficulty in pursuing collective labour strategies in the industry. The confusion has led to Zane to question who exactly he is working for, asking rhetorically - "Who is my boss? Is it Uber? Is it my driver partner? Or is it myself?"

The drivers also expressed major concern over the customer feedback mechanism, where passengers effectively rate the driver's service. The issue conjured up a lot of anger and is one of the more brazen ways in which e-hailing companies exert control over drivers. John points out that it is simply not fair that drivers have no recourse in engaging with the e-hailing company should they be given a poor, yet unwarranted, rating. Some drivers have even been removed from the platform as a result, meaning some having to actually visit Uber, or Bolt's, corporate office to seek an explanation or plead their case. The point here is that drivers seek recourse individually, and struggle to identify a central point to voice their grievances. In addition, drivers with problems relating to customer ratings are generally seeking retribution, or just the simple right to operate on the e-hailing app, and are not based on a strategy seeking policy change at a macro level. In such cases, drivers are just fighting for their right to seek out a livelihood in the short-term. While understandable on the driver's behalf, such individual actions will have little impact on enacting major policy amendments in their favour – broader collective action is required to do so.

5.5.1. Attempts at Collective Action

When questioned over existing attempts at worker organisation in presenting a united labour front against e-hailing platforms, most drivers said they were not currently involved in any attempts to do so. While they were aware of the strikes that had occurred, such as the Bolt strike over exploitative fees in October 2020, none of them participated. Bolt driver Victor claimed that while he sympathised with the striking drivers, he simply could not afford to take a break from driving due to the financial commitments he had to his Partner from whom he rents his vehicle. While the strike resulted in e-hailing drivers slowly driving in convoy effectively shutting down some of Johannesburg's major roads, the localised nature of the strike was not enough to exert pressure on Bolt, nor on the government, to enact policy change. The campaign, however, did draw public attention to the plight of e-hailing drivers and sent a powerful symbolic message of solidarity.

Many of the drivers interviewed expressed suspicion of the politicization of their struggles which some saw as being superficial. John spoke of the political opportunism of the Economic Freedom Fighters (EFF), who had planned a strike on behalf of Bolt drivers in September 2020. He called these actions exaggerated and irrational and accused the Party of "using the grievances of e-hailing drivers for their own political ends". He sends me a picture of a pamphlet advertising the strike action to demonstrate his point, which says:

> Bolt drivers slavery ends tomorrow, any e-hailing driver who is found on the road, working will face what's coming, every driver, partner bring whatever weapon you can, it's war, enough is enough! Power is in our hands. Together we can! (sic)

The provocative rhetoric used in the pamphlet did not resonate with the interviewed drivers, with many saying that such actions by political parties show a disregard and lack an understanding of the actual struggles drivers face and their long-term commitment to their cause. While frustrated at their economic circumstances, most drivers did not believe that such actions would further their struggle for improved working conditions.

While many drivers expressed a lack of confidence in political parties furthering their struggle, similar attitudes were evident towards existing trade union structures, with some drivers expressing their frustration that most of the local unions were poorly positioned to fully grasp the problems faced by gig workers at large. Yes, the labour movement in SA has been grappling with the vulnerabilities of those who fall outside of the traditional permanent employment structures such as those employed under labour broking arrangements, yet they fail to capture the complex dynamics of platform work involving multiple stakeholders. In addition, the major union that represents workers within the transport industry, the South African Transport and Allied Workers Unions (SATAWU), is caught in a conflict of interest in the sense that they represent much of the country's taxi industry – who consider themselves in opposition to e-hailing. While many e-hailing drivers joined the Union due to their substantial resources and apparent political influence in being able to enact high-level policy change (SATAWU is an affiliate of COSATU – part of the tripartite alliance with the SACP and governing ANC), their efficacy has been limited with many drivers expressing frustration at the Union's inability to further their concerns.

With a general distrust and disappointment in both existing political and unions' abilities to improve their working conditions, the question of what, if any, strategies e-hailing drivers were pursuing to enact policy change. The answer from most drivers was – very little. While they believe in the need for collective organisation, they simply do not have the time to invest or organise amongst themselves. Peter explains that if there was a credible organisation representing the interest of e-hailing drivers he would be the first to join. His focus, however, is making ends meet. "I need to feed my family first" he says dejectedly.

Communication and coordination is critical in the formation of collective action, however, the on-the-road nature of the job and the atomized situation of drivers makes it very difficult. John, says that WhatsApp groups do exist, but they are largely about information sharing over things like roadblocks, accidents and crime hotspots, and less about forming driver solidarity in the quest for structural industry change. The one exception was the efforts of Neill, who is actively seeking avenues in which drivers can improve their basic working conditions. In what started as a simple WhatsApp Group between a few fellow drivers, has evolved into a form of workers guild that represents over one hundred drivers from "Morningside to Midrand". Neill says that the current structure and position of unions are too narrow and antagonistic when it comes to bargaining for improved working conditions. Instead, the group has adopted a more engaging stance to foster cooperation in creating programmes that will promote the economic mobility of drivers. He points to establishing financial bridging structures that allow new drivers to purchase vehicles themselves, as opposed to being trapped in the exploitative leasing system established by the e-hailing companies. The group, he says, recognises the potential of the e-hailing industry in creating employment opportunities for the youth, but for this to happen the exploitative elements around the industry need to be expelled. As insightful as Neill's approach is, he is yet to report any progress in achieving tangible gains for e-hailing drivers - "It's early days" and "watch this space," he tells me.

Neill's group is not only an innovative approach to multi-stakeholder engagement; it also represents driver's rejection of the traditional trade union approach on a number of levels. These forms of engagements have had variable success in the Global North as they are more flexible and better positioned to capture the dynamics involved with workers within then gig economy. The Worker's Guild in the United States, an NPO which seeks to unite and organise app-based workers in an increasingly exploitative economy, provides an example of such, which recognises "the challenging organizing culture that comes with a mobile and individualized workplace" (*Workers Guild*). Grass roots level organisations and mobilisation are not novel to the South African labour landscape, but have enormous opportunity to enact macro-legislative change given the increasing scope of the gig economy and should be an avenue that is pursued by e-hailing drivers in local context.

Different forms of labour organisations are largely dependent on the specific labour movements unique to each country. In addition, political context plays a major role to how labour and capital dynamics interact. Gig workers may have a lot in common, including the geographically fragmented nature of the workforce and their lack of permanent employment status, however, the contexts in which they operate can differ significantly. As detailed in this thesis, the middle-man leasing structure created by e-hailing companies in the Global South, provide an extra layer of complexity to stakeholder engagement, with an oligopolistic class of Drive Partners within the industry. These Drive Partners, through leasing arrangements, essentially dilute the power of the driver in the transactional relationship between platform, driver and consumer by enhancing and increasing the precarious and exploitative aspects around their labour. In addition, the e-hailing companies, aided by the driver's legal classification as independent contractors, are effectively outsourcing their responsibility in managing the drivers themselves to these Driver Partners. Moreover, e-hailing companies have also effectively shed any legal responsibility of taking account of their drivers by creating Drive Partners that better fits the definition of a standard employer under South African law.

The Drive Partner system, initially established to bridge the inequality gap in countries of the Global South, now simply exists to reinforce it. The addition of another stakeholder in the transactional relationship has increased the complexity around collective bargaining strategies on behalf of the drivers themselves. The confusion and lack of transparency that abounds from the leasing structure serves to limit driver's options in pursuing more just and equitable working conditions, thereby increasing the precarious nature of their position as drivers.

6. The Road Less Travelled: Conclusion and Policy Implications

This thesis details the working conditions experienced by e-hailing drivers within South Africa. Through fifteen in-depth interviews with these drivers it investigates how the existing structure of e-hailing platforms, compounded by the country's socio-economic context, have combined to enhance the precarious nature around the working conditions these drivers experience. The Covid-19 pandemic has further highlighted these issues. In addition, this thesis has bought to light the complexities around how the broader gig economy has been applied to the unique conditions of developing countries, influenced significantly by differences in the makeup of their respective labour markets regarding formal and informal work. The areas in which these drivers identified their jobs as being most precarious include:

- The marginal earnings resulting from the ownership structure implemented by e-hailing companies;
- The lack of career development as a result of this ownership structure;
- The dangers around safety and security while driving;
- The unhealthy work/life balance;

- The inability to organise as a strategy for collective bargaining.

These areas underline the contextual differences drivers experience around the globe. Much of the existing literature highlights the precarity that drivers experience in the Global North. Yes, many of these Northern workers are precarious; however, the precarity they experience is markedly different to those in the South rendering job precarity a relative term. The socio-economic history, the societal makeup and relatively informal transport industries of countries in the South means that driver struggles differ considerably compared to their northern counterparts. The most glaring of these societal differences is the inequality that countries of the South grapple with. It is precisely this inequality that necessitated Uber to implement their leasing system, designed to bridge the gap between a mobile middle class crying out for an affordable and safe commuter solution, and creating a pool of drivers – many of whom could not afford the cost of buying a car fit for e-hailing. More prominent in developing countries where e-hailing companies operate, this ownership system has reinforced the inequality inherent in many of these countries. It effectively prevents any career mobility for those drivers who rent their vehicles living day-to-day trying to make ends meet with little excess cash for savings. Very different from the promises of entrepreneurial glory advertised by both Uber and Bolt.

The ownership system has ultimately meant that drivers have to work harder and longer to honour their financial commitments to their Drive Partner. This makes sustaining a health work/life balance extremely difficult, with many drivers working 12 hours a day, seven days a week, with almost no free time, adding to the stress and anxiety experienced by drivers who seldom have any downtime from their vehicles. The social implications on these drivers are untold, with many having families to support. This highlights another key difference between drivers in the Global North and South, with a majority of those in the latter driving on a full time basis. There is a greater proportion of drivers in the North who do so on a part-time basis, and are therefore not exposed to the stress and anxiety experienced by their Southern counterparts. Again, due to socio-economic differences, many of the Northern drivers appreciate the part-time nature of the job and in fact prefer the flexible work structure offered by e-hailing as it offers a secondary source of income, as opposed to Southern drivers of whom many are completely reliant on e-hailing to sustain their livelihoods.

Another contextual difference that highlights the precarious working situation of drivers in SA is the high levels of crime they are exposed to. SA is a dangerous place for many on the road with vehicle theft and hijackings rates ranking as some of the highest in the world. Many of the drivers shared their traumatic experiences of crime that is endemic to the country, with the possibility of falling victim to criminality lurking around every street corner. Adding to the stress and anxiety driver's is the threat posed by the metered taxi industry. The conflict between e-hailers and metered taxis over the notion that e-hailing poses a threat to metered taxi earnings has left many drivers traumatized. Young Bolt driver Siyabonga Ngcobo, found burnt in his vehicle in Pretoria in 2018, weighs heavy on many drivers and serves as a constant reminder of the dangerous conditions under which they operate. While e-hailing platforms have introduced enhanced safety measures as an attempt to protect their drivers, such as verification mechanisms and an emergency button, there is little more they can do. The danger inherent in driving on South African roads, and the threat of violence from the metered taxi industry, are unique to a country where criminality is ever-present and law enforcement is weak. Naturally, e-hailing drivers feel vulnerable and scared. It is unimaginable that such incidents could occur in any of the countries within the Global North. A more formal and regulated transport industry and stronger law enforcement means that the safety and security issues that Southern drivers experience, are not as much of an issue with drivers of the North – highlighting the varying and relative nature of precarity amongst them.

The varying contextual precarity experienced between drivers of the Global North and South is accentuated by the strategies employed to collectively organise amongst themselves as a means of bargaining. There are many commonalities between these drivers, such as the same fragmented nature of working, intra-driver competition and similar grievances when it comes to structural injustices relating to e-hailing platforms; however there are contextual differences that have a bearing on their respective ability to organise. Drivers of the South are generally driving on a full time basis, and due to the leasing system, many of them are working to honour financial commitments to Drive Partners. This means they are working longer hours for less money. The result is that they simply lack the time needed to effectively participate in mobilisation strategies with fellow drivers. Furthermore, the existence of a leasing partner blurs the lines of whom these drivers are accountable. Many interviewed drivers expressed confusion of who to take up their grievances. This works in favour of the e-hailing companies in maintaining the status quo. Contextual to the traditional labour movements in each specific country, the trade unions in SA are perceived by drivers as being archaic and unsuited to advancing their struggle, meaning that a greater emphasis is placed on grassroots mobilisation between drivers as a foundation for organisation. These dynamics make it increasingly difficult to form labour solidarity between e-haling drivers in a South African context.

This thesis does not intend to set out concrete steps or strategies for e-hailing drivers to pursue in bettering their current condition. Nor does it provide any recommendation to e-hailing companies on what they should do differently to ensure a more equitable relationship between themselves and the drivers. Instead, it details the different levels of precarity that drivers in the Global South experience to those in the Global North due to considerable contextual differences. These differences should be used as the basis for consideration for all stakeholders in creating a working environment that is more just and equitable, with a focus on eliminating the exploitative elements currently experienced by drivers. While e-hailing companies may argue that they are creating opportunities in countries of the Global South that otherwise may not exist, these opportunities need to be dignified. They also need to consider the unique conditions each country faces, specifically regarding labour dynamics and relative attitudes to formal and informal economies. They may argue that any concessions made to drivers, such as granting a minimum wage, may negatively affect their already struggling bottom line and be unsustainable – however, a business should never be considered sustainable if it is operating at the expense of the very drivers it relies upon.

It is difficult to not exaggerate the positive change that e-hailing, as well as the broader platform economy, has contributed to society. It has provided citizens with on-demand services with unmatched efficiency. From an e-hailing perspective, it has provided cost effective transport and courier solutions that have revolutionised a number of industries in innovative ways. Not to mention the number of lives saved and accidents avoided by creating an alternative to driving under the influence of alcohol. In addition, the gig economy has created a number of employment opportunities. In a country where unemployment levels have reached a record high of 32,5% (Dludla, 2021), these initiatives should be welcomed for their job creation potential. The quality of these jobs, however, should not be compromised and any form of employment should be dignified and not open to exploitation. Unfortunately, the desperation of many job seekers means that they are willing to work in poor and unjust conditions. A situation that e-hailing platforms seem willing to exploit as long as it serves there financial position.

As such, legislative bodies need to find a balance between creating sustainable forms of income without compromising entrepreneurial innovation that could contribute to job creation. This is a difficult balancing act and needs to be viewed through the policy priorities of government. Each country has their own unique political economy with very specific histories and contexts, which need to be taken into account when formulating policy. It is not only the legislative bodies that need to do the work; it is a task that involves multi stakeholder engagement, including drivers, commuters, Driver Partners and the e-hailing platforms themselves. By operating in SA, Uber and Bolt have a duty to comply and contribute to the country's growth priorities. If these priorities include the right to pursue a dignified living wage free of exploitation, these companies have a legal, and moral, responsibility to create and foster the necessary conditions to allow this to happen.

The strategy of avoiding accountability by constantly citing that drivers do not fall under direct employ of e-hailing companies is disingenuous and outdated given the complexity of labour within the gig economy, especially when applied to the unique socio-economic contexts of developing countries in the Global South. The problematic nature of drivers being classified as "independent contractors" has been illustrated by the recent court case in the UK that ruled that drivers are entitled to workers benefits including a minimum wage and vacation pay (Satariano, 2021). Similar litigation has been launched across Europe demonstrating the ongoing friction between e-hailing companies and labour activists. Following the UK ruling, a duo of South African law firms subsequently launched class action on behalf of local drivers pushing for similar concessions and ultimately the legal recognition that drivers are direct employees of Uber and Bolt (Palm, 2021). It is an important step in the long journey for better and more equitable rights for e-hailing drivers operating within the complex South African transport industry.

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8. Appendix

8.1. The Interview Schedule

Date (2020)	Interview Subject	E-hailing Company	Owner or Lessee	Follow-up Interview
15 May	John	Uber	Lessee	X (28 October)
15 May	Joseph	Bolt	Lessee	
16 May	Martin	Bolt	Lessee	
18 May	Walter	Uber/Bolt	Lessee	X (29 October)
19 May	Moses	Uber	Lessee	X (30 October)
21 May	Tom	Uber	Owner	
22 May	Terence	Uber (Black)	Owner	
25 May	Frank	Uber	Lessee	X (1 November)
25 May	Ebrahim	Bolt	Lessee	
26 May	Earl	Uber/Bolt	Lessee	
26 May	Victor	Bolt	Lessee	
30 May	Tony	Uber (Van)	Owner	
31 May	Zain	Uber/Bolt	Lessee	
23 October	Neill	Uber	Owner	
30 October	Peter	Bolt	Lessee	

*** To protect driver identities all above names are pseudonyms.**

8.2. Interview Guide

General

- Age
- Gender
- Place of origin
- General questions about life and family

Section 1: Work History

- How long have you been a driver for?
- How many trips have you done
- How did you get into it?
- What was your previous occupation?
- Is being an Uber/Bolt driver your only source of income?
- Do you plan to stay on as a driver in the future?
- Describe the process around becoming a drive partner. What were the obstacles/challenges?
- What inspired you to become an Uber driver?

Section 2: Employment Relations

- Do you own your vehicle?
- If **NO:**
    - What is your relationship to the owner of the vehicle?
    - What is are conditions attached to this relationship (hours-based/income based etc)
    - How are expenses such as fuel costs/maintenance/ registration costs and insurance costs handled?
    - Is there a contract in place between you and the owner?
    - Have there been any disputes with the owner? How are these generally handled?
- If **YES**:

- Did you own the car beforehand? Or did you purchase it for the specific use as an e-hailing vehicle?

- If the latter, how was it financed?

- As a driver, how do you normally interact/communicate with the company?

- Are you happy with the amount of communication between you and the e-hailing company?

Section 3: Working Conditions

- What are your typical working hours?

- What are your patterns of work (weekends/peak periods etc).

- If you don't mind answering, what is your average income for a good week? Bad week? Average week?

- Have you ever had any health and safety issues/concerns while driving?
- If YES:
  - What happened?
  - How often?
  - What action did you take?
  - Did the Company take any action on your behalf?

- Have any of the issues previously described changed since you started driving (working hours, income, health/safety) ?

- Are you aware of the protest or organisation that drivers have undertaken? Did you attend? What were the major issues?

- Do you think the e-hailing companies should be doing more to protect drivers in terms of health and safety?

- Do you think the government should be doing more to protect drivers in terms of health and safety?

- Levels of organisation…

- Intra driver communication

Section 4: Covid-19

- How is Covid-19 effecting your business as a driver?

- Are you taking any measures to minimise disruption to business during the lockdown?

- Has there been any communication with the e-hailing company around Covid-19, and what measure are they taking to protect you as the driver (from a health and financial perspective)?

- What effect do you think the pandemic will have on the way that e-hailers operate in the future?

- Does it affect your prospects in continuing being a drive partner?

Section 5: Conclusion

- Are there any other concluding comments you would like to make? (This could open up the discussion to further questions).

Thank you for your time and valuable input.