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Assessing work organization strategies of Johannesburg based e-hailing drivers

Submitted by

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**School of Management, Information Technology and Governance College of Law and
Management Studies**

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21 November 2022

DECLARATION

I, Zamangwane Silindokuhle Luhlongwane, declare that

- (i) The research reported in this dissertation, except where otherwise indicated, is my original research.
- (ii) This dissertation has not been submitted for any degree or examination at any other university.
- (iii) This dissertation does not contain any other person's data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
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Date: 21 November 2022

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GLOSSARY

platform economy – The platform economy is an economy based on digital platforms, such as Uber, Bolt, inDriver etc that use algorithms to link buyers and sellers online.

e-hailing economy – The e-hailing economy falls under the platform economy as it uses algorithms to link drivers and clients online. It is a service provided to book public transport services through electronic applications. These services include e-hailing vehicles and taxis. E-hailing vehicle is a private vehicle used to provide public transport services to passengers who book through electronic applications.

gig economy - The term gig economy describes the business model where workers rely on a digital platform to be put in contact with clients to provide their freelance services. The term "gig" is a slang word for a job that lasts a specified period of time.

e-hailing platforms – E-hailing platforms refers to the registered e-hailing businesses that have online applications for clients to request rides. This study will focus on the two largest e-hailing platforms known as Uber and Bolt.

driver – A driver in this study is referred to any persons that has been registered under any e-hailing platform. The person must have provided driving services under an e-hailing platform.

precariat - The name precariat in this study refers to the e-hailing drivers. It comes from Guy Standing's theory of the "The Precariat" where he emphasizes that the 21st century economic revolution driven by capitalism is encouraging labour insecurity and uncertainty into the labour market. He further explains that it is creating a new labour class that is associated with precarious work, ambiguous job titles, poor working conditions and lack of protection from the labour legislation.

ABSTRACT

The researcher has a brother that was an e-hailing driver in the year 2018. He had a number of traumatic experiences whilst working for this industry such as being hijacked, robbed, and verbally abused. As a family, we would always be relieved when he made it back home alive. The researcher could not help but imagine if this was what every family was experiencing with every person working in this industry. The researcher started reading a lot about this industry trying to understand all its advantages and disadvantages in the labour market to educate the worried family about the industry. The industry research led to an interest to formalize the research into an academic dissertation.

The aim of this dissertation is to unpack the current work arrangements and conditions of the e-hailing platforms in Johannesburg, with the intention to shine a light on this industry for it to be acknowledged and fully regulated by the government. The aim of this study will be addressed by answering the below research questions:

1. How is work organized for e-hailing drivers in Johannesburg?
2. How are e-hailing drivers protected under the South African labour legislation?
3. To what extent can the South African labour legislation be adjusted to accommodate changes to the extant employment relationships of e-hailing drivers?
4. How does the case of e-hailing drivers allow us to understand conceptually the broader nature of precarious work in South Africa?

Background of the Study

The entrance of e-hailing services in South Africa has brought about many mixed emotions in the country. As there are some who appreciate the job creation and travelling convenience created by the e-hailing platforms, there are some who are against the e-hailing platform as it presents unfair competition in the market, poor working conditions and ambiguous employment titles for the e-hailing drivers.

This dissertation is important because although e-hailing work is advertised as a way of creating an extra income to the public, it has however become a main source of income for drivers on the dissertation platform (Hall & Kreuger, 2018). As shown in chapter 5, majority of the participants indicated that they were full time in the e-hailing industry.

This piece of information further solidifies why it is important for the government to fully regulate this industry, as there are people who are fully relying on this industry for a living. The e-hailing services had drastically spread throughout the country, it is important for the government to note that the labour legislation's duty is to protect all the vulnerable in the labour market.

Problem Statement

The developments in technological inventions and economic restructuring over the past years have encouraged the rise of new business models that are disrupting numerous traditional industries and bringing a challenge to current employment laws (Isaac, 2014). The current labour legislation does not address the issues that platform workers are facing. The question of how to regulate the platform industry and how to define the workers in this market is still being debated (Horney, 2016). So far, the pace of action has been slow. According to the literature, this is because, due to the competitive nature of the e-hailing economy, workers are often unwilling to cooperate to make a collective claim to enforce their rights; speaking out could jeopardize an individual's job due to the ease of rating and high reliance on reputation (De Stefano, 2015).

More regulation is required to protect the rights of such workers. The issues surrounding this ambiguous category of the workers must be resolved, and more rights must be established (De Stefano, 2015). Precarious work arrangement has the potential to destabilise society as it is a threat to social and economic stability. This can have a great impact on the standard of living of both individuals and societies.

Research Methodology

This research chose the qualitative research method. This research will use the case study research design. The target population for this dissertation is Johannesburg based e-hailing drivers that are approximately 3000 in Johannesburg. A purposive sampling method was applied for this dissertation selecting 15 former Johannesburg-hailing drivers. The data collection method used both semi-structured interviews and secondary data.

Findings

According to De Greef (2018) the e-hailing's industry has a deceiving pitch to the people that is "drive whenever you want to, be your own boss and make good money". To many desperate South Africans this sounds like their great breakthrough out of poverty. However, the e-hailing business model has not been as effective in South Africa compared to other countries. This is because South Africa has high unemployment and poverty levels that mean very few drivers own vehicles, instead most e-hailing drivers rent the vehicle from owners and share the incomes. The agreement of a driver renting a car is to pay the owner a weekly target that ranges from R2500 – R3500, cover petrol and data expenses. This results into the joys of flexibility being taken away by the pressures of working long hours to cover these expenses and to ensure that the drivers still have enough money left for their own needs.

The increasing prevalence of independent contractors is notable in the South African business environment (Hurst, 2018). The way in which employers are hiring is changing due to the increased demand for certain skills. They are increasingly interested in hiring skills on-demand to add value when they are required. Subsequently there is a rise in the flexible workforce, which includes independent contractors and also an increase in work that cannot be properly classified within the current South African labour legislations.

The researcher conducted 15 semi-structured interviews with former e-hailing drivers based in Johannesburg. There are three key themes that were uncovered from the interviews - safety and security, poor working conditions and youth unemployment. These themes are discussed in depth in chapter 5.

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CHAPTER 1

BACKGROUND OF THE STUDY

This chapter aims to introduce the research topic and explain the significance of conducting this dissertation. The researcher has included the background of the study, the problem statement and the research questions. This chapter will also cover the research approach that will be applied to the study and explain why the chosen research approach was deemed the most appropriate for this dissertation.

1.1 Introduction

The world of work has been going through an aggressive digital economic revolution that has encouraged new working relationships. This digital economic revolution has introduced many opportunities and challenges into the labour market. One of the results of the digital revolution is the fast-growing platform economy that is a business model that connects providers and customers using different types of online applications (Kenney & Zysman, 2016). Many businesses are adopting the platform business model to keep in with the times and most importantly to remain competitive. The platform economy has many companies such as Airbnb, e-hailing services (Uber, Taxify etc), Salesforce, Facebook and Amazon that create online networks that enable digital interactions between providers and customers (Drahokoupil & Fabo, 2016).

The common theme or concern that is associated with the platform economy is the concept of “precarity”. Precarity is a socioeconomic condition that is a trend in many companies adopting the platform economy, to promote unstable work, increase the numbers of workers not covered by the labour legislation, poor working conditions and avoids collective actions (Zwick, 2017). The platform economy has encouraged the notion of businesses hiring less workers on a permanent work basis and instead hiring workers on a short-term basis, and in most cases with no employment contract. These work arrangements climbed through the 90s and early millenniums, but this trend saw its most dramatic rise in the wake of the 2008 financial crisis (Huws, 2017).

In connection with the precarity nature of the platform economy, this dissertation will adopt Guy Standing’s theory of “The Precariat” which emphasizes that the 21st century economic revolution influenced by capitalism is creating a new global class. This new class is called the precariat which is associated with labour insecurity and uncertainty. Guy Standing explains

that for the precariat to become a transformative class, the precariat needs to move beyond the rebel stage and become a class for itself because the class has enough power for change.

While others may support this industry because it creates job opportunities and a convenient market for customers, critics highlight the labour challenges it has caused to the global labour market. Concerns have been raised about the working and employment conditions of platform workers and the associated risks of precariousness (De Stefano, 2017).

There are numerous accounts of the unclear employment status of platform workers, low and unstable pay, irregular and unpredictable working times, limited access to social protection, and platforms shifting risks and costs onto their platform workers.

This research will concentrate on one of the subsections of the platform economy called the e-hailing platform. The e-hailing platform connects people (customers) with the drivers of cars, taxis and any other form of transportation by means of online devices such as smart mobile devices or computers (Dunn, Johnson & Smit, 2019). This dissertation is to investigate the working arrangements and conditions of the Johannesburg-based e-hailing drivers with the hope of rising awareness of this industry to be regulated by the government.

1.2 Background of the study

The e-hailing platform is one of the fastest developing platforms in the whole world as it is difficult to remember a period when the public could not simply log onto an app on their mobile phone to request a driver to collect from their current location to the desired location. However, how many of us stop and think about the legal status of those e-hailing drivers and wonder whether they receive any protection from the labour legislation against the cold platform economy?

The South African economy has been struggling with high rates of unemployment, poverty and inequality over the post-apartheid period. It is no surprise that many desperate South Africans have found employment shelter within the platform economy. The introduction of the e-hailing platform and how its contract drivers, have the legislation of South Africa and the whole world into new legislative waters (Chai, 2020).

The platform economy has recently been experiencing exponential growth, resulting in an increase in the concern for employee rights (De Stefano, 2015). The International Labour Organisation (ILO) supervisory bodies have expressed their concerns, about the platform

economy on numerous occasions, highlighting its exclusion from the employment law (ILO,2017).

1.3 Problem Statement

The platform economy has been attractive to young people and vulnerable groups who are battling to secure jobs. According to the Deloitte Millennial Survey Report 2018 which surveyed millennials from over 36 countries, most of the respondents indicated that they are already part of this economy or do part-time work (Goldberg & Wilkinson, 2019). The platform economy for such workers comes at a high cost of their worker's rights, working conditions, limited career progression, stagnant pay and a lack of benefits are some challenges that are evident in the 'uberised' economy (Kessler, 2018). While others may believe that the platform economy empowers entrepreneurs, others believe that it is merely another strategy for exploiting vulnerable workers.

E-hailing drivers have had numerous protests, expressing their complaints about their working conditions and experiences in South Africa. In March 2022, thousands of e-hailing drivers in Johannesburg marched to the offices of the Gauteng Transport MEC demanding that their concerns regarding their working conditions be heard and suggesting that the government regulates the e-hailing platform (Mlamla,2020).

It is rather disturbing to the researcher that the e-hailing industry is not taken seriously by the South African government. E-hailing drivers must go to the extent of disturbing traffic and marching to the offices of the Gauteng Transport MEC in order to be heard. The e-hailing industry is worth millions and has thousands of South African people making a living out of it. Hence, the government needs to prioritise protecting such workers.

What will be the consequences should the government not do anything about the rise of unregulated precarious work? Precarious work arrangement has the potential to destabilise society as it is a threat to social and economic stability. This will have a great impact on the standard of living of both individuals and societies. Precarious work arrangements deteriorate the quality of working and living conditions as it interferes with a person's ability to plan their life. People who work in precarious jobs are deprived of the ability to make long-term decisions and plan their lives for example to plan to marry, have children, or buy a house.

1.4 Research Questions

1. How is work organized for e-hailing drivers in Johannesburg?
2. How are E-Hailing drivers protected under South African labour legislation?
3. To what extent can the South African labour legislation be adjusted to accommodate changes to extant employment relationships of e-hailing drivers?
4. How does the case of e-hailing drivers allow us to understand conceptually the broader nature of precarious work in South Africa?

1.5 Research Objectives

1. To determine how work is organized for e-hailing drivers in Johannesburg.
2. To determine how e-hailing drivers are protected under South African labour legislation.
3. To investigate to what extent can the South African labour legislation be adjusted to accommodate changes to extant employment relationships of e-hailing drivers.
4. To analyse how the case of e-hailing drivers allows us to understand conceptually the broader nature of precarious work in South Africa.

1.6 Significance of the study

The e-hailing platforms have “contracted” thousands of drivers in South Africa. According to Walker (2019) Uber alone in 2019 served more than one million active riders. These are riders who have taken at least one trip within 90 days in South Africa. Hearing such big numbers, from this fast-growing e-hailing platform, you would expect that the labour legislation is also keeping up with the evolving employment relationships. But instead, the workers in the e-hailing economy experience poor working conditions, ambiguous labour identity and no freedom of speech (Kessler, 2018). This dissertation is significant because it will be raising awareness of the employment status and working arrangements and conditions of e-hailing drivers in Johannesburg and bring all their concerns to light.

Most importantly, it is significant because it is a plea to the South African labour legislation to remain relevant and up to date with the current changes in employment relationships. The researcher will also be shining the negative impact of precarious work on society.

1.7 Research Methodology

This research will apply the qualitative research method. The qualitative research method was chosen because it enables the researcher to comprehend information by investigating it in its own specific context and the meaning that individuals bring to it. The researcher will be able to learn about the e-hailing industry in depth as this approach allows an analysis of the participant's thoughts, feelings, and behaviours.

1.7.1 Research Design

This research will use the case study research design. This design was chosen because it would allow the researcher to make a detailed analysis of a case that could involve the case of Johannesburg-based former e-hailing drivers.

1.7.2 Target Population

The target population for this dissertation are Johannesburg-based e-hailing drivers. There are approximately 3000 e-hailing drivers in Johannesburg. The researcher was successful in defining the target population, as it iteratively examined all the boundary considerations to ensure that the end description of the target population is inclusive enough to provide sufficient data for the study (Ackerman, Schmid, Rudolph & Seamans, 2019).

1.7.3 Research Sample

A sample for this study is Johannesburg e-hailing drivers as they are a set of units selected to represent the population of interest (Gravetter & Wallnau, 2017). A purposive sampling method was applied for this study, selecting 15 e-hailing drivers as a sample. The e-hailing drivers were intentionally selected to be participants because of the characteristics and qualities the individual possesses (Etikan & Bala, 2016).

1.7.4 Data Collection

This study will use both semi-structured interviews and secondary data as a data collection method. The researcher will develop an interview guide. The interview follows an interview guide but can also follow topical routes in the conversation that may stray from the guide when the researcher feels this is appropriate (Tracy, 2019). The researcher chose the secondary data to receive insights on how other researchers interpreted the research topic and to also enable a longitudinal analysis that span for a long period of time.

1.8 Limitation

The limitation of this study is that Covid-19 has created a fear of face-to-face interactions because of the possibility of contracting the virus. The researcher will resort to virtual interviews. Although virtual interviews have a limitation on the ability to analyse the participant's body language, the researcher will alternatively be able to analyse the participants choice of words.

Another limitation of this study is that the study will only concentrate on the Johannesburg e-hailing drivers out of the many cities and areas where this industry functions in South Africa. As a result, the findings of this study cannot be generalisable. However, it can be beneficial to researchers that want the data specific to the Johannesburg area as Johannesburg is the provincial capital of the Gauteng province.

1.9 Layout of the study

Chapter 1 – Introduction

This chapter will introduce the research topic and explain the relevance of the topic in the context of the South African labour market. This research aims to investigate the working arrangements and conditions of the Johannesburg-based drivers to raise awareness on this industry to be regulated by the government. This chapter will also cover the research approach for the study and explain why the chosen research approach was deemed appropriate for this study.

Chapter 2 – Literature Review: Is half a loaf better than nothing?

The chapter will provide the foundation of this study by defining what is a platform economy, its origins and its implications on the South African labour market. This chapter will further provide insights into the working arrangements and conditions of the e-hailing drivers. With South Africa battling with high unemployment, this chapter will also be gearing the mind to answer the question if half a loaf is better than nothing.

Chapter 3 – Relooking at what constitutes an employee in the 21st century

This chapter will be answering what constitutes an employee in the 21st century and dig deeper into Guy Standing's theory of the Precariat with the trends of the 21st century world of work. It will cover some of the 21st labour trends such as casualisation, legal ambiguity of work titles, minimum wages and the decrease in social protection for workers.

Chapter 4 – Research Methodology and Data Collection

This chapter will explain the chosen research approach for this study and to explain the appropriateness for the chosen approach. This research applied the qualitative research method and a case study research design. This study applied the two data collection methods called the semi-structured interviews and secondary data. The target population were former Johannesburg e-hailing drivers and the sample size for interviews were 15 former Johannesburg e-hailing drivers. This chapter will also cover data analysis and why this study can be considered trustworthy.

Chapter 5 – Data Analysis and Findings

This chapter will present the data that was obtained from the semi-structured interviews using a thematic analysis. The collected data will be analysed using the 6 stages by Braun and Clarke method to produce themes (Byrne, 2022). This chapter will fully explain the identified themes that are safety & security, poor working conditions and youth unemployment.

Chapter 6 – Recommendations and Conclusion

This chapter will conclude this study by summarising the research insights obtained by this study and also answer the research questions that are stated in chapter 1. The importance of this chapter is that it will provide recommendations to the challenges that were identified on this study.

1.10 Conclusion

The forecasts of the future of the work, suggests that the disruptive changes happening in the labour market are here to stay and will continue disrupting the traditional workplace. It is therefore vital for the government to continually be amending the labour legislation to suit the changes that exist in the labour market and most importantly to protect the vulnerable workers. The government needs to play a part in protecting the e-hailing drivers by regulating the industry.

CHAPTER 2 – LITERATURE REVIEW

E-HAILING WORKING ENVIRONMENT: IS HALF A LOAF BETTER THAN NOTHING?

The aim of this chapter is to get a better understanding about the working arrangements and conditions of the environment of Johannesburg based e-hailing drivers. The results of the platform economy on labour have been largely debated in the past years. While some are praising the development, efficiency, and the job creation created by the platform economy. Others are criticizing the deregulation of labour and the increase of “ambiguous employment titles” that swings the risk from employer to employee (Xusen, Jian & Xiangbin, 2021). The emerging work relationships rising in the platform economy does not have a clear place in the existing legislative definitions of employee or independent contractor. A clear identification of employment type is vital because workers defined by the legislation as “employees” are intitled to many legal protections and benefits that do not comply or relate to independent contractors, such as the right to bargain and organize collectively, overtime compensation and compensation insurance coverage (Efrati, 2019). The changes in the labour market suggests a requirement for more accommodative labour laws to workers under the platform economy

2.1 Introduction

The unemployment rate in South Africa on the third quarter of 2021 was on 34.4% which is equivalent to 7.8 million people. This has been the highest unemployment rate since 2008 (Statistics South Africa, 2021). The International Labour Organization (ILO, 2020) has expressed its concern about South Africa’s growing unemployment rate. It is because of this reason that many South Africans tend to look for easily accessible job opportunities within the platform economy.

One of the running places for many desperate South Africans for employment, has been to the e-hailing industry. The e-hailing’s industry pitch to the people is drive whenever you want to, be your own boss and make good money. To many desperate South Africans this sounds like their great breakthrough out of poverty. However, the e-hailing business model has not been as effective in South Africa compared to other countries (De Greef, 2018). This is because South Africa has high unemployment and poverty levels that mean very few drivers own vehicles, instead most e-hailing drivers rent the vehicle from owners and share the incomes.

This is soon believed that the e-hailing industry's promise to financial freedom and independence to most drivers in South Africa is misleading. Workers under the platform economy are influenced to incorrectly believe that they are benefitting on financial freedom and independence when they are sacrificing their income stability, health and social insurance, quality of life and many benefits provided by the traditional labour market. While the platform economy can be perceived as the solution to many desperate South Africans, the quality of work under this economy is a sad indication of deteriorating working conditions and labour standards. A number of researchers have revealed that the platform economy activities allow risks and can result to an increase in casualization and commodification of jobs (De Stefano, 2016).

2.2 Johannesburg

As previously mentioned, this study is focused on the Johannesburg based e-hailing drivers. The researcher chose to focus on the city of Johannesburg because it is the country's leading financial and industrial city. After the discovery of gold in Johannesburg in the year 1886, the city quickly became one of the world's youngest major cities (Cooperative Governance & Traditional Affairs, 2019). During Apartheid, the city was part of the Transvaal, an Afrikaner republic that later became one of South Africa's four provinces. Today, the city is in Gauteng, a Sotho name that means "place of gold" and is one of South Africa's nine provinces.

The city of Johannesburg has the most wealth on the African Continent at \$248 billion, it is the financial capital for the continent with the Johannesburg Stock Exchange. The Johannesburg Stock Exchange is the largest stock exchange on the African continent and the 16th biggest in the world.

According to (Cooperative Governance & Traditional Affairs, 2019), Johannesburg makes 16.5% of the country's wealth and employs 12% of the national workforce. More than 70% of South African companies have their headquarters within the City of Johannesburg.

The discovery of Gold attracted many people throughout Africa, that left a very big demand for public transportation in and around Johannesburg. This resulted into the rise of the train, bus and taxi industry in Johannesburg that dates back with the rich history of the development of the city of gold. Many years after, these moderns of transport are still preferred especially by the previously disadvantaged communities. With hundreds of thousands of taxis operating on the road, the taxi industry makes almost R40 billion per year and has generated almost 300 000 direct and indirect job opportunities (De Villiers, 2020).

According to the Statistics South Africa (2019), the Stats SA's General Household Survey 2019, revealed that at least 37,8% of South African households had one household member who used a minibus during the week to go to work. The following provinces with the highest rate of minibus taxi usage were Gauteng (45,7%), Mpumalanga (38,3%), and KwaZulu-Natal (38,2%).

The public base their decision on which transport option to use both for monetary and non-monetary reasons. According to Statistics South Africa (2021) the National Household Travel Survey, travel time is the most dominant reason influencing the public on their choice of transport. On a national scale, 32.6% of households stated that travel time was the main determinant, the second was travel cost at 26.1% and lastly flexibility at 9.2%. The e-hailing platform was formed and drastically emerged because it was able to see a transport gap in the global market.

2.3. Definition of Platform economy

A platform economy is often explained as the exchange of assets, services and capital between people through internet-based platforms for the sharing of underutilised resources at a small transaction cost (Hamari, 2016). The platform economy model promises growth to economic proficiency, environmental benefits, and economic growth. The apps and digital applications, in the areas of mobility such as e-hailing, is one of the main of the platform economy revolution. The role of information technologies on changing the modern employment relationships has been visible and around for a long time, but the recent scale of development and wide adoption of platform economy have created new challenges that are being widely debated in the past few years. For example, Schor (2016) argues that the difference between for-profit and non-profit innovations is that for profit will promote and increase low-quality labour conditions if not well regulated, while Graham and Woodcock (2018) maintain that activities that used to be regarded as formal are now casualised and that their workers have no bargaining power with the platform.

2.3.1 Advantages of the Platform Economy

It may be argued that work under the e-hailing platform is preferable to being unemployed, although this economy has it many shortcomings (Odgers, 2017). In today's economy, the traditional expectations of being permanently employed and the idea of staying in a job for a lifetime has been made to be almost impossible to attain. This type of work is preferred by

millennials, who have been struggling to find employment and want to enjoy the flexibility of working (Brown, 2017).

The sharing economy has the potential to boost the economic growth and create welfare by increasing labour productivity, stimulating consumption, and encouraging innovation and entrepreneurship (Burtch, 2016). This economy has opened new job prospects that suits the needs of many people, especially the millennial generation. The sharing economy environment is very flexible (Dobson, 2017). Both employers and employees benefit from this level of flexibility afforded by this economy. Academics highlight this amount of flexibility as an advantage as workers can devote their time and resources as they see fit (Hall & Krueger, 2017 & Burtch, 2016).

The rise of this market since the 1990s, has arguably contributed to the global economic recovery and provided employment opportunities for many who would otherwise have no opportunity to work. This labour supply is especially crucial in locations where there are a combination of high unemployment and low skilled people (Greene & Mamic, 2015). However, a large proportion of the sharing economy is operated on a digital platform, that uses the internet connection to function. It has been suggested that unemployed people be assisted into the sharing economy, as it may provide employment that they would not otherwise have (Odgers, 2017). In comparison to past generations, millennials have adapted and developed a new mindset, and they are often comfortable with a low level of job stability. Evidence reveals that the platform economy is used both as a means of providing the only source of income for and supplementary income for workers (Huws, 2016).

2.3.2 Disadvantages of the Platform Work

One of the primary benefits of this economy, as previously stated, is flexibility. However, this benefit can be overexaggerated and unsustainable, with severe competition for work in some markets forcing workers to work long hours, removing the joy of flexibility (Aloisi, 2016). This frequently entails working night shifts and long hours with no additional compensation. Workers in the platform economy are often exposed to danger due to the nature of their working environment. Employers are normally required to conduct risk assessments, provide training, and implement safety measures, for example the use of computer screens (Huws, 2016). This is unlikely to happen in the platform economy relationship, placing workers at a disadvantage.

Some risks are high for employees who drive, such as Uber, Taxify etc, because of the long hours that lead to fatigue and lead to an increase in accidents and car hijacking (Huws, 2016).

The workers have less control and greater responsibilities than self-employed workers, but they also have less protection than employees (Emir & Selwyn, 2016). The lack of a clear employment status for e-hailing drivers, have left many people concerned about the unequal bargaining power that exists in this employment relationship (Rogers, 2016). The elite, who are the platform economy drivers have more power than the precariat drivers resulting into exploitation. This type of worker is exposed to low wages and poor working conditions (Taylor, 2016 and Kuhn, 2016). Often, these types of work agreements are formed without a full legal entitlement being considered (Rogers, 2016).

The gig worker's uncertainty surrounding their legal status, employees are frequently abused, with employers taking advantage of the situation (Rogers, 2016). For many, the contractual freedom has decreased over time, hence the term "skimming economy" (Aloisi, 2016). The most common employment issues are low pay, unfair dismissal and the terms and conditions that often worryingly misclassify workers as self-employed (Taylor, 2016). The sharing economy has gone through an economic change, which means that creative destruction has happened, with technology creating new jobs and working environments (LexisNexis, 2017).

Although viewed as beneficial, especially for those with low work attachments and the educated, these creative destructions have a devastating effect, especially for those on low-wage jobs (Burtch, 2016). These disadvantages are difficult to avoid if workers do not have a choice because they are unable to find alternative employment (Huws, 2016).

As a result, workers may feel trapped, becoming increasingly reliant on their jobs. The level of precariousness maintained is a significant issue (Huws, 2016). This is common with zero-hour contracts, where employees have no idea when they will next be expected to work.

This difficulty is often worsened by the workers lack of direct communication channels with their employers. There are often minimal opportunities to communicate with the other employees to gain a collective voice to increase bargaining power, as workers are alienated from each other. As a result, workers frequently have no say over decisions affecting employment practices and employee rights (Chesley, 2014 & Huws, 2016). A variety of other safeguarding measures are frequently violated (Huws, 2016).

2.4 The trigger to the expanding of e-hailing platforms

The world of work is fast evolving. Digital platforms and communication technologies have allowed new types of work to be possible for everyone in the world that has a smartphone or computer and an internet connection. From the start of the first Ericsson phone being marketed as a “smartphone” in 2000, to the latest smartphones that use Android and iOS, there has been many changes. A smartphone can now be your work office, bank office, school library and personal assistant to help you request a trip or having food delivered to your doorstep. Who would have imagined that these devices would create so much convenience and job opportunities to the world? (AppJobs Team, 2018).

The increased use of smartphones has encouraged the growth for remote work as people from all over the world are able to connect through the devices. Many researchers believe that the rise of smartphone usage have contributed to the increasing platform economy. E-hailing drivers can connect with their customers through an app to collect them and drive them to their desired location or the luxury of having their restaurant food delivered to their doorstep.

In 2019, there were 3.8 billion people using mobile internet which is an increase of 250 million users from the 2018. Three quarters of the mobile internet users are from the low- and middle-income countries (Global Systems for mobile communication, 2020). The rise of the smartphones and mobile internet has helped create an economy in the labour market globally. It has helped organizations to share their labour needs and contact the remote online workers on digital platforms (Healy, 2017). The platform economy can be explained by the collection of markets that connect providers to customers on a gig basis in support of on-demand commerce. A platform worker would join an agreement with on-demand companies such as Uber to provide a service to the customers (Techtarget, 2020).

E-hailing services provides a mobile app that enables customers to send trip requests to e-hailing drivers near them. The nearest driver that has accepted the trip request will collect you and drive you to your desired location. The application is smart enough to automatically provide directions to different locations, calculate the distance fare, and pay the uber driver without the customer saying a word or opening their wallet.

While some may believe that this shift in development for capitalism signifies a progressive reform in innovation, others believe it is a restoration to a more outdated method of employment. The platform economy is now going back to the industrial age where every worker found themselves with minimal protection within the labour legislation (Ravenelle, 2019).

Alexandra Ravenelle notes a cruel irony of workers in the sharing economy being welcomed as the highlight of the contemporary workplace yet find themselves without any labour legislation protection enjoyed by their grandmothers.

2.5 Inequality to access digital connection

While the above paragraph explains that globally there is an increase in people being digitally connected. South Africa still has a long way to go to minimise the gap that exists, especially within rural communities. The term digital divide refers to an economic and social challenge that has gained significant interest to researchers recently. The global digital divide is often explained as the digital gap that exists between developed and less developed countries (Saleminak, Strijiker & Bosworth, 2017). This is because the frequent flow of information into the big cities or urban areas in most developing countries is high compared to the rural and local communities. The main reason for this is because rural communities struggle to maintain the pace at which digital connectivity grows. The Internet and digital infrastructures are hard to penetrate in these communities. There are also many other reasons such as most people in these communities are not educated and find it hard to acquire IT skills, and mobile devices and other technology-enabled devices may be too expensive to afford due to the low income (Chetty, Gcora & Josie, 2017).

It is therefore a challenge for these communities to maintain access to the digital workplace, upskill themselves on current skills, and even get up to date with the workplace trends to better prepare themselves. This unfortunately continues the inequalities employment access. It is very important for the government to bridge and overcome the digital divide in rural areas. It is also important to note that the rapid change in technology is not the only cause of the digital divide.

Aside from the infrastructure and material issues faced by the rural communities in the digital age, social nature is also another major one. The increase in the use and adoption of mobile phones, the Internet and related tools are now becoming very diverse. Providing these technologies and giving access to rural communities is the first step to bring them close to development. The second step is training, adopting and using the next steps that must be addressed for digital connectivity to have an impact in these communities (Saleminak, Strijiker & Bosworth, 2017). Closing the digital divide gap and making access to technologies equitable, favourable outcomes are inevitable as digitally connected living has potential implications for poverty alleviation, improved education, social well-being, and health. It is important to note that digital skills provide a platform and act as catalysts to alleviate poverty. An example is the

e-hailing platform, by means of having a smartphone could result into employment to being a driver.

As stated in United Nations Development Programme (UNDP) and Sustainable Development Goals (SDGs) business opportunities in 2016, the technology and telecommunication sectors are grouped under the important sectors for the growth of the labour market. As a result, South Africa has started applying ICTs across different sectors in the country. This has increased the number of internet users from 5.3 million in 2009 to 38.13 million in 2021. In this same period, world internet usage grew from 1.73 billion to 4.66 billion (Corrigan, 2021). Despite the high adoption of ICT in South Africa, only about 1.7% of rural households across the country, had access to the internet as of 2018, while at least 17.3% of households in urban areas and cities had access to the Internet at home (Gillwald, Mothobi & Rademan, 2018). Most of the users of ICT infrastructures in these rural communities are also not advanced users as they only use phones for voice calls, SMS and social media.

2.6 The entrance of e-hailing platform

In South Africa Uber started operating in Johannesburg and followed to Cape Town, Pretoria, Durban and East London. In the year 2015 the Uber industry was estimated to being worth R1.65 billion in South Africa and has ever continued to grow in the country (Iqbal, 2019). Uber announced its growth into other 21 smaller cities and towns across South Africa, making Uber available in over 40 cities across the country and making it the biggest e-hailing platform in South Africa (Uber, 2021). Application data has revealed that Uber had 5.3 million users in South Africa, as compared to Bolt's 2.1 million users. Uber dominates approximately 71% of the South African market share, followed by Bolt with 28%. Bolt started operating in South Africa in April 2016, after a failed launch attempt in 2015 (De Villiers, 2019). Bolt is now also operating in many cities and towns in South African. InDriver entered the market more recently in February 2019, operating in Johannesburg and Cape Town. Additionally, Droppa started operating in South Africa in 2016, launching an e-hailing platform that enables its users to order a truck for utilization.

The entrance of e-hailing services as previously discussed has brought about many mixed emotions to the public and caused major conflict between e-hailing drivers and meter taxi operators across many countries worldwide. There have been confusion revolving e-hailing services if they are employers and additionally whether e-hailing services are taxi companies. Uber maintains that the drivers are independent contractors, and they are only technology

service providers and not employers (Geradin, 2015). The SA Meter Taxi Association (SAMTA) stood for the collective view of meter taxi drivers and argued that the taxi hailing market in the country is controlled by foreign based companies which are unregulated calling this out as unfair (Competition Commission, 2020). E-hailing services have been criticized by drivers due to predatory pricing techniques, whereby e-hailing companies offer discounted rides to hold market share.

Although mainly advertised to create an extra income, e-hailing services have become a main source of income for drivers on the platform (Hall & Kreuger, 2018). Many ‘partners’ buy e-hailing vehicles and rent their vehicle to drivers on the platform, which has raised concern towards driver exploitation (Martin, 2016). This is particularly true in South Africa and other developing countries, whereby a majority of e-hailing vehicles are financed by ‘partners’, who operate entire fleets and encourage drivers to work for them by meeting weekly payment targets. Wealthier car owners or companies have been cited as buying additional vehicles to contract out to e-hailing drivers (Giddy, 2019).

2.7 E- Hailing Business Model – profit-sharing model is an allusion

The e-hailing smartphone applications connects the drivers with riders who have installed the app on their phones. Taxify demands 15% for every ride from the drivers, while Uber demands 25 percent for every ride from the driver (Sosibo, 2018) then the rest goes to the driver. The trip fares are set by the e-hailing owners and are set to surge pricing during peak hours to get more drivers on the road or to an area. According to (Sosibo, 2018), drivers from the e-hailing companies felt the commission percentage going to the platform owners is too high and takes from their profit enormously as most don’t own vehicles they still need to share with the owners. The drivers are responsible for their own car maintenance, car insurance, cost of data, petrol and a buying a smartphone. South Africa has very expensive data as a study by Research ICT Africa (2017) revealed that the price of data in South Africa is the most expensive out of all leading African economies. Petrol is now R25 per litre which is also one of the expensive in the African economies. The South African e-hailing driver needs to work very long hours to give a high commission to the e-hailing owner, deal with the cost of data and petrol and still expected to share with the vehicle owners.

2.8 Job quality in the Platform economy

The main narrative of the work quality literature has been that the standard of jobs instead of their quantity is a better indicator for development (ILO, 2017). Although there are many beliefs around what constitutes job quality, and how it applies in developing countries contexts, certain main aspects of job quality are considered transferable and are generally understood to differentiate between good and bad jobs. For example, some studies in recent years have assessed how workers in low- and middle-income countries perceive job quality with several crucial characteristics like income, autonomy and health to be important for job quality among workers in these regions (Monteith & Giesbert, 2017).

In fact, one among the measures of the United Nations Human Development Index is income per capita, for it gives workers the freedom to realize well-being and positive development outcomes that they value like access to food, clothing and housing (Monteith & Giesbert, 2017). Additionally, what is also important is worker power, which is associational power and structural power which may be used collectively or individually by workers to influence their working conditions.

Structural power is further divided into marketplace bargaining power and workplace bargaining power. Also, associational power is that the ability of workers to arrange themselves as a front for collective action, which may happen at the workplace level, sectoral level and national level, and in some cases globally (Schmalz, Ludwig & Webster, 2018). A combination of workers powers has proven critical to achieve positive results. This is true based on the recent Johannesburg e-hailing strike, that a combination of workers powers is proven to achieve results. Not so much on results for the Johannesburg drivers but recognition and hopefully the recognitions create results someday soon. Both freedom at work and bargaining power are seen as two most important aspects of job quality. Noting what makes a good or a bad job can vary, counting on the kinds of labour tasks, geographical and temporal contexts and private positionalities.

2.8.1 The growth of poor working conditions

With the major changes in the labour market, it is important for the researcher to analyse how the standards of work have been affected by all the changes. The International Labour Organization (2018) explains the term decent work as being the aspirations of people for their working conditions. It includes a working environment that is recognised and protected by the labour legislation, pays fairly with basic compensation, job security, career progression, and

having a conducive platform to bargain working conditions. The experiences of platform workers globally are definitely a one apposite the definition decent work. According to Ghaffary (2019), on the 8th of May 2019, thousands of Uber drivers in the world planned a protest for better working conditions. In brings to the question if the 21st labour activists are still functional whereby the topic of “indecent work” or “poor working conditions” is becoming a heat topic and a sad reality to the majority of the disadvantaged groups.

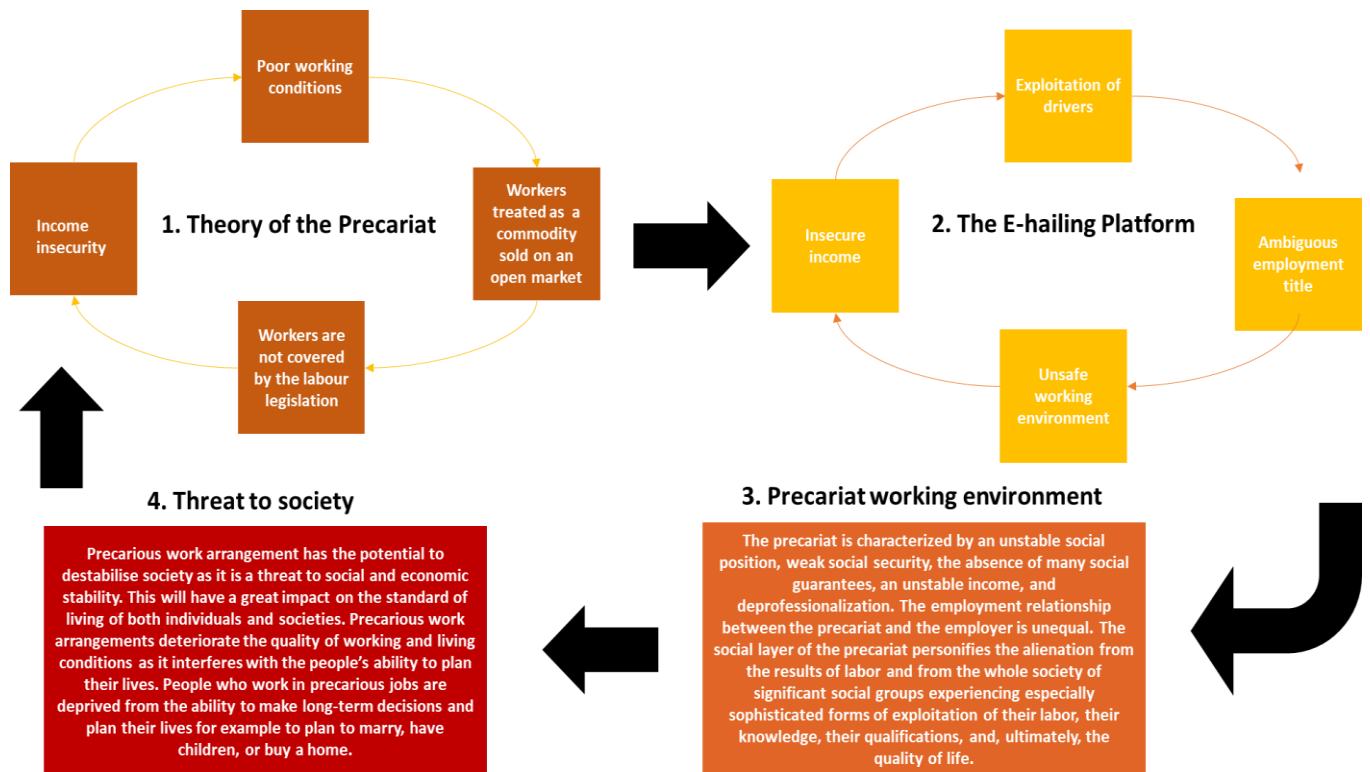
During the 2019 May protest, from the many issues raised, the drivers were calling for better pay, benefits such as health and disability insurance, more transparency on how the app calculates the driver’s fares and an effective platform where they can express their concerns. These improvements have been demanded for years yet there have been no major changes, many drivers admitting that the working conditions have gone from bad to worse overtime. In Uber’s S -1 filing, they admitted having decreased the fares and bonuses for the drivers to remain competitive in some markets and also to be able to pay the investors returns.

It is concerning that platform companies can play around with the payment percentages of the drivers without their consent. The world of work is fast evolving, the question is whether these changes have comprised on the quality of the work and whether the changes have made the labour activists picky choose on labour issues and not the general cry of the labour market?

2.9 Theoretical Framework

Theories are developed to explain, predict, and comprehend phenomena, as well as to challenge and extend existing knowledge within the constraints of critical boundary assumptions. The theoretical framework is the structure that can hold or support a research study's theory. The theoretical framework defines and introduces the theory that explains why the research problem under consideration exists (Abend, Petre and Sauder, 2013). This study will be using Guy Standing’s theory of “The precariat” to analyse and understand the working arrangement and conditions of Johannesburg e-hailing drivers. This theory was deemed appropriate by the researcher as Guy Standing in this theory draws heavily about the consequences of a precarious labour market.

2.9.1 The theory of “The precariat” by Guy Standing



In modern labour studies, precarious work is commonly associated with the globalisation era. Standing makes the connection between globalisation and precarious work clear. He argues that globalization has generated a new class structure in which the precariat has emerged as the main class (Standing, 2014). However, there is a much longer history which is implicit in the contrast he frequently draws between contemporary precarity and an earlier era of secure wage work. Standing recognises that there has always been insecure and uncertain labour. However, he argues, in the past these forms of work were the exception, whereas today they are the norm (Standing, 2014).

In this more secure past the working class was defined by “proletarianisation” which signified a “reliance of mass labour, reliance on wage income, absence of control or ownership of the means of production, and habituation to stable labour” (Standing, 2014). For Standing, it is this bygone golden age of secure work which produced the specific form of labour politics which has now become obsolete: From the nineteenth century up to the 1970s, the representatives of the proletariat – social democratic and labour parties, and trade unions – strove for labour de-commodification through making labour more ‘decent’ and raising incomes via a shift from money wages to enterprise and state benefits. All labour and communist parties, social

democrats and unions subscribed to this agenda, calling for ‘more labour’ and ‘full employment’, by which was meant all men in full-time jobs (Standing, 2014).

Guy Standing (2014) spoke about four different types of work classes. Which are the elite, salariat, proficians and precariat. He explains that at the top of the ladder is the elite, which includes the multimillionaires, the very small percentage that controls economies and benefits from the working class. Uber CEO Travis Kalanick whose net worth is 2, 8 billion USD, had a video surfacing on the internet when a financially struggling uber driver named Fawzi Kamel was asking him about the falling fares and explaining to him the negative effects it has on him financially. Travis is seen aggressively addressing the financially struggling Uber driver about “taking responsibility to his own problems” (Molloy, 2017). The elite will never understand or pity for the workers because they benefit from their vulnerability, and the silence from the labour legislation leaves platform workers weapon less in a deadly war for survival.

Standing named the second class as the salariat, this is a group of workers that work comfortably with many benefits such as permanently employed, sick leave, family responsibility leave and enjoys full access to the labour legislation.

The third class he named, the proficians these includes the artisans and technocrats (mostly blue-collar work). They have little mobility and benefits but have relative security (Forrester, 2016).

The last class is what Guy standing is mostly known for, called the precariat. This class is known for its workers to have instability and insecurity, this class includes the e-hailing drivers, part time lecturers, millennials interns and the couriers and cleaners of the gig economy. It is very worrying to the researcher that from four work classes, only the two minority classes are benefiting and working comfortably in the labour market, while the remaining majority classes are left naked exposed to the cold effects of the sharing economy.

Guy Standing theory on precarity (2014) argues that dynamic pricing largely increases the work hours and decreases wages. In the Gig economy hard work does not always guarantee riches, or a way out of poverty. According to a journalist from NewFrame News, Cabe (2021), Uber Eats drivers had a two days protest in Johannesburg early 2021. During the Uber Eats drivers’ protest, the drivers expressed their anger towards the reduced fees to their deliveries. Zebron Nkosi, who is an Uber Eats driver for almost 4 years has explained that the delivery fees were decreased to 30% per delivery to customers. At times he would only get R13 to R14 per trip, he claimed Uber prioritises making customers happy with large discounts at their expense. Mr

Nkosi continued to explain that the total cost of operating as an Uber driver is very high for the driver. He argued that both petrol and data are very expensive, he ends up getting left with very little for his family despite working very long hours.

In a period where there are many anti-globalisation protests and a movement against the 1% that Standing regards to as the elite, Marx's predictions continue to be relevant. Marx believed that the capitalist system goes together with innovation and aggressive competition that is why this results into poverty, crisis and a revolution (Morelli, 2018). The aggressive competition Marx is talking about was witnessed with the entry of e-hailing platforms in South Africa that resulted into many violent protests from the local metre taxis and taxi drivers. They believed that e-hailing platforms came with unfair competition, and it had to be banned (Tandwa, 2017). One would have expected that the government would have quickly regulated Uber to minimise the effects, but we are now witnessing exploited e-hailing drivers. The government failed both to regulate e-hailing platforms in its early stages and now it is drastically failing drivers by evident that they are always protesting to be heard by a government that has turned a blind eye to their type of work.

Marx also explains that the increasing wealth leads to the deteriorating conditions of labour. The e-hailing economy has basically reformed the work nature. Capitalism dominance over labour has resulted into old bonds between workers such as solidarity and class being gradually insignificant. Marx's perception on the functioning of capitalism explains that both the owners of labour and capital power and workers need each other for both their survival. But what is evident today is the power of capital over labour power through the global sharing economy practices (Anwaar, 2018).

For further context, another example of an industry dominating of the precariat is the higher education institutions. The higher education institutions are increasingly utilizing cheap and flexible labour by instituting a system of short-term research only and teaching only positions that are aligned with institutional short-term productivity goals. As a result, stronger bureaucracies with strict regulations and audits on academic work have emerged, while academic workers have become more precarious and de-professionalized (Ivancheva, 2015).

2.10 South African E-hailing policies

The main issue of safety concerns, lack of legislation and accountability has brought about a grey area in the operations of e-hailing services. This has led to governments having to employ subsequent regulation in the market for e-hailing services, because of long standing regulatory

regimes with transport providers, and has even resulted in banning of e-hailing services across many countries like Denmark, Hungary, Northern Australia and Bulgaria. Further partial bans include France, Italy, Finland and Germany (Aesnjo & Moynihan, 2019).

The entry of e-hailing services in the transport sector has raised concerns amongst existing operators around the world. Many operators have attempted to stop the operations of e-hailing services on the basis that they operate without similar regulations and therefore are in contravention of competition laws. In South Africa, all land transport operators are subject to the National Land Transport Act (NLTA) (No. 5, 2009), which is a policy framework that regulates all forms of land transport.

South Africa lacked legislation during the initial market penetration of e-hailing services, and many e-hailing drivers chose to operate without an operating license. In the absence of e-hailing services within the National Land Transport Act, the Department of Transport issued a notice to aid all Provincial Regulatory Entities as an interim measure when catering with applications for operating licenses. The Department of Transport employed guidelines for all Provincial Regulatory Entities that whilst it was in the process of amending the NLTA, all Provincial Regulatory Entities (PRE) should treat e-hailing services as a subcategory of meter taxi.

In 2016, the government amended the NLTA (No.5, 2009) to accommodate e-hailing services, which was not recognised in the legal framework of the public transport network. Policy changes included fines of up to R100 000, for drivers penalised for the lack of an operating license. South African regulatory bodies are currently in the process of amending the National Land Transport Act to cater for transportation networking companies. According to Section 50 (1)9 of the NLTA, no person may operate or provide public transport services unless they own a valid operating license.

However, the lack of an operating licence is not the only cause of impoundments of e-hailing drivers' vehicles. Even with an operating license, a driver operating 35km outside of their permitted zoning can be impounded. E-hailing drivers are subject to specific requirements that are necessary to abide by the NLTA. Specifically, one must have an operating license, an operator's card, commercial insurance with public liability, a vehicle roadworthy certificate, safety screening, driving evaluation and finally e-hailing application verification. In terms of area restrictions, the current policy framework doesn't account for the difference between e-hailing services and meter taxi operators. Meter taxi operators and e-hailing operators are subject to apply for an area-based operating license, which restricts their operations via a

specific radius in which they must operate. Minibus taxis and bus services are routed based services, whereas meter taxi services are generally area-based services, operating with unscheduled on-demand trips. This radius must be specified in the application process for an operating license.

This causes some issues in terms of competition. In terms of operating license provisions, both meter taxis and e-hailing drivers are issued meter taxi operating licenses, aligned with Section 66 of the NLTA. As e-hailing services are not included in the current NLTA, the issuing of meter taxi operating licenses was a directive from the TAT which is applicable to all PREs. Meter taxi operators argue that the regulatory environment creates unfair competition, as e-hailing operators do not adhere to their radius, because their application allows for the connection of the nearest passenger outside the municipal zoning. It is the crossing of municipal boundaries which 8 National Department of Transport 2015. National Land Transport Act: Practice note of e-hailing services. Page 1-3 9 Section 50(1) of the NLTA states: “(1) No person may operate a road-based public transport service, unless he or she is the holder of an operating license or a permit, subject to sections 47,78 and 49, issued for the vehicle concerned in terms of this Act.” 10 Transport Appeal Tribunal.

The use of these applications makes it difficult for law enforcement officers to monitor any violations in operating licenses (Competition Commission, 2020). The labour environment regarding e-hailing services has brought through some policy reform as drivers want to be formally employed by e-hailing services. The rise of e-hailing business models has challenged the ways in which courts define labour relationships. Many e-hailing companies identify their drivers as independent contractors, not formal employees. This has led to ongoing court battles across the world, whereas courts have ruled varying decisions over whether to classify e-hailing drivers as employees, independent contractors or another terminology (Kelly, 2016). Seven Uber drivers challenged Uber in court to be formally recognised as employees. The Commission for Conciliation Mediation and Arbitration (CCMA)¹¹ ruled in 2017 that e-hailing drivers in South Africa are fully protected by the country’s labour laws. E-hailing services are therefore in line with the Labour Relations Act 66 of 1995 and the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA). However, soon after the ruling from the CCMA, Uber petitioned the labour court to assess the ruling brought down. Due to a technical error in the court’s decision, as well as varying other factors, the CCMA ruling was set aside.

2.11 E-hailing competition in South Africa

The Competition Commission (2020) released a provisional report on e-hailing services and meter taxis, after numerous complaints in the industry and from stakeholders. The report noted difficulty in quantifying the number of meter taxi operators operating illegally, but the report estimates a significant number of drivers operating illegally. The Competition Commission report found that 79% of e-hailing operators in South Africa which were providing their services without valid operating licenses. The report notes that between 35% to 55% of Uber drivers are operating without a license and a further 70% to 95% of Bolt drivers. Since the entry of e-hailing services, conflict between meter taxis and e-hailing operators has grown.

Meter taxi operators are subject to numerous regulations on their operations and argue that e-hailing services compete with their services unfairly, as they are not subject to similar regulations. Currently the number of e-hailing operators registered outnumbered the number of currently approved and registered drivers. The CCMA is an entity which is responsible for mediating labour disputes in South Africa. The Competition Commission, however, recommends an overhaul of operating licenses issuing, including the removal of quantity restrictions for taxis registered in a specific area and an overhaul of the fare regime in South Africa. The commission noted bottlenecks in the approval of operating license within numerous provinces. For example, the City of Johannesburg had a license backlog of almost 7 000 applications (inclusive of minibus taxis) dating back to 2007, whilst SA law requires license finalisation within 60 days. These backlogs have been notably caused by the absence of directives by the municipalities to the provincial regulatory entity (PRE), limited capacity to create integrated transport plans, general lack of capacity in planning authorities and inadequate stakeholder consultations. The Municipality acts as the planning authority and therefore makes recommendations to the PRE to either approve or decline applications for granting new operating licenses and renewals.

A taxi industry empowerment model was made available by the Department of Transport, as a means to discuss current industry issues. The concluding remarks of this empowerment model recommends e-hailing regulation should include the following: “E-hailing providers should only participate in the market if they operate through a South African registered company. The platforms transactions must be facilitated through a registered South African bank. At least 25% equity must be held by the corporate entity chosen as empowerment vehicle”

2. 12 Employment rights and collective bargaining platforms

One outcome of neoliberal policies and intensified globalization over the years has been a decline of unionized labour and the rise of ‘flexible labour’. Workers in the platform economy as ‘independent contractors’ are not able to unionize and research suggests that self-employed workers in a platform economy all over the world are unable to bargain their terms and conditions collectively (Alamyar, 2017). This is the same situation in South Africa, as drivers do not have a platform where they can raise their concerns.

While there are several drivers willing to join the union, it seems as if there are several other drivers who will not join the union for two reasons. The first is because of the lack of education in workers’ rights and the second is because of the fear of losing their ‘employment’ (Kessler, 2018). In 2017 and 2018, there were many protests by drivers belonging to both Uber and Taxify. The drivers were protesting for the government to intervene in the e-hailing business to ensure that the Uber and Taxify drivers have the same rights as every other worker.

A court case against Uber in 2017 at the Commission for Conciliation, Mediation, and Arbitration (CCMA) to be recognized as employees was won but overturned by the High Court in 2018. Although there are no offline collective bargaining platforms specifically for Taxify and Uber drivers in South Africa, our interviews revealed that drivers have resorted to created groups and pages on WhatsApp and Facebook. These groups acted as platforms through which working conditions, protest action and other pertinent issues are discussed. WhatsApp groups were the most common platforms which drivers used as veritable sites for discussing issues of common concern (Safli, 2018). This also demonstrates that platform workers leverage existing digital platforms for networking, solidarity and collective action mobilization. According to (Mare, Chiumbu & Mpofu, 2020) the use of these digital platforms allows geographically dispersed groups of people to engage in what Klandermans (2013) referred to as action and consensus mobilization. Action mobilization is the process by which an Investigating labour Policy Frameworks for Ride-Hailing Platforms IT for Change 2020 organization in a social movement call up people to participation. It is concerned with the transformation of consensus into action.

2.13 Blame shifted to the Government

E-hailing drivers have claimed that the government has been captured by the e-hailing giants. How much more blood must be shed for the government to fasten the process of regulating e-hailing services? At the height of the conflict between metered taxi and e-hailing drivers in March 2018, the burnt body of Siyabonga Langelihle Ngcobo, a Taxify driver was discovered in the boot of his car in Johannesburg, Sunninghill. He was only 21 years old and had recently started working for Taxify to make an extra income for himself. The issue resulting to this has been said to be the permits issue between metre taxi and e-hailing services (Simalane, 2021). The metre taxi association claimed they have been saying from 2016, e-hailing services should have permits so that they can be able to operate and compete with them on an equal footing as a result they have decided to take matters into their own hands.

This sector is eager to hear the president's assent to the National Land Transport Amendment Bill as soon as possible, to provide an enabling and predictable regulatory framework which leverages the already significant contribution of e-hailing to a safe, reliable, affordable and competitive transport eco-system in South Africa. In March 2020, Parliament passed the bill, which provides a dedicated regulatory dispensation for e-hailing services as a mode of public transport, and it awaits President Cyril Ramaphosa's signature.

President Cyril Ramaphosa has declined signing into law the National Land Transport Amendment Bill, which seeks to regulate land transport across SA. The president sent the legislation back to parliament as he expressed reservations about its constitutionality. In the main, Ramaphosa is concerned that the bill usurps powers of municipalities and gives them to the national government and provinces - something that goes against the constitution (Makinana, 2021). In March 2020, Parliament passed the bill, which provides a dedicated regulatory dispensation for e-hailing services as a mode of public transport, and it awaits President Cyril Ramaphosa's signature.

2.14 How have other countries regulated the E-hailing platforms?

The challenge of regulating e-hailing platforms is not only unique to South Africa. The e-hailing platforms have faced many oppositions from different countries. There are countries that have gone as far as criminalizing the operations of e-hailing services and banning their services from their countries because of the labour distraction it was causing (Tonin, 2015). The e-hailing platforms have been successful with dodging labour regulations and fair competition compliance around the world and (Dudley, 2017) refers to this act as a regulator

disruptor. The below will explain how other countries have attempted to regulate the e-hailing platform.

2.14.1 China

In China some municipalities at first chose to strictly prohibit the operations of the e-hailing platforms. For example, end of 2014 Shenyang, Beijing, Guangzhou and Nanjing issued out circulars advising that private car owners are prohibited from offering e-hailing services to the public. The consequences of anyone breaching this prohibition were severe penalties. The municipalities had chosen to prohibit the e-hailing platforms to minimise the local taxi concerns of unfair competition and possible labour unrest (General Office of the State Council, 2017).

In July 2016, the General Office of the State Council issued the 2016 Opinions, that legalized the e-hailing platforms, and appointed the ride-hailing platforms as a taxi service. The 2016 Opinions is a legal policy that provides background and guidance on the regulation of e-hailing platforms. The 2016 Opinions stated 5 principles in regulating the taxi- industry.

They are:

1. Ensuring passengers safety
2. Insisting on innovation and reform
3. Co-ordinating the benefits of the different stakeholders
4. Adhering to the rule of law
5. Recommending local autonomy

The 2016 Opinions promotes the transition of traditional taxi companies into e-hailing platforms, and reliance on multiple parties such as local government to attend to the different stakeholders. But it does not mention specific issues such as whether e-hailing companies, drivers or cars should obtain a license, which are the requirements imposed on the traditional taxi industry, before anyone can provide e-hailing services. The requirement to get a license was imposed in the Interim Measures for the administration of online taxi booking business operations and services (the interim measures), which became effective in November 2016 (General Office of the State Council, 2017). The difference between the 2016 Opinions is that it provides 5 principles on the regulation of the e-hailing services and the Interim Measures

sets specific rules on the duties and rights of the platforms, drivers, vehicles and operating activities.

The regulatory approach is that e-hailing platforms are also required to obtain permits or licenses before the workers are allowed to enter the market. The e-hailing platform has to comply to the technical, security and payment requirements to obtain the online taxi booking transport certificate. The car requires to obtain the online taxi booking transport certificate and the driver needs to obtain an online taxi booking license. The e-hailing platforms need to conclude employment contracts or other agreements with the drivers that stipulates the rights and obligations of both parties. This requirement also exists in the traditional taxi industry. The traditional taxi companies are required to enter into an employment agreement with taxi drivers. Differently, a provision in the Interim Measures gives the platform the flexibility to conclude different types of agreements by referring to working time, service frequency and other particularities (General Office of the State Council, 2017).

2.14.2 India

The impact of the rise of the e-hailing services has caused the government to review and improve their transportation-related regulations and policies. The government has four themes that have come from their response towards e-hailing platforms that are

1. Improving transport regulations
2. Addressing surge pricing
3. Responding to safety issues
4. Seeking clarification on carpooling services

To regulate e-hailing services, the government is reviewing and improving its policies. The Motor Vehicle Act 1998 covered third-party insurance, the management of taxi aggregators and road safety, but did not address ridesharing issues (Pike, 2018). Therefore, transportation policies were reviewed, and ridesharing was added in the Motor Vehicle (Amendment) Bills of 2016 and 2017 (Pike, 2018; Radhakrishnan, 2018) with the 2017 Bill placing particular emphasis on ridesharing. Some standard regulations common to every state also exist. PRS Legislative Research, a non-profit legal research organisation in India, recommended that the ridesharing platform operators be validated by the Standardisation Testing and Quality Certification Directorate, or any other agency authorised by the Ministry of Electronics and

Information Technology, to check the pricing calculation, algorithm and security systems, including the SOS button system and firewall for personal data security (Damle, 2016; Mishra, 2016; Pike, 2018)

2.14.3 Thailand

To address the legal 'grey area' of e-hailing platforms, the government intends to legalize it under the name of Grab legalisation. The goal of legalizing the Grab legislation is to allow ridesharing platforms to operate legally under a new set of laws and regulations. These laws and regulations are currently being reviewed, with enforcement set to begin in March 2020 (MGR Online, 2019; Thairath, 2018, 2019; Thai PBS, 2019).

Some of the provisions have been revealed by the government, including:

1. E-hailing platforms can hire drivers with personally registered vehicles without requiring them to obtain a yellow license plate (BLT Bangkok, 2018).
2. E-hailing drivers must have a public transportation driver's license. Vehicles used for ridesharing must have no more than seven seats and must be registered (BLT Bangkok, 2018).
3. Vehicles that are used for e-hailing services are required to have stickers provided by the Department of Land Transport displayed on their front and back, to display the vehicle's purpose (BLT Bangkok, 2018).
4. E-hailing platform operators are required to register as Thai legal entities to enable payment of tax (DLT,2018).

Grab legalisation did not provide much information about how the government is responding to the pressures placed on e-hailing drivers by the costs of operating a ridesharing vehicle and the stress of the feedback system. However, the government does hope that Grab legalisation will result in e-hailing operating legally and reduce the stress on drivers that comes from the risk of being arrested. To address the conflict between the local taxi drivers and e-hailing drivers, and the turf wars arising from this, the immediate response from the government has

been to assign local police to closely monitor their areas of responsibility to prevent turf wars (Fullerton & Jirenuwatin, 2019).

2.15 The need for regulation in South Africa

The current labour legislation does not address the issues that workers are facing. The question of how to regulate the gig economy, specifically platform work in the e-hailing industry and how to define the workers in this market is still being debated (Horney, 2016). So far, the pace of action has been slow. According to the literature, this is because, due to the competitive nature of the sharing economy, workers are often unwilling to cooperate to make a collective claim to enforce their rights; speaking out could jeopardize an individual's career due to the ease of rating and high reliance on reputation (De Stefano, 2015).

More regulation is required to protect the rights of such employees. The issues surrounding this ambiguous category of worker must be resolved, and more rights must be established (De Stefano, 2015). There is disagreement about whether regulation would be effective in preventing the concept of “humans-as-a-service” (Aloisi, 2016). This has clearly created and exacerbated confusion about employment rights and responsibilities (Silberman & Irani, 2016). It is suggested that policymakers begin to look at the platform economy from a new angle and as a new form of capitalism (Dyal-Chand, 2015).

2.16 Conclusions

The platform economy is framed by various international institutions and organizations, private firms, e-hailing platforms and lately nation-states around the developmental notions of freedom and flexibility. This chapter has argued that we need to move beyond the language of freedom and flexibility that is deeply embedded into the developmental justifications of the emerging platform economy. This chapter has shown that the idea of freedom and flexibility in platform economy is embedded in the neoliberal thinking, that individual freedom is more important than collective and occupational freedom.

Furthermore, these notions of freedom and flexibility do not necessarily translate into improved working conditions or livelihoods for many. While working from home is attractive, it masks the long, unsociable and irregular working hours. Most platform-based workers often do not necessarily have the ability to control their working hours, which results in various forms of health issues like lack of sleep, stress and tiredness. The fear of losing jobs, unexpected cancellation of contracts and withholding of wages are keeping workers trapped in continuous

cycles of exploitation. This is particularly true for workers who are new to the sharing work and who belong to disadvantaged socio-economic background and lack educational qualifications.

The big challenge for the governments of most African countries is not just to generate jobs but good quality jobs. The emergence of the platform economy on the African continent has enabled many to join new labour markets but it also comes with plenty of risks. Platforms usually do not have workers best interests at heart and have generally bypassed regulatory and juridical scrutiny both globally and regionally in Africa. Many governments appear to be demotivated to put in place effective regulatory mechanisms for a fear of these jobs to go elsewhere. The need for adequate regulation of the platform work is urgent. This could mean developing and enforcing a set of local labour standards so that platforms comply with decent working conditions such as offering sociable working hours, protection against arbitrary firing of workers and creating a better working experience.

CHAPTER 3

RELOOKING AT WHAT CONSTITUTES AN EMPLOYEE IN THE 21ST CENTURY

The aim of this chapter is to uncover what constitutes an employee in the 21st century and to dig deeper into Guy Standing's theory of the Precariat with the trends of the 21st century world of work. Every generation has had its own ideology on defining what is work and what is not. Perhaps the 20th century was the most confusing of all. Much of the work done by most people was ignored in official labour statistics, social policy and in political rhetoric, as well as by most social scientists writing about work. The work of caring for others, unless paid for by a wage, was systematically disregarded (Witteveen, 2018). Most of the work done by women was treated as non-work. What happened in succeeding centuries is that labour for wages or income became the only work that was recognised.

The precariat is rapidly growing all over the world. It consists of millions of people living and working without any form of labour security. But the key points are that the precariat have no occupational identity or narrative to give to their lives (Munck, 2017). They go from job to job, interspersed with periods of unemployment and withdrawal from the official labour force. Their incomes are low and volatile. They do not have fixed workplaces; often that goes with lack of secure housing.

The precariat must undertake a high amount of work that is not counted as labour or remunerated. This includes time on networking, retraining, job searching, waiting for scraps of labour or queuing to fill in the numerous forms the state and potential employers.

3.1 Introduction

Who could have imagined that Guy Standing would be correct in his research of economics and labour relations, calling the precariat the 21st century employee? He saw ahead that unemployment, due to automation, robotization and de-industrialization of the economy, will have the cruellest result in the form of a precariat. The ideology of libertarianism and freedom of market relations gave rise to the ideology 'every man for himself', which, in fact, under the sauce of freelancing, distorted market relations. The precariat is a fundamentally new entity of the 21st century (Golubev,2021). These are social groups constantly engaged in temporary work, because of which such people have reduced social rights and their social status is infringed. In many countries of the world, the precariat reaches 40% of the working-age population.

The precariat is a consequence of the negative impact of globalization on the world economy. It is a product of neoliberalism with a flexible labour market that allows for rapid changes in wages and employment (Acemoglu & Restrepo,2019). The precariat feels its unstable social position; for people in this social class, various options for behaviour are possible: resignation to the situation and attempts to adapt. Many informally employed who consider themselves to be the "middle class" are not in this class due to status uncertainty (Pulignano,2018). Representatives of the precariat identify themselves minimally with the professional community (freelancers) in which they may be located (Rogan, Roever & Chen, 2018). In general, psychologists consider such a lack of professional identity to be the most important sign of professional marginalism, which, like a virus, is already eating away the entire professional environment.

This study rejects the traditional view of the function of the labour law. In terms of this view, the function of labour law is to protect the employee from abuse of employer power and to redress the imbalance of power inherent in the employment relationship. In other words, labour law has a protective function (Govindjee,2019). The view that the main function of labour law is the regulation of labour markets is put forward. Labour law is a sequence of responses to socioeconomic circumstances aimed at maintaining social and economic power by those who possess it (Bramble & Barchiesi ,2019). The changing world of work has trade unions and collective bargaining, struggling to influence the labour market or provide the type of employee protection that was attainable by these systems in the era of Fordism (Van Der Merwe,2020).

3.2 Historical developments of what constitutes an employee

At the beginning of the 20th century, labour law underwent significant changes that laid the foundation for the current legal framework in South Africa. The Industrial Disputes Prevention Act No. 20 of 1909 was the first legislation in South Africa to explain the term employee. This law did not accommodate every worker, it only accommodated the workers from the Transvaal. The following legislation was the first comprehensive national labour law, ICA No. 11 of 1924. The definition of this legislation was very similar to the 1909 Act (Le Roux ,2010).

The early definitions of what constitutes an employee did not include independent contractors. The exclusions were rather based on race and the type of work (Benjamin, 2004). The researcher notices the transition of the current labour legislation that now excludes independent contractors from the term employee and excludes workers from being protected by the law based on the type of work.

The Industrial Conciliation Act of 1924 was replaced by the Industrial Conciliation Act No. 36 of 1937. The definition of an employee in the first section of the Industrial Conciliation Act of 1937 definition was amended by section 36 of the Native Labour Act No. 48 of 1953. It was followed by the Industrial Conciliation Act 28 of 1956, which later changed its name to the Labour Relations Act 28 of 1956. The definition of an employee in section 1 of the LRA 1956, was a replica of Act 1937 and the difference was one of the basic rules that the rules now apply to people helping the employer. The industries continued the racial discrimination that continued to legally segregate non-whites both economically and politically (Benjamin, 2004). Another significant development during this time was the court's reference to the common law contract of employment to interpret the statutory definition. Although an employee was not defined in terms of a contract, it was contrasted with an independent contractor. During the early 1930s, the courts relied on the control test to differentiate an employee from an independent contractor. This led to the development of incoherent jurisprudence on the interpretation of the statutory definition of employee (Le Roux ,2010).

The government selected the Wiehahn Commission of Inquiry into Labour Legislation in 1979 and recommended changes that reformed South Africa's labour law landscape. Through section 1 (c) of the ICAA 94 of 1979, as amended by section 1 (f) of the LRAA 57 of 1981 and section 1 (a) of the LRAA 2 of 1983, the definition of an employee in connection to race was removed.

The Industrial Commission was often called upon to determine whether someone was an employee before assuming jurisdiction. To distinguish an employee from an independent contractor, the courts relied on the DIT. In applying this test, the courts played a significant role in enshrining the common law employee-independent contractor duality into labour legislation. Through this approach, the courts adopted the inadequacies of common law (Benjamin, 2004). The shortcomings in early legislation inherited from apartheid led to the creation of a new dispensation in 1994. It started with an interim Constitution that guaranteed labour rights. There was also an enactment of the current LRA, which was supplemented by the BCEA, EEA, and SDA. The 21st century brought several amendments to the LRA and the BCEA. In 2006, the Code was enacted.

3.3 An overview of the current labour law framework

Workers have gained new rights and protection under the new dispensation, yet for many these laws are as good as non-existent. The constitution and a raft of labour laws provide the legal framework setting work for these workers' rights. The Bill of Rights entrenches various rights that impact the formulation of labour market policy and labour law. This includes the right to equality, freedom of assembly, labour rights, and access to courts and administrative justice (Bassanini & Cingano, 2019). However, these rights are capable of being limited by a law of general application if they are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

The Labour Relations Act was the first major labour law passed in post-apartheid South Africa. The Act set out to regulate labour rights set out in the Constitution. It contains several provisions dealing with organizational rights; collective bargaining; dispute resolution; the right to strike; and protection against unfair dismissals (Bendix,2019). The LRA marked a major advance for organized labour by setting out organisational rights and laying the basis worker's participation in the workplace. Further, it created a new institution for settling disputes, the Commission for Conciliation Mediation and Arbitration.

The LRA also promotes centralized and sectoral bargaining and create a legal framework for the establishment of bargaining councils. The Basic Conditions of Employment Act was promulgated in 1998 and repealed the 1983 Act and the Wages Act of 1957. The act set the floor or minimum conditions of employment which are extended to all workers except the army and independent contractors (Bendix,2019). The Act also set minimum condition with respect to working time (45-hours per week); maternity and other leave, and it applied to all employment contracts. Significantly the minister is granted power to issue sectoral determinations, which are important to set minimum standards where bargaining councils are weak or to cover vulnerable workers that have no bargaining power. The Employment Equity Act, enacted in 1998, prohibits unfair discrimination on a number of grounds (Du Plessis & Fouché, 2019). To that end, it shifts the burden of proof to employers to show that their actions do not constitute unfair discrimination. Any designated employer, i.e. those employing more than workers are required by law to implement affirmative action measures and to report progress to the department of labour. The Skill Development and Levies Act set out a framework for workplace training and skills development financed by a levy on the payroll.

Labour gained a purchase on policy development through the enactment of the Act and establishment of the NEDLAC. In this regard organized labour is granted statutory power to shape major socio-economic policy and legislation. Against this background, it is apparent that South Africa has a comprehensive framework for regulating industrial relations; and to protect workers against unfair and arbitrary powers of employers (Bendix,2019). In practice however, many workers do not enjoy these rights partly due to weak enforcement and gaps in the existing legislation.

3.4 New forms of work and Labour Laws

A substantial number of employees fall outside the regulator net of traditional labour law. The new forms of employment have two consequences for labour market regulation. The first is that much of the regulation based traditional mode is not suited to these new forms of employment. The second is that the modern labour market is dynamic and labour market regulation is always a step behind (Smith & Kubala, 2018). In theory, laws are capable of being imposed on all workers, but the fact that labour laws are based on standard employment relationship means that new forms of work fall through the cracks.

The standard employment relationship is based on several assumptions which do not cater for the new forms of employment. The first, assumption is that employment is full-time, and a worker has one employer (Acemoglu & Restrepo,2019).

The notion that works on the premises of the employer is the next assumption in the standard employment relationship. This again is questionable in the context of externalization of employment relations. The third assumption is that employment is permanent or ongoing, and as witnessed that casualisation is increasingly replacing permanent jobs. The exclusion of independent contracts; self-employed and informal worker created a legal loophole that was exploited by unscrupulous employers. Overnight, many workers contracts were converted into ‘independent contractors’ transforming the relationship into a commercial contract outside of the ambit of labour laws. This meant that these workers were not entitled to protections and benefits of the labour law (Bendix,2019).

In reality these people were disguised employee or dependent contractors. Take the case of owner-drivers for instance. They were tied to providing a service to one company and had limited scope to expand their business to other companies. At the stroke of a pen companies

saved both the labour costs and the costs of maintain fleet which were now imposed on the ‘owner-driver. The definition of employee in the Basic Conditions of Employment Act, the Skills Development Act, the Employment Equity Act, and the Unemployment Insurance Act is an employee as a “person, excluding an independent contractor, who works for another person or for the state and who receives or is entitled to receive any remuneration; and (b) any person who in any manner assists in carrying on or conducting the business of an employer” (Haroon & Safia, 2018).

This prompted the amendment of the LRA and BCEA in 2000 creating a presumption that one is an employee unless the employer can prove otherwise. This provision is not only technical and legalistic; it really does not provide adequate protection to the workers. Further the Constitutional Court has expanded the definition of employee to include those engaged in work relationship akin to an employment relationship. Externalisation or outsourcing further blurs the boundaries between employment and commercial contracts. It further complicates the responsibility of employers in law and in practice (Schoukens & Barrio, 2017).

Apart from issues relating to the definition of employee, is the meaning of the ‘workplace’. The legal definition of workplace in terms of the LRA is a place or places where the employees of an employer work, with the proviso that if employees work in more than one place, all places where they work constitute the workplace (Bendix,2019). Externalisation poses new difficulties for what the workplace means. The externalization changes our understanding of workplace as the physical and social space in which the relationship between workers and their employer is located. For instance, in the case of franchising and homework it is not the nominal employer that controls the workplace (Geldenhuys, 2017). Franchises licence often stipulates what can and cannot be done ultimately this determine the conditions of work for employee in the franchise. For home worker it is the company that placed the order that determine the nature of work for example setting tight targets and quality and other specifications.

Externalisation not only dilute the standard employment relationship, it also shift away from the employment relationship altogether. As such, it hollows out the labour law which are premised on existence of an employment relationship. Further trade union organization is also premised on the existence of an employment relationship. Third employment relationship is the basis for social insurance such as medical aid, retirement benefit and unemployment insurance. Enforcement of labour law is weak largely because of the lack of capacity and the overburdened labour inspectorate (Geldenhuys, 2017).

As a result, the department of Labour is hampered by lack of capacity to carry out proactive inspection. Workers often do not report cases for fear of losing their jobs or victimization.

In short, the various contractual and institutional forms of these kinds of new employment mean that many workers do not fall within the common law conception of contract of employment and accordingly are not subject to protective reach of labour legislation. Some fall within the definition but their employment is so precarious, indirect or informal that they become invisible for recruitment into trade unions or for protection through law enforcement (Nattrass & Seekings, 2018). Finally, we consider the impact on collective bargaining. Unless unions include protective clauses for casualised employees, the bargaining power of these workers is virtually non-existent. While collective bargaining is notionally possible between a labour broker and its employees, the nature and form of employment militates against it. The employees work on a fragmented basis and their terms are determined by the contract between the broker and the employers.

The only form of collective bargaining that will give those workers a voice and will provide a level of protection is sector level bargaining. Collective agreements should apply to all forms of dependent work (Wiego, 2019). Growth of atypical employment have made the retention and extension of sectoral bargaining even more imperative if current labour market policy is to remain true to some of its main policy objective namely the promotion of collective bargaining.

3.5 Contemporary challenges of labour legislation

In all countries, every era needs to find an acceptable and viable equilibrium in labour law between the functions of social protection and equity and the considerations of economic efficiency. These are the concerns underlying legislative reform, although the decisions taken in practice are often rough and ready in the absence of any generally accepted and clearly defined method of assessing the effects of existing legislative provisions and the changes proposed to them (Geldenhuys, 2017). Those involved in legislative reform, whether they represent the government, trade unions or employers, as well as the ILO officials and experts concerned, therefore need to endeavour in so far as possible to spell out the consequences of any proposed modification to labour legislation. This entails trying to assess the effects (both costs and benefits) of existing provisions and proposed reforms on the interests of workers and employers, and more broadly on those of society in general in both the short and the long term (Gericke, 2016). In assessing the effects of the various provisions of labour legislation, recognition needs to be given to their role in correcting market failures and advancing the

public good. On the other hand, sensitivity is also needed to issue of labour market flexibility to allow for competitive efficiency in a globalized economy. Evidently, the difficulty with any such assessment exercise is that it can rarely be made entirely objectively and accurately, as the necessary information to do so is generally only partially available and is subject to different interpretations.

3.6 Trends of a 21st century employee

3.6.1 Casualisation

Casualisation is the biggest trend of a 21st century employee. The growth of casual labour is not in doubt, the debate starts with how we define and measure it. Casualisation is not a new phenomenon as employers have used non-standard employment for decades. However, it is the scale of casual labour that is unique (Michael & Skinner, 2018). The dilemma arises partly because of the traditional definition of ‘employee’ which is based on a fulltime and lifetime permanent employment with one employer. Issues of hours of worked, type of employment contract, who pays the employee, non-pecuniary benefits and whether working in the formal or informal sector mean several definitions can be adopted. The traditional model of employment (permanent full-time employment with one employer until retirement) is steadily giving way to less stable (and often vulnerable) forms of employment (Wiego, 2019).

In a word, casualisation captures the phenomenal growth on non-standard employment globally. Terms have been deployed to define and account for the growth of this type of irregular employment contract. The ILO has used terms like disguised employment or triangular employment relationship to define the emergence of subcontractors, independent contractors, home based ‘workers all manner of ‘informalized’ work.

Hlatshwayo (2018) According to this literature on the subject we make the following distinctions within the whole rubric of casual employment. First, are the workers directly employed by a firm on a casual, season fixed term or temporary basis. Historically these contracts were used to supplement the work force during period of peak demand like holidays and so forth. However, in the current context, casual employment is steadily replacing permanent employment for reasons that we will explore below. The second type of casual labour is of the triangular employment relationship in which a labour broker supply labour to a firm. The definition of employer in this relationship is tenuous and demand new forms of regulation. For instance, if a firm contract a labour broker to provide workers does it then assume the responsibility of employer or are these workers employers by the subcontractor or

labour broker? Workers often identify with a firm in which they have been deployed even though they are employed by the labour broker, especially in cases where deployment is for an extended period of time (Michael & Skinner, 2018). The third type of casualised labour is one characterized by dependent economic relations disguised and treated as commercial contracts. Independent contractors and homebased workers fall into this category of atypical worker. The dilemma facing scholars and regulators is whether to characterise this as employment or a commercial contract, if the latter is deemed to be the case then labour legislation has no place. Earlier it was noted that casualisation is not new however the utilization of workers on short term contracts to avoid a standard employment relationship (SER) is new (Hutchison, 2017). It is further important to distinguish between three types of casual labour. That is those employed directly by the firm or company, second those that are supplied by a labour broker; and third those that are ostensibly defined as independent contractors. The notion of temporary employment may suggest intermittent contract, yet subjective evidence suggests that there are cases of people employed on a continuous temporary basis in worse cases for 20 years. It is obvious in such a case that the labour is required but the employer is not willing to pay the cost of permanent employment.

3.6.1.1 Factors driving casualisation of labour

The growth of atypical employment is attributable to externalization, casualisation and informalisation. Still, it is generally accepted that the process is driven by ideological and economic imperatives. At the ideological level, employers use casual labour to weaken unions and impose 'flexibility' on the work force. This definitely shifts the balance of power in favour of the bosses as they confront a fragmented labour force, more so one that they can easily dispose of (Schoukens & Barrio, 2017). Tied to this is the economic rationale of holding down labour costs as a strategy to increase profits and in response to increase global competition. In this regard some employers took advantage of the loopholes in the labour laws by converting employment contracts into 'independent contractors'. Market liberalization has changed the structure of the labour market. The labour market is being polarized into various layers which simultaneously increase insecurity and broaden the scope for cheap labour (Anwar & Graham, 2021). A section of the population is 'connecting' with the global economy and another is disconnecting. This is a global phenomenon; it is not just something which in South Africa has come because of the shift away from apartheid. Differentiation is producing zones of exploitation, incorporation and marginalization in the South Africa labour market as a result of

corporate restructuring. The core zone is made up of full-time and permanent employment with trade unions and labour rights in the formal sector. The non-core zone is characterized by casual and atypical employment still in the formal sector. The periphery is made up of informal work and the unemployed (Rahman & Thelen, 2019).

3.6.2 Legal Ambiguity

The second 21st century trend is that the employee's work titles are unclear. The legal distinction between an employee and an independent contractor is still unfortunately ambiguous. The ambiguity stems from various statutory and common law worker classification tests that focus on one subjective factor: "employer control." While all worker classification tests employ several factors to determine worker status, most courts place "employer control" at the heart of the analysis. But "employer control" over a worker is not unique to employer-employee relationships (Casilli & Gutiérrez, 2019). In fact, an employer controls the work and relationship with independent contractors when it orders services, negotiates terms, or dictates how the work should be done. To resolve this obvious grey area, courts have generally held that an employer controls the details of an employee's work, but only the results of a contractor's work. But this distinction fails to effectively differentiate between employees and independent contractors.

Employers often allow employees to control the methods of performance, and many employers control the details of an independent contractor's work. Consequently, the distinction has become illusory because it hinges on inherently subjective interpretations of "employer control." The law recognizes the difference between an employee and an independent contractor. Yet when the law is applied to the facts, it often leads to confusing and inconsistent results that are ill-suited to evolving employment relationships (Casilli & Gutiérrez, 2019). As a result, employers are incentivized to misclassify workers as independent contractors. Many employment experts agree that worker classification laws encourage ambiguity. Courts have noted that these laws routinely fail to produce predictable results for workers whose status is uncertain.

3.6.2.1 How do other countries legally define e-hailing drivers?

According to Smit and Stopforth (2021) the below countries legally define their e-hailing drivers as:

(i) United Kingdom (UK)

In February 2021, the Supreme Court of the UK ruled in the case of *Uber BV v Aslam* (2021) that Uber drivers are workers and not self-employed independent contractors. The court outlined key factors to justify its decision, most of which related to the degree of control that Uber has over its drivers. Based on this, the court found the drivers in reality ‘workers’ and not independent contractors which implies that they are legally protected.

(ii) Australia

A decision by the Australia’s Fair Commission (FWC) in the case of *Diego Franco v Deliveroo Australia Pty Ltd* (2021), had a significant insight regarding the Deliveroo driver employment status. In May 2021, the commission ruled that a former Deliveroo driver was an employee of Deliveroo rather than an independent contractor. The FWC emphasised the importance of standing back from the detailed picture and looking at the overall effect of the relationship. Just like the UK ruling, the FWC also noted that Deliveroo was able to implement or withdraw a significant level of control over Franco, which was a decisive factor indicating the existence of an employment relationship. Having considered the facts, the FWC found the driver to be an employee of Deliveroo, and he was therefore entitled to unfair dismissal protection.

(iii) Spain

A legislation regulating e-hailing platforms, known as the rider law, was amended by Spain’s cabinet in March 2021. The change from the rider law is the introduction to additional provisions for a new presumption regarding the existence of an employment relationship in the context of the delivery and distribution of products through digital delivery platforms. The decree also makes it mandatory for gig businesses to inform the app workers’ legal representatives of the parameters, rules, and instructions on which the algorithms or artificial intelligence (AI) systems are based, which affect decision-making that may influence working conditions, access to, and maintenance of employment, including profiling. The law comes into

effect 90 days following its publication in the Spanish Official Gazette. The gig businesses, therefore, have until mid-August to comply.

3.6.3 Minimum Wage & Overtime Wages

The third trend of a 21st century employee is more work and minimum wages. Many gig-companies pay their workers on a piecework basis. So, a driver for most e-hailing companies for example, is paid only upon completion of the assigned delivery (Rahman & Thelen, 2019). Consequently, driver might be paid less than the minimum wage on a slow day where the driver has to wait more than twenty minutes between deliveries. This, in turn, causes many gig-workers to work long hours for multiple companies to make up the difference.

Guy Standing theory on precarity (2014) argues that dynamic pricing largely increases the work hours and decreases wages. In the Gig economy hard work does not always guarantee riches, or a way out of poverty. According to a journalist from NewFrame News, Cabe (2021), Uber Eats drivers had a two day protest in Johannesburg early 2021. During the Uber Eats drivers' protest, the drivers expressed their anger towards the reduced fees to their deliveries. Zebron Nkosi, who is an Uber Eats driver for almost 4 years has explained that the delivery fees were decreased to 30% per delivery to customers. At times he would only get R13 to R14 per trip, he claimed Uber prioritises making customers happy with large discounts at their expense. Mr Nkosi continued to explain that the total cost of operating as an Uber driver is very high for the driver. He argued that both petrol and data are very expensive, he ends up getting left with very little for his family despite working very long hours.

3.6.4 Social Protection

The fourth trend of a 21st century employee is that they are denied the very necessary social protection. South Africa has two forms of social protection one based on the employment relationship and transfers from the state. In the employment relationship, social protection takes the form of contributions to retirement and unemployed insurance (Matlou, 2016). However, there is no universal provision for retirement savings and many low-income workers are excluded from the system. All employers are required to contribute to the Unemployment Insurance Fund which provided contingency insurance against unemployment. The problem with the UIF is that it is based on short term unemployment and only provides cover for a period of nine months (Smith & Kubala, 2018).

Where employment relationship is tenuous like in the case of externalization the contributions to retirement and UIF are not forthcoming. In fact, companies resort to casualisation of labour and convert workers into independent contractors to avoid contributing to retirement and UIF as a means of holding down labour costs. Compared to other countries in the region South Africa has one of the biggest social protection systems. This includes state old age pension, child support grant and host of other social grants (Govindjee, 2019). However, millions fall through the crack, especially if they live in household earning income deemed higher than the means test. As such, millions of South Africans between the ages 14-65 years do not have social protection and depend on support by other family members.

3.7 Trade Union Strategy

Overall union density in South Africa is around 36% and the country has one of the most dynamic trade union movement. Except in few cases, the trade union movement is not succeeding to recruit and retain casual workers for several reasons. First, is the intermittent and shifting nature of casual work. This is particularly the case of subcontracted workers who shift from one workplace to another (Bramble & Barchiesi, 2019). As such, trade union face with serious difficulties to access workers especially in triangular employment relationship.

Second, is the fear by casual workers themselves to associate with unions because they do not want to lose jobs. Employers often threaten workers with that they will lose their jobs if they join unions. This applies to all workers but has been intensified with respect to casual workers. Third is the form of organization (Witteveen, 2018). Industrial trade unions emerged in the context of standard employment relationship and are finding it hard to adapt their organization to deal with irregular employment. This is reflected in their fee policies which are based on a regular stream of income.

A casual worker who earns very little to begin with is unlike to part with a fortune to maintain union membership. Unions have adopted a centralized form of organization that makes it difficult for to respond to local needs. It is however important to note initiatives by some of the South African unions to confront the challenges of casualisation. Trade union response is centred around recruitment and bargaining. On the recruitment front, some of the unions are making steady progress but lack adequate resources to sustain such efforts. On the bargaining front, unions have tried to regulate outsourcing through collective agreements.

3.8 Conclusion

In conclusion, it is strongly argued that South African labour legislation cannot be the only resource to overcome the current obstacles to providing protection for platform employees. There is a definite need for all the role-players in the labour market to work together and bring about change to benefit platform employees. This will assist in alleviating the precarious nature of employment for platform employees. Hence, it is submitted that the South African labour market should welcome changes which afford increased protection for all e-hailing employees. The non-compliance of protective legislation for e-hailing employees should be taken more seriously, as it affects social circumstances. The principle of protecting all e-hailing workers, irrespective of earnings, is the start of a possible answer.

CHAPTER 4

RESEARCH METHODOLOGY AND DATA COLLECTION

The aim of this chapter is to explain the chosen research approach and to explain the appropriateness of the chosen approach. This research applied the qualitative research method and a case study research design. The data collection methods are semi-structured interviews and secondary data. The target population are former Johannesburg e-hailing drivers and the sample size for interviews was 15 former Johannesburg e-hailing drivers. This chapter will also cover data analysis and why this study can be considered trustworthy.

4.1 Introduction

A research methodology is a set of guidelines used to assist the researcher with answering two main questions such as how will the data be collected and how will the data be analysed? It is essential for the researcher to carefully select the appropriate methodology to justify the study's overall validity and reliability; and to avoid research limitations and ethical problems that might affect the quality of the research (Dawson, 2019). The researcher took advantage of the research methodology guidelines to ensure that the most appropriate data collection and data analysis methods were selected to avoid research limitations. The data will be collected using semi-structured interviews and secondary data. The collected data will then be analysed using a thematic analysis.

A research method refers to the tools a researcher uses to gather data. This chapter will provide detailed explanations for the appropriateness of the research methodology, qualitative research approach, case study research design and the method to collect data that was used for this study.

4.2 Research paradigms

All research work is created based on some underlying philosophical assumptions about what makes a valid research and which research methods are suitable for the development of data for each study. It is therefore important to know what a research paradigm is, to conduct and evaluate credible research. According to Kivunja & Kuyini (2017), the term paradigm comes from a Greek name meaning pattern, that was first used by Thomas Kuhn (1962) to explain a conceptual framework used by a group of scientists that gave them an appropriate model for assessing problems and obtaining solutions.

Research is grounded by paradigm, which is a specific way of looking at the world and making sense of it. Every researcher has a set understanding of what knowledge is and what is truth according to (Mukherji & Albon, 2015). A paradigm is a researcher's beliefs about the world, on how they relate to the world and on how they function within the world. A researcher's belief about certain topics would subsequently shape their actions. The adopted paradigm leads the researcher's investigation which includes data collection and analysis procedures. A paradigm, therefore, has crucial implications for every decision made in the research process (Kivunja & Kuyini, 2017).

The researcher acknowledges that a paradigm is a researcher's belief about the world, and how the belief can shape how a researcher views and interpret information. The data received through semi-structured interviews are experiences of all the participants that can be constructed into knowledge through interpretations and reflections. Although each interaction with participants is important in understanding the work environment for e-hailing drivers, the researcher's personal judgements and opinions about the e-hailing industry could also influence the thinking. To overcome this, the research questions were carefully constructed to avoid leading questions and bias questions. The supervisor also had to review and approve the research questions. All interviews were recorded and transcribed. The interview recordings were transcribed to ensure that the researcher can re-engage the data to confirm some ideas. The researcher ensured to analyse the transcripts as they reflect and not on how she thinks the data should reflect. The researcher analysed the transcribed data using the 6 stages process by Braun and Clarke for doing a thematic analysis.

4.3 There are two components to a paradigm - ontology and epistemology

4.3.1 Ontology

According to Lincoln and Guba (2013), Ontology asks the question, what is the nature of reality? The constructivist paradigm explains that realities are multiple. The "truth" does not exist, and the reality is subjective and ever-changing. Constructivism also holds the belief that entities only exist in the minds of the people contemplating them (Lincoln & Guba, 2013). According to Cresswell (2014), constructivism is about the development of subjective meanings and understandings of a person's personal experiences with specific topics from their historical and social background. In contrast, the positivist paradigm holds the belief that reality is measurable and quantifiable (Antwi & Hamza, 2015). Reality is further seen as fixed and reliant on universal laws.

4.3.2 Epistemology

Epistemology asks the question if knowledge is something that can be acquired or if it is something which has to be personally experienced (Kivunja & Kuyini, 2017). Epistemology has been widely defined as the process by which the researcher comes to know the truth and reality.

4.3.3 Which paradigm is applicable to this study?

The applicable paradigm for this study is ontology. Ontology acknowledges that realities are multiple, and that reality is subjective and ever-changing (Lincoln & Guba, 2013). The researcher acknowledges that the data received from the semi-structured interviews is socially constructed because it can be subjective to each participant's experiences with the e-hailing platform. When analysing the interview data, the researcher ensured to compare it with relevant secondary data to cross-check the information to ensure truthfulness and to draw common themes.

4.4 Research Approach

This research chose the qualitative research method. The qualitative research method gives emphasis to exploring and gaining an understanding of the meaning that a person or group of people ascribe to a social or human problem. The origin of qualitative research comes from anthropology, sociology, the humanities and evaluation (Creswell, 2014). Qualitative research design produces data that is not quantifiable using open-ended questions. This approach enables the researcher to comprehend issues by investigating them in their own specific context and the meaning that individuals bring to them. Qualitative research is usually inductive in nature and has several assumptions: reality is a social construct; variables are difficult to measure, complex and interwoven; there is a primacy of subject matter and data collected will consist of an insider's viewpoint (Rovai, Baker & Ponton, 2014).

The researcher chose the qualitative research approach to learn about the e-hailing industry in depth as this approach allows the researcher to analyse the participant's thoughts, feelings, and behaviours. This research approach also encourages discussions with the participants that make the participant more relaxed and open which helps with getting even more information. During the interviews, the researcher was able to gather enriched information to gather themes because of how the qualitative approach allows engagements.

The disadvantages that the researcher experienced with this approach is that because interviews are in-depth it was time-consuming and resource intensive. The nature of the interview can also allow the participant to be off-topic, and to express information that is not deemed unnecessary by the researcher.

The disadvantage of this research approach is that it allows for a small participant number, which means the data cannot be viewed or joint into a wider population. But it can be helpful for other researchers analysing the e-hailing environment in Johannesburg.

4.5 Research Design

According to Creswell (2018), research designs are the procedures and plans for research that span the decisions from wide assumptions to detailed methods of data collection and analysis. The selection of a research design is influenced by several key considerations including the researcher's beliefs and worldviews, the nature of the research problem, strategies of research, methods of data collection and analysis, the audience of the study, and more.

This research used the case study research design. A case study is an in-depth analysis of one or more cases. It is a detailed description of the setting or individuals, followed by an analysis of the data for themes (Creswell, 2018). This study used a case study of Johannesburg former e-hailing drivers. The researcher used this research design because a case study gives a rigorous understanding of how and why certain phenomena occurs by revealing the mechanism by which a causal relationship occurs. According to Wabwoba & Ikoha (2011), the biggest criticism of this method is that it relies on the researchers' interpretation which can be subjective and result in different conclusions for one case as during the data collection and analysis it is open to researcher bias.

4.6 Target Population

The target population is the specific, conceptually bounded group of potential participants to whom the researcher may have access that represents the nature of the population of interest. To be successful in defining the target population, one must examine all the boundary considerations in an iterative manner to ensure that the end description of the target population is inclusive enough to provide sufficient data to the study (Ackerman, Schmid, Rudolph & Seamans, 2019). The target population must also be exclusive enough to avoid having participants who do not represent the study's needs, which will misrepresent the population of interest. Such considerations are important not only for ensuring the efficacy of the research, but also assist in budgeting resources for investigating the research problem. A well-defined target population describes inclusion and/or exclusion criteria for who or for which entities may participate in the study.

To determine the target population, one must operationalize the unit's characteristics of interest based upon the study variables or the qualitative experience so the results of the study may be accurately inferred or transferred back to the population of interest (Ackerman, Schmid, Rudolph & Seamans, 2019). Operationalizing the characteristics also benefits both the researcher and potential participants so they may recognize each participant's eligibility for the study. A critical step in operationalizing the criteria is clearly defining the key terms and ensuring the defining words are unambiguous.

For example, the researcher is studying about Johannesburg e-hailing environment and clearly identified the Johannesburg former e-hailing drivers as the target population. Johannesburg has approximately 3000 e-hailing drivers in total. The target population was selected as the Johannesburg former e-hailing drivers because they are the main study point as they possess all the characteristics of a precarious worker. Additionally, the target population must incorporate an additional set of boundaries that include time and space to anchor and identify the group of individuals who will be asked to participate in the study. Since the researcher choose the former e-hailing drivers as the target market, it was important to decide the timeframe of how long the driver must had stopped working to give accurate answers. The boundaries will be discussed below with the inclusion and exclusion selection criteria.

4.7 Research Sample

The sample is the set of units selected to represent the population of interest (Gravetter & Wallnau, 2017). The data provided about the sample will be analysed and the results inferred quantitative or transferred qualitative to the population of interest. The sample should be representative of that population of interest, a requirement addressed by prescribing the correct sampling frame and by using an appropriate sampling method.

When the researcher was selecting a sample, there were two primary decisions that had to be made. The first decision was how many units must be in the sample which is called the sample size and how will these units be selected which is called the sampling method. The researcher used a sample size of 15 former e-hailing drivers and used the purposive sampling method.

4.7.1 Purposive sampling

The purposive sampling is also best known as the judgement sampling. The purposive sampling is the intentional selection of a participant because of the characteristics and qualities the individual possesses (Etikan & Bala, 2016). The criteria for selecting the individual may vary, including seeking a specific narrative to explore, a common experience with a phenomenon, membership in a culture, or being in position to assist in developing a theory (Creswell, 2013).

The researcher selected the purposive sampling method as it is intentional in its selection. The sample applied a common denominator of any persons who has been registered with an e-hailing platform as a driver operating in the city of Johannesburg. The below inclusion and exclusion selection criteria will explain further.

4.7.2 Inclusion and exclusion selection criteria.

Inclusion Criteria	Exclusion Criteria
1. For a former e-hailing driver that was registered with an e-hailing service	1. Never registered with an e-hailing service before
2. Former e-hailing driver that worked in Johannesburg	2. Never worked in Johannesburg as an e-hailing driver before
3. A former e-hailing driver that at least worked for 6 months or more.	3. A former e-hailing driver that worked less than 6 months

4. The former e-hailing driver must have last worked as a driver within the past 6 to 12 months	4. A former e-hailing driver who last worked as a driver for more than a year ago
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4.8 Data Collection

Data collection is the process of gathering and measuring information on variables of interest, in an established systematic fashion that enables one to answer stated research questions, test hypotheses, and evaluate outcomes. The data collection component of research is common to all fields of study including physical and social sciences, humanities, business, etc (Tracy, 2019). While methods vary by discipline, the emphasis on ensuring accurate and honest collection remains the same. The goal for all data collection is to capture quality evidence that then translates to rich data analysis and allows the building of a convincing and credible answer to questions that have been posed.

Regardless of the field of study or preference for defining data, accurate data collection is essential to maintaining the integrity of research. Both the selection of appropriate data collection instruments and clearly delineated instructions for their correct use reduce the likelihood of errors occurring. Data collection is one of the most important stages in conducting research (Wohlfart, 2020).

The researcher acknowledges that one can have the best data collection plan in the world, but if one cannot collect the required and appropriate data, one will not be able to complete the research. The researcher targeted the data collection stage by first determining what kind of data is required for this study; followed by the selection of a sample from a certain population. The researcher required secondary data, that will help her understand the origins of the e-hailing platform, the known trends, predictions and how it has affected the respective labour markets. Because this research is specific to Johannesburg, the researcher then conducted semi-structured interviews to further draw information from the former Johannesburg-based e-hailing drivers to compare the existing information with the interview data to source common themes in the e-hailing industry. The researcher also needed to decide which instrument to use to collect the data from the selected sample which was through telephonic interviews.

4.8.1 Semi-structured Interviews

A semi-structured interview is one whereby the interviewer and respondents engage in a semi-formal interview. The researcher had to develop an interview guide for the semi-structured interviews. The researcher had to ensure that the questions are not leading and biased but neutral as possible to get the correct data. During the interviews, the researcher had to use the set interview guide but can also follow topical routes in the conversation that may stray from the guide when the researcher feels this is appropriate. The semi-structured interview guide provides a clear set of instructions for researchers and can provide reliable, comparable qualitative data (Tracy, 2019).

Since semi-structured interviews often contain open-ended questions and discussions that may diverge from the interview guide, the researcher chose to record interviews and later transcript the recordings for analysis (Patton, 2015). While it is possible to try to jot notes to capture respondents' answers, it is difficult to focus on conducting an interview and jotting notes. This approach will result in poor notes and detract from the development of rapport between the interviewer and interviewee. The development of rapport and dialogue is essential in unstructured interviews.

4.8.1.1 The Experienced Advantages of a Semi-Structured Interview

The researcher enjoyed using the semi-structured interview method because it allowed open-ended responses from participants that gave detailed information. The researcher observed that the participants were very comfortable with opening up because the semi semi-structured interview allowed for a discussion that built trust. Although the interviews were done virtually, the researcher was able to analyse the choice of words to gain extra information about the experiences of the drivers. The next chapter will reveal that one of the themes identified from the interviews is safety and security. The researcher was able to pick up common themes from the drivers about hijacking and their poor working conditions as this approach allowed us to go astray with appropriate topics.

4.8.1.2 The Experienced Disadvantages About a Semi-Structured Interview

The researcher experienced a few disadvantages with the semi-structured interview. The first disadvantage is that semi-structured interviews can be time consuming. Because the e-hailing drivers do not have a proper platform to express their grievances, other drivers used this platform to really pour out their hearts about their experiences.

To minimise the chances of Covid- 19 transmissions, these interviews were done virtually. The researcher had to incur the cost of data in order to connect with the participants.

The interview guide was originally created and prepared in English, but the researcher had to translate and interview some of the participants in Zulu. This was at times a challenge as there were questions that the researcher could ask or clarify better in English as opposed to Zulu.

4.8.2 Secondary Data

According to Ruggiano and Perry (2017), secondary analysis of qualitative data is the use of existing data to find answers to research questions that differ from the questions asked in the original research. Whilst there is a well-established tradition of carrying out secondary analysis of quantitative datasets within quantitative social research, policy analysis and the business decision making of many companies, this has not, until recently, been the case with qualitative datasets. Latterly, the whole area of the re-use of archived datasets and secondary analysis has gained interest and momentum due to the recognition by researchers that many qualitative datasets offer narratives that discuss issues related to the primary research questions. Secondary analysis differs from approaches that seek to critically assess the theory, methods and findings from existing qualitative research in an attempt to generate and synthesise meanings from multiple studies.

4.8.2.1 The Experienced Advantages of Secondary Data

The researcher enjoyed using secondary data because it provided insightful and different information from trusted scholars. The secondary data enables a longitudinal analysis that allows the researcher to analyse information that span for a long period of time. For example, the researcher was able to find relevant data on the origins of precarious work and was able to compare it to the precarious work of today to better understand the trends.

It did not require a lot of data to search properly, and the information was easily accessible online which was time effective

4.8.2.2 The Experienced Disadvantages of Secondary Data

The researcher discovered that there is not enough data about the experiences of the African countries with the e-hailing industry. There was a challenge at times, whereby the researcher felt like the secondary data is not specific to the information required by the researcher. Secondary data is at times too outdated and difficult to merge with the current world of work.

4.9 Data Presentation

	Age	Gender	Race	Highest Qualification	Platform Used	Full/Part time	Hours worked a day	hijacked	Injured	Owner / Rent? Family
Participant 1	27	Male	African	Bachelor degree	Uber	Full	10/11	Yes	Yes	rent
Participant 2	26	Male	African	Bachelor Degree	Uber	Full	9/10	Yes	Yes	rent
Participant 3	28	Female	African	National Diploma	Bolt	Part	4/5	No	No	own
Participant 4	26	Male	African	Honours Degree	Bolt	Part	2	Yes	Yes	own
Participant 5	28	Male	African	TVET Certificate	Bolt	Full	10/12	Yes	Yes	own
Participant 6	30	Male	African	Matric	Uber	Full	12	No	No	rent
Participant 7	35	Male	African	Matric	Uber	Full	15	No	No	Family
Participant 8	27	Male	African	TVET Certificate	Uber	Full	14/15	No	No	rent
Participant 9	25	Male	African	Post-Grad	Bolt	Part	10	No	No	Rent
Participant 10	28	Male	African	Matric	Bolt	Full	10	No	No	Rent
Participant 11	28	Male	African	Honours Degree	Bolt	Full	11	No	No	own
Participant 12	23	Male	African	Degree	Bolt	Full	14/15	Yes	Yes	own
Participant 13	32	Male	African	Matric	Uber	Full	12	No	No	rent
Participant 14	27	Male	Coloured	Degree	Bolt	Part	4/5	Yes	Yes	own
Participant 15	26	Male	African	Degree	Bolt	Full	12	No	No	own

4.10 Data Analysis

Data analysis is vital for the credibility of a qualitative research. A thematic analysis is the foundational data analysis method in qualitative content analysis (Herzog, Handke & Hitters, 2019). This study will be using the thematic analysis process as a data analysis. The focus of this study was on learning more about the working environment of Johannesburg-based e-hailing drivers. From the interviews, the researcher was able to pick up a lot of similarities in the answers from the different participants. After completing the interviews, the researcher then transcribed and applied the thematic analysis to find the themes. The researcher was able to pick up common themes and subheadings under the common themes.

This study used the 6 stages process by Braun and Clarke for doing a thematic analysis (Bryne, 2022), as below:

Stage 1: Get to know and understand the data. The researcher performed this stage by rereading the transcripts to fully understand the data.

Stage 2: Generate codes. The researcher performed this stage by mapping the relevant code.

Phase 3: Seek themes. The researcher performed this stage by looking for common themes in the responses of the participants.

Phase 4: Analysis of themes. The researcher performed this stage by analysing the data codes and doing theme validification.

Phase 5: Define themes. The researcher performed this stage by finalizing and defining the themes.

Phase 6: Produce a report. The researcher performed this stage by producing the thematic analysis for this research.

4.11 Trustworthiness

Trustworthiness refers to a way a research study can be trusted. It is the researcher's responsibility to establish the necessary processes for a study to be considered trustworthy (Amankwaa, 2016). The researcher ensured the trustworthiness of this study by using an interview schedule for every interview to ensure consistency. All the interviews were recorded and transcribed. The transcribed data was used to source themes using the 6 stages process by Braun and Clarke for doing a thematic analysis. The interview schedules, recordings and transcribed information for this study are all stored on cloud. The researcher confirmed that the participants were telling the truth during interviews by comparing the interview data with secondary data.

4.11.1 Credibility

Credibility asks the question, "Can the findings be trusted?" The credibility of a research study is whether the research findings are a true reflection of the data drawn from the participant's original data and whether the interpretations are correct.

The researcher ensured credibility by recording and transcribing research findings to ensure that it is a true reflection of the data drawn from the participant's original data. The interview

recordings were transcribed to ensure that the researcher can re-engage the data to confirm some ideas.

4.11.2 Transferability

The way the findings of a qualitative research can be transferred to other contexts or settings with other respondents.

The researcher ensured transferability by comparing secondary data to the data received from the semi-interviews to get common trends. The identified trends may be transferable and appropriate within the e-hailing industry, as information regarding the working arrangements and conditions may be like the other e-hailing platforms. The experiences of the participants may be relatable to many other e-hailing drivers. This research also proved that e-hailing drivers globally have common challenges in this industry.

4.11.3 Dependability

Dependability embraces the element of consistency. It challenges the researcher to analyse whether the findings are in line with the accepted standards for a particular design.

This study embraced the element of consistency to ensure dependability by using an interview guide and asking the same questions to all the participants. The researcher further ensured consistency by being the only person conducting the interviews. The findings are in line with the accepted standards of this study as it is being supported by secondary data written by different scholars.

4.11.4 Confirmability

Confirmability asks the question if the study can be confirmed by other researchers. Confirmability is about ensuring that the interpretations of the findings are not the imagination of the research, but the data.

The researcher ensured confirmability by analysing data using the 6 stages process by Braun and Clarke for doing a thematic analysis. This process includes generating codes and seeking themes in a structured way (Byrne, 2022). The interpretations of the findings were guided by this process and not the imagination of the researcher.

4.12 Audit Trail

1. The researcher used an approved interview schedule for every interview to ensure consistency. The supervisor approved the interview schedule to ensure there are no biases and leading questions.
2. To ensure that all participants are well accommodated, the researcher made an option for all participants to choose to have the interview in English or Zulu.
3. All interviews were recorded.
4. The interview recordings were transcribed by a neutral third party. The researcher double checked the transcribed notes to ensure that it was accurate.
5. The interview schedules, recordings and transcribed recordings are stored in a cloud file.

4.13 Ethical Consideration

This study has been ethically reviewed and approved by the UKZN Humanities and Social Sciences Research Ethics Committee (approval number 00003616). An informed consent will allow the study participants an opportunity to indicate their willingness to participate in the study, this will be done by the participants signing or verbally agreeing to the informed consent form. All hard and soft copies of research data used during the study will be stored in a secure place and will only be accessible to the researcher and the supervisor. To ensure the safety of all soft copies of research data, it will be stored on the personal computer of the researcher.

All data collected (transcripts of interviews) will be kept confidential and with the researcher's supervisor after the completion of the study. Data will be sorted under lock and key at a secure location arranged by the supervisor. All data will be disposed of after five years. Proper procedure according to the School of Management, IT and Governance will be adhered to when disposing, destroying, or deleting data. The supervisor will carry out the disposal of data.

All participants' names will be kept private and anonymous. All information gathered will be kept confidential and private and will only be made use of for the sole purpose of the research. To keep the anonymity of the participants and their responses, only a summary of the data collected will be presented in the research.

4. 14 Limitations of the study

The limitation of this study is that the case study only concentrated on the Johannesburg e-hailing drivers out of the many cities and areas where this industry functions in South Africa. As a result, the findings of this study cannot be generalisable. However, it can be beneficial to researchers that want the data specific to the Johannesburg area as Johannesburg is the provincial capital of the Gauteng province. The limitation of the study is that the data collection was collected telephonically to prevent the possibility of covid-19 transmission. I was however able to get an idea on the emotions of the participants through their choice of words but seeing the body language was also going to further add to the data.

4. 15 Conclusion

This chapter has explained the chosen research approach for this study and explained the appropriateness of the chosen approach. This research applied the qualitative research method and a case study research design. The data collection methods used are semi-structured interviews and secondary data, the researcher explained both the advantages and disadvantages of the usage of these data collection methods. The target populations were former Johannesburg e-hailing drivers and the sample size for interviews were 15 former Johannesburg e-hailing drivers. This chapter also covered data analysis and why this study can be considered trustworthy.

CHAPTER 5

DATA ANALYSIS AND FINDINGS

This chapter will present the data that was obtained from the semi-structured interviews using a thematic analysis. The collected data was analysed using the 6 stages by Braun and Clarke method to produce themes. This chapter will fully explain the identified themes that are safety & security, poor working conditions and youth unemployment.

5. 1 Introduction

The previous chapter provided the methodology used to collect data. This chapter will be presenting the collected interview data by analysing the findings using the thematic analysis and linking the findings with Guy Standing's theory of the Precariat. The themes were determined by applying the 6 stages by Braun and Clarke for doing a thematic analysis. The discovered three themes were safety and security, poor working conditions and youth unemployment. The researcher also included secondary data to further support the themes.

The researcher conducted 15 interviews between the month of February and March 2022. To ensure that all participants are well accommodated, the researcher made an option to interview either in English or Zulu. Each interview took an average of 25 minutes. Due to the fear of contracting Covid – 19, these interviews were conducted telephonically to protect both the researcher and the participants. Initially, the researcher had planned to use Microsoft Teams Meeting/Zoom for the interviews to also observe the body language. But it proved to be a challenge as both Microsoft Teams and Zoom require that both parties have sufficient data to connect. The researcher was aware of the financial implication it may have towards the participants and decided to do a telephonic interview as it meant only the researcher had to have sufficient data to connect with the participant. The telephonic interviews proved to be a great success as the participants were very open and engaging, it can be assumed that the participants not showing their faces helped them with being more comfortable with opening up. As opposed to having the opportunity to analyse the body language of the participants, the researcher was successful in analysing the choice of words as an additional set of information.

5.2 Data Presentation

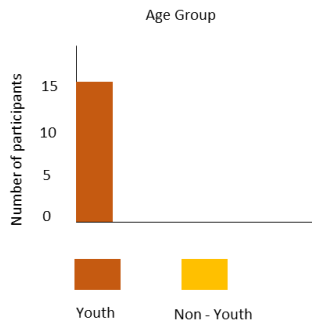
	Age	Gender	Race	Highest Qualification	Platform Used	Full/Part time	Hours worked a day	hijacked	Injured	Owner/Rent? Family
Participant 1	27	Male	African	Bachelor degree	Uber	Full	10/11	Yes	Yes	rent
Participant 2	26	Male	African	Bachelor Degree	Uber	Full	9/10	Yes	Yes	rent
Participant 3	28	Female	African	National Diploma	Bolt	Part	4/5	No	No	own
Participant 4	26	Male	African	Honours Degree	Bolt	Part	2	Yes	Yes	own
Participant 5	28	Male	African	TVET Certificate	Bolt	Full	10/12	Yes	Yes	own
Participant 6	30	Male	African	Matric	Uber	Full	12	No	No	rent
Participant 7	35	Male	African	Matric	Uber	Full	15	No	No	Family
Participant 8	27	Male	African	TVET Certificate	Uber	Full	14/15	No	No	rent
Participant 9	25	Male	African	Post-Grad	Bolt	Part	10	No	No	Rent
Participant 10	28	Male	African	Matric	Bolt	Full	10	No	No	Rent
Participant 11	28	Male	African	Honours Degree	Bolt	Full	11	No	No	own
Participant 12	23	Male	African	Degree	Bolt	Full	14/15	Yes	Yes	own
Participant 13	32	Male	African	Matric	Uber	Full	12	No	No	rent
Participant 14	27	Male	Coloured	Degree	Bolt	Part	4/5	Yes	Yes	own
Participant 15	26	Male	African	Degree	Bolt	Full	12	No	No	own

The table below is a full presentation of the main findings:

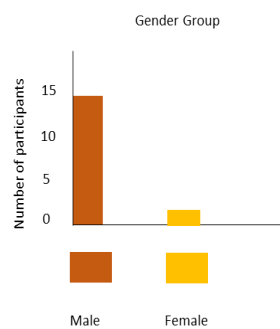
Figure A

5.3 Data Interpretation

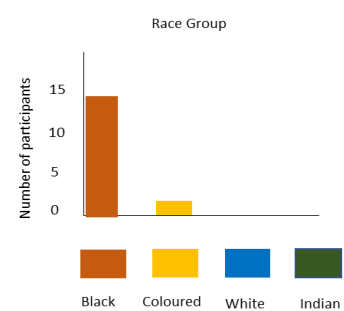
5.3.1 Demographic Profile of Participants



Graph 1



Graph 2



Graph 3

This paragraph will be analysing the demographics of the participants covering age, gender and race. The South Africa National Youth Commission Act 1996 explains the term “youth” to consist of people who are from the ages of 14 –35 years. As graph 1 has displayed, 100% of the participants working for the e-hailing services are youth. According to Goldberg and Wilkinson (2019), the platform economy has been attractive to young people and vulnerable groups who are battling to secure jobs. The Millennial Survey Report, which was conducted by Deloitte in 2018, indicated that most of the respondents were already part of this economy or do part-time work.

The reasons for joining the e-hailing services varied from each participant but the common reason was the lack of other employment opportunities in South Africa. The unemployment rate in South Africa on the third quarter of 2021 was on 34.4% which is equivalent to 7.8 million people (Statistics South Africa, 2021). The latest unemployment rate decreased by 0.6% from 34.5% in the first quarter of 2022 to 33.9% in the second quarter (Statistics South Africa, 2022). With these high numbers of unemployment, it does not come as a surprise that the youth would run into the e-hailing economy for employment shelter.

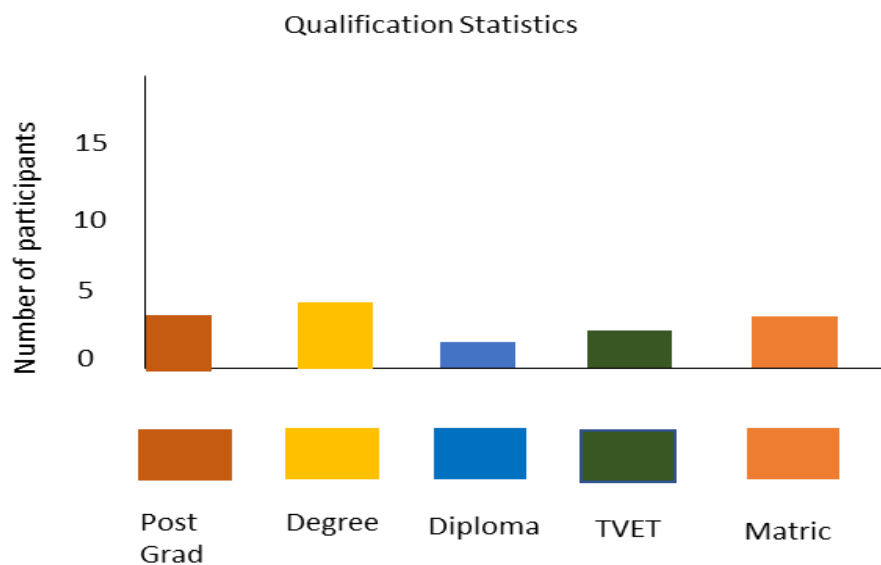
It is also no surprise that this industry is male dominated as graph 2 has displayed. In South Africa, women are not safe. Gender-based violence is explained to being the country's "second pandemic", making South Africa one of the world's most unsafe places for women. According to statistics, a woman is murdered every three hours in South Africa (Dlamini, 2020). The

working environment of the e-hailing services has proven to be very unsafe as the drivers are expected to accept trips from total strangers.

All the participants explained the e-hailing industry to be unsafe and that the owners of the industry are not putting enough effort into this industry to be a safe working place.

Graph 3 explains the black African race being the dominating in the e-hailing services. This is also no surprise as the black African race has the most people in South Africa. The black African race is the majority race which is also known for being the most poverty impoverished and unemployed racial group. As the interview participants explained the application processes of being a registered e-hailing driver; it can be said that this industry has an easy access to work as there are minimum requirements to qualify being a driver.

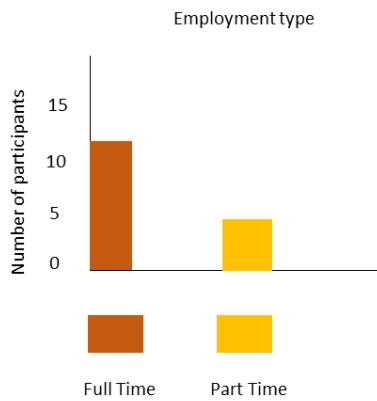
5.3.2 Qualifications



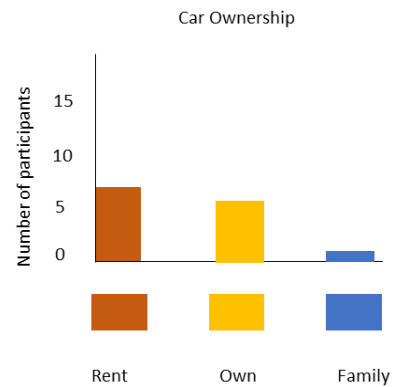
Graph 4

Nelson Mandela explained education to being the key to success for the nation. The unemployment rate among young graduates that are between the ages of 15-24 years have declined from 40,3% to 32,6%, while it increased by 6,9 percentage to 22,4% for those aged 25-34 years in the first quarter of 2022 (Statistics South Africa, 2022). Graph 4 is displaying a pleasant view of a high percentage of South African youth furthering their studies after matric. It is however painful to witness that most must divert into other industries such as the e-hailing industry due to lack of opportunities in South Africa.

5.3.3 Employment Type and Car Ownership



Graph 5



Graph 6

Graph 5 explains a very important element in which the researcher wants to shine a light on. The e-hailing economy in South Africa, is not like the one in developed countries whereby people join to gain extra income. But most drivers in South Africa join the e-hailing economy as full-time drivers that are fully dependent on the services for a living. Such information is meant to further encourage the government to regulate this industry to ensure that every person working in South Africa is in a fair, safe and healthy work environment.

According to De Greef (2018) the e-hailing's industry has a deceiving pitch to the people that is "drive whenever you want to, be your own boss and make good money". To many desperate unemployed South Africans this sounds like their great breakthrough out of poverty. However, the high poverty and unemployment rates mean very few people are able to afford to purchase a car. This results into many drivers renting the vehicle from owners and sharing the incomes.

Graph 6 also shows that there is a high number of drivers that are renting their vehicles. Renting a vehicle means the driver needs to share the money with the owner of the car. Above this expense, also pay the high commission from the e-hailing services, the ever-increasing petrol and data. The remaining money is the driver's pay. Participant 1 below explains the experiences of renting a car.

Participant 1: *Well, if you going to rent a car you mostly making money for the person you are renting the car from. Because you have to pay them every week, depending on what you agree on. Mine was I had to pay him every Monday of every week. Four times a month. So that money I had to, whether I didn't make enough money, doesn't matter how much I make. If I didn't*

make enough money, I would have to take out from my pocket to pay the owner of the car. That was the agreement to lease and the person who owned the car.

Graph 6 also displays a high number of drivers that own the vehicles. But it is worth noting that from the interviews, some participants mentioned that they took the car on the loan trusting that the money made from the e-hailing services would afford them to be able to pay the car instalments. Participant 3 below explains her journey of buying her vehicle by entrusting that money made through Bolt will assist her.

Participant 3: Because initially trips that would cost about three hundred rand went down to hundred and fifty. So, when I joined Bolt from the information that I had received from drivers who were with Bolt when it was still new and the prices were still a bit high, their experience and mine differed a lot. So, for me in most instances it felt more of a financial burden because I had bought a car as an investment to the business. So, I had to pay the car with that money and have upkeep of my own personal life. Because it was my primary source of income. But it alone for you to be able to say, you must work twenty-four hours, every day. So, you don't have day offs when you are working for Bolt. You must start at four in the morning up until...so when I started, we were already on lockdown, so it was from the time of curfew started and curfew ends.

Otherwise, you won't have money. So, it meant normal working hours and there are certain weeks in the month that even if you work that many hours or are available for work at maybe hours, you are really not going to make much money because those weeks are regarded where people don't use their services much, they don't have money. A lot of people aren't paid yet or those type of weeks. Overall, I didn't make good money or the type of money that I anticipated. At some point I fell back on my vehicle payment because I could not work as a commitment.

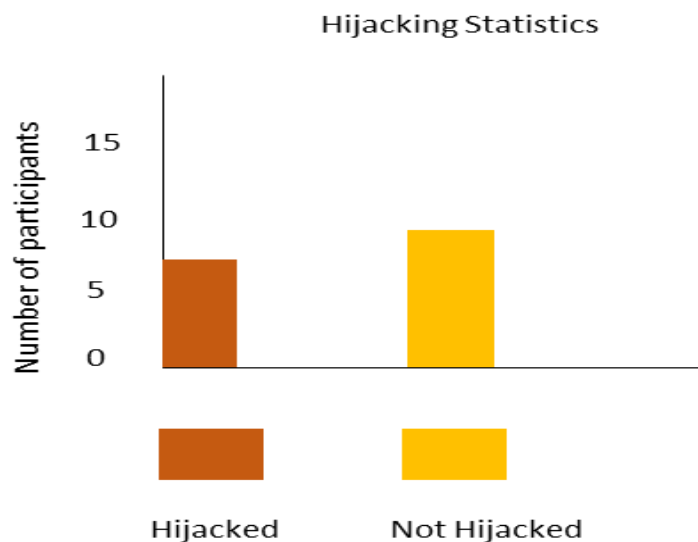
According to Sosibo (2018), drivers from the e-hailing companies felt the commission percentage going to the platform owners is too high and takes from their profit enormously as most don't own vehicles they still need to share the earnings with the owners. The drivers are responsible for their own car maintenance, cost of data, petrol and a buying a smartphone. South Africa has very expensive data as a study by Research ICT Africa (2017) revealed that the price of data in South Africa is the most expensive out of all leading African economies. Petrol is now R25 per litre which is also one of the most expensive in the African economies.

5.4 Thematic Analysis

The definition of a thematic analysis was widely covered in chapter 4. The researcher used the 6 stages by Braun and Clarke for doing a thematic analysis to discover the themes. The below illustration shows the themes and their subheadings.

Themes:	Safety & Security	Poor Working Conditions	Youth Unemployment
Sub-themes:	1.Hijacking	1.Low quality of work	1.Graduate Unemployment
	2.The robbery of driver’s personal belonging	2.Long working hours	2.Lack of employment opportunities
	3.The lack of protection for e-hailing drivers	3.Hijacking psychological implications	
		4.No freedom of speech	
		5.Taxi/metre taxi violence	

5.4 Theme 1: Safety and Security



Graph 7

5.4.1 Hijacking

Graph 7 is a representative of the hijacked and non-hijacked drivers. This graph shows a concerning illustration of a high number of drivers who have been hijacked. It is also worth noting that every participant that was not personally hijacked knew another driver that had been hijacked before, meaning the hijacking rates in this industry may be even more than the

presented illustration. In an article by the Sandringham Police Station in Johannesburg, the spokesperson being the Warrant Officer Aaron Lebuso cautioned the e-hailing drivers to be aware of hijackers. The Warrant Officer explained that they witnessed many hijacking reports during the beginning of the year 2022, specifically on Uber and Bolt drivers (Sibanda, 2022). Participant 1 below explains his hijacking experience.

Participant 1: *I have been hijacked twice. Like I said I went to the offices to report that, but there was nothing that was done up until today. But fortunately, I found the car with the tracker. The only thing that they wanted was my money, my phone and the belongings in the car.*

According to Huws (2016) workers in the platform economy are often exposed to danger due to the nature of their working environment. Employers are normally required to conduct risk assessments, provide training, and implement safety measures, for example, the use of computer screens. This is unlikely to happen in the platform economy, placing workers at a disadvantage and others to death. The pressure to drive long hours to cover the expenses may leads to fatigue and an increase in accidents and car hijackings.

5.4.2 The robbery of driver's personal belongings

Guy Standing cautions that the capitalist treats their workers as commodities. This statement is justifiable as the owners of the e-hailing services fail to continually ensure the safety of the drivers and their belongings. From the many other participants that got their personal belongings stolen while on duty Participants 5 and 14 explain how they got robbed.

Participant 5: *No, I wasn't injured but I was hijacked and robbed of my belongings.*

Participant 14: *Yes, in Hilbrow. It was a request then when those guys came in the car, they took my money, they took my phone.*

5.4.3 Lack of Protection from E-hailing services

The hijacking trend of e-hailing drivers is not only an illustration of the crime rates in South Africa, but also a lack of effort from the e-hailing services to combat the crime rates affected by their drivers. From the interviews, it can be noted that there was a 100% response from the drivers advising that the e-hailing services do not have an effective solution on how to ensure a safer working environment for their drivers. The article from the Sandringham Police Station in Johannesburg further explained that Sandton, Midrand and Alexandra were the common places in Johannesburg for e-hailing hijacks as these areas have many highways exits.

The e-hailing services are meant to implement safety nets for these drivers around these discovered high hijacking areas. The Warrant Officer Aaron Lebuso explained that they had cases open for hijacks, but some riders used false personal details when registering to the app. Hence the police failed to identify the clients that have hijacked. This information makes it clear that it is the e-hailing services that are meant to make an effort for the apps to verify every client's profile.

For example, participant 3 explained that when her possessions were stolen by the clients, they could not trace the clients because of incorrect identification information on the app. The participant continued to explain that

Participant 3: Many riders use false information for Bolt because there is not enough verification used, but the drivers are required to provide all their personal details when applying such as driver's license, PDP and ID document. Should the client have any queries, the drivers are easily found and punishable, although in most cases drivers will not be aware of the queries accused of. It is no secret that this e-hailing services are customer driven, but there needs to be fair safety precautions to both the riders and the drivers.

According to Simalane (2021) e-hailing drivers have claimed that the government has been captured by the e-hailing services. How much more blood must be shed for the government to fasten the process of regulating and protecting the e-hailing drivers? In March 2018, the burnt body of Siyabonga Langelihle Ngcobo, a Taxify driver who was discovered in the boot of his car in Johannesburg, Sunninghill. He was only 21 years old and had recently started working for Taxify to make an income for himself. He was unfortunately killed and burnt during the violence between the metre taxi drivers and e-hailing drivers.

5.5 Theme 2 Poor Working Conditions

5.5.1 Low Quality of Work

The International Labour Organization (2018) explains the term decent work as being the aspirations of people for their working conditions. It includes a working environment that is recognised and protected by the labour legislation, pays fairly with basic compensation, job security, career progression, and having a conducive platform to bargain working conditions. The above definition is foreign to the reality of the e-hailing industry. This theme will be using the article of the recent biggest 3-day protest of Johannesburg e-hailing drivers that happened in March 2022 fighting for better working conditions and to being regulated by the government.

Protest action in this industry by the drivers, is not new information, as throughout the world e-hailing drivers are always protesting for better working environments.

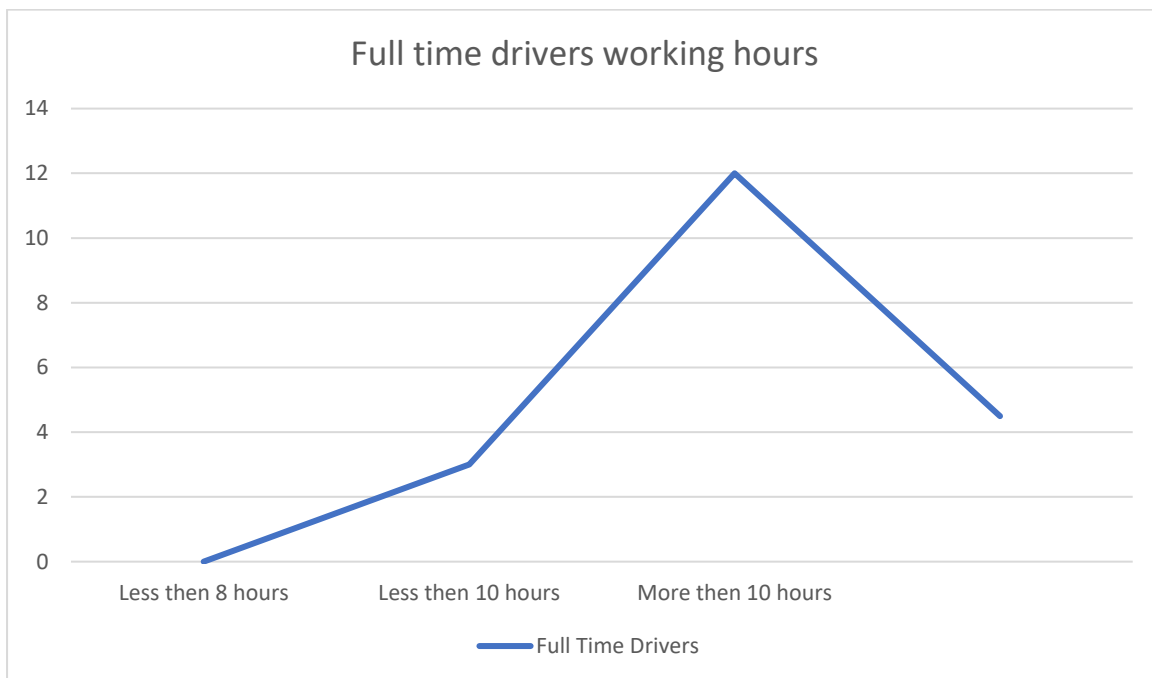
On the 23rd of March 2022, Johannesburg e-hailing drivers protested to the offices of the Gauteng MEC of Transport during their national shutdown. The protest was to raise awareness to their exploitation, low wages, lack of regulation of e-hailing companies and safety issues in the industry. To highlight on some of the poor working conditions, participant 3 and 4 below have explained about the working environment.

Participant 3: So, you can get banned and some instances drivers get banned for reasons that they do not know. At some point you get an email saying that you are at risk of getting banned because you are not accepting rides or what, or rather you are getting cancellations of rides. That is something as a driver you have no control over. Because let's say somebody says okay, I want to request a ride. And you are ready by the time you get there they cancel the ride. And then Bolt makes that your problem.

Participant 8: Because from my experience and my understanding, the industry will not protect the driver or anybody, you can either be dismissed without hesitation whatsoever. It is just word of mouth, because in my experience there was no legal requirements binding you with the owner. It was verbal agreements. Like you take my car, on a weekly basis you get three thousand, the rest is your money. If ever you fall short of that amount agreed upon then obviously there is a dismissal. So, I feel like if the industry could introduce the third mutual party it would be beneficial to the drivers.

According to Taylor (2016) workers under the platform economy are influenced to incorrectly believe that they are benefitting on financial freedom and independence when they are sacrificing their income stability, health and social insurance, quality of life and many benefits provided by the traditional labour market. The most common employment issues are low pay, unfair dismissal and the terms and conditions that often worryingly misclassify workers as self-employed.

5.5.2 Long working hours



Graph 8

Graph 8 is displaying the total amount of working hours of full-time drivers. It is disturbing to witness that full-time drivers work an average of more than 10 hours on a daily basis. One of the claimed primary benefits of the platform economy is flexibility. However, this benefit is overexaggerated and unsustainable, as the severe competition for work in the e-hailing industry is forcing workers to work long hours, removing the joy of flexibility (Aloisi, 2016).

Participant 15: *From Monday to Thursday, it was usually twelve hours a day. On weekends it would be like from six in the morning or seven in the morning to like ten in the night.*

Guy Standing theory on precarity (2014), explains that dynamic pricing largely increases work hours and decreases wages. In the platform economy, hard work does not always guarantee more income, or a way out of poverty. According to a journalist from NewFrame News, Cabe (2021), Uber Eats drivers had two days protest in Johannesburg early 2021. During the Uber Eats drivers' protest, the drivers expressed their anger towards the reduced fees to their deliveries. The drivers explain that the total cost of operating as an Uber driver is very high for the driver. He argued that both petrol and data are very expensive, he ends up getting left with very little for his family despite working very long hours.

Graph 6 explained that almost half of the drivers rent their vehicles. The agreement of renting the vehicle from the owner is that there is an agreed weekly target that are due to the owner.

This contributes to the long working hours to afford the weekly target. Majority of the participants explained that the weekly target for less busy weeks is R2000 to R2500 and for the pay weeks it is R2500 to R3500.

Participant 2: *Okay, so here's how it worked. It differs with different partners but with my specific partner we had an agreement with each other that every week I pay him R3500 at the end of the week.*

The researcher also noted a high problem of high commission from the owners of the vehicles too. When the government is regulating this industry, the legislation should also target the owners of the vehicles. Participant 1 explains the changes of the trip ratings.

Participant 1: *That's when, because now with the money we are making, look at Joburg, Joburg is quite a distance. You see. So, the money you make on petrol. The money you make most of it goes on petrol and you end up not making so much profit, where at least you had a basic salary, you would actually know which money goes where.*

So, the high working hours are motivated by getting as much money in order to still have enough take home money. The e-hailing services praise themselves from giving drivers flexibility and giving them ownership of the work whereby there are working under tremendous pressure to cover these targets and expenses.

5.4.3 Hijacking Psychological Implications

As graph 7 has displayed the high hijacking rates in the e-hailing industry, it is concerning that all affected participants claim their e-hailing services did not provide any trauma services after reporting their hijackings. It is painful to witness the youth going through this trauma at such an early age in their work life. The researcher holds the belief that since the e-hailing services take a huge commission for each trip, they are responsible to fix the safety issues of the industry and provide trauma services for those who have encountered traumatic experiences. Participant 2 was disappointed with how Uber dealt with his hijacking.

Participant 2: *I was very disappointed when it came to that but no, what they did when I reported the incident, they sent me an email apologising and I don't know how to call it. But it was an email saying sorry for your experiences we hope you find the car. And that's it. And they didn't even tell me that they are going to look into the client's profile and see where they normally request. I wasn't very pleased with how they actually handled it.*

This causes a lot of fear, as this industry works heavily with strangers requesting to go all around the city. The psychological state of drivers matters, and it is important that these cases have proper processes to ensure relevant help is given to the affected drivers.

5.5.4 No freedom of Speech

Freedom of speech is a right that every South African has in the country. But not so, for every industry operating in this country such as the platform industry. Unlike most industries that follow a fair dismissal process, the e-hailing services can dismiss any driver as they please. As graph 5 explained that almost 70% of the participants are full – time drivers in South Africa, it is a crisis! It would be devastating to be blocked out from an app that is your main source of income without warning or explanation.

Participant 13: *If you complain too much on the app you are blocked and if you are found to be one of the protesters you stand a chance to be blocked from the app.*

Marx explains that the increasing wealth leads to the deteriorating conditions of labour. The e-hailing economy has basically reformed the work nature. Capitalism dominance over labour has resulted into old bonds between workers such as solidarity and class being gradually insignificant.

Marx's perception on the functioning of capitalism explains that both the owners of labour and capital power and workers need each other for their survival. But what is evident today is the power of capital over labour power through the global sharing economy practices (Anwaar, 2018).

Participant 3: *Yes, I think the whole structure of e-hailing services and the drivers just need to be relooked at and it tends to benefit more of the provider than the driver. Because the driver then invests so much more. I'll make an example, drivers are have no say as to the pricing of the ride. So, a driver can literally take a passenger for free if Bolt gives them the right (ride promotions). And the driver has other expenses such as paying for servicing the vehicle. So, you need the cash handy. So, you cannot afford to take free rides and how you going to buy petrol.*

Participant 4: *Yes, the thing with Bolt, like I don't know, that time when I was working for Bolt like they used to do things, like even the prices, the discounts, they don't even tell us, they just do it. I think they were lacking communication also.*

5.5.5 Taxi/ Metre taxi violence

The arrival of e-hailing services brought about many violent reactions from the taxi and metre taxi industries. The fight is about the unfair competition posed by e-hailing services. The government and e-hailing services are also not doing enough to resolve this deadly matter, resulting in the loss of many innocent lives that were trying to make a living in a jobless country.

Participant 13: *I was dropping off a client near a taxi rank where the taxi owners took my car and demanded R1500 from me in order to return my car.*

This participant claimed that this is a common act, they made him pay less because he did not fight them. He knew of other drivers that were required to pay as high as R10 000 to take their cars back from the taxi drivers. Other participants spoke about common spots that metre taxis “owned” that e-hailing drivers have to decline requests that are close to those areas for safety reasons.

5.6 Theme 3 Youth Unemployment

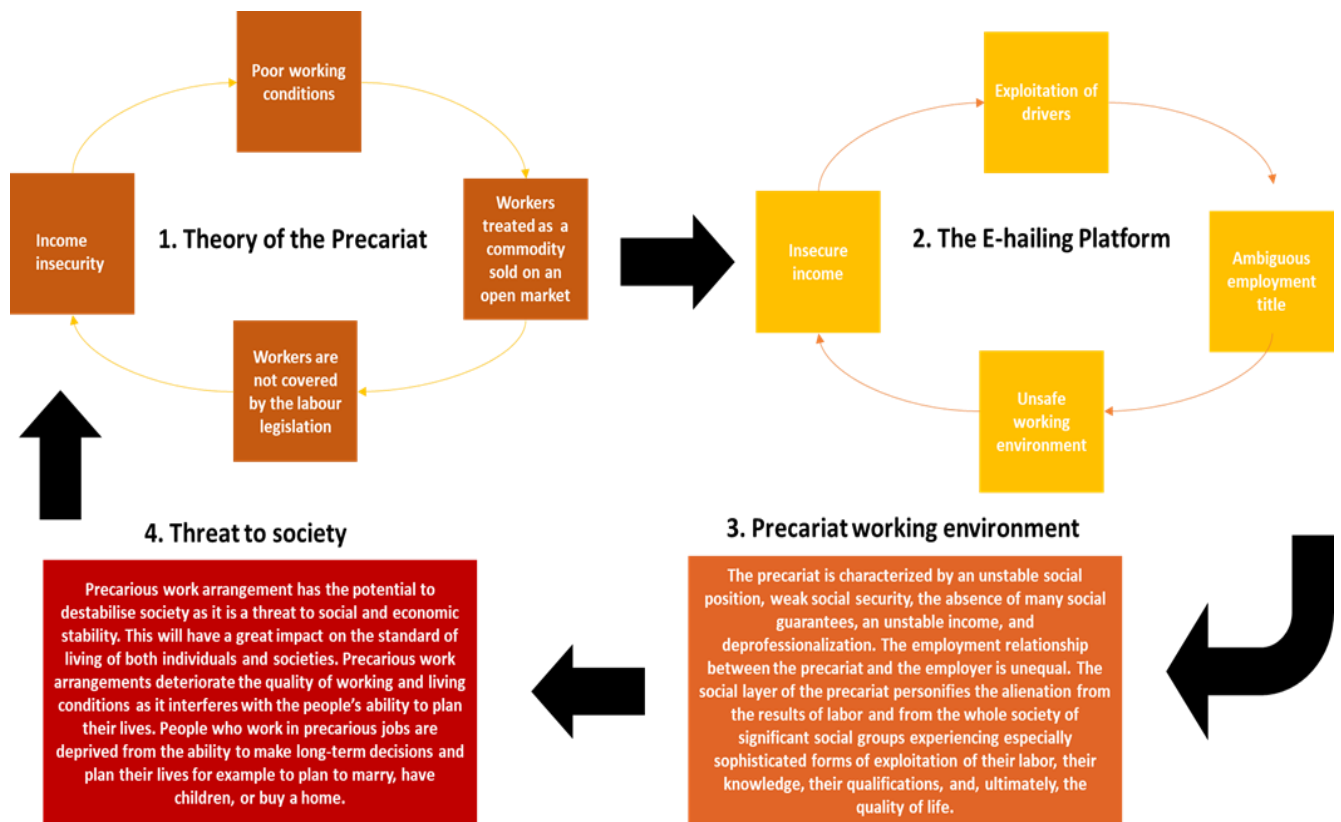
Graph 1 has shown that the e-hailing services has 100 % people that are less than the age of 35 years, meaning the industry has a majority of youth drivers. South Africa had a 35.3% youth unemployment rate in the fourth quarter of 2021 (Stoddard, 2022). The high youth unemployment rates may explain why the e-hailing services are youth dominated. This topic is worth being a theme because it firstly shows the urgency of how the government is meant to be prioritising the job creation of the youth and ensuring better working conditions with the employment opportunities. There is an old saying that says the future belongs to the youth. If this saying is correct for our country, it will be a sad future as the youth is unemployed, demotivated and risking their lives in jobs that the government is aware of but not doing enough to ensure safety.

As Guy Standing warned about the rise of precarious work, there is a rise of contract work in our economy. This is a crisis because contract work is similar to the work of the e-hailing drivers as it denies the worker of planning towards long-term assets because of insecurity of income. It withholds the planning of purchasing property, car and sometimes planning a family.

The topic of youth unemployment has been a buzzword from the beginning of democracy to date. The real challenge must never be overlooked and be hidden within the buzzwords, as it is a reality for a large number of South African Youth.

5.7 Conceptual Framework

Guy Standing's theory of the precariat:



This study has been using Guy Standing's theory of the precariat. The above diagram has the key points of a precariat such as exploitation of the workers, insecure work and workers treated like a commodity. The theory of the precariat by Guy Standing defines the emerging class as the "dangerous class". This signifies the worker's anger towards their exploitation, feeling like a commodity that is sold on an open market and feeling like their labour is only to further enrich the capitalist. It creates the notion of alienation towards the worker's life because of how they are unable to own what they produce, direct their actions, and determine their own destiny.

The first theme is safety and security: Guy Standing points out that the precariat feels like a commodity being sold in a market. This is the case with the e-hailing drivers being treated as commodity which is only using them to make money for the services. The services have neglected the safety and security for the drivers which have left many killed, murdered and psychologically ill. One may argue that the e-hailing services do not treat their drivers with care and appreciation as their safety is compromised.

Participant 1: *You couldn't express much hey. You couldn't express much in such a way that you wouldn't get help. Just say I am going to Bolt, and I got help, the number one thing was just the client or them making money for the company. You see. So, we didn't benefit much, just as much you are the one who is working the long hours on Bolt because they also get a certain percentage right from the money that you are making. So as long as they got their percentage, they are fine with it.*

The second theme is poor working conditions – Guy Standing points out that workers are exploited which is seen with the high commission fees and the trip fares being kept low to be competitive at the expense of the workers. The workers have to work for long hours in order to make enough targets.

Participant 15: *With every trip they deduct about 20% if I am not mistaken.*

The third theme is youth unemployment: Guy Standing refers to capitalists are people that are only after uplifting their personal gains, and do not have the best interest of the masses. South Africa is now governed by many capitalists that are always looking to enrich their pockets. It is difficult to get the correct attention on a social injustice when it is not their priority. The youth of South Africa are suffering because of the many decisions made by the leaders on their behalf. Our leaders have shares in private institutions which creates a dilemma with being truthful.

5.8 Conclusion

This chapter has presented, and analysed data received from the 15 interviews. It further analysed the three themes being safety and security, poor working conditions and youth unemployment. This chapter has provided insights about e-hailing services and has further exposed the urgent need for this industry to be a priority and to be regulated.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

The aim of this chapter is to conclude this study by summarising the research key insights and answering the research questions that are stated in chapter 1. The importance of this chapter is that it will provide recommendations to the challenges that were identified in this study.

6.1 Introduction

This research has unveiled many insights about the working arrangements and conditions of the e-hailing economy. The researcher has noted both the opportunities and challenges of this economy, and it is important to acknowledge that the e-hailing economy has afforded thousands of people with work opportunities who would have otherwise not been employed. In a challenging period of high unemployment, it is important that the researcher acknowledges the positives that this economy has made. However, the world should never find itself in a position whereby the labour market is at the mercy of the capitalist, and people being ashamed of speaking up against unfair labour practices because of the fear of the capitalist leaving with their work opportunities. There is normally a bad stigma associated with labour activists and trade unions that they are the cause of unemployment and retrenchment because they frustrate the employers (capitalists). South Africa has a bloody history of people who died for equality and freedom in the labour market. It is therefore important that we remain conscious of the injustices that exist in the labour market so that we challenge employers to create opportunities that do not contradict the hard-earned labour legislation rights.

The 21st century workplace cannot have the precariat as the main actors in the labour market. According to Schoukens & Barrio (2017), employers use casual labour to weaken unions and impose 'flexibility on the workforce. This shifts the balance of power in favour of the employers as they confront a fragmented labour force, more so one that they can easily dispose. This study's main objective is to acknowledge the platform economy as an existing and impactful economy that is worthy to be regulated to balance the powers between the e-hailing services and drivers

6.2 Study Overview

This study analysed the working arrangements and conditions of e-hailing drivers in Johannesburg. The researcher was able to unpack a lot of information, and it was very sad to learn about the realities of many workers in this industry. According to Hamari (2016), a platform economy is defined as the exchange of assets, services and capital between people through internet-based platforms for the sharing of underutilised resources at a small transaction cost. The study used the theory by Guy Standing known as “The Precariat” which emphasizes that the 21st century economic revolution influenced by capitalism has created a new global class. This new class is called the precariat, which is associated with labour insecurity and uncertainty. This study identified the e-hailing drivers as the precariat as their work environment has labour insecurity and uncertainty.

The researcher conducted 15 semi-structured interviews with e-hailing drivers based in Johannesburg. This study used the 6 stages process by Braun and Clarke for doing a thematic analysis and discovered three themes. The three discovered themes were safety and security, poor working conditions and youth unemployment.

- Safety and Security

The interviews revealed that almost half of the drivers have been hijacked while on duty. These high numbers suggest that drivers are working in fear as their whole work operates by transporting strangers. It was also discovered that customers are able to create fake accounts when registering on the apps, therefore, being untraceable after committing a crime towards the drivers. The e-hailing services are not providing sufficient solutions towards the safety risks as a result many drivers have died at the hands of customers, angry taxi drivers and metre taxi drivers.

- Poor Working Conditions

The interviews revealed that from the participants, all full-time drivers drove for more than 10 hours on a daily basis. It was also noted that the drivers are working long hours to compensate for the high commission for the e-hailing services, weekly target towards the vehicle owners, petrol, data and enough money for their own personal needs. The e-hailing drivers are always working in fear of the metre taxi drivers and taxi drivers as these parties believe the e-hailing services are stealing their business.

There is no freedom of speech in this industry as, during the interviews, participant 13 advised that if you complain too much as a driver, you can be blocked.

- **Youth Unemployment**

The conducted interviews consisted of 100% youth. This was a concern to the researcher because this could be an indication of the lack of opportunities in South Africa. There is a famous saying that the future of the country belongs to the Youth, it is important that the government does more to create job opportunities. The youth have taken the initiative to further their studies but there are still no opportunities for them to practice their acquired knowledge.

6. 3 Study Methodology

The philosophical paradigm used in the study was ontology to understand what it is out there and how came into being. According to Lincoln and Guba (2013), Ontology asks the question, what is the nature of reality? This research applied the qualitative research method that gives emphasis on exploring and gaining an understanding of the meaning that a person or group of people ascribe to a social or human problem (Creswell, 2014). This approach enables the researcher to comprehend issues by investigating them in their own specific context and the meaning that individuals bring to them.

A case study is an in-depth analysis of one or more cases. It is a detailed description of the setting or individuals, followed by an analysis of the data for themes (Creswell, 2018). This research used the case study research design. This study used a case study research method, analysing the Johannesburg former e-hailing drivers. The researcher used a sample size of 15 former e-hailing drivers and used the purposive sampling method. The data collection methods were semi structured interviews and secondary data. The semi-structured interview of 15 former e-hailing drivers was conducted telephonically. The researcher explained this in detailed in chapter 4.

6.4 Study Findings

As previously mentioned, this study discovered 3 themes from the conducted interviews using the 6 stages process by Braun and Clarke. The three themes are the below

1. Safety and Security
2. Poor working conditions
3. Youth Unemployment

This study had also formed 4 research questions, that will be analysed below.

6.4.1 How is work organized for e-hailing drivers in Johannesburg?

The e-hailing smartphone applications connect the drivers with riders who have installed the app on their phones. Taxify demands 15% for every ride from the drivers, while Uber demands 25 percent for every ride from the driver (Sosibo, 2018) then the rest goes to the driver. The trip fares are set by the e-hailing owners and are set to surge pricing during peak hours to get more drivers on the road or to an area. According to (Sosibo, 2018), drivers from the e-hailing companies felt the percentage going to the platform owners is too high and takes from their profit enormously as most don't own vehicles they still need to share with the owners. The drivers are responsible for their own car maintenance, cost of data, petrol and a buying a smartphone.

There have been a confusion revolving e-hailing services if they are employers and additionally whether e-hailing services are taxi companies. Uber maintains that the drivers are independent contractors, and they are only technology service providers and not employers (Geradin, 2015). The title of employment is very important as it determines whether a worker will be entitled for legal benefits. E-hailing drivers are considered independent contractors therefore being denied of the legal benefits.

Although the e-hailing services are mainly advertised as a means to create an extra income, e-hailing services have become a main source of income for drivers on the platform (Hall & Kreuger, 2018). Many partners buy e-hailing vehicles and rent their vehicle to drivers on the platform, which has raised concern towards driver exploitation (Martin, 2016). This is particularly true in South Africa and other developing countries, whereby a majority of e-hailing vehicles are financed by 'partners', who operate entire fleets and encourage drivers to

work for them by meeting weekly payment targets. Wealthier car owners or companies have been cited as buying additional vehicles to contract out to e-hailing drivers (Giddy, 2019).

According to participant 13 during interviews, it was revealed that this platform does not give drivers freedom of speech. It is a norm for this industry to have drivers continually protesting for better working conditions on the highways. During the 2019 May protest, from the many issues raised, the drivers were calling for better pay, benefits such as health and disability insurance, more transparency on how the app calculates the driver's fares and an effective platform where they can express their concerns.

6.4.2 How are e-hailing drivers protected under the South African labour legislation?

One of the outcomes of neoliberal policies and intensified globalization over the years has been a decline of unionized labour and the rise of 'flexible labour'. Workers in the platform economy as 'independent contractors' are not able to unionize, and research suggests that self-employed workers in a platform economy all over the world are unable to bargain their terms and conditions collectively (Alamyar, 2017). This is the same situation in South Africa, as drivers do not have a platform where they can raise their concerns. While there are several drivers willing to join the union, it seems as if there are several other drivers who will not join the union for two reasons. The first is because of the lack of education in workers' rights and the second is because of the fear of losing their 'employment' (Kessler, 2018).

Seven Uber drivers challenged Uber in court to be formally recognised as employees. The Commission for Conciliation Mediation and Arbitration (CCMA)¹¹ ruled in 2017 that e-hailing drivers in South Africa are fully protected by the country's labour laws. E-hailing services are therefore in line with the Labour Relations Act 66 of 1995 and the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA). However, soon after the ruling from the CCMA, Uber petitioned the labour court to assess the ruling and the ruling was brought down. Due to a technical error in the court's decision, as well as varying other factors, the CCMA ruling was set aside.

A court case against Uber in 2017 at the Commission for Conciliation, Mediation, and Arbitration (CCMA) to be recognized as employees was won but overturned by the High Court in 2018. Although there are no offline collective bargaining platforms specifically for Taxify

and Uber drivers in South Africa, interviews revealed that drivers have resorted to created group chats and pages on WhatsApp and Facebook. These groups act as platforms through which working conditions, protest action and other pertinent issues are discussed. WhatsApp groups were the most common platforms which drivers used as veritable sites for discussing issues of common concern (Safli, 2018).

The lack of legislation and accountability has brought about a grey area in the operations globally of e-hailing services. This has led to governments all over the world having to employ subsequent regulation in the market for e-hailing services, because of long standing regulatory regimes with transport providers, and has even resulted in banning of e-hailing services across many countries like Denmark, Hungary, Northern Australia and Bulgaria. Further partial bans include France, Italy, Finland and Germany (Aesnjo & Moynihan, 2019).

The entry of e-hailing services in the transport sector has raised concerns amongst existing operators around the world. Many operators have attempted to stop the operations of e-hailing services on the basis that they operate without similar regulations and therefore are in contravention of competition laws. In South Africa, all land transport operators are subject to the National Land Transport Act (NLTA) (No. 5, 2009), which is a policy framework that regulates all forms of land transport.

South Africa lacked legislation during the initial market penetration of e-hailing services, and many e-hailing drivers chose to operate without an operating license. In the absence of e-hailing services within the National Land Transport Act, the Department of Transport issued a notice to aid all Provincial Regulatory Entities as an interim measure when catering with applications for operating licenses. The Department of Transport employed guidelines for all Provincial Regulatory Entities that whilst it was in the process of amending the NLTA, all Provincial Regulatory Entities (PRE) should treat e-hailing services as a subcategory of meter taxi.

In 2016, the government amended the NLTA (No.5, 2009) to accommodate e-hailing services, which was not recognised in the legal framework of the public transport network. Policy changes included fines of up to R100 000, for drivers penalised for the lack of an operating license.

South African regulatory bodies are currently in the process of amending the National Land Transport Act to cater for transportation networking companies. According to Section 50 (1)9 of the NLTA, no person may operate or provide public transport services unless they own a

valid operating license. However, the regulation to ensure an operating license alone is not sufficient to fix the challenges experienced by e-hailing drivers.

The use of applications makes it difficult for law enforcement officers to monitor any violations in operating licenses (Competition Commission, 2020). The labour environment regarding e-hailing services has brought through some policy reform as drivers want to be formally employed by e-hailing services. The rise of e-hailing business models has challenged the ways in which courts define labour relationships. Many e-hailing companies identify their drivers as independent contractors, not formal employees. This has led to ongoing court battles across the world, whereas courts have ruled varying decisions over whether to classify e-hailing drivers as employees, independent contractors or another terminology (Kelly, 2016).

6.4.3 To what extent can South African labour legislation be adjusted to accommodate changes to the extant employment relationships of e-hailing drivers?

The current South African legislation has dealt with e-hailing services by just ensuring that drivers have the proper licenses to operate. The problem is bigger than just attaining a license to operate, but it is more important for the government to fully regulate the e-hailing industry in order to balance the work powers. Currently, e-hailing services can deactivate the worker's accounts anytime without any notice.

6.4.4 How does the case of e-hailing drivers allow us to understand conceptually the broader nature of precarious work in South Africa?

A substantial number of employees fall outside the regulator net of traditional labour law. The new forms of employment have two consequences for labour market regulation. The first is that much of the regulation-based traditional mode is not suited to these new forms of employment. The second is that the modern labour market is dynamic and labour market regulation is always a step behind (Smith & Kubala, 2018). Casualisation is the biggest trend of a 21st century employee. The growth of casual labour is not in doubt, but the debate starts with how we define and measure it. Casualisation is not a new phenomenon as employers have used non-standard employment for decades. However, it is the scale of casual labour that is unique (Michael & Skinner, 2018). The second 21st-century trend is that the worker's employment titles are unclear. The legal distinction between an employee and an independent contractor is still unfortunately ambiguous. The fourth trend of a 21st-century workers is that they are denied of basic employment rights.

6.5 Contribution of the Study

This study has contributed to the body of knowledge of the platform economy by providing insights about the working arrangements and conditions of e-hailing drivers. This study can be helpful to the government and public as awareness about what is happening in this industry for regulation. This study has both theoretical and practical contributions that will be discussed below.

6.5.1 Theoretical Contribution

The theoretical contribution is that the theory of precarity by Guy Standing makes the connection between globalisation and precarious work clear. Standing argues that globalization has generated a new class structure in which the precariat has emerged as the main class (Standing, 2014). Standing recognises that there has always been insecure and uncertain labour. However, he argues, in the past these forms of work were the exception, whereas today they are the norm which is a concern (Standing, 2014).

In the more secure past, the working class was defined by “proletarianization” which signified a “reliance on mass labour, reliance on wage income, absence of control or ownership of the means of production, and habituation to stable labour” (Standing, 2014). For Standing, it is this bygone golden age of secure work which produced the specific form of labour politics which has now become obsolete: From the nineteenth century up to the 1970s, the representatives of the proletariat – social democratic and labour parties, and trade unions – strove for labour de-commodification through making labour more ‘decent’ and raising incomes via a shift from money wages to enterprise and state benefits. All labour, communist parties, social democrats and unions subscribed to this agenda, calling for ‘more labour’ and full employment, which was meant for all men in full-time jobs (Standing, 2014).

This study recognises the e-hailing drivers as the precariat and it is worrying that from four work classes that Guy standing named, only the two minority classes are benefiting and working comfortably in the labour market, while the remaining majority classes are neglected by the labour legislation.

6.5.2 Practical Contribution

This study will practically contribute by raising an awareness of this industry with the aim for the government to fully regulate this industry. The interviews revealed that many participants were full-time drivers meaning the e-hailing platform is the main source of income for many

in South Africa. This industry is mostly known for what it is sold for, for example “be your own boss, make money and work whenever you want to”. This is unfortunately not the correct reality for most South African drivers because they are not their own boss as they can get dismissed from the app, some drivers do not own the vehicles, the drivers are working even longer to make their daily targets which exchanges “flexibility” into long working hours. Raising awareness may help the world to understand this industry and to provide support.

6.6 Regulatory Approaches

The common theme regarding the regulation of e-hailing platforms is that the labour legislation is outdated hence it struggles to regulate the new work relationships. The below regulatory approaches can be adopted to ensure that the legislation is always up to date to ensure every vulnerable worker is protected.

6.6.1 Revisit and revise

The government must form a committee that will look at the current and future of work trends to ensure that the labour legislation is responding to the labour changes on time. What is currently happening is that the government waits for the new changes and trends to fully settle in the labour market before they start thinking about how they can regulate. This strategy is not wise because it means the government will always be late, giving space for labour unrest. The case of the entrance of Uber in South Africa is an example because Uber penetrated in our market in 2013 and the talks about regulation were only spoken about because of the deadly labour unrest that was happening.

6.6.2 Develop the changes with key stakeholders

It is important to regulate an industry by involving the affected stakeholders for key insights. The stakeholders will be able to bring light to the burning issues. The e-hailing drivers in South Africa have had many protests displaying their unhappiness with how their platform’s working conditions. The government came up with a solution to regulate the e-hailing platform by making it compulsory for e-hailing drivers to operate with permits.

It was a good first step as it is the requirement of our Transport legislation that every “driver” has a permit to work, but it is not the protection or the regulation that the e-hailing drivers are desperate for. The government should involve all key stakeholders to allow for alignment and to fully understand the burning issues.

6.6.3 Sufficient Research

It is important that we have a well-informed government or body of regulators about the future of work. Being well-informed by doing sufficient research helps that the law does not only respond to changes but also gives the regulators sufficient time and information to think about how to also take advantage of the new changes. The government should not only be responding to changes, but it should also be well-informed enough to challenge the changes.

6.6.4 Exercise power

The South African government must acknowledge the powers they hold over what can be accepted or rejected into the labour market. There is no platform or business that should be bigger than the set labour legislation of the country. As the study has shown above, there are countries that were willing to ban the e-hailing services and later unbanned them when the government was better prepared for it. South Africa should not be perceived by capitalists as an economy that does not have strict regulations.

6.6.5 Be mindful of the pace of legalising changes

The government may not like to come across to the workers of South Africa as though they are in favour of international companies more than them. The government must always have what is best for the people of South Africa in mind. Especially, when deciding on implementing the laws and the pace at which the laws must be implemented. The entrance of the e-hailing platforms came with a lot of labour unrest that unfortunately resulted in many innocent lives of e-hailing drivers being taken away.

The government allowed for gaps in communicating and regulating the industry resulting in angry local metre taxi drivers taking the law into their own hands. For urgent matters, the government must prioritise regulating faster.

6.7 Recommendations

6.7.1 Compulsory Compliance

The growing number of workers joining the e-hailing platform suggests the requirement for the government to be involved in solving the challenges experienced by the workers by regulating this industry. The government needs to set strict requirements for the e-hailing business to comply. This would require the government to form policies that will ensure that the e-hailing workers receive the universal minimum protection from the labour legislation. The key question that needs to be answered is how the e-hailing workers can be better supported by both the platform and the government while ensuring that the working conditions are improved. The South African labour market should not be perceived as an unregulated cheap market, but one that values work opportunities that meet the acceptable labour standards.

The South African labour legislation needs to relook at how the e-hailing platform operates in order to be impactful with how they regulate the platform. For example, since the drivers feel the commission rates are too high, the government can play a part by setting a standard commission per trip and the government can create a set of rules for fair dismissals. For full-time drivers, there can be a compulsory basic income from the drivers.

6.7.2 Minimise Unemployment

South Africa is known for its very high unemployment rates. The government can take advantage of the platform economy by improving its working conditions to attract many unemployed people to work. The e-hailing industry has many opportunities under Uber, Bolt, Uber Eats, Mr D, Didi and many more. Although there is no official figure on the current number of workers in the platform economy, evidence in the literature has shown that the number of workers who rely entirely on platform work is expected to rise rapidly (Leenoi, 2021; McKinsey, 2016). The biggest challenge of this industry is safety, the government could join with the police and platforms to fight the safety issues faced by the workers. For example, the police could have a partnership with the platforms to minimise hijackings and better prepare for safety incidents. The government can further attract the unemployed by acknowledging and protecting this industry in the labour legislation. A study released by Fairwork (2021) projected that about 30 000 South African workers were employed in location-based platform work while up to 100 000 workers were employed in web-based platforms. The study further estimated that platform workers account for about 1% of South African workers. The number is expected to grow by about 10% yearly.

6.7.3 Encourage freedom of association

From the interviews, participant 13 explained that if workers complain too much on the App they can be dismissed. This dissertation also noted a case whereby Uber drivers went to the CCMA for unfair dismissal. The CCMA acknowledged Uber as an employer, but the decision was overturned by the labour court when it was decided that Uber is not the employer. In order to balance the working powers in this platform, the government needs to allow platform workers the right to a fair collective bargaining.

6.7.4 Employment Status of e-hailing drivers

This dissertation has revealed that as a way of dodging traditional social benefits towards workers, the platforms have strategically identified themselves as partners and not employers. This has resulted to “employerless” hailing workers, and the workers being classified as independent contractors. Being classified as an independent contractor denies a worker from many legislation rights. The government needs to encourage the platforms to identify themselves as employers and to enforce the labour rights unto the employees.

6.7.5 Access to the internet should be a basic right

South Africa is in a continual effort to decrease inequality. Today access to the internet is a central element of modern life. Participation in social and economic progress is limited without the internet. More and more people are connected to each other all over the world thanks to the expansion of the internet. However, there are still inequalities, for example between urban groups and rural areas (Chisango & Lesame,2017). Furthermore, a lack of digital skills means that not everyone can use the internet. More inclusive general conditions are therefore required to make good the promise that the internet will be a tool in reducing inequality. In a world in which business processes, education and social interaction are increasingly digital, access to the internet is a prerequisite for participating in development. In this context, access means, firstly, a secure, affordable and efficient internet connection and, secondly, users with digital skills. It is likely that the lack of internet access will intensify social inequality. During the COVID-19 pandemic, it has become clear that the internet is now a well-established key element of social and economic progress.

6.8 Recommendation for future research

Future researchers may consider conducting this dissertation with a bigger sample, as this research only focused on the former drivers that are based in the city of Johannesburg. There can be more information that could be received from looking at the sample from a provincial perspective rather than a city. This dissertation only got a chance to interview Uber and Bolt drivers as they are the majority. The future researchers should consider including Uber Eats, Mr D, Didi and many other e-hailing services to get an idea of the whole e-hailing environment and not only from the main platforms such as Uber and Bolt.

As the South African government has not fully regulated the e-hailing industry, this dissertation can be helpful with the decision-making because it will bring insights into the working conditions and how the drivers would like their industry to be regulated. The researchers can use this dissertation to understand and build on the research when analysing the working conditions and experiences of Johannesburg e-hailing drivers. This may be helpful to understanding the platform working culture in Johannesburg for future studies.

It is important for university curriculums in the study of Human Resource Management and Industrial Relations to reflect and teach the current realities of the labour market. The inclusion of the study of precarious work and the implication it has on the labour market and society is vital to ensure students are well informed of the current trends in the economy. Knowledge about the rising precarious work will help students to be well-informed and better prepared for the world of work. For example, precarious work is incorrectly associated with flexibility which may be attractive to the youth, but more research suggests that it is a hindrance to basic labour legislation and stability.

6.9 Conclusion

This chapter has concluded this dissertation by summarising the research key insights obtained by this dissertation and answering the research questions that are stated in chapter 1. The significance of this chapter is that it has provided recommendations for the challenges that were identified in this dissertation.

The study findings revealed that the platform economy has distracted the transport industry bringing labour unrest as the metre taxi drivers continue to fight over unfair competition. The study also noted that South Africa is not in a state to celebrate flexibility in the labour market.

As most drivers must work for more than 10 hours to compensate for the high commission rates, weekly targets to the owners of the vehicles, petrol, data and to still have enough money left for their survival needs.

As South Africa has been suffering from high unemployment rates, the platform economy can bring economic benefits in terms of employment and productivity. The key challenge for the government is to support innovation in business models while ensuring adequate levels of worker protection. The evidence in the literature showed that major platforms classified their workers as independent workers. This means that these workers are not subject to the legal protections granted to workers in a traditional labour relationship with regard to pay, working hours, occupational safety and health, voice, and representation and social security. In this regard, this dissertation provided some insights into the nature of the platform economy and digital labour platforms and their implications on the labour market.

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Annexure A: Ethical Clearance



14 December 2021

Zamangwane Silindokuhle Luhlongwane (216007629)
School Of Man Info Tech & Gov
Westville Campus

Dear ZS Luhlongwane,

Protocol reference number: HSSREC/00003616/2021

Project title: Assessing work organization strategies of former Johannesburg based E-Hailing drivers.

Degree: Masters

Approval Notification – Expedited Application

This letter serves to notify you that your application received on 26 October 2021 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) and the protocol has been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number. PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

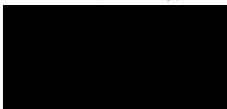
This approval is valid until 14 December 2022.

To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

All research conducted during the COVID-19 period must adhere to the national and UKZN guidelines.

HSSREC is registered with the South African National Research Ethics Council (REC-040414-040).

Yours sincerely,



Professor Dipane Hlalele (Chair)

/dd

Humanities and Social Sciences Research Ethics Committee

Postal Address: Private Bag X54001, Durban, 4000, South Africa

Telephone: +27 (0)31 260 8350/4557/3587 Email: hssrec@ukzn.ac.za Website: <http://research.ukzn.ac.za/Research-Ethics>

Founding Campuses: ■ Edgewood ■ Howard College ■ Medical School ■ Pietermaritzburg ■ Westville

INSPIRING GREATNESS

Annexure B: Interview Schedule

E-hailing Drivers Semi-Structured Interview Guide

Semi-Structured Interview Guide			
Participants demographic information	1	Age	
	2	Race	
	3	Gender	
	4	Highest Education	
Date of semi-structured interview			
Time allocation			

INTRODUCTION

I will introduce myself and thank the participant for attending the online interview

Thank you very much for your time and agreeing to be part of my Research thesis. My name is Zamangwane Luhlongwane, a master's degree student in the School of Information Technology, Governance and Management, and College of Law & Management Studies – University of KwaZulu- Natal (UKZN). My research thesis requires that I collect data, as I have chosen to conduct semi-structured interviews with former E- hailing drivers. My research topic is **Assessing work organization strategies of Johannesburg based e-hailing drivers**. Please note your involvement in voluntarily, as you are allowed to withdraw from this process anytime you wish to.

I will explain the semi- structured interview guidelines and advise on the duration of the interview.

The interview is planned to run for 25 minutes. This time will be used to hear about your detailed experiences as a former e-hailing driver. I will only be facilitating the session today; you are free to own this session as I will welcome as much information as possible. I am a neutral person to the topic, so you can feel free to express your opinions as honest as you can.

- I will make it my priority as a facilitator of this interview to keep to time. Lengthy answers are welcomed, but I advise that you please stick to the main points so that we can finish the discussion in time and with as much information as possible.

I will address the issue of confidentiality

- Part of ensuring that I do not miss any important information that you have shared, you will be recorded. This recording will solely be for the purpose of this research thesis. Confidentiality will be maintained.

Lay the ground rules

To facilitate an effective interview, I will explain the ground rules.

- Let us make sure to not disturb each other when speaking, I would recommend that talking is only welcomed once one of us has finished speaking.
- This is a free and confidential platform. Please feel free to express yourself as best as you can, detailed answers will be more helpful.
- You can own the discussion that is about to take place.
- My role as a facilitator is to read out questions and to ask follow up questions should there be any. Your role is to tell your E- hailing work experience as best as you can.
- I have explained and you have signed the form confirming your participation in this discussion, as well as your agreement to ensure that everything that is discussed in this venue remains confidential and private. May you please advise if you agree with this agreement?
- I will record and take notes.

Discussion starter question

As mentioned earlier, the topic of this research is Assessing work organization strategies of Johannesburg based E-Hailing drivers. I would like to explain a few concepts to head start our conversation.

1. Definition of employee

According to section 213 of the Labour Relations Act 1995, an employee is any person excluding an independent contractor who works for another person or for the state and who receives or is entitled to receive remuneration, and any other person who in any manner assists in carrying on or conducting the business of an employer.

2. Definition of independent contractor

Independent contractors provide a service and are hence paid to render that particular service. An independent contractor is not subject to the control or direction of the organisation or company or person, which would be called his, her or its client. Essentially, the independent contractor is doing the work as part of his or her or its own business. On the contrary, employees enter into a contract of employment with an employer which creates an employment relationship and not a service provider relationship.

3. Definition of e - hailing

E-hailing refers to an act when a customer orders a customized ride online usually via a smartphone application. In essence, it is similar to a taxi service. The customer orders the

ride from a ride-hailing platform – a third party that mediates the service between the driver and the passenger.

4. Definition of the gig economy

The gig economy is a labour market characterized by the prevalence of short-term contracts or freelance work as opposed to permanent jobs.

5. Definition of Precarity

Precarity in this context is the precarious existence, lacking in predictability, job security, material, or psychological welfare. The social class defined by this condition has been termed the precariat.

Research Question

1. How is work organized for e- hailing drivers in Johannesburg?

1.1 Interview Questions

1. What are the applying processes to being a registered e-hailing driver?
2. Would you have identified yourself as a full time or part time E-hailing driver, why?
3. Did you own the vehicle used to provide services? If not, please fully explain the results of sharing the vehicle.
4. What were you doing before being an e-hailing driver?
5. How many hours did you work in a week?
6. What were the payment arrangements as an e-hailing driver?

-Question 1 to 3 will help the researcher to understand the application process of being an e-hailing driver, so that it can be understood if there are any legal agreements between the e-hailing company and the driver. If they are, which kind. To further understand how this work is organized in South Africa, the researcher would like to understand if people join e-hailing as a side job to increase their financial state or if they mostly join e-hailing jobs full time. E-hailing business model's sound effective and financially liberating to the drivers only when the vehicle used is owned by the driver. It will also help the researcher to understand how this work is organized by knowing the quantity of those who own the vehicles and the quantity of those who rent the vehicles.

-Question 4 to 6 will help the researcher to understand what level of experience or skills that most e -hailing drivers have, by asking the question what the drivers did before joining the e-hailing company. To evaluate the working conditions of the role, the researcher will ask about the number of hours worked in a week by most drivers. The working condition question, the researcher would like to understand how the payments arrangements work, and if it is done fairly.

2. How are e-hailing drivers currently protected under the South African labour legislation?

2.1 Interview Questions

7. Are there any legal agreements between e-hailing companies and drivers upon registering to join their company?
8. Do you feel there is a need for a third neutral party between the relationship of drivers and e-hailing companies?
9. How do drivers express their grievances at work?
10. Do e-hailing companies allow freedom of speech at work for drivers? e.g freedom to negotiate working conditions
11. Are there any e-hailing regulations for drivers in South Africa?
12. Have you been injured on duty before, if yes which measures did your e-hailing services take?
13. To what extent did your e-hailing company ensure driver's safety? e.g hijacks
14. Are there any benefits received besides the weekly compensation?

-Question 7 to 14 will help the researcher to understand if there is any legal agreement binding e-hailing companies and the drivers when forming the relationship. This answer will help clarify what kind of employment relationship e-hailing companies has with the drivers. The researcher would like to investigate if e-hailing companies have a platform for drivers whereby there is neutral negotiations and a platform for drivers to express their grievances at work. It is clear that the South African labour legislation does not cover e-hailing drivers, but the researcher is interested to know if e-hailing companies as an entity has got its own legislation to protect their workers or partners. To understand how e-hailing drivers are currently protected, the researcher will ask if they have been injured, hijacked or been in a car accident before during work time, and how the drivers went about it. Another form of protection is financial protection, the last question asks if there are any other benefits besides the monthly wages. Financial protection would be an insurance or cover provided by an e-hailing company.

3. To what extent can South African labour legislation be adjusted to accommodate changes to the extant employment relationships of e-hailing drivers?

3.1 Interview Questions

15. Is there a need for E-hailing companies to be regulated and why?
16. Would you prefer E-hailing companies to regulate the drivers or government to regulate drivers?
17. How would you like the government to intervene with E-hailing driver's ambiguous work

status?

18. How would you feel if there was a trade union formed for all e-hailing workers?

19. What legislative benefits do you feel drivers should receive from E-hailing services?

-Questions 15 – 17 the researcher does not want to assume that E-hailing drivers want their work to be regulated. The question will be asked if there is a need for E-hailing companies to be regulated and if the answer is yes, how it should be regulated. It is also important to understand if E-hailing drivers feel this regulation issue should be resolved by E-hailing company or by the government. The researcher is also interested in knowing from a legislative point of view, how E-hailing drivers would like the government to intervene with their ambiguous work status.

-Questions 18 – 19 will investigate if the drivers would love to have a trade union that would protect and negotiate for them. It will also be investigated what legislative benefits drivers require from the e-hailing services. e.g for drivers working full time with an E-hailing company to be compensated paid leave for 12 days in a year and cater for injury during duty.

4. How does the case of e-hailing drivers allow us to understand conceptually the broader nature of precarious work in South Africa?

4.1 Interview Questions

20. Do you feel your work was mostly controlled by your e-hailing company or did you regard yourself as self-employed?

21. Do you prefer precarity or a stable job?

22. What are the advantages of being in a precarious work environment?

23. What are the disadvantages of being in a precarious work environment?

24. Did you feel as though you were a valued member of your bigger e-hailing family?

25. How did joining the e-hailing company contribute to your financial state?

26. How did joining the e-hailing company contribute to your mental state?

27. What future trends for you foresee for drivers in South Africa?

28. Do you feel as though the gig workers deserve their own work classification or they should be allocated to either being an employee or independent contractor?

The researcher is interested in understanding the broader nature of precarious work. The first set of questions want to investigate if working in a gig economy feels like you are being controlled or if it feels like you are self-employed. The researcher is also interested if precarity is now preferred over stability. The researcher will ask about the advantages and disadvantages of precarious work to further understand precarious work. The researcher will investigate the mental and financial state of workers in this gig economy. The researcher will then ask what future trends the drivers foresee in their working environment in order to have an idea where gig work is headed. It would be interesting to know whether the former E-hailing drivers felt as though they fit into being an employee or an independent contractor or if they did not identify themselves with both.

CLOSING REMARKS

I will offer an opportunity for any short final comment's participants would like to make.

Thank you very much for your time and input today. Are there any comments you would like to make? The information provided will help me write my dissertation and help E-hailing drivers' experiences be heard with the hope of bettering their experiences.

End