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A Critical Ethical Analysis of the Labour Practices in South Africa's Gig Economy: Evaluating the Economic and Social Impact on Human Workers

Submitted by Kwanda Lungelo Kunene

Student number: 220067234

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School of ARTS, College of Humanities,

University of KwaZulu-Natal, Pietermaritzburg, South Africa.

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Supervised by

Prof Beatrice Okyere-Manu

DECLARATION

I, Kwanda Lungelo Kunene, declare that:

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Kwanda Lungelo Kunene

Prof Beatrice Okyere-Manu

Signature: K.L.K

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DEDICATION

To myself, and all the people working in the gig economy.

ACKNOWLEDGEMENTS

First and foremost, I would like to thank God for the strength and wisdom that sustained me and gave me the perseverance to complete this milestone.

I would like to express my gratitude to my parents Musawethu and Fikelephi Kunene for their unwavering love, support, and encouragement throughout this academic journey. Their sacrifices, constant belief in my abilities, and emotional strength have been foundational for my success. Without their guidance and prayers, this milestone would not have been possible.

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ABSTRACT

The gig economy has grown significantly in African countries in recent years. In South Africa, it became particularly prominent after the COVID-19 pandemic. The gig economy is a large labour market characterised by short-term jobs or tasks, facilitated by online platforms that connect service providers with consumers. Its rise has created employment opportunities in a country plagued by high unemployment, poverty, and other socioeconomic inequalities. The opportunities offered by the gig economy are substantial and contribute to economic growth. However, the rise of the gig economy itself is not the problem. The ethical concern lies in the labour practices within the gig economy, which adversely affect the human workers who participate in it. This has sparked ethical debates among scholars, questioning its role as a developmental pathway in South Africa. Although some studies have examined South Africa's gig economy, few have evaluated the ethical issues it raises concerning its impact on human workers from an explicitly ethical standpoint. Human workers are central to the functioning of the gig economy, which depends heavily on their labour. These gig workers, or service providers, perform short-term jobs or tasks for which they are compensated per task completed. This study posits that the labour practices in the gig economy are unfair, resulting in the exploitation and violation of the rights of human workers. It is through this backdrop that this study, through the lens of consequentialism, argues that the policymakers, government, platform companies, and other stakeholders must collaborate in ensuring that the gig economy is regulated and workers are protected from unfair labour practices and exploitation that contribute to their vulnerabilities.

Keywords: Gig economy; Human workers; Digital platforms; Labour practices; Consequentialism; Human rights.

ABBREVIATIONS AND ACRONYMS

4IR	Fourth Industrial Revolution
App	Application Programme
BCEA	Basic Conditions of Employment Act
BLS	Bureau of Labour Statistics
CCMA	Commission for Conciliation, Mediation and Arbitration
CEM	Collaborative Engagement Model
COVID-19	Coronavirus Pandemic
EEA	Employment Equity Act
ICT	Information and Communication Technologies
ILO	International Labour Organization
LRA	Labour Relations Act
Mr D	Mr Delivery
MTurk	Amazon Mechanical Turk
NMWA	National Minimum Wage Act
NEDLAC	National Economic Development and Labour Council
PTO	Paid Time Off
SONA	State of the Nation Address
StatsSA	Statistics South Africa
UIF	Unemployment Insurance Fund

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CHAPTER ONE: INTRODUCTION

1.1 Introduction

This study is a critical ethical analysis of the labour practices in South Africa's gig economy, evaluating their economic and social impacts on human workers. In a context of high unemployment and limited formal job opportunities (Thakur et al., 2022:2), the gig economy has emerged as a source of income for many South Africans. However, widespread inequality, endemic corruption, unequal power dynamics between workers and platforms, exploitation, and inadequate benefits raise important ethical concerns. The advent of digital platforms has enabled flexible, short-term jobs, yet, with practices such as irregular hours, earning per task, and lack of security remain questionable in their consequences for workers. The surge of gig work operating through online platforms has sparked a hope of development and empowerment through job opportunities. In the midst of this surge, the ethical concerns about the effects on human workers continue to mount, along unforeseen occurrences that have shaped the nature of the labour force in South Africa. This research adopts the lens of consequentialism to examine whether the gig economy benefits or harms human workers. In doing so, I argue whether the gig economy is a system of exploitation or empowerment. Drawing from the insights of consequentialism, the study offers an informed conclusion and recommendations. This chapter introduces the study by outlining its background and motivation, followed by the problem statement, research questions, objectives, theoretical framework, preview of methodology, and the structure of the dissertation.

1.2 Background of the Study

In recent years, scholars have expressed concern about the future of the economy, particularly regarding the shift from permanent jobs to gig work (Stewart and Stanford, 2017:421). Over the last decade, South Africa, like many other countries, has experienced substantial growth in the gig economy. Although this study primarily focuses on South Africa, the gig economy is prevalent globally across high-, middle-, and low-income countries. Therefore, the study includes examples and discussions that reflect both international and national contexts, given their interrelation with the gig economy. The gig economy comprises labour markets powered by online digital platforms that enable direct connections between consumers and service providers (Joshi et al., 2024:1).

Workers provide services to customers by performing tasks arranged through an application (App) and receive payment afterwards, either online or in cash. Gig work has attracted significant interest not only in South Africa but also globally, becoming a viable option for students, retirees, and anyone seeking to earn a living. Similarly, workers and organisations have been transitioning from permanent employment to the new nature of work in the gig economy, where workers are independent contractors, self-employed, and engaged in flexible work arrangements, *inter alia* (Friedman, 2014:171). This economy is often characterised by short-term jobs facilitated by digital platforms which has provided many individuals with opportunities for income generation. Gig work spans various industries, including transportation (e.g., Uber, Bolt), food delivery (e.g., Uber Eats, Mr D Food), and freelance services (e.g., content creation, digital marketing, and more) (Donovan et al., 2016:2). While these platforms promise convenience and independence for workers, the ethical implications of labour practices in the gig economy have become a growing concern. From an economic viewpoint, the gig economy provides a flexible way to earn income and helps reduce unemployment in a country where job shortages are a significant problem. South Africa's high unemployment rate, worsened by systemic inequalities and socio-political issues, has made gig work an attractive option for many, particularly in cities. The gig economy has become an important part of South Africa's labour market, with millions of workers depending on gig jobs to support themselves. However, it also raises ethical questions, especially concerning its effects on human workers. One concern is that gig workers are categorized as independent contractors instead of employees (Van Belle et al., 2023:1–2). This classification has significant consequences for gig workers regarding labour rights and access to benefits such as paid leave, healthcare, fair wages, and job security. Therefore, the socio-economic impacts of the gig economy on human workers are areas of great concern. Consequently, the reasons mentioned above underpin this study's aim: to critically and ethically analyse the labour practices of South Africa's gig economy and evaluate their socio-economic impacts on human workers. This study contributes to the existing literature and debates on fair labour practices in the gig economy by critically and ethically analysing these practices and evaluating their consequences for workers through the lens of consequentialism. In a nutshell, the study seeks to highlight the consequences of South Africa's gig economy on human workers while shedding light on how gig work poses challenges for both workers and society at large.

1.3 Motivation of the Study

The researcher's observation of substantial reliance on gig workers during the COVID-19 pandemic and the ways in which technology has reshaped the South African labour market serves as a motivation for this study. As a student among peers engaged in gig work, such as e-hailing and e-delivery, I often heard their stories, however, these accounts seldomly revealed the full picture. This inspired me to undertake a critical, ethical analysis of labour practices in South Africa's gig economy and to evaluate their impact on human workers. During the pandemic, gig workers played a vital role by providing services such as online advertising, ride-hailing, healthcare, food and other package deliveries (Friedland and Balkin, 2023:181). The gig economy has historically emerged during periods of crisis, including the 2007–2008 global financial meltdown and more recently the COVID-19 pandemic. For me, this trend raised significant questions about the dynamic nature of the gig economy and its ethical implications. Fourie (2023:156) similarly observed this phenomenon, describing the gig (or informal) economy as a “shock absorber” during unforeseen events, when economic fluctuations and stagnant formal employment leave gaps in the labour market. Such trends suggest that, in times of adversity, contingent labour functions as a buffer, protecting South Africa's economy from collapse. Witnessing these patterns and listening to the experiences of gig workers led me to ask a central question: can this new way of working be considered a viable and ethical development for the South African labour market? Accordingly, this study undertakes a critical ethical analysis of the labour practices in South Africa's gig economy, evaluating the economic and social impacts on human workers. It aims to contribute to a deeper understanding of the gig economy and to provide a foundation for developing ethical and effective regulatory frameworks.

1.4 Problem Statement

Many reporters have reflected on the new nature of work and how it is organised in the contemporary era. These reflections have sparked extensive discussions and studies among scholars from various disciplines, each approaching the gig economy from their own standpoint. Some have praised it as a flexible and innovative solution to unemployment, while others have criticised it as exploitative and precarious. Yet, despite these debates, a clear understanding of

whether the gig economy constitutes empowerment or exploitation for human workers remains elusive. Crucially, while gig workers are the very foundation of the gig economy, their lived experiences and ethical concerns are often marginalised or insufficiently addressed in existing studies. This oversight is striking, given that any meaningful critique of the gig economy must begin with an examination of those who sustain it through their labour. This study occupies precisely this neglected space. It aims to offer a critical ethical analysis of the labour practices within South Africa's gig economy, evaluating its socio-economic impacts on human workers. The ethical questions surrounding the gig economy's treatment of workers are urgent and cannot be ignored. Accordingly, this research interrogates whether the gig economy, in its current form, represents a just and sustainable development in the South African labour market, or whether it perpetuates injustice and vulnerability among those it claims to empower.

1.5 Key Question

What are the ethical implications of the gig economy on human workers?

1.6 Research Sub-Questions

- What is the nature of the Gig economy in South Africa?
- What are the effects of the Gig economy on the human worker in South Africa?
- How can the ethical theory of consequentialism inform the implications of the gig economy on human workers?

1.7 Research Objective

To explore the ethical implications of the gig economy on the human worker in South Africa.

1.8 Research Sub-Objectives

- To define the gig economy.
- To describe the effects of the gig economy in South Africa.
- To explore how the ethical theory of consequentialism will inform the implications of the gig economy on human workers.

1.9 Preview of Methodology

The methodology “perceived as a systematical way to solving a research problem by logically adopting various steps” (Patel and Patel, 2019:48). Hence, the objective of this study was to critically analyze the labour practices in the South African gig economy and evaluate their economic and social impacts on human workers. This implies that the methodology provides logical steps and approach to the study’s enquiry. This study used the qualitative approach in which it followed an interpretative paradigm. Data was collected through secondary sources which include books, journals, publications and reports, both online and physical. This was done through a systematic review of literature which led to the development of the foundation of this study. The interpretative approach in the research is referred as an interpretivism, phenomenological research or qualitative research because it does not rely on statistical or numerical analysis of data (Gichuru, 2017:1). Further, interpretivist acknowledge that research problems are not cannot be quantifiably observed. For example, the research problem of this study is a human construct or social problem that can be in reality accessed through shared meanings or understandings of the world. Therefore, interpreting the data assembled, allowed the researcher to generate themes which are fundamentally for a qualitative approach. This methodology helped the researcher to gain insights, interpretation, and new understandings that have been overlooked, or under-researched to develop new knowledge. In doing so, the researcher hoped to use the new knowledge developed to draw conclusions and recommendations regarding the labour practices in South Africa’s gig economy and their economic and social impacts on human workers.

1.10 Theoretical Framework

The theoretical framework is a crucial component of this research, as it guides, justifies, and extends the inquiry into the ethical dimensions of the gig economy. This study begins from the assumption that South Africa's gig economy has significant consequences, both economic and social. To interrogate these consequences, the study adopts the ethical theory of consequentialism as its guiding framework. Consequentialism is an ethical theory descended from classical utilitarianism, whose most notable proponents include Jeremy Bentham (1789), John Stuart Mill (1861), and Henry Sidgwick (1907) (Sinnott-Armstrong, 2003:1). Consequentialism retains the central hold of utilitarianism, that the moral worth of actions depends on their outcomes rather than on the actions themselves. Therefore, it is result-oriented rather than an action-based theory. As Peterson (2013:1) observes that an action's morality is determined by its consequences: if the outcome is good, the act is justified; if the outcome is bad, the act is unjustified. This theoretical lens aligns well with the objectives of this study, as it enables an ethical evaluation of whether South Africa's gig economy produces better than harm for human workers, and whether it can therefore be morally justified. Moreover, consequentialism prioritises outcomes that maximise overall value for the greatest number of people (Vallentyne, 2006:21). For example, if the gig economy in South Africa yields benefits that outweigh the harms for the majority of workers, it could be seen as justified, but if it exacerbates harm and vulnerability, it would not be. Beyond offering a normative criterion for judgement, consequentialism also compels us to consider distributive effects. To question who bears the costs, and who enjoys the benefits, which is particularly relevant in the South African context of structural inequality. Thus, consequentialism provides a robust framework to critically and ethically analyse the labour practices of South Africa's gig economy while evaluating their consequences for human workers.

1.11 Outline of Chapters

This study has five chapters, which are described below.

Chapter One: Introduction

The first chapter introduces the topic, background of the study, research problem, and motivation of the study. Additionally, it will present the key research question, along with sub-questions, as well as the key objective, sub-objectives, and the outline of chapters.

Chapter Two: Literature Review

This chapter presents the literature review from academic sources and scholars that is pertinent to the research topic. The key scholars that will inform the literature review include de Stefano (2016), Tan (2021), Stewart and Stanford (2017), Fourie (2023), and Khambule (2020) amongst others. This literature review is presented thematically as follows: background of the gig economy, South African regulatory framework, definition the gig economy, nature of the gig economy, factors contributing to the rise of the gig economy, forms of gig work, the effects of the gig economy on workers' livelihoods in South Africa.

Chapter Three: Theoretical Framework

This chapter entails the theory that guides this study. The ethical theory guiding this study is consequentialism. This chapter defines the theory and the aspects attached to it. Further, this chapter entails arguments against and for consequentialism.

Chapter Four: Analysis

This chapter will have an analysis of the labour practices of South Africa's gig economy and its socioeconomic impacts on human workers. Furthermore, this analysis is conducted from the lens of consequentialism. This chapter will also highlight and analyse the ethical concerns about South Africa's gig economy and the implications on human workers.

Chapter Five: Recommendations, Summary, and Conclusion

This is the last chapter. It will state the findings and new knowledge created by this research study. It will entail recommendations, a Summary, and a conclusion.

1.12 Conclusion

This chapter presents the introduction, background of the study, motivation of the study, the problem statement, the key research questions and objectives, the theoretical framework, the research methodology, and the outline of chapters for this study. The second chapter is the literature review that encompasses the pertinent literature to the topic at focus, which follows below.

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

The previous chapter presented the introduction and overview of the study. It outlined the background to the research problem, the key question, sub-questions, and the objectives of the study. Furthermore, it included the methodology, an outline of chapters, and a conclusion. The current chapter is the literature review, which is presented thematically. Firstly, it presents the background of the gig economy, followed by an overview of South Africa's labour regulatory framework, a definition of the gig economy, the nature of the gig economy, factors that contribute to its rise, forms of gig work, and finally, the effects of the gig economy on workers' livelihoods. This is followed by a conclusion. Despite the growing interest in the gig economy phenomenon, it still lacks a universal definition (Koutsimpogiorgos et al., 2020:527). Many writers define the gig economy based on the particular online platform they are observing. However, a significant number of scholars agree on certain common features such as online platforms as intermediaries, flexible yet precarious labour, and short-term jobs, among others (Wood et al., 2019). The key scholars that inform this literature review include De Stefano (2016), Tan (2021), Stewart and Stanford (2017), and Khambule (2020), among others.

2.1 Background of the Gig Economy

South Africa has various urban spaces that have served as fertile ground for the growth of the gig economy (Fourie, 2023). These urban spaces created an opening for the new nature of work to emerge. As a result, the labour market in South Africa consists of two categories: the traditional labour market and the gig labour market. Maharaj (2020:242) notes that it has always been a key attribute of the South African labour market to function both formally and informally. Furthermore, Khambule (2020:91) argues that the informal economy is shielded from economic fluctuations because it operates outside conventional economic principles and regulations. In summary, Maharaj and Khambule propose that the traditional labour market represents the formal economy, while the gig labour market represents the informal economy. The traditional labour

market is characterised by rigid labour laws and regulations that dictate hiring, dismissal, compensation, working conditions, and so on (Pogorevici and Serobe, 2020:4). This has created a notable disparity in expectations between employers and employees in the traditional market compared to the gig labour market. The gig labour market began to emerge after the 2008 global financial crisis and has expanded further since the COVID-19 pandemic. Unlike the traditional labour market, the gig labour market has no boundaries or labour laws that fit its needs and structure (Maharaj, 2020:239). As a result, in many instances, the gig labour market remained resilient during the pandemic and continued to operate because it functions outside the labour legislation of South Africa. This is why Fourie (2023:156) refers to the informal economy as a “shock absorber” since the global financial meltdown and the more recent COVID-19 pandemic. This backdrop suggests that during economic fluctuations, the traditional labour market becomes stagnant and ceases to generate value for the economy, whereas the gig labour market remains active, absorbing the impact and sustaining South Africa’s economy. The advantage of working in the traditional labour market is that workers’ rights are protected, and they can access the courts if an employer breaches the terms and conditions of their contract. Furthermore, employees in the traditional labour market can access health insurance, car insurance, paid time off (PTO), retirement plans, among other benefits. Maharaj (2020:242) observes that laws such as the Labour Relations Act (LRA), the Basic Conditions of Employment Act (BCEA), and the National Minimum Wage Act (NMWA) among others, serve as a safety net by providing protection to workers in standard employment. However, these labour laws protect only workers who are formally classified as employees. The gig labour market’s nature, characterised by precarious jobs, online platforms, and casual labour makes it difficult for workers to be categorized as employees, which in turn limits the ability of labour legislation to protect gig workers.

2.2 South African Labour Regulatory Framework

The South African labour framework is complex and often creates asymmetry for human workers in the gig economy because its practices are new and digitalised. In South Africa, the working relationship between organisations, employers, and employees has always been complex and demands an understanding of both the Labour Relations Act and the constitution (Heerwagen et al., 2016). This suggests that, to prevent asymmetries in the gig economy, it must also be governed

by the Constitution and the existing labour laws of South Africa. It is estimated that 4.8 million workers in Africa earn income from digital platforms (Anwar and Graham, 2020a:96). This figure comes from a study involving seven countries: Ghana, Kenya, Nigeria, Rwanda, South Africa, Tanzania, and Uganda (Smit et al., 2019:2–9). This indicates that many people in developing African countries rely on the gig economy to survive. The Labour Relations Act (Act 66 of 1995) and the Basic Conditions of Employment Act (Act 75 of 1997) set the main guidelines for labour laws in South Africa (Mzangwa, 2015:169). However, these laws were designed for the formal employment relationship and are ill-equipped to regulate the flexible, decentralised nature of work in the gig economy. As a result, the lack of tailored regulation perpetuates uncertainty and vulnerability among gig workers.

2.2.1 The Labour Relations Act (No.66 of 1995)

The complexities of South Africa's labour market involving influential trade unions and employer organizations on policy issues influenced the establishment of the LRA which unified labour relations across all economic sectors (Benjamin et.al 2010). The aims of the LRA are listed as follows:

- (a) to implement and regulate the fundamental rights conferred by section 27 of the Constitution.
- (b) to implement obligations incurred by the Republic as a member state of the International Labour Organisation.
- (c) to provide a framework within which employees and their trade unions, employers and employers' organizations can-
 - (i) collectively bargain to decide wages, terms, and conditions of employment, and other issues of shared interest
 - (ii) create industrial policy
- (d) to promote-
 - (i) organised collective bargaining

- (ii) collective bargaining at sectoral level
- iii) employee participation in decision-making in the workplace
- (iv) the effective resolution of labour disputes (South African Government, 1995:11).

This shows that the Labour Relations Act aims to promote fair labour practices and create a democratic labour market. Furthermore, the Labour Relations Act recognizes the rights and importance of collective bargaining. This allows for the interests of unions, employees, employers, and employer organizations to be considered. The protection of employees or people looking for work is listed below under the Labour Relations Act stating that:

- (1) No person may discriminate against an employee for exercising any right conferred by this Act.
- (2) Without affecting the general protection given by subsection (1), no one may do, or threaten to do, any of the following:
 - (a) require an employee or a person seeking employment to-
 - (i) not to be a member of a trade union or workplace forum;
 - (ii) not to join a member of a trade union or workplace, forum; or
 - (iii) to renounce their membership in a trade union or workplace forum
 - (b) prohibit an employee or a job seeker from exercising any rights given by this Act or from taking part in any proceedings under this Act;
 - (c) harm an employee or job seeker because of their past, present, or anticipated future status or because of;
 - (i) having membership of a trade union or workplace forum.
 - (ii) taking part in forming a trade union or federation of trade unions or establishing a workplace forum.
 - (iii) involvement in the lawful operations of a trade union, federation of trade unions, or workplace forum (South African Government, 1995:13-14).

This part of the LRA further depicts that no one may promise or offer benefits to an employee or job seeker in return for the employee or job seeker not exercising any rights given by this Act. They also cannot offer benefits in return for not taking part in any actions under this Act. However, this clause does not preclude parties involved in a dispute from reaching an agreement. This means that any clause in a contract that restricts or indirectly clashes with any part of section 4 or this section is void, regardless of when the contract was made. However, the contract's clause is enforceable if it is permitted under this Act. This section of the LRA focuses on protecting employees and job seekers under the Labour Relations Act. It provides a vigorous legal safeguard for employees to ensure they exercise their rights without fear of being contradicted by any form of retaliation or exploitation. Additionally, the Act also cancels any practices or agreements that might violate these protections.

2.2.1.1 Commission for Conciliation Mediation and Arbitration

The central attribute of the Labour relations Act is the Commission for Conciliation, Mediation and Arbitration (CCMA). This is an entity or structure that was developed within the act and it is overall responsible for resolving disputes related to labour (Benjamin, 2013:1). This implies that the CCMA is a system of resolving labour disputes, with a goal of minimizing industrial action and avoiding litigation. Practically, the CCMA does this by resolving disputes through conciliation, mediation, arbitration that involves the process of reaching a consensus by parties in a dispute. This means the CCMA acts as a mediator between parties in a dispute and remains impartial with the imperative of working with both parties to find a best solution for their interests (Jordaan, 2019:297). This process helps parties in a dispute reach a common ground with the assistance of the CCMA, thereby eliminating the need for litigation. The disputes always have two sides of shared interest, one side of the dispute includes one or more employees or trade unions, further it can have the combination of both trade unions and employees. The other side can include the employer or the employer's organization, or the combination of both the employers and employers' organizations in terms of Section 134 of the LRA (South African Government, 1995). The CCMA does not condemn or praise any party in the dispute, the goal is to reach a common ground (conciliation) that will promote harmonious and constructive labour relations, especially because the South African labour market has a heritage of political marginalization and systematic

inequality (Benjamin, 2013:1). According to Section 135 of the LRA, resolution of disputes through conciliation includes a process determined by a commissioner which include:

- Mediating the dispute,
- Conducting a fact-finding investigation
- Providing a recommendation to parties, which may be in form of an advisory arbitration award (South African Government, 1995:115).

The arbitration award from the CCMA is final and binding even though it may be advisory. The parties who allege defect with the case and arbitration, must file an appeal to the labour court within six weeks. This will allow the dispute to be reviewed again, checking whether the commissioner that handled the dispute did a good fact-finding investigation. This is because defect also alleges that the commissioner did a poor job handling the dispute and possible corruption. In terms of Section 145 of the LRA defect means that:

- The commissioner committed misconduct in relation to the duties of the commissioner as an arbitrator;
- The commissioner committed significant irregularities in the conduct of the arbitration proceedings;
- The commissioner exceeded his authority; and
- The award was acquired improperly (South African Government, 1995:124-125).

Nonetheless, the CCMA seems fair in its conduct and proceedings. The arbitration award may require parties to do something other than pay money. This is also binding and if one party fails to comply, the other party is well within its rights to go to the labour court and start contempt of court proceedings. This legal action is used to force compliance from the uncomplying party, and it could result to imprisonment or fines for the uncomplying party. The disputes handled by the CCMA include unfair dismissals, unfair labour rights, collective agreements, inter alia. Even though the CCMA is independent, it is funded by the state and operates under the authority of the

LRA. The CCMA has previously occurred during the apartheid period before labour reform. In the wake of apartheid it was known as the Industrial Conciliation Act of 1924, and it excluded black workers (Benjamin, 2013:2). This Act allowed the registration of trade unions, employers' organizations, and established a system to govern collective bargaining, resolution of disputes, and industrial action. Therefore, this Act has similar roles to the LRA and CCMA, the only key difference is that it was rooted in racial segregation. Today, although racial segregation no longer exists, the LRA and CCMA still marginalizes workers as they apply to workers that are legally classified as employees. This implies that gig workers are excluded from the support and assistance offered by the CCMA. A conundrum has occurred in 2017 where the commissioner of the CCMA ruled that the uber drivers are employees of Uber SA (CCMA, 2021). However, this ruling was overturned due to unavailability of evidence that the Uber drivers were employed by Uber SA and during that time the drivers' accounts were deactivated from the app. As a result, the ruling of the commissioner was considered incorrect. The dispute and decision are still under review as the question of whether Uber drivers are employees is pending.

2.2.2 The Basic Conditions of Employment Act (No. 75 of 1997)

The Basic Conditions of Employment Act (BCEA) was established to protect employees from exploitation (Diedericks & Van Eck, 2015). Although this Act works alongside the Labour Relations Act (LRA), it also plays a distinct and significant role in regulating the South African labour market. Section 34 (Chapter Four) of the BCEA sets out provisions concerning employment and remuneration, ensuring that employees receive fair treatment in the workplace.

2.2.2.1 Employment and Remuneration

Section 34 includes clauses that aim to protect workers from unfair financial pressure or abuse by their employers. It ensures that employees have financial security and dignity by making sure that any deductions are clear, reasonable, voluntary (when appropriate), and legally justified. The rules are as follows:

- (1) An employer is prohibited from making any deductions from an employee's pay unless –

- (a) the employee has given consent to the deduction in writing for a specific debt mentioned in the agreement,
 - (b) the deduction is mandated or permitted by a law, collective agreement, court order, or arbitration judgement.
- (2) A deduction under subsection (1) can only be made to repay the employer for loss or damage if –
- (a) the employee cause loss or damage while working,
 - (b) the employer has followed an impartial process and given the employee a fair opportunity to defend the deductions,
 - (c) the total amount due does not exceed the actual loss or damage,
 - (d) the total deductions from the employee’s pay under this subsection do not exceed one-quarter or 25% of the employee’s pay.
- (3) A deduction under subsection (1)(a) for any goods bought by the employee must state what the goods are and how many there are.
- (4) An employer who deducts money from an employee's pay under subsection (1) to pay someone else must transfer the money according to the time frame and other conditions stated in the agreement, law, court order, or arbitration award.
- (5) An employer cannot require or allow an employee to –
- (a) repay any remuneration except for overpayments previously made by the employer resulting from an error in calculating the employee’s remuneration;
 - (b) acknowledge receipt of an amount greater than the remuneration actually received
- South African Government,1997:32); (Diedericks and Van Eck, 2015:477-478).

2.2.2.2 Calculation of Remuneration and Wages

Section 35 (chapter 4) creates clarity about the wages highlighting what counts and what does not count as remuneration. It also stipulates the maximum hours an employee must work in a week

and calculates wages by the hours worked by an employee. This shields employees from being outworked. Further, it also prevents employers from manipulating wages and remuneration as rules are clear that wages are calculated based on hours worked. Section 35 is stipulated as follows:

- The number of hours an employee typically works is used to calculate the employee's wage.
- For the purposes of calculating an employee's wage based on time, an employee is deemed ordinarily to work—
- 45 hours in a week, unless the employee ordinarily works a lesser number of hours in a week;
- nine hours in a day, or seven and a half hours if an employee works for more than five days a week, or the number of hours that an employee works in a day in terms of an agreement concluded in accordance with section 11, unless the employee ordinarily works a lesser number of hours in a day.
- An employee's monthly pay is four and one-third times the employee's weekly pay.
- If an employee's pay is calculated, either fully or partly, in a way other than by time, or if an employee's pay changes a lot from one period to another, any payment to that employee under this Act must be determined based on the employee's pay during (South African Government, 1997:32-34).

This is a system of calculation used to calculate remuneration and wages that employees must receive at the end of the day. Wages are constantly calculated equals to the number of hours that employees work. If the employee is deemed to work 45 hours a week, then it means the employee works nine hours a day or fewer when stated otherwise by an agreement. This system creates fair pay where the employee's pay can be granted fully or partly considering the number of hours worked by the employee. This labour practice is fair to employees as it prevents them from being exploited and used for less compensation.

In today's business landscape, transferring a business function performed within an organisation to an external service provider is referred to as outsourcing (Bulajic and Domazet, 2012:1321). This means that services previously provided by an organisation are transferred to a supplier, who then delivers these services to the organisation's customers. This is a significant characteristic of platform work observed today, where companies utilise digital platforms to outsource business functions to gig workers, who in this case are considered service providers. For example, corporations such as Checkers in South Africa outsource the function of distributing food to customers more quickly by hiring courier drivers as independent contractors. This increases efficiency, allowing corporations to achieve higher productivity and profit (Moroane, 2023:34). Stanford (2017:383) adds that the key characteristics and practices of platform work we see today, such as contingent labour, on-call work, and task-based compensation were also present historically. This suggests that practices such as on-call work, low wages, and piecework compensation are not entirely new but have existed in earlier forms. For instance, in South Africa, gig or task-based labour existed even during apartheid, particularly in the form of domestic work. The main difference now is that such work is facilitated by digital platforms (Harrisberg et al., 2023), which Hunt and Samman (2020) describe as old wine in new bottles. The COVID-19 pandemic accelerated the shift to digital platforms, creating new forms of employment and organisational structures. However, many digital platform workers, particularly in developing countries like South Africa, continue to face job insecurity, lack of social protections, and regulatory deficiencies due to weak enforcement mechanisms (Mutengwe et al., 2024:2). For example, Section 213 of the Labour Relations Act of 1995 (as amended) defines an employee as anyone who works for another person or organisation and is entitled to payment, or who aids another person or organisation in conducting their occupation (Mutengwe et al., 2024:1–2). However, independent contractors are excluded from this definition, demonstrating that South Africa's labour regulation and legislation have not yet fully adapted to the expanding, evolving nature of work. Van Belle et al. (2023:1–2) concur that online platforms and companies often strategically categorise their workers as independent or self-employed rather than as employees to avoid falling under labour legislation. The debate around the misclassification of workers in the gig economy raises serious ethical concerns (Tan et al., 2021; Labuschagne, 2024). As highlighted by these scholars, what constitutes an employee remains a contested issue. The Code of Good

Practice which was issued by the National Economic Development and Labour Council (NEDLAC) in terms of Section 4, read with Section 203, of the Labour Relations Act 66 of 1995, sets out the conditions under which an applicant can demonstrate they should be presumed an employee. This presumption arises if the applicant can establish that at least one of the following seven factors is present:

- The manner in which the person works is subject to the control or direction of another person.
- The person's hours of work are subject to the control or direction of another person.
- In the case of a person who works for an organization, the person forms part of that organization.
- The person has worked for that other person for an average of at least 40 hours per month over the last three months.
- The person is economically dependent on the other person for whom he or she works or renders services.
- The person is provided with the tools of trade or work equipment by the other person.
- The person only works for or renders services to one person. (South African Government, 2006:8-10).

If any of the factors mentioned above are proven, the applicant is assumed to be an employee. If an employer disputes this assumption, they have the opportunity to provide evidence about the working relationship to challenge it. After reviewing this evidence along with any extra input from the applicant or other parties, the presiding officer must decide if the applicant qualifies as an employee or not. In cases where the assumption does not apply, like when the individual earns above a certain amount, the same factors can still help decide whether the person is truly an

employee or self-employed (South African Government, 2006:8). In South Africa, these seven factors aid in determining if an individual is an independent contractor or an employee. The likelihood that someone is regarded as an employee under South African labour law increases with the degree to which these factors correspond with traits of an employment relationship (such as control over work, hours, and integration within an organization). Further, a person is presumed to be an employee under South African law if any one of these conditions is met. The employer, however, has the chance to provide proof that refutes this assumption and demonstrates that the nature of the working relationship is not one of employment. These factors are used as guides to help decide whether the connection between the employer and employee is one of employment or self-employment.

2.2.3 Employment Equity Act (No. 55 of 1998)

Ensuring equity in the workplace is the sole purpose of South Africa's Employment Equity Act (EEA). It promotes equity by encouraging fair treatment and equal opportunities, eliminating unjust discrimination, and using affirmative action tactics to address the disadvantages experienced by the marginalized groups. The aim is to achieve fair representation across all job types and levels within the workforce (Government Gazette, 1998:12). This Act contains provisions that prohibit unfair discrimination, as follows:

Elimination of unfair discrimination as every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice. Prohibition of unfair discrimination as no person may unfairly discriminate, directly or indirectly, against an employee in any employment policy or practice on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, and birth. It is not considered unfair discrimination to take affirmative action measures consistent with the purpose of this Act; or distinguish, exclude, or prefer any person on the basis of an inherent requirement of a job. Harassment of an employee constitutes a form of unfair discrimination

and is prohibited on any one or a combination of the grounds of unfair discrimination listed in subsection (Government Gazette, 1998:14).

It is evident that the employment equity act protects workers in the workplace, specifically the workers classified as employees by the government. As it is evident in the provisions above, they constantly have the word “employee” means these provisions considered workers from standard employment. The employment equity act even goes further to protect employees against medical testing unless legislation authorises or mandates the testing. It can also be justified based on medical facts, employment conditions, social policy, the fair distribution of employee benefits, or the inherent requirements of a job. Testing of an employee to determine their HIV status is forbidden unless such testing is determined to be justifiable by the Labour Court in terms of section 50(4) of this Act (Government Gazette, 1998:14). This indicates that the Employment Equity Act (EEA) serves as a policy to protect employees against various forms of discrimination in the workplace and prevents invasive practices such as medical or psychological testing unless absolutely necessary. The Act promotes inclusivity in the workplace and safeguards equal rights and opportunities for all employees (Government Gazette, 1998:12).

2.2.4 Unemployment Insurance Act (No. 63 of 2001)

The purpose of this Act is to establish an Unemployment Insurance Fund (UIF) to which both employers and employees contribute to. This fund provides short-term financial aid to employees who are unable to work because of maternity leave, illness or death of the contributor. In an event of death of a UIF contributor, whether an employer or employee, the financial aid is provided to the dependants of the contributor, thereby helping to reduce the negative economic and social impact of unemployment (Government Gazette, 2002:10). It is evident that this Act applies to both employers and employees, except in the following cases:

- Employees who work less than twenty-four hours per month for a particular employer, and other employers.

- Employees who are paid under a learnership agreement registered in terms of the Skills Development Act of 1998, and their employers.
- Employers and employees who work in the national or provincial government sectors.
- People who come to South Africa to work under a temporary contract, apprenticeship, or learnership — and who are required to leave the country once the agreement ends, whether by law, the contract terms, or any other agreement — as well as their employers (Government Gazette, 2002:10).

This indicates that benefits are provided to employees (or their dependants) and employers if they are unable to continue working. However, the Unemployment Insurance Fund Act excludes certain groups where coverage may not be required or feasible, such as very part-time workers, participants in training programmes or internships, or temporary foreign workers. This suggests that the Act focuses on individuals who make consistent contributions and work under the governance of standard employment, which ensures the fund's viability and fairness.

2.3 Defining the Gig Economy

Stewart and Stanford (2017:421–422) define the gig economy as the intermediation of digital platforms that organise or provide piece-based tasks to a worker, who is then compensated for the time it takes to complete the task. Workers, businesses, and consumers can all gain from the gig economy since it offers labour that aligns more closely with immediate needs and supports a convenient lifestyle. Technology underpins the gig economy in the context of the Fourth Industrial Revolution (4IR). Sunderland (2020:233) notes that even President Cyril Ramaphosa announced the integration of 4IR in South Africa in his first State of the Nation Address (SONA). Kotynkova (2017:254) explains that companies increasingly connect their equipment, resources, and personnel through cyber-physical systems, enabling personalised production that remains profitable even for unique items, while making manufacturing faster and more adaptable. This approach not only reduces resource consumption but also increases productivity, potentially benefitting employees as well. Moreover, flexible work arrangements can enhance work–life

balance, allowing skilled workers to tailor their careers with respect to location and their own scheduling (Bajwa et.al., 2018:2). These are precisely the characteristics of the gig economy which are flexibility and autonomy, where workers can decide how and when they wish to work through an automated platform.

Technological advancements have profoundly transformed the commercial landscape, making gig work synonymous with speed, agility, and adaptability. Cole et al. (2021:80) argue that artificial intelligence (AI)-powered virtual machines are able to capture and modify data, enabling companies to rapidly scale digital automation through network effects. The widespread use of smartphones, digital media, and the internet in production processes has led to remarkable creative and economic outcomes. Platform companies leverage technology to gain control over labour by employing digital algorithmic management as a form of oversight. These algorithms define production strategies, monitor workers, allocate tasks, and adjust schedules to maximise output. Furthermore, AI is used to run equipment, adjust preferences, process payments, and organise work rosters, thereby streamlining production (Stanford, 2017:384). Among the payment options that have been added to online shopping are cash on delivery, credit cards, debit cards, vouchers, and online bank transfers (Reddy and Jayalaxmi, 2014:44). However, although productivity and corporate profits have increased under this new mode of work, significant ethical concerns have emerged regarding employment status and labour rights. McCaughey (2018:459) argues that the foundation of online platform work rests on distorting employment status to pursue profit without accountability, claiming that the supposed “connection” between consumers and service providers via apps merely serves as a facade to avoid legal obligations and responsibility for workers’ rights. Additionally, gig work being driven by digital platforms does not typically provide tools, equipment, health benefits, or retirement plans, thereby shifting much of the business risk from companies onto the service providers (Bajwa et al., 2018:2). For example, Uber drivers and food delivery couriers use their own vehicles for their tasks and bear full responsibility for their maintenance. Similarly, if a company experiences an unexpected shutdown, gig workers are left without benefits, claims, or legal protection. This reflects a modern world that prioritises convenience above everything often at the expense of the worker. Online purchasing is a crucial factor to take into account when talking about convenience in the gig economy. Moeti et al.

(2021:1–2) describe online shopping as another form of e-business in which trading occurs online and customers interact directly with sellers. This method of shopping is convenient for customers, who no longer need to visit physical stores or endure long queues to purchase goods. Katta and Patro (2017:38) similarly describe online shopping as a quick and efficient way to obtain goods and services with just a tap on a computer or mobile screen, enabled by advanced technology. Indeed, due to these technological advances, online shopping has become increasingly prevalent and has created additional job opportunities. Internet resources have allowed South African retailers such as Woolworths, Checkers, Pick n Pay, and Edgars, among others, to establish online platforms where customers can purchase products (Moeti et al., 2021:3). This marks a new revolution in retail, with virtual stores emerging as a preferred business model. However, more human workers are now hired as gig workers specifically to deliver goods and services to consumers. While many South Africans continue to prefer traditional shopping as they value the ability to physically inspect goods before purchase (Reddy and Jayalaxmi, 2014:39). The younger generation accelerated the adoption of online shopping during the COVID-19 pandemic as they were prompted by government-imposed lockdown measures (Heyns and Kilbourne, 2022:2). This is partly because younger people are more technologically literate, more willing to experiment, and more exposed to urban lifestyles that encourage online consumption. Consequently, the gig economy flourished and proved to be significant to South Africans during the lockdown period. This suggests that the demand for gig workers increased as retailers and other businesses shifted to e-commerce, and as consumers' needs intensified under lockdown restrictions that limited mobility and outdoor activities.

2.4 The Nature of the Gig Economy

The gig economy is distinguished by markets consisting of short-term, on-demand, irregular, and typically task-oriented work (Tan et al., 2021:2). Its scope and scale cannot be precisely measured, as the number of workers and the pace of operations vary widely across different geographical regions. The misrepresentation of employment status and the misclassification of workers in this new form of work reflect inherent features of capitalism, particularly the drive for high productivity and profit accumulation (Moroane, 2023:34–35). Within the gig economy, online platforms represent not only technological innovation but also a distinct business model. A key

feature is the simplicity of registration, which allows anyone to become a supplier or service provider. Tasks on these platforms can often be completed with just a few clicks on a digital device (Peticca-Harris et al., 2020:37). This low barrier to work-entry and the abundance of relatively unskilled tasks creates a network effect, as more users join, the platform's overall value increases. The ease of sign-up often involving no contracts, functions as a capitalist strategy to maximise productivity and profits. Such platforms are perceived as a new form of capitalist accumulation that is reflected in the new nature of work (online gig work) (Liang et al., 2022). Wood et al. (2019:62) highlight that systematic control mechanisms, such as reputation scores and customer-derived ratings, sustain the gig economy. These ratings are used to monitor workers' performance, assess quality of work, and match workers with requesters. However, these systems often perpetuate inequality as workers with high ratings remain at the top of the hierarchy, while those with lower ratings remain marginalised. In essence, the "rich" in ratings get richer, and the "poor" stay poor. Yet, this rating system keeps gig workers constantly engaged, eager to prove themselves and climb the hierarchical ladder.

Flexibility within the gig economy also presents a dilemma as the supply of gig workers does not always align with demand (Spurk and Straub, 2020:2–3). For example, during the COVID-19 pandemic, lockdowns caused a decline in demand for e-hailing services but an increase in food delivery, resulting in an oversupply of workers in some sectors and undersupply in others. Tan et al. (2021:9) emphasise that flexibility is a feature of gig work imposed by external circumstances rather than a voluntary choice by workers. This is evident during the lockdown, transportation companies in South Africa such as Takealot, DSV, and Courier Guy employed workers who had little choice but to work out of necessity to earn a living. Kavese et al. (2022:5) note that companies providing ride-hailing services (Bot, Uber, InDrive, Didi), food delivery services (Mr D food delivery, Uber Eats, CheckersSixty60), and other on-demand labour (such as Upwork, carework, and domestic work) are the main drivers of platform work growth in South Africa. The gig economy is also fuelled by South Africa's high unemployment rate. After the 2008 global financial crisis, gig work was primarily propelled by skilled IT professionals who leveraged online platforms to find job opportunities (Banik and Padalkar, 2021:20). Over time, gig work became a viable livelihood option for retirees, students, and workers across various skill levels. The gig economy is fundamentally powered by digital platforms that enable direct interactions between service providers and customers (Shibata, 2020:536; Joshi et al., 2024:2). It provides an accessible

collaborative framework that facilitate the exchange of goods and services, which is why the gig economy is often referred to as the sharing economy. This framework or labour market offer flexibility in working hours and independence, which are benefits that companies frequently advertise. However, gig workers bear operational costs and risks, and must conform their schedules to customer demand, which significantly limits their autonomy and flexibility (Vallas and Schor, 2020:275). In ride-hailing and food delivery, for instance, customer ratings can profoundly influence workers' mobility and reputation, which renders their freedom largely illusory (Shibata, 2020:539). Misclassification of gig workers leads to uncertainty, job insecurity, and discrimination. Tan et al. (2021:12) observe that digital platforms often trivialise gig work, dismissing it as mere pseudo-work. Gig workers are frequently treated as extensions of platforms rather than recognised as formal employees. This ambiguity in classification opens the door to regulatory arbitrage and raises ethical questions. Consequently, gig workers have substantially fewer legal, social, and economic rights than formal employees performing similar roles with similar intensity. They lack benefits such as overtime pay, paid time off, guaranteed minimum wages, protection against discrimination, rights to collective bargaining, and access to health and insurance benefits (Tan et al., 2021:12). Kavese et al. (2022:3) note that terms like independent contractors, giggers, freelancers, online workers, and on-call workers describe those who get in contract with organisations to provide services to their customers. Shoprite's Checkers Sixty60 delivery service has recently faced criticism for allegedly employing foreign workers to evade employee benefit obligations and for inadequate screening of delivery drivers (Labuschagne, 2024).

Companies like Checkers and Shoprite often classify delivery drivers as independent contractors rather than employees, meaning they do not cover medical costs or insurance in the event of accidents or hijackings while drivers are working. Coleman and Mpedi (2023:54) argue that such challenges raise important legal questions about South Africa's preparedness to address the evolving labour market dynamics. Another facet of the gig economy often described as the sharing economy involves sharing, trading, and renting goods and services among organisations or individuals (Acquier et al., 2017). Yeganeh (2021:3) characterizes the sharing economy as a platform serving an open market that facilitates transactions between businesses, consumers, and peers. In this economy, business functions include selling and recirculating used goods, enhancing the capacity or value of underutilised assets, and swapping services (Acquier et al., 2017:4);

(Yeganeh, 2021:3). Clients, organisations, and other actors collaborate via web applications to share goods, services, skills, and information. Instead of outright ownership, the sharing economy offers temporary access to assets, generating economic value in the process. Terms such as renting assets, sharing expenses, and collaborative consumption describe this phenomenon, for example renting a car for Uber, a bike for food delivery, or engaging in rental arbitrage by leasing a property long-term and subletting it short-term at higher rates (Frenken and Schor, 2019:123; Schor and Attwood-Charles, 2017:2). Calo and Rosenblat (2017) document that various terms such as gig economy, taking economy, collaborative economy, platform economy refer to open market systems that enable transactions between strangers on digital platforms. Hence, ordering an Uber ride or renting a room online fundamentally constitutes participation in the gig or sharing economy. Schor (2016:7) calls the sharing economy a ‘sharing stranger’ phenomenon, contrasting it with historical sharing practices rooted in social networks of friends, relatives, and neighbours only. Schor and Attwood-Charles (2017:1) further note that the sharing economy emerged in 2008/2009 as a response to the global financial crisis, particularly as it is evident in sectors such as lodging (Airbnb), consumer durables, and personal services.

Yeganeh (2021:3) emphasises that the sharing economy facilitates both for-profit and non-profit transactions, spanning from small businesses to multibillion-dollar giants like Uber and Airbnb. For example, a homeowner away from home may create a temporary housekeeping job for someone in need of accommodation which is a non-commercial interaction. However, permanently renting a property to travellers constitutes to commercial property business (Frenken and Schor, 2019:124). This aligns with Yeganeh’s assertion that the sharing economy promotes peer-to-peer interactions which may be formal or informal, profit-driven or non-profit. Carmody and Fortuin (2019:197) challenge the notion that the sharing economy is purely about sharing, pointing out that companies like Airbnb and Uber are profit-driven, undermining the concept’s altruistic premise. Uber, for instance, extracts surplus value by leveraging other people’s cars for its own profit. This represents a shift in capital organisation, transferring investment costs and risks onto the drivers, leading to increased commodification and appropriation in social life. Carmody and Fortuin (2019:197) also note parallels with the old agrarian life, where small-scale farmers bore the risk of crop failure and low harvests. They provided crops to companies that profited from their land and personal labour without fairly compensating them. This starkly contrasts the communal notion of sharing with capitalist accumulation by larger corporations. The

contemporary sharing economy, where gig workers bear the costs and risks of doing business also echoes in this historical power imbalance.

Calo and Rosenblat (2017:1625) highlight conflicts arising when small, local enterprises are categorised alongside global giants within the sharing economy. Local businesses driven by social connections such as food cooperatives and housing collectives are conflated with large multinational companies like UberEATS and Airbnb, which skilfully brand themselves around sharing and connectivity. This conflation veils inequalities and exploitation, overshadowing the distinct social values and business models of smaller enterprises (Calo and Rosenblat, 2017:1623). Ettliger (2017:61) goes further, arguing that the gig economy innovations form part of an ‘emergent regime of accumulation’ characterised by flexible production and post-Fordism, encouraging entrepreneurship that ultimately leads to self-exploitation. Carmody (2015) describes this as ‘virtureal accumulation’ which is accumulation of profit through digital platforms facilitating real-world work. For example, Uber drivers are paid via the mobile app connecting them to clients, but the work occurs in the physical world. The dynamics of the gig economy have given rise to virtual capital, defined as the “extraction of value (or economic rent) through technological intermediation that allows control over capital and labour of others” (Carmody and Fortuin, 2019:197). This process extracts value from workers by using technology to control both labour (drivers) and capital (money). It is an extractive model that exploits workers and often results in self-exploitation. Companies like Uber regulate the degree of capital accumulation by controlling drivers’ labour through digital apps. These apps monitor drivers’ presence and influences their performance, acting as a “telescopic prison” (Geitung, 2017:59). This enables Uber to evade employee responsibilities while exercising tight control over drivers. Meanwhile, the company retains full authority over financial decisions on the platform (Geitung, 2017:59). This illustrates how capital is virtually controlled by the app, while drivers bear the brunt of the risks. Heeks et al. (2021) acknowledge that Uber fills institutional voids with new business strategies and innovations in accumulation but simultaneously it creates voids within the business sector.

2.4.1 The Size and Scope of the Gig Economy

Gig work is unique as it involves work that is competed via apps or online websites. This makes it difficult to draw statistics of the scale and scope of the gig economy. Gig work operates outside

the South African labour regulatory framework and other kinds of work involved are not captured because they intersect through countries. Heeks (2019) highlights the reason behind being unable to measure the gig economy statistically. This is mainly because there are many registered workers on platforms who are either active or inactive, further it is possible that multiple individuals might be using a single profile or account (Heeks et.al 2021:268). This makes it difficult to numerically or statistically capture the precise number of gig workers. Some gig workers participate in more than one platform work, which can result to the number of workers being multiplied whereas it's the same person. Further, the person can be either present or not when the number of gig workers is captured. Heeks (2019) highlights that the fairwork research estimates that the number of gig workers in South Africa is thirty thousand with half splinted from e-hailing and the rest from domestic work and food delivery. Heeks's fairwork research was likely pre-covid and it is safe to assume that the number of gig workers has increased, since the publication of his work is during 2019. The number of gig workers has likely increased in South Africa considering factors such as high unemployment rate, high urbanisation that leads to concentrated supply and demand, advance use of smartphones, digital connectivity, and regulatory frameworks that allow innovation and entrepreneurship (Van Belle et.al. 2023:1)

2.5 Factors Contributing to the Rise of the Gig Economy

Urbanisation refers to the shift of people from rural areas to cities in pursuit of improved employment possibilities. It serves as a key driver of the gig economy as demand for e-hailing, take-out services, and other digitalised work is higher in urban centres. These urban areas often reflect Western lifestyles, which further contribute to the growing demand. Chappa et al. (2017:3) note that companies such as Uber and MrD (Mr Delivery) rely on modernised locations, conducting thorough research to identify high-demand areas to optimise their success. Moreover, as urbanisation occurs worldwide, particularly in core countries like China with its large urban population, the e-hailing industry (notably Didi) benefits from this demographic trend. Zhou (2024:1199) reports that Didi depends heavily on rural-to-urban migrant drivers, with data showing that more than half of the revenue generated in Shenzhen (a major city) comes from drivers who are not residents. This relationship between Didi and migrant workers contributes to increased precarity within gig work. A similar situation is alleged in South Africa, where CheckersSixty60 reportedly hires foreign workers who are not citizens to avoid the responsibility

of providing benefits (Labuschagne, 2024). Shoprite's CheckersSixty60 is not the only enterprise that commits this act. As a result, the gig economy is saturated with migrant workers as companies depend highly on the cheap labour of the migrants and minorities (Van Doorn and Vijay, 2024:1129). Urbanisation often coincides with population growth, which results in increased sharing of assets and resources by gig workers to generate income within the gig economy (Yeganeh, 2021:585–586). Digitisation has further transformed labour markets and online platforms which is boosting the gig economy. Digitisation has expanded freelancing, where individuals perform tasks online for payment. One advantage of freelancing is that organisations gain access to a large pool of knowledge and expertise (Schroeder, 2021:2). For instance, companies can easily promote their functions via freelancers on the internet, which is more efficient than approaching clients in the physical world. Roy and Shrivastva (2020:17) add that companies now outsource work such as administration and marketing to freelancers to reduce project-related workloads. Thompson (2018:3) is a prominent voice regarding digital nomads, who are primarily internet-based employees. Digital nomads are online workers who are not required to attend a physical workplace, which makes them location-independent. They perform roles such as digital marketing, video language tutoring, web design, and software engineering. This flexibility allowed them to play a crucial role during the COVID-19 pandemic, as corporations and institutions relied heavily on independent contractors and freelancers to sustain operations (Anggarini, 2022:13). The energetic youth have greatly influenced the growth of the gig economy. Millennials and Generation Z are particularly adept at keeping pace with the speed, agility, and flexibility demanded by gig work. Mehta (2023:233) explains that the gig economy offers an accessible option for unemployed youth, since gig work is easier to enter than traditional employment. This generational shift contributes not only to employment growth but also fuels the overall expansion of the gig economy. Growing up in the era of technological advancement, millennials and Gen Z have benefited from digital learning tools such as webinars, online tutors, and courses (Elayan, 2022:4596). Digital learning closely mirrors digital work, so these generations acquire skills relevant to the gig economy and can navigate its dynamics with ease when opportunities arise. Therefore, the youth play a pivotal role in driving the gig economy forward. Another factor contributing to the rise of the gig economy was the 2007/2008 global financial crisis, which placed companies under financial strain. To survive, businesses had to reduce costs by breaking down labour into microtasks. This led to the emergence of short-term

contractual labour, expanding the market and fuelling the growth of the gig economy (Tan et al., 2021:2).

2.6 Forms of Gig Work

Gig work is enabled by digital platforms and the interactions between customers and service providers vary. There are two distinct forms of gig work in which the gig economy operates, crowdwork and work-on-demand, that are both facilitated by a digital app (De Stefano, 2016a:471). Crowdwork involves tasks performed virtually where customers do not meet the service providers, whereas work-on-demand require physical tasks carried out in the real world, where customers interact directly with service providers (Stewart and Stanford, 2017:422). For example, crowdwork includes activities such as proofreading, editing, online screening, and call centre work, while work-on-demand covers physical labour such as driving for Uber, caregiving, delivery driving, and domestic work (Tan et al., 2021:2–3). Crowdwork operates online, allowing clients and workers to function from anywhere in the world. Work-on-demand simply connects online supply and demand for physical activities conducted in the real world. It is important to note that online and physical tasks in the gig economy have different characteristics, leading to different risks. For instance, online tasks generally involve fewer risks and lower costs for workers, whereas physical tasks come with hazards such as traffic fines, accidents, and harsh weather conditions (Todolí-Signes, 2017:8). Additionally, online tasks may be global or local. When tasks are global, gig workers from various countries compete for the same jobs, and those from countries with weaker labour protections and lower minimum wages are typically hired (Todolí-Signes, 2017:8). This means workers from countries with stronger labour protections are often excluded from global online tasks. Consequently, as long as countries with weak labour laws exist, workers from those nations will continue to be favoured for online tasks, which limits access for others to the global labour market. Many jobs offered through online platforms operate outside the scope of labour laws because companies target countries with weaker policies and worker protections. Graham et al. (2017:140) explain that since online tasks can be done from anywhere, there tends to be more applicants than available work, creating a competitive environment. This leads to digital workers having little bargaining power and being forced to accept lower pay. Lehdonvirta (2016:1) argues that the disembeddedness nature of gig work results in exploitation of gig workers, as it

contributes to them being disengaged and disconnected from one another. This isolation makes it difficult for them to form a shared occupational identity or engage in collective bargaining. An example of microwork is Amazon Mechanical Turk (MTurk), a crowdsourcing marketplace where companies post digital tasks and remote workers complete them for payment (Lehdonvirta, 2016:2). Task interactions are anonymised and mediated by AI virtual machines on Amazon's platform, with no identifiable job titles, supervisors, clients, co-workers, physical worksites, working hours, or codes of conduct (Lehdonvirta, 2016:3). This explains why remote gig workers feel detached, as their work is removed from social and institutional contexts. In contrast, physical gig work is more embedded in social and institutional settings, enabling workers to develop shared occupational identities and engage in collective bargaining. For example, South African e-commerce drivers such as those working for Takealot have protested for better pay and improved working conditions (Gumede, 2022; Wasserman, 2021). Likewise, e-hailing drivers with Uber and Bolt have organised protests against unfair labour practices in the industry (Taylor, 2025; Damons, 2024). Most recently, Uber drivers protested outside the Pietermaritzburg High Court in support of drivers who were arrested and had their vehicles impounded by authorities (Govender, 2025). This suggests that online platform work, whether virtual or physical, can both divide and unite workers depending on the form of gig work done. Information and Communication Technologies (ICT) have made the gig economy increasingly relevant by enabling companies to communicate talent needs and connect with remote workers via digital platforms (Roy and Shrivastava, 2020). Wood et al. (2019:57) note that outsourcing business functions online creates millions of job opportunities, particularly in lower-income countries. However, digital labour also opens the door to discrimination based on disability, ethnicity, religion, gender, and other factors (Graham et al., 2017:147). Conversely, digital platforms can enable remote workers to enter the labour market anonymously, helping shield them from discrimination and economic exclusion (Graham et al., 2017:147). This duality suggests that digital labour can lead to both economic inclusion and exclusion. For example, Graham et al. (2017) highlight that digital labour provides economic inclusion for individuals without formal educational qualifications by allowing them to access work typically unavailable in traditional employment. It can also offer inclusion to foreigners lacking work permits or visas. Therefore, it is evident that intermediation by digital platforms, whether for crowdwork or on-demand work, can reinforce or create unequal power dynamics both globally and locally.

2.7 The Effect of the Gig Economy on Worker Livelihoods in S.A

Uttam Bajwa states that “gig work is precarious, meaning it is often low paid, temporary, provides no training, health, or retirement benefits, and shifts more of the risk of doing business from the employer to the worker” (Bajwa et al., 2018:2). For instance, in ride-hailing and e-delivery, Uber drivers and bike couriers are fully responsible for maintaining their vehicles and motorcycles. The Bureau of Labour Statistics (BLS) describes gig work as any work arrangement lacking a clear or implied contract for long-term employment (Bernhardt, 2014:3). Due to the absence of such contracts, gig workers often experience wage theft. These alienating labour practices can be understood as structural setups that strip workers of control over the means of production, reducing them to the surplus value generated by their labour (Cominell, 2019:14). Glavin et al. (2021:400) suggest that the organisation of platform work through algorithmic control promotes alienation by undermining workers’ autonomy and their ability to sustain positive work relationships. For example, online crowdwork platforms often create feelings of isolation as tasks are completed entirely online with minimal interaction with clients or fellow workers. In contrast, e-hailing and e-delivery drivers provide person-to-person services and tend to have more opportunities to interact with customers. However, these encounters are often brief or tense due to the pressure of securing positive reviews (Glavin et al., 2021:407). This demonstrates that algorithmic control, implemented via apps, creates fragmentation and social isolation even when customers and service providers interact. Typically, Uber drivers have a passenger in their vehicle for roughly half the time their app is active, a pattern consistent across cities. This uniformity likely results from a flexible labour supply, as drivers can join or leave the platform at different times throughout the day (Cramer and Krueger, 2016:2–3). This indicates that the app can effectively match supply and demand, improving the labour market efficiency. While the app simplifies working as an Uber driver by ensuring constant demand, this high demand also increases competition among drivers. Healy et al. (2017) explain that companies seek to balance control over markets created by their apps while distancing themselves from accountability. They oversee job distribution, working conditions, and pricing, setting minimum requirements such as delivery time and imposing disciplinary actions ranging from warnings to outright removal from the platform. The apps make it easier for customers to blame delivery workers; for instance, a restaurant may take too long to

prepare a meal, so the delivery time is affected, placing fault on the driver via reviews. As a result, delivery drivers experience disciplinary action in the form of low wages or even being removed from an app.

The gender divide is evident both in gig labour and permanent employment. A significant disadvantage for women is their underrepresentation in renowned fields such as science and technology, leading them to work in less prestigious industries with limited advancement opportunities. Milkman et al. (2021:2) point out that women value how their food delivery jobs allowed them to use their previously unpaid buying and cooking abilities. Furthermore, they find this work emotionally fulfilling because it involves helping clients who are ill, elderly, or disabled and unable to shop independently. This form of work serves as a neoliberal solution to work-family conflict by enabling women to schedule their work around family duties. However, women face degrading treatment both from employers and affluent customers which includes low wages and sexism (Milkman et al., 2021:2; Churchill and Craig, 2019:743). Ahmed et al. (2021:6) highlight that childcare and household responsibilities limit women's ability to work long hours or meet income targets in e-hailing or e-delivery jobs, suggesting women have less flexibility than men in gig work. Beyond the digital divide, women also face challenges acquiring or renting vehicles for these roles. Gender stereotypes and socio-cultural norms in South Africa create significant barriers for women entering e-hailing and e-delivery work. Ahmed et al. (2021:16) observe that women have limited economic power due to these norms as they restrict access to steady income and social protections. Limited ownership of assets such as vehicles and smartphones, further hamper women's economic mobility and access to job opportunities. Consequently, gender disparities and cultural norms contribute to women's vulnerable position in the gig labour market (Piasna, 2017). Similarly, Galperin (2021:1094) notes a modest benefit for women in online hiring in South Africa, where employers perceive women as more cooperative and trustworthy. However, this advantage often diminishes as employers gain experience with online hiring. Gender occupational stereotypes persist, portraying men as generally more competent except in tasks considered feminine, such as domestic work and caregiving. Technology-related tasks are often associated with masculinity (Correll, 2001:1696). Even those who do not personally hold these views are aware of their prevalence in society and expect others to act accordingly. A major motivation for women joining

gig work is that it allows them to be both caregivers and providers in a matriarchal society. Centeno Maya et al. (2022:610) report that female delivery workers face seasonal illnesses from working outdoors and stress from risks such as encounters with uncontrolled pets. These challenges can lead to mental health problems, particularly as gig work usually lacks health benefits. Mental health breakdowns are likely more common among women than men. Furthermore, female delivery workers face high insecurity due to increased exposure on the streets, experiencing risks such as harassment, theft, and kidnapping (Centeno Maya et al., 2022:611). Many women avoid working at night or in certain areas for safety reasons.

Across African cities including Johannesburg, Lagos, and Cairo, the rise of cleaning apps has introduced new gig work for women, offering flexibility and employment but also exposing them to exploitation (Harrisberg et al., 2023). Despite the promise of flexible work, many women, especially migrants, face underpayment, lack of benefits, unsafe working conditions, and psychological pressure. Women fear speaking out against unfair practices such as inadequate safety protocols, penalties for sick days, and low pay due to the risk of being deactivated from platforms. Workers like Fiona from South Africa, reported financial hardship and unpaid probation periods. Experts worry these apps undermine progress in workers' rights (Harrisberg et al., 2023). Alex Pantich (2021) reports that physical gig work often leaves workers alone with clients, creating safety risks, particularly for women. While workers are generally background checked and vetted, customers often are not, leading to significant dangers. In 2019, over 3,000 assaults on Uber rides were reported, with many victims being drivers (Pantich, 2021). This lack of customer vetting leaves drivers, regardless of gender, vulnerable to physical assault, harassment, and other abuses that can occur while on the job.

The gig economy promotes entrepreneurship by assuring workers they can achieve flexible schedules, self-managed work environments, and unlimited earnings via digital apps (Ravenelle, 2019:269). This framing suggests gig work as a form of empowerment and self-development. Ravenelle (2019:270) argues that autonomy, a sense of achievement, and self-efficacy are traits typically associated with entrepreneurs that are also essential for independent contractors who work for companies but are not classified as employees. For example, CheckersSixty60 courier

drivers are hired under a contract with Checkers but are not classified as employees, despite performing employee-like work. Tan et al. (2021:12) state that unclear classification of gig workers allows platforms to exploit regulatory loopholes and evade ethical responsibilities. This ambiguity brings both benefits and ethical concerns for workers. Discrimination based on race or gender poses a significant ethical issue due to the reputation systems used to oversee and rate gig workers. Rosenblat et al. (2017:263) note that consumer-sourced ratings, such as those used by Uber, create opportunities for intentional bias, allowing customers to discriminate against workers by gender, ethnicity, or race. Consequently, low ratings and reputation may result in reduced wages or job loss. In standard employment, laws restrict discrimination and protect people socially and economically, ensuring equal rights regardless of gender, race, or background. Gig workers lack these protections and cannot negotiate better terms because bargaining rights depend on employee status (Coleman and Mpedi, 2023:56). Only workers formally classified as employees have the right to bargain. Even trade unions cannot represent gig workers without employee status. During the pandemic-induced lockdown, some gig workers thrived, particularly food couriers, due to high demand. However, ride-hailing drivers experienced income declines as travel diminished. Otieno et al. (2020:97) report that drivers faced stress from hunger, eviction threats, and homelessness, struggling to cover expenses such as groceries, rent, and car maintenance because they could not meet income targets. Algorithmic management and asymmetrical information in ride-hailing leave drivers largely unaware of their employers, who have more knowledge about them through apps, resulting in power imbalances, isolation, and dehumanisation (Adekoya et al., 2023:2). The individualisation of work prevents interaction among gig workers and lack of employer transparency diminishes bargaining power. Although this new work nature in South Africa supports the economy and participating workers to some extent, it does not resolve persistent issues such as inequality and exploitation. Another feature of gig labour is its domination by migrant workers (Van Doorn et al., 2023). Many people from low-income countries migrate to better countries seeking gig work as a primary income source. For example, an Indian man working as an Uber driver in London died from Covid-19 pandemic. He feared seeking help or leaving home as he worried his landlord and neighbours would evict him if they learned of his illness (Booth, 2020). Van Doorn et al. (2023:1100) state this story illustrates a wider problem faced by migrant gig workers, who are excluded from social support and exposed to health and safety risks. This exclusion stems not only from lack of benefits but also from discrimination linked to migrant

status. In South Africa, a Malawian UberEATS driver suffered a lasting leg injury in a motorbike accident but received no compensation because his hospitalisation lasted less than 48 hours (Harrisberg and Asher-Schapiro, 2021). This highlights the vulnerability of migrant gig workers who constitute a large portion of the sector. Anwar and Graham (2020b:1270) argue that European workers enjoy greater state welfare than African workers as they have more support assistance from their governments, which gives European workers more agency to their lives and work. While workers in Africa have less state welfare to fall back on which significantly limits their freedom and power to their lives and work. For example, African gig workers are forced to accept an indecent job with poor wages and conditions because they have no state of welfare to fall back on. The absence of state welfare means that African workers have no safety net, so leaving an indecent job will result in complete destitute for them. Anwar and Graham contend that the gig economy's effects are harsher on African workers, and terms such as 'resilience', 'reworking', and 'resistance' describe African workers' hidden responses to gig work. Further, Anwar and Graham note that privilege plays a pivotal role in one's success as a gig worker by stating that:

Workers from poor backgrounds, lacking higher education and formal training, often struggle to secure jobs on digital gig platforms. This is particularly significant in the African context, where a large portion of the workforce operates in the informal economy and originates from impoverished conditions. In contrast, those from more affluent socio-economic backgrounds, with higher education and material resources, tend to experience greater success in winning bids on these platforms. For example, Katy, a white migrant living in South Africa, openly attributed her success in gig work to her privileged background, education, and access to material affordances such as reliable internet and technology (Anwar and Graham, 2020b:1277).

Katy's experience highlights the significant influence of social capital and privilege in successfully navigating gig work. Her network of privileged friends provided critical support for internet and computer needs when required. This example illustrates how factors such as socio-economic status, gender, and migrant identity intersect to either enable or constrain a worker's opportunities and success within gig work. The gig labour market serves as a dynamic realm of inclusion and a

substitute to formal local employment for many migrant workers. For women, in particular, gig work allows inclusion in form of independence and subtle resistance to patriarchal structures embedded in social relations.

Within this challenging environment, African gig workers develop what Anwar and Graham (2020b:1278) describe as survival-driven agency practices, enacted both on and off the platforms. These practices include sharing accounts and buying reviews (resilience), creating multiple accounts or buying and selling accounts (reworking), and filtering clients or exposing exploitative clients to other workers (resistance) (Anwar and Graham (2020b:1278). Such everyday acts of resilience, reworking, and resistance demonstrate that African gig workers are not merely passive subjects of economic precarity, rather, they actively negotiate and contest their conditions to carve out autonomy and agency. Philosophically, this dynamic reflects the tension between structure and agency. While the platform economy imposes structural constraints through algorithmic control, socio-economic disparities, and regulatory gaps. Workers respond with creative strategies that challenge and sometimes subvert these structures. This dialectic is less visible among gig workers from high-income countries, who typically face fewer structural barriers and thus are less compelled to adopt such strategies for survival and autonomy. Ultimately, the gig economy exposes and amplifies existing inequalities, yet within it, workers engage in continuous processes of adaptation and struggle. Their lived experiences invite a deeper reflection on how economic systems can simultaneously enable entrepreneurial freedom and perpetuate social exclusion, depending on one's positionality within society. Understanding this interplay is crucial to developing more equitable labour policies that recognise and support the diverse realities of gig workers worldwide.

2.8 Conclusion

Scholars such as Tan, De Stefano, Stewart, and Stanford, among others, have conducted studies on the gig economy phenomenon, particularly describing the new nature of work. However, controversy remains, with a lack of studies focusing specifically on African gig workers in developing countries, and an unclear understanding of whether the gig economy is merely an extension of the exploitative informal economy or a means of empowerment for human workers. This is the gap in the existing literature that this study seeks to address, by critically analysing the labour practices within South Africa's gig economy and evaluating the socioeconomic impacts on

human workers. This chapter has provided definitions of the gig economy and outlined its nature and background. It has also discussed the factors contributing to the rise of the gig economy, the forms of gig work, and the effects of the gig economy on workers' livelihoods. Overall, the chapter has shown that the gig economy raises ethical concerns for human workers, who experience varying levels of social and economic exclusion, contributing to broader socioeconomic issues. The next chapter presents the theoretical framework of this study. It adopts consequentialism as the ethical theory that will guide the critical ethical analysis of the labour practices in South Africa's gig economy, and evaluation of the social and economic impacts on human workers.

CHAPTER THREE: RESEARCH METHODOLOGY

3.0 Introduction

The previous chapter presented the literature review of this study. It discussed relevant literature to the topic of this study and presented it thematically. This includes, background of the gig economy, an overview of South Africa's labour regulatory framework, definition of the gig economy, the nature of the gig economy, factors that contribute to its rise, forms of gig work, and finally, the effects of the gig economy on workers' livelihoods. The current chapter gives information about the research methodology adopted for this study. It describes qualitative research which gives details of how the research is conducted. Secondly, it gives details of how data is collected and how reliable sources are discerned from unreliable sources. It further provides details of steps and decision-making the researcher follows when collecting information. Thirdly, it provides the research design that underpins this study and how it can contribute to this study's fruition. The chapter end with a conclusion.

3.1 Research Methodology

This study takes a qualitative approach that is grounded within the critical, interpretative research paradigm and is informed by existing literature. Qualitative research can be interpreted as “an approach for exploring and understanding the meaning individuals or groups ascribe to as a social or human problem” (Creswell, 2014, cited in Kamal, 2019:1387). This approach of research involves formulating questions and methods as the study gradually unfolds. Data is usually collected in the participant's setting and buildings from inductive reasoning to generate themes. The researcher plays a central role in deriving and interpreting the meaning of the data. By adopting this approach or enquiry when conducting research, means researchers are endorsing the flexible framework that emphasizes inductive reasoning. This focuses on the analysing, critiquing, the underlying meaning of the phenomena while explicitly emphasizing its inherent complexities. Malterud states that “a qualitative study typically takes an inductive, open-ended approach, where development of patterns and categories is an important element for the final results” (Malterud, 2016:124). In a nutshell, Kamal and Malterud both concur that in a qualitative study, researchers

do not arrive with fixed hypothesis or set in advance categories. Instead, they start with an open and flexible mindset that allows the data they collect to lead them. Therefore, this approach allows insights to emerge naturally from the data they collect which can be in documents, interviews or observations. This depicts that the strengths of qualitative study lie in being able to be descriptive, explanatory and interpretative of the relevant information to the phenomena at hand. Following this backdrop, this means that a qualitative study can be empirical and non-empirical which allows the researcher to dive deep into the social complexities of the human problem and to uncover findings and explanations that have been overlooked or underexplored in previous studies. This current study is non-empirical which implies that it uses a desired theory for solving the research problem (Walwyn, D. and Chan, A., 2019:17). I used the theoretical framework of consequentialism to critically analyse the labour practices in South Africa's gig economy and evaluate their economic and social impacts on human workers. This will contribute to understanding the labour practices within the gig economy and conclude whether it functions as a system of worker exploitation or a source of empowerment to human workers that sustain it.

3.2 Data Collection Method

Since this study is non-empirical research. It is desktop research, relying on secondary data sourced from existing literature. The research follows a qualitative approach, which means I primarily relied on the secondary data which include analysing existing texts, including historical studies, discourse analyses, journal articles, reports, and policy documents. This helped formulate themes, research questions, research objectives and draw out the research problem. The data was collected from diverse sources, including university libraries, online databases, journals, newspapers, and government publications (Mohajan, 2018:27). This data was accessed mostly through the University of Kwazulu-Natal library catalogues such as ResearchGate, Google Scholar, Springer, and JSTOR etc. I was able to discern the quality and credibility of the relevant material collected and used in this study. During this process, I was able to discern outdated sources with no academic merit or depth that is highly required. Therefore, outdated sources, material which lacks scholarly merit has been excluded from this study. Additionally conducting this study involved following the DECA model which is a framework that is used to solve moral dilemmas. The DECA model is a "see-judge-act that is used as an approach used for decision making" (Ally, et.al 2011, cited

in Kretzschmar and Bentley, 2013:5). This model of approach is suitable for this study because it also involved a lot of observation, discerning, and decision making from the researcher. DECA is an abbreviation that stands for Describe, Evaluate, Consult, and Act (Williams and Bentley, 2016:14). 'Describe' involves outlining and summarizing the literature relevant to the topic concerned. 'Evaluate' involves critically analysing the literature collected with an ethical theoretical framework, which in this study is consequentialism. 'Consult' means reviewing, examining, and gathering academic sources that supports or question the findings. The last stage is 'Act', this means making informed decisions, which in this case, refers to the recommendations of this study.

In detail, the 'describe' stage in this study focuses on the discussing the moral dilemma which is whether labour practices in South Africa's gig economy renders it as an exploitative system or a system of development and empowerment to human workers. This stage also includes discussions around the nature of South Africa's gig economy, the labour regulation framework, The different kinds of gig work, the factors influencing the rise of the gig economy and the effect it has on the human workers who sustain it. In a nutshell, the describe stage is all about the researcher describing complexities or factors related to the phenomenon while remaining objective. These are the initial steps in the 'describe' stage that guide and lead the researcher to comprehend the nature of the phenomenon, which ultimately allows an informed response.

The 'Evaluate' stage is informed by consequentialism, it critically examines the ethical implications of the South Africa's gig economy, critiquing and evaluating the economic and social outcomes on human workers. This involved analysing flexibility and autonomy of gig workers, online platforms and algorithmic management, women in gig work, accessibility to gig work, exploitation, misclassification of gig workers. It further, involves analysing the rights of gig workers and the effectiveness of South African labour regulatory framework. In the end, consequentialism focuses on questioning, evaluating, and critiquing whether outcomes of South Africa's gig economy maximize overall well-being or suffering for human workers. Further, consequentialism evaluates the outcomes of the labour regulations in South Africa based on their effectiveness in managing the diverse effects of the gig economy. At this stage, the researcher is able to discern potential conflicts, morality of labour practices, acceptable and unacceptable

behaviour, ethical and unethical practices, inconsistencies and areas of concern that need further intervention.

The third stage is 'Consult'. This study focuses on reviewing the academic sources that endorse or challenge the study's evaluation. This means that this phase occurs simultaneously with the 'Evaluate' stage. The academic sources, include books, reports, articles, government publications, case studies amongst others. This allows in-depth insight. Even though, the researcher may be inclined to make a decision because of his evaluation, this stage extends validating the findings. This study consults relevant literature regarding the consequences of the labour practices in the gig economy. Further, it consults relevant literature regarding the consequences of the South African labour regulatory framework.

After consulting, the last stage is 'Act'. This study recommends improved labour regulatory framework. It also recommends co-operation of various involved parties in the gig economy in order to reform the labour practices. The study also proposes profound ideas that will contribute to the gig economy being a sustainable development that will benefit everyone participating in it.

3.3 Research Design

This study adopts an exploratory research design, which enables in-depth, critical engagement with the complexities of the gig economy phenomenon. Such a design is appropriate for a study of this nature, as it allows discovery of new insights, interpretations, and understandings that are not yet fully captured in the literature. The research follows a qualitative approach, making use of secondary data and analysing existing texts, including historical studies, discourse analyses, journal articles, reports, and policy documents. Data will be collected from diverse sources, including university libraries, online databases, journals, online newspapers, and government publications (Mohajan, 2018:27). Online academic tools such as ResearchGate, Google Scholar, Springer, and JSTOR will also be employed to access relevant materials. The research process will proceed through four stages. First, the topic and existing literature will be described and contextualised. Second, the research problem will be evaluated through the theoretical lens of consequentialism. Third, the collected data will be analysed to present findings. Finally, recommendations will be offered based on the insights gained. According to Mohajan (2018), the

research methodology serves as the rationale behind developing the process used to create knowledge, which serves as a procedural framework for inquiry. The exploratory design, as described by Noor (2008:1602), involves seeking new knowledge, insights, meanings, and interpretations. This implies that, this design will enable the researcher to draw new insights, discrepancies and similarities about the nature of gig labour practices in South Africa, and how they economically and socially impact the human workers.

3.3 Conclusion

In conclusion, this chapter provided the research methodology, data collection method, and a research design that underpins this study. The key scholars that inform this chapter are Noor (2008), Malterud (2016), Mohajan (2018) Kretzschmar and Bentley (2013). These Scholars inform how the research study is conducted and the results that can be expected if research is conducted a certain way.

CHAPTER FOUR: THEORETICAL FRAMEWORK

4.0 Introduction

The previous chapter presented the research methodology of this study. It discussed the method used to collect data for this research, the approach, and research design that was followed. The current chapter sets out the theoretical framework of this study. It introduces the ethical theory of consequentialism that will guide this research. The prominent scholars whose work informs the discussion of consequentialism in this chapter include Scheffler (1988), Railton (1984), Sinnott-Armstrong (2003), Williams (1988), Manson (1999), and Moore (2007), among others. This chapter explores arguments in support of, in defence of, and against the theory of consequentialism. The theory will be applied to critically analyse South Africa's labour practices in the gig economy and to evaluate their social and economic impacts on human workers. The chapter concludes with a summary of the key points discussed.

4.1 Background and History of Consequentialism

The background and history of consequentialism is ancient and dates to the days of Epicurus (431-371 BC) who was Greek philosopher. Epicurus is considered the early consequentialist because of his development of hedonism, which he believed that the ultimate goal of life and the highest good is obtaining happiness avoiding pain (Driver, 2011:6). This was hedonism in its simplest form and it considers consequences of pleasure and pain for an agent and for others. The consequentialists call Epicurus as the early consequentialist because he is older than scholars such as Jeremy Bentham, Stuart Mills and Henry Sidgwick who furthered research on consequentialism. Therefore, discussions about the background and history of consequentialism include these scholars as they are precursors of consequentialism theory.

4.1.1 Jeremy Bentham

Jeremy Bentham (1748-1832) is an English philosopher who formulated the systematic theory of utilitarianism (Crimmins, 2015:1). Even though he was a forerunner in its account, he eventually was joined by theological utilitarians who believed that pursuit of pleasure is a human duty since it was approved by God (Driver, 2011:7). This includes scholars like John Gay (1699-1745) and Richard Cumberland (1631-1718) that associated virtue with god's will. Jeremy Bentham believed

that the humans are governed by pleasure or pain. Influenced by being a jurist and advocate for social reform, he developed utilitarianism to serve as foundation for social reform. Bentham posits that the moral value of an action depends on its consequences, specifically if it promotes pleasure or pain (Driver, 2011:16). Therefore, according to Bentham there is no absolute action that is intrinsically wrong or right, only that an action is determined by consequences of pleasure or pain. For example, if lying promotes happiness then it is morally acceptable, however, if it causes pain, then it is morally unacceptable.

4.1.2 John Stuart Mills

While Bentham looks as if he signed a death warrant on human rights, the heir of utilitarianism John Stuart Mills (1806-1873) emerged to save human rights (Escamilla, 2008:1). Mills was a student of Bentham and concurred that ultimate good is in pleasure, but he recognized that rights are important and that there are pleasures that have more value than others. This was after Bentham was criticized for maintaining that there were no qualitative differences between pleasures, only quantitative ones (Driver, 2011:16-17). Mills raised a claim that intellectual pleasures are more fitting or have more value than sensual ones we share with animals. For example, the pleasure of eating and the pleasure of finishing a dissertation have no equal value. Mills clarifies that utilitarianism can acknowledge that some pleasures have more moral worth than others. To support this, he uses his well-known famous example to conclude his argument, stating that “we would rather be Socrates/human being dissatisfied, than a fool/pig satisfied” (Driver, 2011:18). This example highlights that intellectual-pleasures have higher value than sensual ones. Mills also recognized rights as a social artifact regardless whether they are moral or legal (Escamilla, 2008:7). This implies that he recognized rights (whether moral or legal) are important in the society and violating them can lead to overall unhappiness.

4.1.3 Henry Sidgwick

Henry Sidgwick (1838-1900) is a British scholar that appears in the background and history of consequentialism. His views about consequentialism or utilitarianism are different from those of Bentham and Mills. Sidgwick highlights that utilitarianism is plausible for determining what is right or wrong but he also highlights its flaws of conflicting with self-interests or moral intuitions. Sidgwick rejects the public requirement of the theory, stating that some actions are committed in secret. This implies that if secretive actions or truths can promote overall good, but could cause

harm if they were known, then it is morally acceptable that the secret should be hidden (Driver, 2011:20-21). Sidgwick argues that some moral truths should be kept secret or at least known by certain capable individuals for the greater good. This is when keeping a secret can conflict with self-interest or intuitions of an individual even if it is for the greater good. Sidgwick also suggest that utilitarianism is self-effacing (Driver, 2011:21). For example, a moral theory such as utilitarianism may be rejected by the general public due to its complexities and results of overall harm when it is applied. In this case, rejecting the theory would be best for the greater good. Sidgwick rejects mill's qualitative view of pleasure and sticks to Bentham's view that pleasure is only quantifiable using based on intensity, duration etc. Sidgwick argues that once you introduce other factors such as quality of pleasure, means you are relying on something that is beyond its pleasantness and that's a non- hedonistic standard (Skelton, 2019:282). In contrast, Sidgwick suggest that some pleasures are natural in themselves and must be judged purely from their pleasantness.

4.2 Defining the Ethical Theory of Consequentialism

The consequentialism theory is the theory descendant from classic utilitarianism which means its proponents are Jeremy Bentham (1789), Stuart Mills (1861), and Henry Sidgwick (1907) (Sinnott-Armstrong, 2003:1). This indicates that consequentialism derives from utilitarianism and holds the same position as utilitarianism does, therefore instead of using the two terms interchangeably, I will use the consequentialism term. The ethical theory of consequentialism is one of the major theories in normative ethics. Samuel Scheffler states that:

Consequentialism in its purest and simplest form is a moral doctrine that says the right act is the one that will produce the best overall outcome, as judged from an impersonal standpoint which gives equal weight to the interest of everyone (Scheffler, S. 1988:1)

This definition of consequentialism captures its essence in an accessible and comprehensive manner. It emphasises that everyone's interests are considered and highlights the objective of an impartial evaluation of outcomes, free from personal interests, biases, and subjective perspectives.

Consequentialism holds that “the moral rightness of an act is solely determined by the consequences of an act and its alternative” (Peterson, 2013:1). This means that the morality that is, the rightness or wrongness of a human action depends on its consequences. Lars Bergström observes that consequentialism “stresses the way people (or sentient beings, in general) are affected by our actions. What matters is the welfare or the preferences of everyone to whom our actions make a difference” (Bergström, 1996:76). This illustrates that consequentialism focuses on impact, the real effects of actions as experienced by sentient beings, whether good or bad. Additionally, it is empathetic and fair, as it accords equal moral importance to all individuals as it is concerned about everyone’s well-being. Therefore, based on the definitions and implications outlined above, consequentialism is a suitable ethical theory for critically analysing how the labour practices of South Africa’s gig economy impact human workers. The moral question at stake is how these practices affect the workers involved. Using consequentialism, this study will evaluate the social and economic impacts on human workers to determine whether the gig economy, with its current practices, is morally right/good or wrong/bad. Consequentialism has different forms and approaches, as interpreted by scholars such as Sinnott-Armstrong, Lars Bergström, Peter Railton, Brad Hooker, and Nikil Mukerji, among others. The section below discusses the different forms and approaches of consequentialism.

4.3 Approaches of the Ethical Theory of Consequentialism

Consequentialism can occur either directly (act consequentialism) or indirectly (rule consequentialism). Act consequentialism asserts that actions are evaluated solely on the basis of their consequences (Sinnott-Armstrong, 2003; Goodman, 2008:17). On the other hand, rule consequentialism maintains that an act is right if, and only if it aligns with a moral system that, if universally followed, would produce the best overall outcome (Suikkanen, 2024:1). Rule consequentialism holds that “an act is permissible if and only if it is allowed by a code that could reasonably be expected to result in as much good as could reasonably be expected to result from any other identifiable code” (Hooker, 2013:243). This implies that rule consequentialism endorses adherence to specific rule, such as human laws or traditional/community-based norms that would lead to the best outcomes if universally observed. Another notable distinction within the consequentialist theory, proposed by Peter Railton (1984), is between subjective and objective

consequentialism (Bergström, 1996:75). Objective consequentialism assesses the rightness of an action based on its actual outcomes, independent of the agent's preferences or subjective perspectives (Railton, 1984:143). Conversely, subjective consequentialism argues that one should, whenever possible, attempt to identify and perform the action that is most likely to maximise good, based on the information available at the time (Railton, 1984:142–143). Both subjective and objective consequentialism share a hedonistic foundation, prioritising the promotion of good and the minimisation of harm, whether actual or expected (Guha, 2023:119–120).

The key distinction lies in their treatment of knowledge and perspective, subjective consequentialism maintains that an action is deemed right if it is expected to produce the best outcome given what is known at the time. For example, assuming honesty typically leads to good outcomes, yet lying in a particular situation could save a life, a subjective consequentialist might argue that lying is the right action in that context. Hence, Guha (2023:119) describes subjective consequentialism as prescribing expectability. By contrast, objective consequentialism judges the morality of an action by its actual consequences, whether it maximises overall well-being for all sentient beings regardless of the agent's intentions, preferences, or expectations (Railton, 1984:143). Therefore, subjective consequentialism allows the rightness or wrongness of an action to depend on the agent's desires, beliefs, or available knowledge, whereas objective consequentialism applies it universally, independent of such subjective factors. Nikil Mukerji uses the example of the poisonous medicine case (where Jones is given medicine by Smith that kills him) to illustrate how subjective and objective consequentialism occur and their implications. Consequentialism holds that the moral permissibility of an action is determined solely by the quality of its actual outcomes. In other words, what makes an action right or wrong rests entirely on the goodness or badness of its objective outcome (Mukerji, 2016:115).

There is a clear and intuitive appeal to this perspective. The conclusions that follow from Objective Consequentialism often seem to match our everyday moral intuitions. We frequently evaluate a person's actions based on the impact they have on the world around them. If an action leads to negative outcomes, we are typically inclined to say that the person acted wrongly. On the other hand, if the consequences are positive, we tend to judge that the person did the right thing. At least

initially, this way of thinking appears to make good sense and aligns with how we commonly assess moral behaviour (Mukerji, 2016:115). Mukerji presents a different case of poisonous medicine when Smith administers medicine to Jones that kills him. However, Smith was unaware that the medicine was toxic. He only expected and believed that it would heal Jones. Mukerji explains how an objective consequentialist would interpret this case and states that:

Given the information that is provided in Poisonous Medicine, is it still appropriate to say that Smith did something wrong, as an objective consequentialist presumably would? This is not certain. At any rate, we should get clear on what we mean when we call an action "right" or "wrong." Philosophers commonly differentiate between two senses in which they use these expressions. There is the fact-relative sense, on the one hand, and the belief-relative sense, on the other. It was wrong for Smith to give Jones the lethal substance in the fact-relative sense. But since he did not know that it was lethal, his act should probably not be called "wrong" in the belief-relative sense (Mukerji, 2016:115).

Objective consequentialists would judge Smith's action as morally wrong in the fact-relative sense. However, his beliefs about the situation that the medicine was a cure, should inform our judgment of his moral responsibility in a belief-relative sense. If Smith genuinely believed he was helping, it seems unjust to condemn him harshly based solely on the objective outcome. This distinction illustrates that moral judgment involves not only the actual consequences of an action but also the beliefs and knowledge of the agent at the time. In other words, we can distinguish between judging someone for the harmful outcome they caused (fact-relative wrongness) and judging them for their beliefs and intentions (belief-relative wrongness). This tension highlights how moral evaluation can become ambiguous when the boundary between objective facts and the agent's subjective beliefs is blurred. Mukerji (2016) argues that both belief-relative and fact-relative perspectives should be considered when applying an objective consequentialist analysis to moral dilemmas. John Stuart Mill, a prominent proponent of consequentialism, contended that we declare an act to be wrong inasmuch as we deem the agent deserving of punishment (Mukerji, 2016:115). In the belief-relative sense, however, it seems implausible to punish or blame Smith, since he acted under the sincere belief that he was helping Jones. This is a scenario that Derek Parfit has termed

“blameless wrongdoing” (Manson, 2002:287). It is blameless wrongdoing because Smith has committed a wrong action, but also, he seems blameless as he thought he was helping.

Mukerji further elaborates on subjective consequentialism by applying it to the case of the poisonous medicine, offering two versions of the theory. In the first version (SC1), the moral permissibility of an act depends solely on the agent’s expected outcomes. For example, if Smith administered the medicine believing it would cure Jones, SC1 deems the act morally right because the expected consequences were positive (Mukerji, 2016:116). However, Mukerji proposes a second version (SC2), in which the agent’s moral responsibility also depends on what they could have known, given the available evidence. In this scenario, if Smith ignored clear evidence that the medicine was harmful, his action would be deemed morally wrong despite his stated intentions (Mukerji, 2016:116–117). SC1 holds the agent responsible only for outcomes they reasonably expected, whereas SC2 holds the agent responsible for outcomes they could have foreseen based on available evidence. SC2 is arguably more compelling, as it acknowledges the agent’s obligation to form reasonable beliefs before acting. Mukerji describes this as the evidence-relative sense of moral evaluation, judging an action based on what the agent could have known or anticipated given the evidence at hand. Thus, even though Smith may not have known the medicine was poisonous, if the harm was foreseeable based on the evidence available to him, his action would still be considered morally wrong under SC2.

4.4 Principles of Consequentialism

The varying definitions of consequentialism among scholars such as Manson, Scheffler, Railton, Sen and Williams, amongst others, create a conundrum regarding what precisely constitutes consequentialism. However, these definitions share certain conditions or principles, which are also reflected in the works of scholars such as Slote and Pettit (1984), Williams (1988), Sinnott-Armstrong (2003), Bergström (1996), and Mukerji (2016). According to Horta et.al (2022), most definitions of consequentialism accept at least one of these conditions or principles:

Outcome-Dependence is whether something (e.g., actions, decisions, rules, character features, or any other thing or combination of things) is right or wrong (or to what degree it is right or wrong) depends completely on the outcomes that (may) occur.

Value-dependence is whether something (e.g., actions, decisions, rules, character

features, or any other thing or combination of things) is right or wrong (or to what degree it is right or wrong) depends completely on the value (goodness or badness) of the outcomes that (may) occur. Maximization is whether something (e.g., actions, decisions, rules, character features, or any other thing or combination of things) is right or wrong (or to what degree it is right or wrong) depends completely on whether certain things are (or may be) maximized. Agent-Neutrality is whatever makes something (e.g., actions, decisions, rules, character features, or any other thing or combination of things) right or wrong (or right or wrong to a greater or lesser degree) must do so independently of the viewpoint of any particular agent (Horta et.al 2022:368-369).

4.4.1 Outcome Dependence

Various definitions of consequentialism agree with the condition that it is based on outcomes of an action. For example, Tanyi and Bruder define consequentialism by that, the rightness or wrongness of an action is decided purely by its outcome, or by factors associated with the action, such as the intent behind it or a general rule that governs similar actions (Tanyi and Bruder, 2014:293). (Tanyi and Bruder, 2014:293). This definition of consequentialism depicts the condition that the ethical status of an act is dependent on its consequence.

4.4.2 Value Dependence

Value-dependence can indeed be considered a key condition for consequentialism. In this context, the value of an action itself can imply the likely outcome of that action. For example, Sosa states that "Consequentialism's basic idea is that the ethical status of an act depends on the value of its consequences" (Sosa, 1993:101). The value of a consequence refers to how valuable the result is. For example, when we say "Too much acid is bad for your health," the word "bad" shows the negative outcome-value of consuming too much acid. Similarly, saying "it's good to see you" emphasizes the positive outcome-value in the experience of meeting someone. The value dependence condition highlights how important the value of an outcome is in determining its moral worth.

4.4.3 Maximization

The Act consequentialism "holds that actions are morally permissible if and only if they maximize the value of consequences – if and only if, that is, no alternative action in the given choice situation has more valuable consequences" (Vallentyne, 2006:21). This indicates that act consequentialism is all about maximizing value at the outcome which is similar to utilitarianism doctrine of maximizing happiness for the greatest number of people. In addition, this condition of consequentialism asserts that an action is permissible only if the total (or average) well-being it generates is at least equal to or not less than that produced by any other viable alternative action. It is evident in this definition that consequentialism has the condition of maximization. Therefore, for an action to be right it requires maximizing outcome-value (e.g., happiness) for the greatest number. Douglas Portmore states that the attractive idea that consequentialism presents is that when it comes to morality, there is good and evil, and people should maximize good and minimize evil which is an idea that is hard to reject (Portmore, 2001:1). Portmore supports maximization as a condition or principle when discussing consequentialism.

4.4.4 Agent Neutrality

Agent neutrality in consequentialism means that the moral assessment of actions, decisions, rules, or other factors should not rely on the viewpoint or interests of any specific person or agent. In other words, the rightness or wrongness of an action is based only on its results, and these results must be evaluated fairly, without favouring anyone's perspective. Desheng Zong explains that consequentialism has an Agent-neutral condition in which it treats right and wrong of an action without favouring the person who has performed that action. However, this doesn't mean that consequentialism ignores the importance of the agent in moral decision-making (Zong, 2000:677-678). For instance, if performing an act, myself is the only way to achieve the best outcome, then ensuring that I am the one to carry it out is fully consistent with the theory's focus on doer neutrality (Zong, 2000:677-678). This indicates that anyone in the best position to achieve the best outcome can carry it, that's why there's a condition of Agent neutrality. Further, Manson (2009:19) states that consequentialism claims that we should act in ways that lead to the best results, even if that means lying, stealing, or killing an innocent person. This suggests that consequentialism may have no limits or constraints, it is neutral.

That's why Zong recognizes agent-neutrality in two senses, consequentialism is "agent-neutral with respect to agency, and it is agent-neutral with respect to values" (Zong, 2000:678).

4.5 The critique of the ethical theory of consequentialism

The following section provides the strengths and weaknesses of the ethical theory of consequentialism.

4.5.1 Strengths of Consequentialism

The objection that makes consequentialism most vulnerable is the one raised by egalitarians within the realm of distributive justice, particularly because consequentialism considers the overall good and harm without focusing on how fairly benefits are distributed. For instance, consequentialists do not consider whether goods are distributed equally; they only focus on maximizing overall happiness, regardless of how it is spread (Scheffler, 1988:6). This approach to evaluating outcomes in the context of distributive justice is implausible, a critique also supported by John Rawls in his *Theory of Justice* (1971). Scheffler (1988:6) argues that instead of abandoning consequentialism entirely, consequentialists should revise their principle of evaluation to address distributive concerns and recognize distributive equality as intrinsically valuable when evaluating the overall outcome. Scheffler suggests that this would mitigate the prima facie criticism directed at consequentialism in the realm of distributive justice by treating distributive equality as a value in itself.

Mason defends consequentialism against the objection by Williams and Stocker, who claim that consequentialism is incompatible with personal relationships because of the internal dynamics of agents rather than external circumstances or outcomes (Mason, 1999:244). According to Williams and Stocker, consequentialism undermines interpersonal relationships because consequentialists prioritize the outcomes of their actions over their personal commitments and may treat relationships merely as instruments for achieving positive results, rather than as valuable in and of themselves. This can lead to behaviours such as breaking commitments, lying, or abandoning people in order to maximize overall utility. Mason (1999:245), however, highlights the strength of consequentialism by noting that in the context of valuable relationships, consequentialism actually

supports actions such as loyalty and affection, which maximize the overall utility of the relationship. If a friendship or other relationship is valuable from a consequentialist perspective, it is because it provides profound fulfilment to both parties. That fulfilment arises partly from the knowledge that the parties have a genuine connection, for example, the assurance that parties can trust one another contributes to the contentment or fulfilment of a relationship. However, if one party behaves loyal merely by following a set of rules, rather than actually feeling loyal, the other party loses out on the sense of genuine trust and connection that gives the relationship its significance (Mason, 1999:246). This suggests that consequentialists can also behave like non-consequentialists and genuinely participate in relationships, recognizing their value in providing deep satisfaction for parties involved. Moreover, pretending to be in a relationship diminishes its true value and resembles a detached or alienated state, where the connection lacks authentic meaning. Therefore, consequentialism advocates for the value of relationships that stem from genuine connection, because a simulated relationship fails to achieve its full benefits and ultimately does not lead to the best outcomes.

The objection concerning the demandingness of consequentialism is another common criticism. Objectors claim that it requires individuals to sacrifice too much, as consequentialism always seems to entail demanding duties to rescue others. In defence of consequentialism, Rick Morris argues that consequentialists may contend that the duties we intuitively perceive as burdensome are not actually required by consequentialism (Morris, 2017:1863). For example, in the case of foreign aid, a consequentialist might argue that, in some situations, aid could harm local economies or create dependency, so withholding aid might actually lead to better outcomes. Thus, even though there seems to be a moral duty to help, promoting the good does not necessarily require rescuing. Furthermore, consequentialists might argue that the problem lies not in the demandingness of consequentialism but in our intuitive resistance to demanding duties which may stem from selfishness or an underestimation of the value of others' well-being (Morris, 2017:1863). From this perspective, the moral truth is that we have a duty to make significant sacrifices for the benefit of others, even if those duties feel overly burdensome. Essentially, moral obligations are about what is good for everyone, not about our personal preferences.

Grisez notes that several reasons make consequentialism plausible. In its most popular forms, it highlights the impartiality and selflessness of morally good individuals. Moreover, it seems to have

no clear alternative, as many modern ethics textbooks outline the principles of consequentialism and ultimately conclude that it is the most rational basis for moral reasoning (Grisez, 1978:26–27). Nevertheless, some reject objective consequentialism on the grounds that the future is unknown, implying that outcomes are also unknowable and it remains unclear how an agent is supposed to determine the best course of action. Scholars such as Dale Miller argue that, because of this inability to discern the best act, agents may end up being unfairly blamed or even punished. Eric Moore defends against the rejection of objective consequentialism by stating that:

I defend consequentialism from their attacks by emphasizing the distinction between the evaluation of actions and the evaluation of agents. Consequentialism directly evaluates actions, but only indirectly helps us to evaluate agents, in part precisely because knowledge is not a factor for an action's rightness, but is a factor in evaluating an agent's responsibility. We do not blame an agent for failing to perform the best action if there was no way that any reasonable, conscientious person could have known which it was. But this does not force us to reject consequentialism. Rather, it shows that the blameworthiness or praiseworthiness of an agent is a different evaluation from the rightness or wrongness of that agent's action (Moore, 2007:84).

This suggests that scholars such as Dale Miller conflate the moral evaluation of actions with the moral evaluation of agents, rather than treating them as distinct. The moral assessment of an agent's responsibility (blameworthiness or praiseworthiness) is separate from the moral assessment of the action itself (rightness or wrongness of an act). Therefore, we can uphold consequentialism while acknowledging that agents are not always fully accountable for the consequences of their actions if they could not have known what the best choice was. Criticisms of consequentialism often focus on concerns such as it being excessively demanding, overlooking partial concerns, being excessively systematic, and ambitious (McElwee, 2010:394). McElwee argues that consequentialism has room to respond to these objections by shifting its focus from individual actions to social norms and practices (McElwee, 2010:408). This approach highlights how consequentialism can critique societal systems that cause harm, reshape moral practices to improve society, and address global issues such as poverty, racism, and environmental degradation, while still recognizing the importance of special duties toward those close to us. Thus,

this positions consequentialism as a more flexible and practical ethical theory, one that seeks to improve social practices overall rather than demanding perfection in each individual choice.

Another implication of McElwee's argument is that objections to consequentialism are often grounded in moral intuitions (feelings of guilt or blame), especially in cases concerning how we treat those we care about (family, friends, and community relationships) (McElwee, 2010:408). McElwee proposes a version of consequentialism that acknowledges the natural limits of our moral intuitions while broadening our moral thinking. This allows us to treat distant issues such as poverty, racism, and slavery with the same seriousness we afford to local concerns like family, friends, and community ties. In this way, consequentialism is not overly demanding when addressing global poverty or war, nor is it excessively systematic when confronting systemic discrimination. Furthermore, it is not too ambitious, as it does not require a meticulous calculation of every individual action. Instead, it emphasizes evaluating the outcomes of societal norms and practices as a whole. Crucially, it does not neglect partial concerns as it allows us to honour our duties to those we care about while also critiquing unjust societal structures.

The objection that consequentialism demands individuals to always sacrifice their own interests to achieve the best overall outcome is defended by Scheffler. He explains that in some situations, it may indeed be right for an individual to act in a way that produces the best overall outcome. However, if someone is unable to carry out such an action because of a strong aversion to it, there is no reason to blame them since from another consequentialist perspective, that aversion can itself be seen as desirable (Scheffler, 1988:7–8). Without such aversion, a person might more easily cause harm, not only when doing so would lead to the best outcome but also when it serves their own interests. For example, consider a doctor faced with one life-saving dose of medicine and two patients: her close friend and a stranger. From a consequentialist viewpoint, she should give the medication to the patient with the highest chance of survival, regardless of personal feelings. Yet the doctor might feel a strong aversion to treating her friend unfairly, which could prevent her from making the choice that leads to the best outcome. Ideally, the doctor's aversion to causing harm would arise only when it conflicts with the best decision, for example, when the best decision is that helping her friend would not lead to the best outcome. However, given the complexity of emotions and personal relationships, not all humans can go against their desires. Therefore, consequentialism is not demanding as individuals can perform an act or not, based on their moral

intuition and the best part is that consequentialism does not blame them. Peter Railton concurs with Scheffler and even goes as far as to state that:

Even after allowances have been made for the psychological phenomena thus far discussed and for the difference between saying an act is wrong and saying that the agent ought to be blamed for it. But just how demanding or disruptive it would be for an individual is a function, it arguably should be of how bad the state of the world is, how others typically act, what institutions exist, and how much that individual is capable of doing. If wealth were more equitably distributed, if political systems were less repressive and more responsive to the needs of their citizens, and if people were more generally prepared to accept certain responsibilities, then individuals' everyday lives would not have to be constantly disrupted for the sake of the good (Railton, 1984:161).

Railton argues that the extent to which an individual is held responsible for moral or ethical actions, particularly in terms of blame or demands for action that is shaped by broader societal and structural factors. He suggests that if society were more just and equitable, individuals would not constantly have to shoulder the burden of addressing moral or ethical disruptions in their daily lives. Furthermore, Railton emphasizes that human actions are influenced by both cognitive and emotional factors, and it is crucial to distinguish between judging an act as wrong and blaming an individual for it. His argument is that if conditions were more favourable, for instance, if wealth were more evenly distributed, if political systems were more responsive, and if people were generally more conscientious then the moral demands placed on individuals would be less disruptive and less burdensome. In essence, this implies that a person's moral duties are deeply dependent on the societal context. If societies were structured in ways that facilitated moral behaviour without requiring constant personal sacrifice or struggle, individuals would not experience such stress or conflict when meeting these demands. Thus, Railton's view suggests that the problem lies not with consequentialism itself but with the wider social environment that imposes excessive moral duties on individuals. As a result, we should avoid evaluating individuals' moral responsibility in isolation from their social context.

The traditional, most official, and influential objection to consequentialism is by John Rawls with his theory of justice (1971) claiming that consequentialism is unable to solve issues of justice and

fairness based on that it does not give equal weight to the distribution of goods (Scheffler, 1988:2). This is because consequentialism believes in maximization of the overall net aggregate satisfaction. This indicates that John Rawls advocates for the distribution of equal weight to the equal interests of all parties, and this is evident in his concept of the 'veil of ignorance' (Sen and Williams,1982:25). Sen and Williams defend consequentialism by stating that:

How does giving equal weight to the equal interests of different parties lead to utilitarianism? And to what kind of utilitarianism is it leading to? If am trying to give equal weight to the equal interest of parties in the situation, I must, it seems regard a benefit or harm done to one party as a value or disvalue to the equal benefit or harm done to any other party (Sen and Williams 1982:26).

This means that when you consider the interests of everyone involved, you treat each party's benefit or harm as equally significant. In other words, you value each person's well-being the same way and assess each benefit or harm without giving one party priority over another. This method results in a type of consequentialism, where the aim is to maximize total happiness or well-being by treating everyone's interests equally. Further, this indicates that utility does not always align with equal value because while interests may be equally important, they can serve different purposes or functions, which will ultimately make them have unequal value or weight. For example, consider a dilemma where a government must choose to spend money on attractions that will bring revenue or to spend money on schools, which will both benefit the country. A consequentialist would decide to divide the money into both options and generate an overall positive outcome. Although consequentialism may not prioritize whether the distribution of goods is equal or unequal, it still has its reasoning for what is considered just. Rawls suggests that equality in distribution will bring about justice and that everyone will be happy but conceals the two disadvantages that his system. Sen and Williams state that:

First, it diminishes the marginal utility of all commodities and of money, which means that approaches toward equality will tend to increase the total utility. The second reason is that the inequalities tend to produce at any rate in educated societies, envy, hatred, and malice whose disutility needs no emphasis. I am convinced that when these two factors are taken into account, utilitarian have no need to fear the

accusation that they favour extreme inequalities of distribution in the modern society (Sen and Williams, 1982:27).

This also highlights that society itself generates inequalities, and consequentialism neither endorses nor creates these inequalities; rather, it evaluates outcomes without social biases. Rawls's system diminishes the marginal utility of commodities and money, overlooking the fact that a dollar or unit of resource is more valuable to a poor person than to a rich one. From a consequentialist perspective, approaches toward equal distribution increase total utility, since the gain in happiness for the poor can outweigh the loss experienced by the rich, and vice versa. Rawls also fails to acknowledge that consequentialism itself offers reasons for equal distribution as it would support equality insofar as it maximizes overall well-being. Furthermore, consequentialism favours equality when it leads to long-term benefits such as social stability, cooperation, trust, peace, and productivity. Therefore, while consequentialism does not inherently value equality for its own sake, it often endorses equality when it produces better outcomes for all. Rawls's theory of justice introduces the notion of the veil of ignorance, an experiment that compels individuals to make decisions from an impartial standpoint rather than from self-interest (Von Platz, 2017:880–890). However, this concept overlooks or fails to address moral sentiments such as envy, love, or hatred, which can generate inequalities and obscure fairness in the distribution of goods. Thus, moral intuitions and individual interests cannot simply be ignored, as they are inherently present in matters of fairness, justice, equality, social and political concerns. It is difficult to undermine consequentialism, which may explain its enduring appeal. For nearly every criticism of consequentialism, there are persuasive responses that preserve its core principles, making it a resilient and favourable theory to adopt. Although consequentialism may no longer have the same initial allure it once did, many still value its capacity to provoke critical reflection and challenge moral complacency (Holland, 2013:109). One of its most compelling defences is that, in its variations, it is implicitly present in other ethical theories. For instance, when determining whether an action is virtuous such as brave, kind, or prudent, one inevitably considers the outcomes of that action. Similarly, when appealing to principles, one cannot resolve moral dilemmas without engaging in consequentialist reasoning (Holland, 2013:109). This suggests that consequentialism serves as a foundational logic in moral reasoning for other ethical theories, even if other ethical theories do not explicitly endorse it. Holland's argument demonstrates that consequentialist thinking permeates other ethical theories, which ultimately depend on assessing outcomes to

evaluate moral acceptability of an action. Likewise, John Harsanyi observes that “all informed, rational people whose impartiality is ensured because they do not know their place in society behind a ‘veil of ignorance’ would favour a kind of consequentialism” (Harsanyi, 1977, cited in Ssebunya, 2017:48). This implies that the veil of ignorance, as employed by Rawls to argue for equality, ultimately aligns with consequentialist reasoning. Consequentialism, like Rawls’s framework (veil of ignorance), treats all agents impartially, giving equal weight to everyone’s interests (Crisp, 1992:139–140; Scheffler, 1988:1).

4.5.2 Weaknesses of Consequentialism

The most well-known form of consequentialism is utilitarianism, which holds that the best course of action in any scenario is the one that brings about the greatest overall amount of human pleasure or happiness. However, the conditions of maximization and welfarism inherent in consequentialist thought have attracted significant critiques from scholars (Sen & Williams, 1982:4–5). One of the most influential critiques is advanced in John Rawls’s *Theory of Justice*, where he argues that consequentialism fails to address questions of justice and equality in the distribution of resources (Scheffler, 1988:3). Rawls illustrates this objection with an analogy that if total happiness could be maximized by restricting the freedom of a few individuals, consequentialism would still endorse such an action (Scheffler, 1988:3). This suggests that consequentialism is concerned only with maximizing aggregate welfare, regardless of how that welfare is distributed or whether all individuals are treated equally. For example, it might maximize overall satisfaction to allocate resources to the already wealthy while neglecting an impoverished minority, and under a strict consequentialist view, this would be justified. As Savulescu (1998:214) observes, this could lead to the systematic neglect of certain disadvantaged groups, perpetuating cycles of inequality. Manson (2009:19) similarly critiques consequentialism for its willingness to justify any act including lying, stealing, or even killing an innocent person, if it produces the best outcomes. He argues that while some sacrifices for the greater good might be permissible, there are certain moral boundaries that should never be crossed. For example, “I might be justified in missing my niece’s birthday party to get extra work done over the weekend, but I am not justified in killing my boss to take his place” (Manson, 2009:20). This underscores a central objection to consequentialism that it appears to impose no limits on what morality might demand. For instance, as Scheffler (1988:3) notes, consequentialism could justify torturing the innocent family members of a terrorist in order to extract information from him, if doing so maximized the overall good. Both Scheffler

and Manson regard such implications as absurd and unacceptable. Expanding on this concern, Shelly Kagan argues that consequentialism permits too much, thereby undermining the moral agent. Scholars such as Bernard Williams, Kagan, and Manson contend that consequentialism demands excessive sacrifices from individuals, disregarding their personal integrity, rights, and pursuit of a good life (Kagan, 1984:239); Williams, 1988:23). Because consequentialism requires agents always to act in ways that maximize overall happiness or satisfaction, it effectively denies them the moral space to prioritize their own well-being. Kagan (1984:239) acknowledges that while some sacrifices for others are praiseworthy, they are not morally obligatory in all circumstances; rather, they are supererogatory actions beyond what duty requires. He further argues that only the individual involved can legitimately decide what action to take in accordance with their own preferences and commitments (Kagan, 1984:244). For instance, a person may choose to forgo their own happiness for the sake of others, but this choice stems from genuine concern rather than a sense of moral obligation. This perspective underscores that morality permits people to pursue their own objectives and endeavours, even if alternative actions might lead to better overall consequences. While striving for the greater good remains admirable, it is not always morally required. Williams add that it can occur that the agent involved in a situation is misinformed, ignorant, or mistaken (non-culpably) by stating that:

If he is ignorant or misinformed, then the actions which might seem to us, to him were not in any real sense available..... Over and above question of actions which, granted his situation and powers were physically not available to him. We might perhaps add that a course of action was not available to the agent if his historical, cultural, or psychological situation was such that it could not possibly happen to him (Williams, 1988:23).

Williams emphasizes that it is based on the agent's state of knowledge that they choose the course of action which, in their view, promotes the greatest good among the available alternatives. However, it is also possible for a misinformed person to choose an action that turns out to be wrong; in such cases, the individual acted just as another equally misinformed person would have acted in the same circumstances. Williams argues that if an agent's historical, cultural, or psychological background renders a particular action entirely unrealistic, then that action cannot genuinely be considered available to them. In this way, Williams underscores the importance of

personal integrity. According to him, the consequentialist view suggests that actions should aim solely at promoting welfare, yet it overlooks the fact that a person's choice is shaped by their own values, knowledge, psychological and cultural background factors which may lead to outcomes with lesser or no benefit. Similarly, Germain Grisez challenges the consequentialist assumption that individuals must promote "the greatest good," an idea that implies all goods are commensurable and capable of being ranked (Grisez, 1978:45). He argues that the notion of "greater good" lacks clear meaning, because a person's choices are informed by their subjective values and judgments rather than some objective ranking of goods. Furthermore, decision-makers often cannot be sure which course of action will lead to the greatest good, since the benefits of different options are uncertain and difficult to compare directly (Grisez, 1978:45). He illustrates this with the example of inner peace derived from meditation, which cannot be directly measured or compared to physical health, such as freedom from a disease. Inner peace represents a unique form of well-being that contributes to overall harmony but resists direct comparison with other goods. Consequentialism holds that the rightness of an act is determined by how well its effects turn out, and implicitly suggests that only the best possible outcome is morally acceptable. This view presumes a moral standard of ranking outcomes from best to worst, and it demands that the agent achieve the best outcome to maximize value. However, Michael Slote and Philip Pettit argue that the best outcome is not always necessary. For example, a person selling their house might accept a reasonable, satisfactory price that is "good enough," rather than striving to secure the absolute highest price possible, taking into account what they originally paid and the current market conditions (Slote and Pettit, 1984:142-143). This example shows that emotions, values, and personal contentment influence decision-making, and that sometimes satisficing, settling for a sufficiently good outcome is more appropriate than maximizing. Thus, Slote and Pettit argue against the consequentialist insistence on maximizing outcomes, asserting that "good enough" is often sufficient in practice. Finally, David Oderberg critiques the consequentialist assumption that the only appropriate attitude toward the good is promotion (Oderberg, 2007:3). He suggests that this narrow focus on promoting good outcomes overlooks other morally relevant attitudes, such as respecting goods that already exist or refraining from actions that might damage them. Oderberg argues by raising questions that:

The consequentialist thinks that our sole attitude to the good must be one of promotion: everything subject to moral evaluation must, directly or indirectly, be justified or

condemned in terms of whether the good is promoted. Why should anyone think that this is the only attitude one should have toward the good? Why should anyone take it to be a priori plausible that since, tautologically, value is good, the only proper attitude to it must be to promote it? Being kind to people is tautologically good, but why would anyone think that the only attitude I should have to people is one of kindness? What about attitudes of sternness, inflexibility, intolerance, resistance, dislike? A parent should sometimes be stern with their children; a teacher should sometimes be inflexible with a student; we should be intolerant of racists; we should resist drug dealers; and so on. We are not always being kind in such cases, unless 'kind' is interpreted so loosely and broadly as to mean something like just 'doing good' (Oderberg, 2007:3).

Oderberg questions the assumption that the only proper way to counter something good is to actively promote it or to exhibit kindness toward it, simply because it is “good” by definition. While kindness is generally a desirable quality, he argues that there are many circumstances in which it may not be the appropriate or effective course of action. According to Oderberg, defining kindness as “doing good” in all situations undermines its meaning and moral significance. He further asks why one should believe that kindness is always necessary to advance the common good, when in some situation’s other attitudes, such as resistance or sternness may be required to promote good outcomes. This critique underpins Oderberg’s rejection of consequentialism and his self-identification as a non-consequentialist (Oderberg, 2007:6–7). Another Oderberg’s objection is that consequentialism offers no compelling justification for why promoting the overall good can legitimately excuse an unjust or evil act (Oderberg, 2007:7). For instance, he presents the hypothetical case of a doctor who murders a healthy patient to rescue five other patients by harvest the healthy patient’s organs. According to consequentialist reasoning, this would be permissible, as it maximizes overall good. However, Oderberg argues that such reasoning fails to respect morality itself, as well as the inherent value of individuals. In his view, consequentialism reduces the purpose of morality to nothing more than maximizing good, ignoring other moral principles and constraints. Sosa supports this critique by pointing out that consequentialism’s allowance for unjust acts in pursuit of good outcomes violates the rights of innocent individuals (Sosa, 1993:102). He argues that no number of positive consequences can override or justify the violation of fundamental rights. Using the same example, Sosa maintains that killing an innocent person to save five others does not outweigh the intrinsic evil of the act of murder or violation of the victim’s

right to life. This perspective holds that individual rights take precedence over considerations of utility, directly challenging the consequentialist framework.

4.6 How the theory will guide this study

The theory of consequentialism is the theoretical framework of this study. Consequentialism is relevant because it enables a systematic evaluation of the consequences of labour practices in South Africa's gig economy on human workers. This framework allows for a critical analysis of whether these practices improve workers' well-being by empowering them to become entrepreneurs and contribute positively to society. On the other hand, it will allow deciding whether these practices cause harm through exploitation by platform companies, which deepens inequalities, and reinforces power imbalances that marginalize workers. Consequentialism also provides lens to assess the impact of labour policies in South Africa, as these policies significantly affect human workers. Therefore, consequentialism is a suitable and effective theoretical framework for this study because it offers a clear way to evaluate the social and economic effects of the gig economy, and the labour policies in South Africa.

4.7 Conclusion

This chapter has examined the ethical theory of consequentialism, which provides the guiding framework for this study. The first section introduced the chapter, defined the ethical theory of consequentialism, and discussed its key approaches: act consequentialism, rule consequentialism, subjective and objective consequentialism. It also outlined the central principles of consequentialism, namely outcome dependence, value dependence, maximisation of value, and agent neutrality. The second section considered the strengths and weaknesses of consequentialism, acknowledging that, while various criticisms have been levelled against the theory, it nevertheless remains a valuable ethical framework for analysing and assessing moral issues. In particular, it offers a way to understand and evaluate the labour practices within South Africa's gig economy, illuminating the economic and social effects of these practices on human workers. The final section of the chapter explained how consequentialism will inform this study, noting that its focus on the evaluation of outcomes makes it particularly well-suited to addressing the challenges presented by the gig economy. The next chapter presents the analysis,

applying the lens of consequentialism to provide a critical ethical analysis of the labour practices in South Africa's gig economy and their economic and social impacts on human workers

CHAPTER FIVE: AN ANALYSIS OF THE LABOUR PRACTICES IN SOUTH AFRICA'S GIG ECONOMY AND THEIR SOCIO-ECONOMIC IMPACTS ON HUMAN WORKERS THROUGH THE LENS OF CONSEQUENTIALISM

5.0 Introduction

The previous chapter presented the theoretical framework of this study by outlining the ethical theory of consequentialism. It offered an in-depth explanation of consequentialism and demonstrated how it will guide the analysis. The current chapter undertakes an analysis of South Africa's gig economy through the lens of consequentialism. The researcher critically examines and ethically evaluates the impact of the gig economy and its implications for human workers. In South Africa, where unemployment rates are high and formal job opportunities remain scarce (Thakur et al., 2022:2), the gig economy appears to offer a potential escape from these socio-economic challenges. However, the country's distinctive socio-economic context also gives rise to inequalities, exploitation, and unequal power dynamics within gig labour practices. These emerge as the prima facie implications of the gig economy on human workers when viewed through a consequentialist lens. This situation presents an ethical dilemma, aligned with the research gap identified in Chapter Two, which questions whether the gig economy constitutes an economy of exploitation or a source of empowerment for human workers. In addressing this dilemma, this chapter aims to answer the third research question: how can the ethical theory of consequentialism inform the implications of the gig economy on the human workers? In answering this question, the chapter relies on the insights of consequentialism. Then, a conclusion follows to end the chapter

5.1 Analysis of the Implications of the Gig Economy to the Human Workers

In light of consequentialism, the implications of the South African gig economy for human workers traverse both ways from positive to negative consequences. For example, from the positive, the gig economy is praised for the flexibility and autonomy it provides to human workers, to the negative, it is also criticized for eroding the South African labour standards and regulations which

results in human workers being vulnerable (Duggan et.al, 2020:115). The following subsections are the implications of the gig economy for human workers.

5.1.1 Flexibility and Autonomy

As noted in Chapter Two, gig work mainly takes two forms: crowdwork and work-on-demand, both conducted via apps (De Stefano, 2016a); (Prassl, 2018). Crowdwork refers to online work executed entirely through apps or the Internet, whereas work-on-demand refers to tasks assigned online but carried out in the physical world (De Stefano, 2016a:1). Both forms of gig work offer human workers flexibility and autonomy in various ways. The gig economy enables flexible labour practices, allowing workers to decide how, when, and where to work at any time of the day or night. In this sense, workers are able to set their own schedules. As noted in Chapter Two, flexible work arrangements improve work–life balance and allow skilled workers to tailor their careers according to location and schedule (Bajwa et al., 2018:2). This suggests that workers who wish to supplement their income can enter gig work precisely because its flexibility accommodates other life commitments. For example, a skilled worker may hold a professional job during the week and perform freelance work at weekends. Similarly, students can attend to their educational commitments during the week and drive for Uber at weekends. Hence, flexibility in gig work enables workers to balance employment with personal responsibilities.

Flexible work arrangements also accommodate people with irregular life circumstances (such as people with disabilities, students, or caregivers) by allowing them to undertake paid work that fits their needs (Lehdonvirta, 2018:15). Often, traditional employment does not suit such workers, as it tends to disregard personal limitations and needs. From a consequentialist perspective, this inclusion is significant because the gig economy allows people with disabilities to engage in labour that is often inaccessible in the formal economy. It therefore acts as a sanctuary, enabling disabled workers to sustain themselves and promoting a fairer society that recognises their dignity and capability (Nkuna, 2025). Beyond mere physical inclusion, it reflects an attitude that values workers with disabilities as equals. Moreover, the gig economy acts as a shock absorber in times of crisis, such as the 2008 global financial crisis or the recent COVID-19 pandemic (Fourie, 2023:156), covering gaps where the formal labour market fails to provide livelihoods. In these respects, the gig economy compensates for the shortcomings of traditional employment, offering

flexibility and control over how work is carried out. Workers also enjoy freedom to choose which tasks to undertake, which clients to serve, and how to deliver their services, which is different to the rigid nine-to-five working hours in a formal workplace.

As noted in Chapter Three, consequentialism holds that the moral worth of an action depends on its consequences (Peterson, 2013:1). However, flexibility and independence also present challenges. It is mistaken to assume that all gig workers prefer the flexibility and independence of gig work. In reality, some workers favour stable working hours and predictable income. Flexibility can be either manager-controlled or worker-controlled. When controlled by managers, flexibility often becomes a burden rather than a benefit. For example, Wood (2016) reports that supermarket gig workers were officially free to choose their working hours, yet in practice were forced to accept inconvenient shifts or risk not being scheduled at all. This suggests that manager-controlled flexibility undermines workers' autonomy. Hyman et al. (2005:720) argue that flexible working arrangements often serve employers' needs while undermining workers' arrangements. Similarly, Lambert et al. (2012:304) observe that manager-controlled flexibility is when the manager caps the total number of labour hours available and pits workers against each other for better shifts, creating a competitive environment that disrupts the work-life balance.

As noted in Chapter Two, during the COVID-19 pandemic many gig workers continued working, not necessarily out of choice but out of necessity. If they refused the shifts assigned by managers, they risked being unscheduled entirely (Tan et al., 2021:9). This demonstrates that flexibility cannot simultaneously belong to both the manager and the worker. In practice, failure to comply with manager-controlled scheduling may result in termination. This reveals that gig workers do not truly enjoy full autonomy. Unlike formal employees who clock in and out, gig workers are subject to constant external authority through algorithms as soon as they log in (Webster and Masikane, 2021:8–9). These algorithms translate consumer demand into specific tasks for workers, dictating when and where they must complete them, and determining pay rates regardless of distance or effort (Maphukata et al., 2021). This means that flexibility and autonomy are better understood as features of the gig economy itself, not of the human workers. In reality, the illusion of autonomy manipulates workers into believing they are in control when in fact they are tightly managed by platforms and managers. As noted in Chapter Three, from a consequentialist perspective an act is morally permissible if it promotes the greatest good or welfare for the greatest

number (Vallentyne, 2006:21). However, the negative implications of flexibility and autonomy, such as exploitation, precariousness, and loss of control harm workers' well-being and fail to maximise their welfare. This suggests that, from a consequentialist point of view, such practices are morally wrong, as they undermine the overall good and contribute to harm rather than benefit.

5.1.2 Online Platforms and Algorithm Management

Online platforms act as the intermediaries between service providers and customers. This is witnessed in apps such as Uber and Bolt where the algorithm manages and controls workers by facilitating supply (service providers) with demand (customers). The algorithms are the invisible artificial intelligent bosses/managers that manage and execute workforce activities (e.g., altering preferences, task allocation, pricing, performance evaluations, sanctions, etc) that are traditionally executed by a human manager (Kadolkar et.al, 2024:1). Moreover, an algorithm is a computational method that independently makes decisions using statistical models or predefined rules, without the need of a human's direct input (Duggan et.al 2020:116); (Maphukata et.al 2021). The online platforms also facilitate monetary exchanges when customers either purchase or request a service via the platform. They manage online bank transfers, credit or debit card payments, and other types of payment using vouchers (Reddy and Jayalaxmi 2014:44). This implies that the app also controls the amount charged to a consumer for the service provided by the worker. For example, e-hailing apps such as Uber, Bolt, and InDrive set their pricing rate and it's not fixed. The algorithms are quick to match the customers with the service providers, resulting in increased efficiency in terms of business. Different reporters and scholars call this the gamification which is at the centre of e-hailing business. Sarah Mason states that:

Gamification is the use of game elements – point-scoring, levels, competition with others, measurable evidence of accomplishment, ratings, and rules of play – in non-game contexts. Games deliver an instantaneous, visceral experience of success and reward, and they are increasingly used in the workplace to promote emotional engagement with the work process, to increase workers' psychological investment in completing otherwise uninspiring tasks, and to influence, or 'nudge' workers' behaviour (Mason, 2018:4).

Gamification creates intense competition among Uber drivers, and keeps them working around the clock. This can cause significant emotional and physical exhaustion. Workers are exploited through incentive systems that reward success and penalise poor performance, which especially impacts those with low ratings. These workers often work tirelessly to avoid account deactivation, which Uber enforces if their ratings or scores do not improve. Moreover, productivity and profits increase substantially because AI-driven algorithms operate faster and more efficiently than human managers. In the e-hailing and e-delivery sectors, gig workers are managed primarily through reputation scores and customer ratings. This creates an unequal distribution of work, where workers with high scores remain at the top of the hierarchy and receive more tasks, while those with lower scores struggle to find work (Tan et al., 2021:6–7). The algorithm uses these scores to assess performance and prioritises matching highly rated workers with customers. Consequently, gig workers feel pressured to constantly improve their rankings and maintain high customer ratings, which harms their mental well-being. The stress of meeting algorithmic performance targets, combined with unpredictable incomes, places a heavy burden on workers' mental health. Platforms may even penalise or deactivate profiles if these standards are not met.

It is evident that online platforms, acting as managers, override workers' control over their own schedules. The app not only controls and supervises worker performance and task allocation but also influences customer preferences and regulates supply and demand to maximise efficiency and profit. As noted in Chapter Three, rule consequentialism states that an action is right if and only if it follows rules that would be universally accepted and produce the best overall consequences (Suikkanen, 2024:1). This approach assesses not only individual actions but also whether the governing rules or systems yield the best outcomes when adopted by society as a whole. From a consequentialist perspective, the rules and systems governing online platforms and algorithmic management fail to guarantee transparency or job security for human workers. If such systems were universally adopted, would they produce the best long-term consequences for all workers? The answer is clearly no. Algorithmic management often leads to unfair dismissals, lack of transparency, violations of workers' rights, and severe economic insecurity. Therefore, it is evident that the systematic rules embodied by these platforms and algorithms, if universally accepted, would result in poorer overall outcomes for human workers.

5.1.3 Discrimination

Through the lens of consequentialism, another prominent issue is discrimination. Discrimination manifests in various ways within the gig economy, including through customer ratings and reputation scores. For example, customers may discriminate against Uber or food delivery drivers based on ethnicity, race, or gender, resulting in lower ratings for those workers. Consequently, the affected worker's reputation score declines, which may lead to account deactivation. This reveals that reputation scores and customer ratings are not entirely objective but contain intentional biases from customers. Often, workers face abuse and subordination by customers deliberately. In effect, the algorithmic deactivation of a driver's account equates to dismissal, which can be regarded as unfair termination. Online platforms and their algorithms act as facilitators of this victimisation by relying solely on scores and ratings to allocate incentives. As noted in Chapter Two, the Employment Equity Act No. 55 of 1998 under South African labour legislation protects formal employees from all forms of workplace discrimination (Government Gazette, 1998:12). It guarantees fair treatment by prohibiting discriminatory practices. However, gig workers fall outside the protection of this policy because they are classified as independent contractors or self-employed instead of employees. Further, the gig economy's characteristics, such as job precarity, short-term contracts, flexibility, and autonomy contribute or validate gig workers being classified as self-employed. Discrimination against Uber drivers directly results in reduced remuneration and increased economic vulnerability. Objective consequentialism holds that the moral rightness of an action depends on its actual outcomes, regardless of the agent's preferences or intentions (Railton, 1984:143). When analysed through this lens, discriminatory practices are harmful to human workers, causing alienation and resentment that impede work progress. Algorithms utilise biased customer ratings and reputation scores to influence client preferences, creating a vicious cycle where marginalised workers are perceived as untrustworthy, irrespective of their actual skills or performance. This engenders stigma and stereotypes that isolate affected workers from both customers and colleagues. Moreover, Uber and food delivery drivers experience unfair treatment beyond their control, based on gender, race, ethnicity, language, religion, and other factors, which undermines their entitlement to dignity and respect. In contrast, some online gig work such as freelancing, graphic design, and engineering provides measures to protect workers from discrimination. These remote jobs allow workers to enter the labour market anonymously through the platform, which can shield them from biased ratings based on gender, race, or ethnicity

(Graham et al., 2017:147). This anonymity particularly benefits foreign workers who might otherwise face economic exclusion. From a consequentialist perspective, discrimination against human workers is inherently wrong, as it predictably and actually results in adverse consequences. Subjective consequentialism posits that an action is right if, and only if, it is expected to promote good and minimise harm (Guha, 2023:119–120). This means that an action must be deemed right from the outset, based on the anticipated outcome. Discrimination, therefore, is morally wrong from the outset because of its expected negative impact on workers. A non-consequentialist might argue that under subjective consequentialism, discrimination could be justified if it benefits the majority. However, the end does not justify the means. Discrimination inherently produces harmful effects on those targeted, meaning it is wrong regardless of any purported positive outcome for others.

5.1.4 Women in Gig Work

The gig economy has assisted 800,000 African black women with disadvantaged socioeconomic and migrant backgrounds, working as domestic helpers who primarily take care of their middle-class employers by cleaning, cooking, and other tasks (StatsSA, 2022). Digital domestic work is an online market that uses algorithms from an app to facilitate matching domestic workers with householders (Sibiya and Du Toit, 2022:638). Domestic workers in South Africa use apps like SweepSouth, along with several global platforms such as Sittercity, Cleanzy.com, Care.com, and many others (Sibiya and Du Toit, 2022:639). The dynamic of this work is that householders (clients) share their location, house with a number of rooms, photos of the house, and the type of cleaning needed on the app. These details are rigged with certain amounts and hours added and priced to householders in which the app extracts profit for itself. Then the client is linked with the domestic worker in which the client has the option to look at the reviews and ratings of the domestic worker's previous clients (Sibiya and Du Toit, 2022:638). The Cleaning sessions can be easily rebooked, postponed, or cancelled at any time, with secure, cashless payment processed upon completion of the service (Du Toit, 2020). Additionally, the reviews, scores, and ratings of the clients are attached to the domestic worker's profile and they influence the algorithm management of matching clients with domestic workers (Ticona and Mateescu, 2018). As a result, domestic workers with high ratings are placed as prospective workers and are often recommended, and wanted by clients. Even though domestic workers have autonomy to a certain extent, the

ethical concern is that domestic workers earn insufficient money to sustain a quality life. Further, an African woman named Linda in a study by Ticona and Mateescu pointed out the one-sided nature of rating systems, highlighting the lack of reciprocity in the rating system by stating that:

I try hard to be nice and kind and do the work ... but ratings are not fair because you can't rate families. That kind of, that is not very nice either, because you never know, we are the ones going to their home (Ticona and Mateescu, 2018:4397).

It is clear that the lack of reciprocity in the gig economy is an ethical concern because it results in workers losing their jobs unjustly. Clients often give biased ratings based on ethnicity, race, language, or immigration status. In some cases, clients fail to rate workers after services are rendered, and by default, the algorithm interprets this absence of feedback as poor performance. Consequently, the profiles of domestic workers are deactivated. The rating system thus privileges customers but neglects the interests of workers. Furthermore, the rating system's lack of reciprocity is evident in how domestic workers must expose themselves on the platform through detailed resumes and undergo extensive vetting processes, while customers face no such scrutiny or review (Ticona and Mateescu, 2018:4398). This vetting is particularly intense in care work, where background checks may include criminal records, sex offender registries, and traffic or licensing records. Profiles of care workers who complete these checks display verified badges. While platforms like Care.com offer these checks as optional, care workers are strongly encouraged to comply, as opting out often results in their profiles becoming less visible or effectively hidden, a phenomenon known as the "threat of invisibility" (Bucher, 2012 cited in Ticona and Mateescu, 2018:4395). This dynamic resembles social media platforms such as Facebook, TikTok, and Instagram, where visibility depends on engagement with the platform's algorithms. These platforms employ incentives such as advertisements and gamification elements to encourage content promotion and frequent interaction. Failure to adhere to these requirements results in reduced visibility, making it harder for users to reach their audience or attract clients. Consequently, care workers are subjected to similar gamification tactics that compel constant engagement with the app to avoid losing clients and relevance. This ongoing pressure undermines their ability to earn a sustainable living through domestic gig work.

Women in gig work face additional challenges. While the gig economy imposes hardships on all participants, these are often more severe for women. The growth of the gig economy varies

according to each country's regulatory framework. In South Africa, the gig economy has expanded into domestic work, creating employment opportunities not only in this sector but also in e-hailing and delivery services. This expansion has brought women's labour force participation into focus and has contributed to women's empowerment and gender equality. However, Dixit and Banday (2022:437) argue that advancing women's digital inclusion alone does not guarantee empowerment or equality. The gender gap is frequently framed as a matter of rights and economic development, yet access to digital tools, skills, and literacy does not automatically translate into empowerment. Structural barriers related to race, caste, religion, class, and other social inequalities continue to restrict economic opportunities (Rani et al., 2022:423). For example, women marginalised by caste, culture, or religion may struggle to access digital resources or secure gig work, despite possessing the necessary digital skills. These intersecting disadvantages exacerbate women's vulnerability in the gig economy. Precarity affects all gig workers, but it disproportionately burdens women due to their care responsibilities towards children and family (Kona, 2022:8). The flexibility touted by the gig economy thus becomes a double-edged sword, making it difficult for women to balance work and personal commitments. In South Africa, Black women face further marginalisation owing to entrenched patriarchal norms. Traditional societal beliefs restrict women's access to smartphones and stigmatise gig work as improper behaviour, limiting their ability to participate fully in the gig economy (Rani et al., 2022:424). From a consequentialist perspective, gig work causes more harm than good to women, and therefore can be judged as morally bad or harmful.

5.1.4.1 Violence and Harassment

Discussing women's participation in the gig economy raises significant ethical concerns, particularly regarding their exposure to violence, including gender-based and sexual violence. Women who provide services frequently face considerable risks of harassment by clients, which can take the form of verbal abuse, stalking, or bullying (Kasliwal, 2020:5). The masculinisation of physical gig work, such as driving for Uber or courier services, has resulted in many women channelling themselves into domestic gig work. However, this shift has raised women's apprehension about potential abuse and harassment, especially since working from home of the client often isolates them from the broader safety afforded by public spaces (Kelly, 2023). Although gender stereotypes persist in online hiring, with women often securing jobs, the challenge arises

when they face low wages and enduring sexism from privileged customers (Milkman et al., 2021:2). Moreover, gig work tends to be more stressful for women, as concerns for personal safety restrict their ability to work at night or in high-crime areas. These safety concerns limit their opportunities to meet daily income targets. Consequently, women may appear to earn less, but this disparity is primarily due to their lack of freedom to work in more lucrative areas or extended hours because of safety risks. Additionally, the fear for their safety compels many women to restrict their work to daytime hours only. The more pressing issue is the absence of parental leave in gig work, meaning women receive no paid maternity leave (Warren, 2021:533). This omission is problematic because, although parental leave benefits the gig economy by encouraging workers' eventual return, women who take maternity leave risk account deactivation and the loss of their only means of earning a livelihood. These realities raise profound ethical questions about the gig economy's treatment of women workers and the systemic vulnerabilities they face within this labour model.

5.1.5 Crime and Exploitation

The ethical issues associated with the gig economy are criminality and exploitation. Especially crime and exploitation that is directed at gig workers. As noted in chapter Two, the gig economy is considered a capitalist accumulation, the difference between the primitive days and now is the digitization of work (Liang et.al, 2022). This means that even though the nature of work has evolved, it continues to be shaped by capitalist ideologies. Therefore, it is nothing new that we witness the exploitation of gig workers because it's been there since the Industrial Revolution and the earliest days of capitalism. Gig work is a way of working based on temporary jobs or individual tasks that are paid separately, the only difference in the modern day is that gig work is now technologically enabled (Snider, 2018:564). Further, it is not the first time we have witnessed how legal systems fail to hold powerful corporations, especially in times of structural change. It is not surprising because the history of laws governing business and labour practice is deeply influenced by structural change. In a deeper meaning, Laureen Snider explains that:

Laws governing business are relatively new compared to laws against theft and murder. They are the product of decades of riots, strikes, protests, and deaths throughout the nineteenth and twentieth centuries. From the earliest days of capitalism in Britain and Western Europe until the 1840s, private property rights were

sacrosanct. The dominant belief system, entrenched by law, custom, and religion, was that those who owned a business or factory had *carte blanche* to determine the products they would make, the prices they would charge, who they would hire, what they would pay and how they would treat their employees. If wages were so inadequate that workers could not afford to feed themselves or their families, if cotton dust in the factory condemned employees to an early death, if the production process polluted the town's only river and killed all the fish, this was the inevitable price of progress. The owner was risking his money (sic: there were few if any female owners) by setting up a business and had to be rewarded. Absolute power over "his" employees was just one of the rewards. Risking money mattered; risking one's life and health, as workers did, was a non-issue (Snider,2018:564-565).

This suggests that the unfair treatment and exploitation of gig workers are not recent conditions. Such conditions have been widespread and normalized since the early days of capitalism and the emergence of modern labour. Employers have historically held absolute power over workers and have often used this power to exploit them. This dynamic closely mirrors the gig economy today, where those in the position of employers wield considerable control over workers. They dictate pricing, decide whom to hire, determine how workers are treated, and set remuneration. Furthermore, Snider highlights that the South African legal system tends to prioritise protecting business interests and corporations while showing reluctance to challenge these entities on issues of unfair treatment and misconduct. In effect, it fails to safeguard human workers, despite its capacity to protect corporate interests. Snider's observation that "laws governing business are relatively new compared to laws against theft and murder" underscores the fact that legal protections often emerge only after businesses have become established. Laws against theft and murder have long existed and remained consistent, whereas business regulations require continual revision, often driven by societal pressures such as protests and riots from workers. In a nutshell, the development of business laws and regulations often results from the struggles of the marginalised, exploited, and unfairly treated workers who demand better labour practices. This occurs in a context where government regulation and enforcement against corporate misconduct remain inadequate. The exploitation of human workers begins at the highest levels, with bureaucrats, patriots, and other elites controlling labour and labour laws in ways that expose workers to occupational vulnerabilities. Capitalists possess the power to shape how labour is

organized, which includes classification and fair treatment of gig workers, instead they choose to enforce an authoritarian business model. The vulnerabilities faced by gig workers are diverse and significant. E-hailing and e-delivery drivers are frequently exposed to risks such as hijacking and robbery, while domestic gig workers may be coerced by employers into performing tasks beyond their job descriptions, sometimes even illegal activities. These conditions inflict physical, emotional, and financial harm on gig workers (Malinga, 2024). Consequently, a cycle of exploitation and vulnerability is perpetuated.

It is apparent that the authoritarian business models of both historical and contemporary work arrangements have consistently resulted in workers being unfairly treated, exploited, and having their rights violated. Drivers are particularly vulnerable because only they are subjected to vetting by the platform, whereas customers are not properly screened. This imbalance increases the risk of drivers being exploited or harmed. Therefore, drivers are victimised by both customers and employers. The absence of thorough screening facilitates crimes against drivers. Conversely, some drivers may misuse the platform to commit offences such as kidnapping. Uber drivers are often alone with customers, which creates opportunities for criminal behaviour, as (Felson and Clarke 1998, cited in Stickle, 2023:6) note that “opportunity makes a thief”. For example, in Cape Town, a woman survived a kidnapping attempt by an Uber driver by jumping from a moving vehicle and sustaining injuries in the process (Masilela, 2024). Despite her seeking compensation from Uber, it is unlikely she will receive it.

A central ethical issue is Uber’s lack of clear accountability. Without a designated responsible individual, it is difficult to hold anyone liable for crimes committed by drivers or customers against drivers. This anonymity fosters conditions conducive to wrongdoing as drivers lack knowledge of who they are working for, and customers have no direct recourse to a manager or authority responsible for providing service. Such practices within the gig economy exacerbate the already existing inequalities in South Africa. The e-hailing drivers also experience fear of being harmed while working. For example, Gauteng still reels from the killing of 13 e-hailing drivers within two weeks in which one of the drivers was shot and set alight in his vehicle (Sibiya, 2025). This inhumane act of violence is assumed to be associated with the disputes between the taxi industry and e-hailing drivers. The community came out to protest and demand more protections for the e-hailing drivers. The nature of the job of e-hailing drivers requires them to be working alone at

night. Consequently, this is one of the realities that they are exposed to in South Africa. Picking up strangers at night, on a daily basis poses a serious threat for the driver's lives and it further heightens their vulnerability. Another factor contributing to these vulnerabilities is the lack of emergency buttons or support systems from e-hailing companies. For example, the e-hailing companies do not provide 24/7 emergency hotlines where e-hailing drivers can alert the authorities when there is danger. Further, live tracking and branding of vehicles used by e-hailing drivers can play an important role in their safety and protection. From the lens of consequentialism, the daily act of picking up strangers at night can lead to harmful outcomes for e-hailing drivers. These include a higher chance of facing violence and life-threatening situations. These negative consequences raise ethical concerns, as this practice poses significant risks to drivers' safety and well-being.

As noted in Chapter Two, the sharing economy involves peer-to-peer sharing of assets or tools (such as Airbnb and Uber) through digital platforms (Acquier et al., 2017); (Yeganeh, 2021:3). However, without adequate regulation and accountability, these systems risk perpetuating exploitation and inequality rather than alleviating them. Ben Stickle shares how the sharing economy happens in practice and states that:

As people share resources (e.g., homes, cars, tools, clothes, books, garages, pools, and more), often a contract is agreed to among the sharers, which has the potential to reduce crime and provide alternatives to the public criminal justice system. In the sharing economy, the protection of shared personal property and services is not bound by the slow and limited resources of the publicly provided justice system or by a handshake promise but transferred to written contracts between individuals that can be enforced by private means (Stickle, 2023:1).

Stickle highlights that ownership becomes no more, instead resources are shared which prevents crime. For example, if a car used for Uber is shared amongst drivers, it's unlikely that the vehicle would be linked to criminal activities or involved in accidents, collisions, or incidents of drunk driving. Drivers respect the contract and understand fully that the car is borrowed for a certain period, so they avoid negative incidents. Stickle highlights that "opportunity makes a thief" and the sharing economy reduces that opportunity for a thief to emerge (Felson and Clarke 1998, cited on Stickle, 2023:6). This implies that as the sharing economy grows, the volume of product ownership decreases

which reduces the opportunity to steal or vandalize. Therefore, it reduces chances of theft when people can share resources. The sharing economy goes deeper from Uber to Airbnb. The sharing economy is when a person has an asset and monetizes it to earn a livelihood. The sharing economy involves an online platform that is shared and used by anyone in need of a service or rendering one (Mara, 2020:5). So, individuals make a profit from giving up their goods for rent such as appliances, cars, houses, bedrooms, unused sites, etc. Even though this presents opportunities to make wealth and reduce poverty it imposes unintended social ills as a consequence. There are no regulations and compliance in the sharing economy and it operates outside the labour laws. In the case of Airbnb, the sharing economy has removed traditional entry barriers to the hotel industry, such as significant upfront capital, licensing requirements, and strict adherence to health and safety regulations (Mara, 2020:7). This means that within the sharing economy, a homeowner can launch an accommodation-sharing service without having to follow the same regulatory and compliance standards that apply to formal hotels and guesthouses. As a result, the people working for these property managers or Airbnb hosts face unfair labour practices as the property managers set wages and control workers' shifts. This limits the workers' financial flexibility and independence. Additionally, since Airbnb hosts work independently, their accommodation-sharing services are not of traditional business model, but an authoritarian one. This leads to workers receiving fewer benefits and legal protections.

5.1.5.1 Profile Leasing

There is a practice of profile or account leasing in the e-hailing industry. An e-hailing driver can temporarily rent out their profile to other e-hailing drivers during times when they unavailable for work, such as taking a break and dealing with personal commitments (Moroane, 2023:79). This is why other scholars call this aspect of the gig economy as renting economy. Drivers can rent accounts for a fee and use them for a particular period of time in order to generate income. This is how the economy is shared amongst the e-hailing and e-delivery workers. Profile leasing is one of the ways drivers avoid burnout and make holidays for themselves that are initially not provided. In a nutshell, the practice of profile leasing assist drivers to resist and overcome the pressure of excessive working by the algorithmic management and control of the platforms (Moroane, 2023:79). The ethical concern about the practice of profile leasing is that it encourages criminal activity, especially from e-hailing drivers. Some of these profiles or accounts are outdated and frequently circulated between individuals

and they are sometimes used to harm and exploit customers. It then becomes a challenge to catch the drivers that harm and exploit customers because they are operating under a false driver identity. While profile leasing may be good for generating income and sharing the economy, it has presented a surge of criminality in the e-hailing industry. The consumers of Bolt have criticised the platform for harbouring criminals who are purported as bolt drivers amid the sexual offences and other criminal offences reported (Maromo, 2022). Therefore, from the profile leasing is a good business practice insofar as it allows access to individuals without profiles to generate income. More access means more coverage, and the original profile owner can earn passive income while doing nothing. However, from the lens of consequentialism, profile leasing is bad business practice as the value of the outcomes are more dire than good. Profile leasing violates the platform rules and regulations as profile sharing is prohibited, it erodes trust when users discover drivers are using false identity, it promotes lack of accountability when the profile does not match the driver. Further, it creates unfair competition between the properly vetted drivers and the ones renting profiles which also undermines the fairness of the vetting system. It compromises consumers' safety as it presents opportunity for theft, assault and misconduct. In the lens of consequentialism, profile leasing presents short-term benefits, while projecting long-term negative consequences. Therefore, the overall harm for platforms, workers, consumers, and society exceeds the benefits, making it ethically unjustifiable.

5.1.6 Accessibility

One advantage of the gig economy is its low barriers to work entry. Due to high demand and minimal requirements, the e-hailing and e-delivery sectors have experienced rapid growth. However, individuals who engage in this form of gig work are classified as independent contractors rather than formal employees of the platform companies. This classification means they fall outside the protection of labour laws and social security systems. They have no control over their pay or working conditions, and their earnings depend solely on the number of hours worked. Although online platforms may advertise benefits such as accident, health, and life insurance, in practice, workers seldomly receive these protections (Behl et al., 2022:819). Online gig work is easily accessible because it generally does not require educational qualifications or work permits, which are typically mandatory for traditional employment. This accessibility makes gig work particularly useful for immigrants, uneducated individuals, people with disabilities, those with criminal records, and all groups that are often excluded from conventional labour markets. Workers are hired simply through smartphones with a few clicks. Moreover, this ease of access allows workers to connect with international clients and

earn income quickly. Gig workers engaged in online freelance jobs can earn substantially more because they are paid in foreign currencies. For example, when a client from the United States pays a South African freelancer in US dollars, favourable exchange rates usually result in higher local currency earnings. From a consequentialist perspective, the accessibility of gig work is ethically positive when it provides opportunities for marginalised people, including formerly incarcerated persons, and promotes greater global inclusion. However, this advantage diminishes if it encourages immigrants to circumvent national laws. Immigrants without citizenship or work permits may find some protection and income through gig work, but this occurs outside formal legal frameworks. Furthermore, the ease of access is linked to the gig economy's operation beyond the scope of labour legislation. This situation enables companies to neglect workers' conditions and avoid obligations such as overtime pay and provision of health, life, and accident benefits, which is ethically problematic.

5.1.7 Entrepreneurship

One of the prominent implications of the gig economy is that it encourages entrepreneurship to human workers. Although it is logically valid to regard gig workers as entrepreneurs, given that they self-finance their entry into gig work, this raises important ethical concerns. As noted in Chapter Two, companies such as Uber, InDrive, Bolt, MrD, UberEATS, Takealot, and CheckersSixty60, among others, hire gig workers as independent contractors or self-employed individuals. This classification means that these companies do not provide capital, training, health, or retirement benefits, which effectively shifts the risks of doing business onto the workers themselves (Bajwa et al., 2018:2). For example, in on-demand services such as food delivery, when a customer receives their order late, the delivery person typically receives the blame and a low rating. Whereas the real cause of the delay may be the restaurant's slow preparation of the order. This scenario clearly illustrates how the risk burden falls unfairly on the gig worker, while other responsible parties avoid accountability. Similarly, gig workers in the e-hailing and e-delivery sectors often use their own vehicles or motorbikes and bear full responsibility for their maintenance and associated costs. From a conceptual standpoint, it remains valid to view gig workers as entrepreneurs because entrepreneurship inherently involves risk, autonomy, and self-efficacy. However, the ethical problem lies in how companies promote the image of entrepreneurship while rarely providing the corresponding support or protections. The gig economy markets entrepreneurship with promises of flexible scheduling, self-employment, freedom to choose when and how to work, and unlimited earning potential (Ravenelle, 2019:269). Yet, gig workers do

not have full autonomy, flexible scheduling and unlimited potential to their work like entrepreneurs do. Gig workers often experience accidents or injuries while completing their tasks. For instance, as noted in Chapter Two, a Malawian food delivery worker who suffered a severe leg injury in a motorbike accident and received no medical benefits or compensation from UberEATS, the company for which he worked for (Harrisberg and Asher-Schapiro, 2021). This case exemplifies how Uber and similar platforms treat their workers merely as means to an end. Gig workers are reduced to instruments for generating profit, stripped of dignity, and subjected to unfair treatment that has become normalized within the gig economy. In South Africa, food courier drivers have reported that rainy weather conditions often lead to accidents that cause injuries that put their lives at risk. Kimon De Greef reports that:

A Tanzanian Driver fell off his bike on N1 below Woodstock and was unable to walk for two weeks. A driver from Zimbabwe slalomed down Geneva Drive towards Camps Bay, skidded in the rain, and crashed into the pavement. A Rwandan man fractured his hand in the collision in Gardens; it still aches when he grips the handlebars of his scooter. A Congolese driver struck his head on N2, spending nearly a month in a coma (De Greef, 2019).

This implies that even the most fundamental right, the right to life of human workers is disregarded by companies, and more concerning by the government itself. Spending nearly a month in a coma represents a close brush with death and starkly illustrates the magnitude of risk and hardship that human workers endure merely to earn a livelihood. In such cases, the basic human rights of workers are plainly infringed such as the right to be treated equally before the law and receive equal protection and benefit from it, the right to freedom from unjust discrimination, the right to life, the right to human dignity, and the right to freedom and security of the person. From a consequentialist perspective, an action is deemed good or right if it promotes more benefit than suffering, assessed from an impartial standpoint that gives equal worth to the interests of all affected parties (Scheffler, 1988:1). In this instance, the dishonest labour practices of companies, failing to support workers in times of crisis neither promote good outcomes nor prevent suffering, nor do they safeguard the well-being of those involved. The pseudo-portrayal of gig work as

empowering human workers by casting them as entrepreneurs could only be ethically justified if it truly generated more benefit than harm. However, the reality is that the illusion of supporting workers under the guise of entrepreneurship ultimately inflicts harm upon them and promotes self-exploitation. Therefore, from a consequentialist standpoint, morally wrong.

5.1.8 Misclassification of Workers

The classification of workers has long been a contentious issue in South Africa, given the dual existence of a formal and an informal sector. The rise of the gig economy has exacerbated and brought renewed attention to this problem, as gig workers exhibit characteristics of both traditional employees and independent contractors (Dokko et al., 2015:4). For example, an Uber driver uses his own vehicle to perform his work, which aligns with the notion of an independent contractor. However, at the same time, he is subject to supervision and control by the app, which dictates the rules of engagement, monitors performance through ratings, and has the power to suspend or deactivate accounts, which closely resembles a level of control typically exercised by an employer. Companies operating in the gig economy often invoke the independent contractor model in their contractual terms of engagement, framing gig work as a commercial arrangement between service providers (workers) and service consumers, rather than recognising it as an employer–employee relationship (Hunt and Samman, 2019:18–19). This model is further reinforced by the pervasive narrative of entrepreneurship surrounding gig work, which casts workers as autonomous, self-employed agents (Choudary, 2018:8). It is evident that companies strategically deploy these notions of entrepreneurship and self-employment precisely to avoid classifying workers as employees. Moreover, this deliberate framing serves to exclude workers from the rights and protections associated with decent work. Such protections include access to minimum wage guarantees, employer contributions to social security, protection from discrimination, paid sick leave and holidays, and the right to unionise and engage in collective bargaining (De Stefano, 2016b:3); (Hunt and Samman, 2019:19). The absence of these social, economic, and legal protections heightens the vulnerability of gig workers. Some argue that the misclassification of gig workers is more than a mere legal technicality, given its profound consequences for millions of individuals participating in the gig economy. At the same time, it is undeniable that the gig economy constitutes a novel form of work which has yet to be fully incorporated into South African labour legislation. This is partly because labour statutes still rely on specific, narrow definitions of who

qualifies as an employee or a formal worker, and these definitions tend to exclude gig workers by categorising them as independent contractors or self-employed (Smit and Stopforth, 2023). Nevertheless, while it is true that different forms of work may require different legal rights and protections in South Africa, the fundamental principle remains, that everyone has the right to fair labour practices.

5.2 The Violation of the Rights

Discussing the labour practices of the gig economy and their implications on human workers raises ethical concerns about the violation of the rights of human workers. Recognizing the rights of human workers in the gig economy is significant as it will mean good business practices that are fair to everyone participating in the gig economy. In regards to the gig economy in South Africa, the exploitation, flexibility, autonomy crime, discrimination, and other inequalities in the gig sector have resulted in abuse and the rights of human workers being violated. The violation of rights of the human workers is primarily because of the unfair and exploitative labour practices in the gig economy. Secondly, it is because gig workers are not protected under the South African labour framework, coupled with the government's failure to regulate the gig economy. The gig economy undermines the fundamental labour rights and the basic human rights of non-standard workers (De Stefano and Aloisi, 2019).

5.2.1 The Right to Freedom of Association and Collective Bargaining

Workers in traditional employment can unionise and collectively bargain for better working conditions and minimum wages. In the case of gig workers, however, unions cannot fight for their rights or bargain on their behalf because they are not classified as employees. The right of gig workers to collective bargaining is therefore violated in the gig economy. Classifying gig workers as independent contractors prevents them from unionising and engaging in collective bargaining (Johnston and Land-Kazlauskas, 2018:3). The prominent notion in the gig economy is that workers often operate independently and in isolation, spread across wide geographic areas, and competing directly with one another. Furthermore, gig work is typically short-term or task-oriented, and online labour platforms experience high rates of worker turnover. This means that human workers participate only temporarily in the gig economy, moving in and out of gigs, which makes it difficult

for them to build a shared identity or to bargain collectively for their shared interests. As a result, human workers in the gig economy cannot effectively voice their grievances, as they are isolated and work independently. This is particularly evident in crowdwork, which is carried out entirely online. In on-demand jobs that take place in the physical world, such as Uber driving and food delivery, workers are at least able to come together, share their grievances, and build a common occupational identity. However, the main challenge is the lack of representation, which means their complaints rarely reach the courts. Moreover, the individualised nature of work in the gig economy weakens workers' bargaining power as they often do not even know who their actual employer is, given that they are hired through an app (Adekoya et al., 2023:2). As a result, they are subjected to inequality, exploitation, harsh working conditions, falling remuneration, and discrimination that prevents them from earning a decent quality life through gig work.

5.2.2 The Right to Health and Safety Protection

The ethical concern is that gig workers are not provided any health and safety protection in the gig economy. The e-hailing drivers are subject to violent robberies from requesters. For example, in an investigation conducted by Tatenda Mpfu, an Uber driver stated that:

I was robbed. Someone requested when I was in Bellville and those guys were good-looking; you can't even think that they can rob you. So, their requesting was saying they are going to Bellville South, there were three; I drove them to Bellville South. So when we were almost close to the place of destination so they said don't mind that map we will direct you to the place we want to go, so they kept on saying turn right, turn left, and go straight this and that until we got to a place which is a bit quiet and dull and the next thing they started pulling off their guns and they said I should with my phone give us the password so myself I had no choice I have to give them, bring that pocket and bring the next pocket to pull it out and ... then they took everything which I had (Mpfu et.al 2020:5).

The e-hailing driver was robbed by customers. This shows the lack of protection from the e-hailing business as customers are not properly vetted by the app, while the drivers are vetted. This is unfair to the drivers as they also cannot report the customers who robbed them because maybe they used

fake information. The health of drivers is violated because a violent robbery can lead to the driver getting hurt if he shows resistance. Further, there's also trauma that comes after being robbed or hijacked which is detrimental to the health of drivers as they constantly work in fear. Failing to protect employees is seen as poor business practice. It highlights the psychological and emotional stress e-hailing drivers face. They must keep working to make a living while always worrying about their safety. Additionally, there is no job security in the e-hailing industry, as drivers fear being deactivated. The clients take advantage of drivers because they threaten drivers with rating them poorly. One Uber driver revealed that:

I should exercise my rights as a driver; I can be an Uber driver and I'm still human, I have the right to express myself. But with this Uber app, everyone who requests automatically becomes my boss or dictator or something. Someone comes into my car they start telling me can you do this, do that; they call it service but to us, on the other hand, it's a form of abuse and people take advantage of us and tell us if you don't do this, I will rate you and Uber will deactivate you (Mpfungwe et al 2020:6).

The labour practice of shifting managerial rights to customers is not good business practice in this case. Customers often display bias and exploit the authority granted to them by the app to manipulate drivers. Consequently, when drivers show resistance, they face the risk of losing their jobs. Labelling the gig workers as independent contractors proves to be problematic, as the nature of their work shows great dependency on the employer, whether it is an app itself or the consumers who are given employer authority through online platforms.

5.2.3 The Right to Minimum Wage and Overtime Pay

As noted in Chapter Two, an employee is defined as any individual who performs work for another person or organisation in exchange for payment, or someone who assists in operating another person's organisation or business (Mutengwe et al., 2024:2). This means that any person who works for another (employer) is eligible for the minimum wage. According to the Code of Good Practice, a person is assumed to be an employee if their work is subject to the control or direction of someone else; if they have worked for that person for an average of at least 40 hours per month over the past three months; and if they economically rely on the person for whom they work or provide services for (South African Government, 2006:8–10). These are three out of the seven

criteria used to presume someone an employee. Gig workers, in practice, operate within a framework that aligns with the conditions for minimum wage and overtime pay. For example, e-hailing drivers and food delivery workers typically work at least 12 hours on an average day (Mpofu et al., 2020:7). This demonstrates a level of productivity and commitment that qualifies these workers for minimum wage and overtime pay. Working 12 hours a day equates to 72 hours per week, yet reaching their income target is not guaranteed. This far exceeds the 45-hour work week prescribed by the Basic Conditions of Employment Act (Government Gazette, 1997).

Smit and Stopforth (2023:158) further note that workers in the e-hailing and e-delivery industries regularly work 65 hours per week at a high level of intensity. These facts imply that gig workers can reasonably be presumed to be employees, given the number of hours they work, making them entitled to benefits such as minimum wage, overtime pay, sick leave, family leave, health insurance, and access to the Unemployment Insurance Fund (UIF), among others. However, their right to these benefits is systematically denied in the gig economy despite them meeting the conditions to qualify. Consequently, gig workers face exploitation, as anyone working such long hours each day should unquestionably be entitled to at least a minimum wage and overtime pay. The attorney Michael Bagrain revealed that Shoprite's CheckersSixty60 food delivery service has been criticised for allegedly avoiding paying employee benefits by classifying workers as independent contractors. Bagrain asserted that if such a case went to court, Shoprite would likely lose because the company would fail to prove that courier drivers are truly independent contractors. He stated that "The law is absolutely clear. Should anyone work for more than 24 hours a month for the same employer and they earn less than R21,000, then they are automatically within the effluxion of time and by deeming of the law, become permanent employees" (Labuschagne, 2024).

The National Minimum Wage Act promotes economic development and social justice by ensuring that no one is paid below a fair wage (Government Gazette, 2018). The BCEA is supplemented by the National Minimum Wage Act, which regulates and prescribes the national minimum wage. However, these labour laws and regulations cannot protect gig workers because they are bound by the terms and conditions of the contracts they accept and not by labour law (Smit and Stopforth, 2023:157). Nearly every gig worker unknowingly enters into a contract when signing up to an app or online platform as these have embedded terms and conditions. Signing up to the app is equivalent to agreeing to those terms and conditions. Gig workers often accept these terms because

they are in vulnerable situations, such as unemployment, which makes them more susceptible to exploitation. They agree out of necessity rather than genuine choice as they lack better alternatives. In this vulnerable position, gig workers cannot negotiate for better terms and conditions. They accept what is offered, even when they are aware they are being exploited. This vulnerability is exacerbated by the business model of online platforms, which is specifically designed to limit the companies' responsibility to workers in various ways (Uber, 2025). Further, the gamification elements embedded in the platforms incentivise workers to put in more work, leading them to work excessive hours without overtime pay or fair minimum wage.

5.2.4 Children's Right

Crowdwork that is executed online from anywhere in the world has been discovered to enforce labour on children. Child labour has been least of the problems in South Africa but recently it has emerged through digital work. The low barriers to work entry in crowdwork imply serious risks related to forced or child labour. The rise of crowdwork and its minimal entry requirements allows children using the internet to be lured into executing tasks online for remuneration or credits that can be spent on online games or platforms (De Stefano and Aloisi, 2019:7). This implies that children are exposed to inappropriate content and illegal dealings. Further, this implies that crowdwork also encourages child labour, child manipulation, and even child exploitation, as children are able to execute online activities for at least 12 hours a day. This is an ethical issue that needs to be addressed as there are no technological mechanisms and instruments to track and prevent child employment in crowdwork as it is online. Children take paramount concern and abolition of child labour must be questioned and explored further. In South Africa, every child has the right to be safe from harm, neglect, abuse, and degradation. Every child also has the right to be free from exploitative labour practices (Nicolaou and Durieux, 2005:9). The Basic Conditions of Employment Act says that children under 15 years cannot work. Those aged 15 to 17 can work only if it does not harm their development and if there are proper protections in place (Government Gazette, 1997). The employment of children is prohibited in South Africa as it harms children's development and crowdwork evades meeting this obligation.

5.2.5 Right to Anti-discriminatory Processes

The work of human workers in the gig economy weighs level with work done in standard employment and sometimes it even outweighs it. Since gig workers are not protected by labour laws, they suffer discriminatory practices. The Employment Equity Act of 1998 protects employees from unfair discriminatory processes. As noted in chapter two, the Employment Equity Act ensures equity by promoting equal opportunities and fair treatment in the workplace, and also by removing unjust discrimination, and putting in place affirmative action tactics to alleviate the difficulties faced by the marginalized groups (Government Gazette, 1998:14). The lack of transparency in the algorithms that assign work, set rates and evaluate performance inadvertently reinforce bias as their process to decision making is hidden. Further, the gig economy operates in a system of authoritative algorithm management, which means it exercises control over workers rather than granting them independence to control their work. This represents a form of discrimination that employs authoritative labour practices with knowledge of taking advantage of the workers vulnerability. The gig workers have a right to anti-discriminatory labour practices and to be protected by the Employment Equity Act as they weigh the same as employees. Discriminatory practices exist in both crowdwork and on-demand work, despite the claims that gig work reduces discrimination because of limited personal interaction. In reality, a customer's implicit or explicit prejudice influences the decision (De Stefano and Aloisi, 2019:7). For example, the customer feedback or rating might reflect personal biases rather than the actual quality of work. Bias customer feedback leads to less employment opportunities for gig workers.

5.2.6 The Right to Protection Against Unfair Dismissal

The Labour Relations Act (LRA) is South Africa's primary legislation outlining both individual and collective labour rights for employees in traditional employment, as well as for those in non-standard forms of employment who are classified as employees. However, gig workers fall outside the scope of the LRA, as it only protects employees. Despite this, unfair dismissal is prevalent in the gig economy, where workers risk losing their jobs if they challenge business misconduct by either customers or employers. Gig workers often refrain from contesting the terms and conditions of their work because doing so can be perceived as violating the rules of the online platforms, which frequently leads to deactivation of their accounts (Smit and Stopforth, 2023:159). This form of dismissal is particularly common in the gig economy and violates the principle of fair labour

practice to which all workers whether in standard or non-standard employment are entitled under Sections 185 and 186 of the LRA (South African Government, 1995). According to the Act, dismissals are considered unfair labour practices if they are not based on valid and fair reasons.

5.2.7 The Right to Information

Human workers have a right to information that impacts their work and well-being. This right is crucial for personal freedom, respect, dignity and fair working conditions. For instance, due to the lack of transparency from platform work, gig workers rarely know how the income they make from platform work is calculated. Deactivation from the online platform without a clear explanation is also a violation of their right to information. Section 32 of the South African constitution states that "Everyone has a right of access to any information held by the state and any information that is held by another person that is required for the exercise or protection of any right" (South African Government, 1996). Gig workers should be fully informed of their rights when joining a platform, not just presented with the terms and conditions of work. Their legal and labour rights should be communicated alongside the contractual obligations. This is important as it will protect the workers' rights and well-being when working.

5.3 Conclusion

The implications of the gig economy demonstrate, on the positive side, that it provides employment opportunities to gig workers. However, it will not help mitigate the unemployment crisis and inequalities in South Africa if it does not constitute decent work with fair labour practices. Instead, it continues to place human workers in vulnerable positions, which ultimately affects them more negatively than positively. From a broader ethical standpoint, the vulnerability of human workers transcends legal considerations. It can be viewed as a dilemma where exploiters take advantage of workers' vulnerable conditions. Gig workers often lack any alternative source of income, leaving them in a precarious situation. This enables exploiters to misuse their power by violating fair and moral norms of employment, knowing that workers, out of necessity, will accept anything offered. Gig workers thus share a common condition, which is that they are disadvantaged by the socioeconomic structure, which makes them highly exploitable. This

exploitation perpetuates a cycle of poverty and injustice for gig workers. The situation of gig workers is further exacerbated by the legal system, where lawmakers are aware of their vulnerabilities yet often ignore or fail to address appeals for legal reform and accountability (Smit and Stopforth, 2023:154). The vulnerability of human workers can be either personal or structural. Personal vulnerability arises when an employer directly exploits a worker's condition by infringing on their labour rights. Structural vulnerability, on the other hand, refers to legal and institutional frameworks that systematically exclude certain groups of workers from the labour and social security afforded by law (Mantouvalou, 2018:7–8). South Africa plays a part in exacerbating the vulnerability of human workers in both ways, personally and structurally, leading to harmful social and economic outcomes. It is evident that gig workers are already vulnerable due to the deep-rooted inequalities in South Africa, which render them exploitable. Their vulnerability is further worsened by a legal system that excludes them from fair labour rights and protections. Through the lens of consequentialism, the labour practices in South Africa's gig economy promote more harm and suffering, than benefit and happiness for human workers. Therefore, ethically, the gig economy is deemed morally bad, as the negative consequences it produces outweigh the positive ones. This chapter has highlighted the implications of labour practices in the gig economy on human workers, showing the violation of human and labour rights. The next chapter is the concluding chapter of this study, which presents the recommendations, summary, and overall conclusion of the study.

CHAPTER SIX: RECOMMENDATIONS, SUMMARY AND CONCLUSION

6.0 Introduction

The previous chapter presented the analysis of this study. It revealed the effects of South Africa's gig economy and their impacts on human workers. Most notably, it revealed that human workers are exploited and their rights are violated in the gig economy due to the already existing inequalities in South Africa that makes workers susceptible to exploitation. Additionally, the workers' vulnerabilities are worsened by the country's legal system, which fails to provide them with protection and benefits typically associated with employment. The revelations of the previous chapter also make it clear that the issues affecting human workers in gig economy are ignored and treated as a norm in South Africa. This current chapter seeks to conclude the issues that concern this study in a concise way by providing ideas to circumvent the ethical concerns raised. It presents the recommendations, summary and conclusion of this study.

6.1 Recommendations

The recommendations aim to raise awareness about the gig economy and its impact on human workers. It is crucial to recognize that the challenges faced by gig workers represent a shared burden that requires collective responsibility. Addressing these challenges will therefore require coordinated legal, political, and social efforts to alleviate the hardships experienced by gig workers. The recommendations advocate for collaboration and cooperation among all stakeholders in the South African gig economy through integrated political, legal, and social initiatives. These actions must be undertaken with care and a clear understanding of the vulnerable livelihoods of gig workers. The following recommendations are directed at both the government and corporations involved in the gig economy, offering a combination of short-term and long-term solutions.

6.1.1 Conceptualizing the Gig Economy in South Africa

There is a need for South Africa, together with other stakeholders, to develop its own interpretation and understanding of the gig economy that aligns with the country's unique context. This is because the understanding of the gig economy varies across countries, and international

approaches may not be fully applicable or meaningful within South Africa. For example, while international platforms such as Uber operate the same way in every country, the realities faced by drivers in South Africa differ significantly from those in developed countries. These realities include high unemployment, limited access to legal recourse, and inadequate social protection, among others. Therefore, by understanding the gig economy according to South Africa's specific realities, the country can define gig work in a way that accounts for these local challenges. This could involve introducing hybrid employment models that allow gig workers to maintain flexible working hours while still receiving basic benefits, such as unemployment insurance or access to a minimum wage. Thus, it is recommended that conceptualizing the gig economy in the South African context is crucial, as it will enable a more concise understanding that can inform reforms and improvements that will make the gig economy better suited for the country's unique context. Furthermore, the rapid growth of the gig economy in South Africa positions the country to take a leading role in defining and shaping the concept of the gig economy across Africa.

6.1.2 Recognition of the Vulnerabilities of Human Workers

In order to apply fair labour practices that do not exploit or abuse gig workers in any way, there must first be recognition of gig workers' plight as a national issue that needs to be addressed. Recognizing the disparities faced by gig workers is the foundation and first step toward developing solutions to mitigate their struggles. A key challenge lies in the legal dichotomy between employees and independent contractors, a distinction that is not fully adequate to address the realities of gig work. Gig workers display traits of both categories: some aspects of their work align with being employees, while others align with being independent contractors. When employer–employee disputes in the gig economy reach the courts, judges are forced to fit gig workers into one category or the other based on the traits they exhibit. This rigid categorization contributes to the vulnerability of gig workers and highlights the need for a top-down approach that breaks down the problem from a broad perspective into manageable parts. Additionally, the unclear roles in the gig economy blur the lines between employees and independent contractors. This ambiguity creates unsafe work environments, uncertainty about service providers' rights, privacy issues, business misconduct, erroneous court rulings, and confusion regarding supervisory responsibilities (Chappa et al., 2017:73). Acknowledging the importance of providing benefits to

gig workers is crucial, as the absence of such support harms them socially and economically. For improvement, it is recommended that the government, together with companies and other stakeholders, both national and international convene to discuss how to deliver benefits to gig workers. Such dialogue would also necessitate extending the labour law framework to include gig workers and accommodate all parties involved. Furthermore, it is recommended that the South African labour framework and constitution explicitly recognize the human rights of gig workers, enabling them to stand up for themselves and claim their rights in the gig economy. It is also recommended that the government pay closer attention to the varied experiences of gig workers across different geographic areas and sectors, as some workers engage in the most insecure and vulnerable parts of the gig economy (Hunt and Samman, 2019:24).

This would ensure that no group of marginalized workers is left behind when benefits and protections are established. This would also serve as foundation to actually assess which types of gig work qualify as decent or non-decent, prompting the government to develop clear indicators to determine this distinction. Although this may be a long-term solution, it would be effective in preventing exploitation and unfair labour practices for a very long time. Further, recognizing the issue of safety specifically for Uber drivers, there should be a system in place that thoroughly records the identity of all Uber customers. This system should collect essential personal information of an Uber customer and keep record of each ride at least for three months. This is important to ensure the safety of Uber drivers. In the event that a customer commits a crime against a driver, the collected information and record of each ride will assist the authorities to identify and locate the suspect quickly. Such a system will help protect drivers and discourage criminal behaviour. A form of biometric authentication such as fingerprints or facial features must be incorporated on e-hailing platforms as a form of vetting for e-hailing customers. If a crime is committed against an Uber driver, the biometric authentication system can automatically identify the perpetrator and flag them as a delinquent or someone with a criminal record in both the e-hailing app and the police database.

This will effectively prevent criminal behaviour against Uber drivers as a delinquent customer can be quickly flagged which will help other Uber drivers avoid that customer. Furthermore, this means that the e-hailing database must be linked to update the police database by flagging a perpetrator as a criminal or having a criminal record. Uber drivers should also have access to the

e-hailing database such as record of each ride and personal information of customers so that they can flag customers that commit crimes against them. Achieving transparency requires the consumers of e-hailing services to be subject to ratings as well, especially if the consumer has demonstrated an inappropriate behaviour that has negatively impacted the driver or work progress. This ensures reciprocity and a sense of fairness as both the customers and service providers can monitor each other. From the standpoint of transparency and reciprocity, profile leasing should be clearly recognised as an act of fraud committed by both the original profile owner and the individual using the leased profile. This is because when the profile is used to commit criminal offences, the original profile owner can be considered an accomplice. Ultimately, consequences of profile leasing extend beyond the platform and affect the broader society. Therefore, acknowledging it as violation under both the platform policies and law is plausible and a necessary step. Such recognition and implementation would serve as a deterrent, reinforcing that profile leasing is inherently fraudulent. This implies that in cases where criminal offences occur in the e-hailing industry due to profile leasing, an additional fraud charge should be applied. This approach is recommended as a means of strengthening security and trust in the e-hailing industry, and should be endorsed explicitly by both the government authorities and platform companies.

6.1.3 Government Regulatory Intervention in the Gig Economy

It is clear that South Africa's gig economy requires regulation, as current laws are failing to keep pace with the evolving nature of gig work. Existing labour laws were designed for traditional employment and are not equipped to address digital gig work. The role of online platforms in managing gig work presents a significant challenge for policymakers and lawmakers in regulating this sector effectively. Therefore, the South African government needs to formulate an approach that extends labour protections beyond traditional work to encompass online gig work. Given the digital nature of the gig economy, labour laws must also exist and be enforceable online to ensure fair labour practices and protect workers' rights in the digital space. Amending current laws especially regarding the classification of workers would contribute significantly to achieving justice for gig workers. A key regulatory intervention would involve appointing policymakers and lawmakers to develop legislation specifically tailored to the unique challenges faced by platform workers (Losi and Mkhwanazi, 2025:49). While it is important to balance the interests of both

standard and non-standard employment, it is equally vital to acknowledge that these forms of work operate in fundamentally different spheres. For this reason, digital work requires its own legal framework. Ultimately, the goal is to ensure fair labour practices and protections for workers across both traditional and non-traditional employment. Internationally, Australia has emerged as a frontrunner in regulating the gig economy, despite concerns that such regulation might stifle innovation (Nwoke, 2024). One year ago, Australia introduced a new legal framework that sets minimum standards for gig economy workers, including fixed pay, worker rights, improved safety measures, fair pay, and reasonable working hours and conditions for those in flexible jobs (Underhill and Quinlan, 2024:88–94). South Africa could take a proactive approach by closely monitoring Australia’s experience with this framework. This would allow South Africa to assess both the benefits and drawbacks, and to develop effective strategies for addressing potential challenges when introducing its own legislation for the gig labour market. However, developing benchmark indicators to distinguish between decent and non-decent work is the first crucial starting point for South Africa. This would help recognize previously marginalized types of work and identify substandard work that requires reform or removal.

6.1.3.1 Decent Work Indicators

The International Labour Organization (ILO) developed the concept of decent work, referring to employment where workers are fairly compensated, provided with basic security, and given opportunities for growth, all within an environment of freedom, justice, safety, and dignity (Duffy et.al 2016:130). The ILO conducted research on decent work and established the principles and acceptable standards of decent work in on demand-work. It is recommended that South Africa uses the structure and strategy of the ILO and develop its interventions of decent work indicators from principles and standards such fair compensation, working hours, working conditions, job security, rights and protection, multi-stakeholder engagement, collaboration, etc. All efforts to develop these interventions of decent work indicators should be guided by core values of freedom, justice, safety and dignity. Consequently, in the future this will create a sustainable gig economy that is filled with harmony where every involved party can flourish. The decent work indicators can be derived from legal framework and statistical data related to specific factors. Decent work indicator can be drawn from statistical analysis examining factors such as population, geographical

coverage, gender-wage gap, age group, and the social groups involved in that particular work. They also can be derived from looking at labour administration, minimum wage, employment rights, employment benefit, occupational health and safety associated with that particular work (ILO, 2013). Consequently, this will assist in establishing principles and acceptable standards (decent work indicators) for certain work in the gig economy to be rendered as decent.

6.1.3.2 Independent Contractor Act (ICA)

It is undeniable that contracts establish some sort of working arrangement between a worker and the organization. The Independent Contractor Act (No. 162 of 2006) is a federal policy in Australia that protects the freedom of independent contractors as it recognizes contracting as a legitimate form of work arrangement (ILO, 2018:2). This implies that it recognizes the commercial companies that evade responsibilities by using service contracts and prevents it. This act protects independent contractors against unfair contracts and bases its stipulations on unfairness grounds. It stipulates that:

- The contract is unfair
- The contract is harsh or unconscionable
- The contract is unjust
- The contract goes against public interest
- The contract is designed to avoid provisions of FWA (fair work act), the Workplace Relations Act, a State or Territory Industrial law
- The contract provides for remuneration at a rate that is, or likely to be, less than the wage paid to employees doing similar work (ILO, 2018:9).

It is recommended that South African policymakers and the government could endorse and enforce ICA. The ICA is suitable for gig work because it creates an avenue to challenge the exploitative labour practices or terms when workers are not classified as employees. A contract that is one-sided or non-negotiable is considered unfair according to this act. The contract that is harsh or unconscionable is a contract that does not have clear premises or justifications. For example, forced arbitration clauses that prevent lawsuits can be considered harsh. A contract that is unjust and goes against public interest is the contract that undermines workers' dignity and takes away

workers' bargaining power. For example, contracts that avoid bargaining prevent social change as workers are play a key role to shaping and updating business laws through bargaining. Applying the ICA in South Africa will serve as a foundational step towards legally including worker protection in the gig economy, where the contract itself is question based on unfairness grounds. The last stipulation highlights that a contract that provides remuneration that is less than a minimum wage earned by employees is unfair. This is reasonable as some independent contractors and employees do similar work that has the same intensity, which justifies the need for fair and equal pay. Regardless of classification, this act ensures independent contractors are earn a sustainable income and it establishes legal basis for fair compensation. Further, the ICA allows avenue for freedom of association as contracts designed to avoid provisions of fair work or decent work are deemed unfair. This means unions can represent and bargain for independent contractors' rights. In a nutshell, the ICA upholds the right to fair labour practice that every worker has regardless of classification according to the SA labour framework and constitutional values. Therefore, adopting this Act is highly recommended.

6.1.3.3 Prioritizing the Rights of Human Workers

In chapter four, the study revealed that the rights of human workers are violated and abused. Unfair treatment and labour practices in the gig economy result to violations of rights such as the right to human dignity, the right to information, the right to fair labour practice, right to protection against discriminatory processes, right to freedom of expression and association, right to collective bargaining, right to protection against unfair dismissal amongst others. The companies participating in the gig economy, along with the government, share the responsibility of ensuring that workers' rights are enforced and properly upheld. The rights of human workers should take precedence in the same way they are in traditional employment. In order to promote the rights of the gig workers the government must provide necessary resources needed for the execution of promoting these rights. The government, along with relevant officials and departments, should create a labour framework to regulate and protect these rights. Chapter Four shows that challenges in the gig economy usually affect women more severe than men, mainly because of the patriarchal nature of South African society. Today, many women are breadwinners, and some communities follow matriarchal customs. Policymakers must acknowledge these situations and the specific issues that working women encounter. They should then develop policies that support and protect

women's rights in gig work. This approach can help reduce poverty and support women's empowerment both socially and economically.

6.1.3.4 Fair Working Time

It is recommendable that the platform companies in South Africa must align the number of hours work with South Africa's legislation which is the BCEA. The BCEA advocates for fair working hours, and the terms and conditions must commit to the regulation of hours stipulated by the BCEA. Furthermore, the BCEA should be amended to include a provision that sets a maximum number of working hours for employees, rather than only specifying minimum working hours. In the gig work, the policy should be revised to ensure that if a gig worker is active for 12 hours within a 24-hour period, they must also be granted 12 hours of rest. This will ensure a fair working time for gig workers that does not hinder their health. The BCEA Prescribes that an employer should not allow an employee to work more than 45 hours a week and more than nine or eight in any day if an employee works more than five days a week or less (Government Gazette, 1997:14). It is recommendable that this BCEA prescription be revised and implemented in the gig economy. Due to flexibility and the nature of work in the gig economy the BCEA should introduce a regulation preventing platform companies from allowing gig workers to work more than twelve hours in any given day, while also ensuring that a gig worker takes a mandatory twelve hours of rest within each 24-hour period. Additionally, it is advisable that the BCEA expand its working time provisions to account for the actual active hours a gig worker spends on the app.

6.1.3.5 Fair Pay

It is advisable that the platform companies ensure that they align their minimum wage for gig workers with that of NMWA. Ms. Nomakhosazana Meth, the minister of employment and labour, stated on 1 March 2025, that the minimum pay for workers will increase from R27.58 to R28.79 for every hour worked. The NMWA has to be extended to workers in the gig economy in which they can earn R28.79 for each ordinary hour worked. This will help ensure that gig workers are fairly compensated and prevent companies from exploiting them or paying less than the mandated minimum wage. The platform companies should increase the minimum wage for gig workers who maintain high ratings and performance scores over a certain period. However, if a gig worker gets

poor ratings and a low performance score, the minimum wage should stay fixed as a standard pay rate. This practice is fair to workers and offers a clear incentive. It motivates them to be more productive and earn more without needing to work long hours that could disrupt their work-life balance. Ultimately, this needs teamwork from platform companies, the government, and other stakeholders to ensure that it is effective and sustainable. Further, before decisions are made, as the integral part of the gig economy, gig workers must also be included in every decision-making process.

6.1.3.6 Fair Management

The use of algorithms that handle payments and controlling ratings in platform work influence decision-making that affects gig workers. While the use of reputations scores and customer reviews can be a positive labour practice to a certain extent, it also promotes bias and allow discrimination to occur against gig workers. Customer reviews and reputation scores are prominent management labour practices in the gig economy from industries of transport, food and beverage, and education. They can lead to gig workers being unfairly dismissed in apps if they have poor ratings. It is recommended that platforms must clearly stipulate their policies of disciplinary actions in their terms and conditions. This implies that there must be fair administration that allows gig workers to be informed, giving them better understanding and opportunity to protect their rights. Further, gig workers should be allowed to appeal in case they are deactivated or unfairly dismissed from platforms, with an option of appealing online or physical. This creates fairness by allowing gig workers to explain their side of the story and for an investigation into whether the ratings are biased or justified. Clear transparency about the processes of algorithms, payment structures is imperative as it ensures a fair and accountable management system. Since gig work is also a form of employment arrangement and discrimination hinders work progress, implementing anti-discrimination policies in platforms is important and promotes a fair management system.

6.1.3.7 Fair Representation

Fair representation involves gig workers having the ability to be represented when appealing or bargaining for better labour practices. It has always existed, that workers collectively associate

with each other and voice their disparities because of their shared occupational identity. The new non-standard work with its nature impedes this sustainable business model. The gig workers have a right to freedom of association and collective bargaining as this equates to fair representation. It is recommended that platform companies involve policies in their platforms that speak to gig workers expressing their voices. Fair representation can be looked as platform companies fairly representing their workers through catering for their needs. Secondly it can be looked as gig workers having rights to express their needs and having unions represent them.

6.1.3.7 Compensation and Support System

In chapter four, the study revealed that e-hailing drivers have to endure the life-threatening situations on the daily basis. One of the e-hailing drivers was reported to be shot dead and set alight in his car. The ethical concern is that the family depending on the driver's income is left in financial hardship or destitute when suddenly the driver cannot provide. It is recommended that e-hailing companies set up ways to provide short-term financial help to workers, especially in cases of injury or death while on duty. If a worker dies, this financial support should be available to their dependents. This is akin to the UIF that is earned by employees in case of injury or death. Since it is evident that gig work such as e-hailing, e-delivery, carework and other kinds of gig work that are physically demanding, inherently produces injury or death to its workers, those gig workers equally deserve compensation. Policymakers and platform companies should mandate gig work that is associated with risks such as injury, sickness and death to be included in compensation policies if the evidence is valid. This will ensure fairness and dignity, while bridging the gap that is in the current labour framework. On the other hand, platform companies should invest more in their workers such as installing dash cameras in the e-hailing vehicles and body-worn cameras for courier drivers using bikes. Further, emergency buttons installed in the vehicles, real-life tracking and 24/7 emergency hotlines will play a crucial role in safety and protection of gig workers. This is because, in reality, Innovative opportunities require innovative security and support systems, which is fundamental for managing gig work considering its nature. Therefore, this is the type of reactive approach policymakers, platform companies and the government need to have in every aspect of gig economy reform.

6.1.3.8 Training and Educational Awareness

The unavailability of formal training in gig work increases the risks of accidents while on duty. This includes having poor service quality, customer care, and workers are unable to respond to emergencies when they rise. For example, e-hailing drivers often have no customer care and they get into disputes on the roads for bad driving. Therefore, without customer care training, skill development, handling payments, and emergency response training, the gig workers are bound to make errors that not only hinders work progress. Furthermore, lack of proper structured training, awareness, and skills development programs limits workers earning potential which perpetuates a cycle of vulnerability and exploitation within the gig economy. Educational awareness can also prevent child labour as parents and children will understand the nature of gig work and the potential harm it imposes.

6.1.3.9 Adopt a Collaborative Engagement Model.

The government, platform companies, policymakers, stakeholders, and gig workers all have a role in protecting and managing the gig economy and ensuring it becomes fair and sustainable for everyone involved. Even though there's algorithmic management, this must not be the only dependence for managing gig work. The algorithms also need to be supervised by a human manager. With that said, I recommend a Collaborative Engagement Model (CEM) which is a structural approach where multiple parties such as governments, companies, workers, policymakers and other stakeholders actively work together to create a fair, transparent and sustainable gig economy. For example, a government might engage with the e-hailing and e-delivery platform companies, and labour unions to design a package of benefits for gig workers. At the same time, the platform companies can also collect data and feedback directly from the gig workers to ensure policies and benefits reflect their actual needs. Platform companies should provide workers with important information regarding their work as it is their right. This includes details about their classification, earnings, working hours, benefits, and rights within the app as part of the terms and conditions. The CEM will allow shared responsibility as all parties involved contribute to shaping practices, policies and standards. Furthermore, this will enable mutual accountability, open communication, and co-creation of solutions which are all foundational grounds for sustainability.

6.2 Summary of Chapters

This section provides a summary for major findings of each chapter of the study.

Chapter One provided the introduction and background of the study. This study was inspired by first-hand observations of the growing dependence on gig work, particularly among students, as well as both low- and high-skilled individuals in South Africa. This prompted a desire to participate in the ethical debate about the labour practices in gig economy and their implications to human workers. Another motivation is being in close proximity to people engaging in gig work, particularly students who shared their experiences which served as a catalyst for my interest in the subject. The study's research question is what are the ethical implications of the gig economy on human workers? The chapter also comprises of research questions, objectives, theoretical framework, and methodology. This study was conducted as desktop research and an exploratory design was used. The DECA model used as an approach to collecting information about the nature of the gig economy and its complexities assisted highly. Adopting the DECA model allowed the researcher to have a discovery the research problem which is whether the gig economy is a system of exploitation or development in South Africa. It also allowed the discerning that human workers are the most fundamental and impacted stakeholders in the gig economy, warranting an in-depth understanding of how they are economically and socially impacted.

Chapter Two provided the literature review of this study. The key scholars that influenced this chapter are De Stefano (2016), Wood et.al (2019), Stewart and Stanford (2017) Tan et.al (2021), amongst others. The literature review is presented thematically and highlights: the background of the gig economy, South African labour regulatory framework, defining the gig economy, nature of the gig economy, factors contributing to the rise of the gig economy, forms of gig work, the effect of the gig economy on worker livelihoods.

Chapter Three discussed the theoretical framework that underpin this study. It demonstrated how consequentialism is the appropriate ethical theory to underpin this study. The chapter started by

defining consequentialism. Followed by the different approaches of consequentialism which includes rule consequentialism, act consequentialism, subjective and objective consequentialism. Further, it discussed the principles of consequentialism which are outcome dependence, value dependence, Maximization and agent neutrality. The chapter also discussed the Strengths and weaknesses of consequentialism. At the last section of the chapter, it discussed how consequentialism will guide this study.

Chapter Four ethically critiqued and analysed the labour practices in South Africa's gig economy, evaluating the social and economic impacts on human workers. This was analysed and critiqued through the lens of consequentialism. The chapter showed major ethical issues and their implications on the gig workers. It helped achieve the objectives of this study. To reiterate the objectives of this study are as follows:

- 1.To define the gig economy.
- 2.To describe the effects of the gig economy in South Africa.
3. To explore how the ethical theory of consequentialism will inform the implications of the gig economy on a human worker.

Viewed through the lens of consequentialism, gig work is characterized by insecurity, instability, and a lack of formal labour protections, outcomes that disproportionately affect individuals who are already socially and economically marginalized. Precarity in the gig economy manifests as job insecurity, inconsistent income, and limited access to benefits such as healthcare and social security. Moreover, formal contracts are often absent. Research shows that gig workers face significant barriers to exercising their labour rights, including fair wages, collective bargaining, and safe working conditions. These issues stem largely from the South African constitution and labour laws, which rigidly classify workers as either employees or independent contractors. This legal dichotomy increases the vulnerability of gig workers, leaving them exposed to unfair labour practices, exploitation, and rights violations by platform companies. In summary, the inequalities in the gig economy arise from these unfair labour practices and the distinctive ways work is

organized within this sector. Chapter four focuses on the implications of the gig economy for workers, addressing themes such as accessibility, flexibility, autonomy, entrepreneurship, algorithmic management, exposure to crime, exploitation, and the particular challenges faced by women. It also highlights the violations of human workers' rights.

Chapter Five presented the recommendations, summary and conclusion of this study.

6.3 Conclusion

This chapter presented the recommendations and summary of the study. The recommendations focused on effectively addressing the impacts of South Africa's gig economy on human workers. It is essential for South Africa to develop a clear and context-specific understanding of the gig economy that aligns with its unique social and economic conditions. Such an understanding will facilitate a more informed and relevant approach to regulation and reform. Recognizing the challenges faced by gig workers is a critical step. The difficulty in categorizing gig workers between traditional employees and independent contractors, has heightened their vulnerability, limiting their ability to claim rights or access legal protections. Addressing this requires adopting a hybrid employment model that incorporates elements of both standard and non-standard employment. For example, gig workers should have the right to union representation and participation in the governance of the digital platforms they work for, while still enjoying the flexibility that gig work provides. The study further recommends establishing clear indicators to distinguish between decent and non-decent work. This would allow policymakers to identify work that fails to meet minimum standards and introduce regulations to prevent exploitation and other inhumane labour practices. Informing workers of the risks associated with certain forms of gig work ensures they engage with full awareness of potential harms. Prioritizing the human rights of gig workers, including fair working hours, decent pay, and safe working conditions is crucial. To this end, the study advocates for a Collaborative Engagement Model, whereby platform companies, government entities, policymakers, and other stakeholders jointly work to create a sustainable gig economy. The gig economy spans through multiple sectors, requiring a collaborative approach that takes into account legal, political, and social dimensions. That's why stakeholders, government officials, platform companies, policymakers involved in the gig

economy from each of the mentioned dimensions must work together to address its complexities effectively.

The study set out to critically analyse the labour practices of South Africa's gig economy, evaluating the economic and social impacts to human workers in order to determine whether the gig economy is an empowerment or an economy of exploitation in South Africa. The gig economy has demonstrated abnormal labour practices that impose ill consequences for its workers both socially and economically. The legal dichotomy of classifying gig workers as either independent contractors or employees despite them exhibiting characteristics of both has intensified their vulnerability. Further, excluding the gig workers from decision-making has also played a huge part in their vulnerability as this does not give them an opportunity to make their voices heard. As a result of gig workers being excluded in decision making their rights are violated. Additionally, operating on the grey area of the law that has also contributed to their rights being violated. These are challenges that must be addressed and recommended action above must be implemented in order to achieve a sustainable gig economy that does not harm workers. Therefore, from the study, the gig economy appears to be more exploitative rather than empowering. Conversely, the study also showed that with necessary measures in place, the gig economy can become more manageable and transform to an ethical sustainable model of development in South Africa.

The goal of this study is to contribute to the process of reviewing the current labour practices within South Africa's gig economy and raising awareness to policymakers, government, platform companies and relevant stakeholders about the need of collaborative engagement that will help protect workers from exploitation and ensure fair treatment. The study encourages more research, especially comparative studies that look at the experiences of workers in South Africa's gig economy compared to those in other African countries. Further, the study encourages a deeper exploration of how the decent work indicators can be established in South Africa by analysing various aspects of gig work, including discrimination, compensation, working time, working conditions, geographic area, policies, labour rights, scope and scale of gig work in South Africa. The study also encourages expanding research on the lived experiences of women in gig work. Moreover, further studies could focus on how stakeholders and platform companies help create a sustainable gig economy. Lastly, the study

could inspire researchers from other relevant disciplines connected to the gig economy to use this study as a foundation for further research on a particular geographic area.

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APPENDIX 1: PROOF OF EDITING LETTER

Mr OK Diale

21 Pinard Road, Amorosa, Roodepoort, Gauteng, 1724

u20603241@tuks.co.za

[REDACTED]

28 July 2025

To Whom It May Concern

This letter serves to confirm that I completed the language editing of the Master of Arts (MA) in Applied Ethics dissertation submitted by Mister Kwanda Lungelo Kunene (Student Number: 220067234), titled: *A Critical Ethical Analysis of the Labour Practices in South Africa's Gig Economy: Evaluating the Economic and Social Impact on Human Workers*.

The dissertation was edited for grammar, spelling, punctuation, clarity and overall writing style. Microsoft Word's "Track Changes" feature was used throughout the process, enabling the student to review and accept or reject the suggested edits on a chapter-by-chapter basis.

Please note that while I made every effort to ensure consistency in the formatting of in-text citations and the reference list, I did not verify the accuracy or authenticity of the cited sources.

A final copy of the edited document is on record.

Sincerely

Mr OK Diale

[REDACTED]

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