

Uber's digital labour platform and labour relations in South Africa

Welmah N. Mutengwe¹ | Adrino Mazenda¹  | Moreblessing Simawu²

¹School of Public Management & Administration, University of Pretoria, South Africa

²School of Economics, Development & Tourism, Nelson Mandela University, South Africa

Correspondence

Adrino Mazenda School of Public Management & Administration, University of Pretoria, P Bag X28, Hatfield, Pretoria, South Africa. Email: adrino.mazenda@up.ac.za

Abstract

Motivation: With rising unemployment in South Africa, new forms of digital work transcend legal conceptions and discourses on work. Uber's digital labour platform (DLP) has the potential to reduce unemployment and improve the livelihoods of South African households.

Purpose: We examine the nature of employment through digital platforms to assess how such employment conforms to labour law and regulation in South Africa, the responsibility of the Department of Employment and Labour (DEL).

Methods and approach: We review the literature on the gig economy, decent work, and labour relations. We examine Uber DLP in South Africa to assess its potential to create decent work given DEL's current labour regulations. We analyse factors that harm the relationship between Uber DLP and DEL.

Findings: Despite numerous constitutional provisions governing DLP and DEL, Uber DLP workers in South Africa are considered independent contractors not entitled to employee benefits. Uber DLP employees in South Africa make less than the national minimum wage after the platform deducts its fees. Few professional drivers own the cars they drive; they rent them from owners, known as "partners," and split the earnings, meaning that the drivers earn very little.

Policy implications: DEL needs to establish a balance between flexibility and labour standards. DEL should preserve workers' rights and ensure financial stability in the digital age. Labour laws should be updated based on reliable data while considering the effects of digitally enabled employment on society and the economy. Platform workers need the same protection at work as other workers.

KEYWORDS

digital work, labour platforms, labour relations, South Africa, Uber

1 | INTRODUCTION

Managing the complex relationship between organizations and their employees in South Africa depends on understanding both the Constitution and the Labour Relations Act (Heerwagen et al., 2016). Section 213 of the Labour Relations Act of 1995 (as amended) stipulates that an employee is any individual who (a) works for another

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person or an organization and is eligible to receive payment; and (b) assists another person or organization to conduct their business. However, this section excludes independent contractors.

The Republic of South Africa Constitution (1996) prescribes in Section 23 of the Bill of Rights that every South African citizen has the same rights to benefits and protection under the law. Furthermore, to enjoy equality, legislative measures have been implemented to advance those who were underprivileged and discriminated against during the apartheid era. The Constitution also guarantees citizens the right to a dignified, highly esteemed, and secure life without dishonour or mistreatment. Section 24 stipulates the right to an environment that is not harmful to citizens' well-being, including benefits to protect present and future generations through legislation, and adherence to fair labour practices to facilitate economic and social development.

The world is witnessing the emergence of an increasing number of digital labour platforms (DLPs), also known as gig economy platforms (Graham & Anwar, 2019). DLPs are internet-based platforms that enable the hiring of workers across time zones. They tend to focus on transport network companies such as Uber and on local services such as Mr D Food and Takealot (Berg et al., 2018).

The DLP phenomenon connects digital workers and people who require services and determines how, where, and when work will take place. According to a sample of seven African countries (Ghana, Kenya, Nigeria, Rwanda, South Africa, Tanzania, and Uganda), there are an estimated 4.8 million workers across Africa who derive income from digital platforms (Anwar & Graham, 2020; Smit et al., 2019). The transformation brought about by DLPs is creating new forms of employment. Some of the DLPs are web-based, giving tasks either to the crowd ("micro-tasking") or contest-based creative tasks, a key component of the future of work (Berg, 2020). DLPs are efficient in organizing work since people possess differing expertise; and they facilitate dialogue, which dictates how work is done (Johnston & Land-Kazlauskas, 2020).

The COVID-19 outbreak accelerated the digital transition, opening the door to new types of employment and organizational structures. Due to poor enforcement measures, many DL workers face insecure employment, social protection gaps, and regulatory shortcomings (Feeney & Chiu, 2021; UN, 2021), and yet there has been limited research specifically on the effects of DLPs in developing nations like South Africa (Chidoori, 2020; ECSECC, 2022; Hunt et al., 2019; Mokofe, 2022; Otieno et al., 2020).

This article looks at regulatory factors that are harmful to relations between Uber DLP and the Department of Employment and Labour (DEL), previously the Department of Labour, in South Africa. It draws on a qualitative case study and document analysis. The case study examines Uber DLP in the South African context, in particular Uber-hailing and Uber Eats in Cape Town, Johannesburg, Pretoria, Gqeberha (Port Elizabeth), and Durban. Document analysis entails reviewing and evaluating electronic or print material, examining the facts to ensure credibility, and interpreting these facts to infer meaning and gain insight from the extracted themes (Bryman, 2016). Document analysis was used to draw out themes from factors affecting Uber DLP-DEL labour relations.

The rest of the article is presented as follows. The literature review in Section 2 is followed by a discussion of DLP and DEL relations in Section 3. Section 4 presents the Uber DLP case study, which analyses the Uber business model and provides a thematic analysis of the factors affecting Uber DLP-DEL relations. Section 5 presents the conclusions and policy recommendations on how DEL can intervene in the regulation of labour standards in Uber DLP to promote standard employment practices and sustainable livelihoods.

2 | LITERATURE REVIEW

Digital labour platforms (DLPs), a type of labour market in which workers are identified as independent contractors or gig workers and are facilitated through digital technology and marketed on demand, have increasingly transformed how work is structured and performed. People at both global and local level benefit from DLPs, including those who are otherwise unemployed, geographically isolated, and migrants from neighbouring

countries (Johnston & Land-Kazlauskas, 2018). DLPs serve as intermediary infrastructures to interact with and engage workers in line with the prescribed DLP governance conditions (ILO, 2018, p. 6). The International Labour Organization (2018, p. 1) states that "DLPs intend to connect digital workers with clients in exchange for goods and services according to the set conditions governed by the platforms."

Traditionally, formal employment was geographically determined and often focused on manual labour, with work beginning in the morning for a specified number of hours and the worker returning home each evening (Graham et al., 2017). Formal employment is subject to regulated standards, as is the nature of the permanent employment relationship. These regulations cover fair pay, job security, medical insurance, unemployment and retirement, a safe working environment, and the protection of employees' well-being through representation at the workplace (Villup & Przetacznik, 2016). Permanent workers are engaged by an employer, who is responsible for controlling and directing the work, setting the working hours, and the location. Independent contractors use their own tools and equipment to provide services to many customers and issue invoices (Khoza, 2021).

Digital work differs from conventional formal employment because a person performs a one-time job to earn an income. Digital technology creates an environment that identifies digital workers who acquire jobs through DLPs as independent contractors. The term "gig platforms" applies to those who perhaps cannot acquire other work, possibly due to skills, qualifications, or age, as well as those who decide to develop a professional practice (Sargeant, 2017).

Digital work is characterized by fast-changing connectivity. DLPs are in the spotlight due to their technological advantages, as well as advances referred to as the Fourth Industrial Revolution (4IR) that make access easier. DLPs feature transport (ride-hailing) networks such as Uber, food-ordering and delivery services such as Uber Eats, Mr D Food, and Takealot, as well as accommodation services such as Airbnb (Duszynski, 2021; Osiki, 2020).

DLPs are becoming a means to alleviate unemployment and can function as a socioeconomic development tool, especially in countries with high rates of unemployment like South Africa. Despite protests from taxi and minibus drivers, there is no empirical evidence to suggest that DLPs have led to an overall loss of employment among these in South Africa. In a study of US cities by Berger et al. (2017) the impact was shown to be slight, despite widespread protests against the sharing economy platform. It resulted in a 10% fall in the income of taxi drivers despite a 50% rise in the number of self-employed drivers.

The conditions of digital work differ significantly from formal employment (Graham et al., 2017). Naidoo (2020) argues that salient factors characterizing the relationship between DLPs and digital workers exclude, for example, employment benefits and working conditions, including labour organizations and standard labour regulations.

According to Johnston and Land-Kazlauskas (2018, p. 1), "digital work exhibits limited social and labour protection." Digital or "gig economy" workers persevere because it is their only source of income. The contractual nature of the DLP also reduces transaction and labour costs and fosters competitiveness. Work structure has negative effects on both workers and platforms, since workers complain about unpredictable work, inconsistent income, unreliable employment prospects, unfair competition, low productivity, and absenteeism. In addition, independent workers are deprived of the opportunity to form a union and participate in collective bargaining (Johnston & Land-Kazlauskas, 2018).

Sargeant (2017) expressed concerns about DLPs, noting their low wages, exploitation, instability, and high risk of losing jobs. A lack of control over working conditions and pay exacerbates the insecurity. Other factors include the shortage of employment and social security, which are not covered by government regulations or collective bargaining. Earning less than the minimum wage affects social and economic exposure, which contributes to poverty and insecurity (Sargeant, 2017).

Berg et al. (2018) argue that "DLPs circumvent legal and social responsibility by classifying digital workers as independent contractors and paying lower wages than the minimum standard wage as compared to hours worked." They add that workers are not entitled to any benefits, for example, paid annual leave, sick leave, retirement, and insurance benefits, or compensation in the case of workplace injuries, as enjoyed by employees in the

formal labour market. Work is not guaranteed given the lack of employment relationships; and DLP workers seek work regularly without securing it.

July et al. (2021) and Sanders (2018) argue that the relationship between DLPs and workers categorically classifies as employment. For example, Uber DLP exercises control over drivers' income and thus determines what the clients pay, which means drivers cannot deviate from the predetermined fee. Moreover, it prevents workers from creating any independent relationship with clients, as these belong to Uber, which also holds sole discretion over whether to refund them in the event of a complaint. The terms of the contractual agreement workers sign with Uber dictates the standards to which they are required to operate (July et al., 2021; Sanders, 2018).

Technology is at the centre of integrating and mobilizing labour, skills, and services to meet the demands of customers, clients, and workers through an intermediary process. The platform sets regulations, rules, and fixed rates for operations, while failing to comply with comprehensive labour standards (Zhou, 2020).

Digital workers in high-income economies, such as Germany and the United Kingdom, are classified as employees with guaranteed privileges and entitlements to the national minimum wage, health insurance, safety, and social protection (Bertolini et al., 2021). For instance, in the case of Uber DLP, employees work under the company's app, contract terms, and defined rates (Hughes, 2021; Sanders, 2018). In the United States, the labour agency did not classify DLP workers, including Uber, as employees, but as independent contractors, with the freedom to choose their working hours, the use of their assets and equipment, and the ability to work for competitors (Wiessner, 2019). In 2020, France's supreme court first recognized the right of an Uber driver to be considered an employee, a ruling that has affected the US company's business model, requiring it to pay more taxes and provide more benefits to workers, such as paid leave (Rosemain & Vidalon, 2020). In New Zealand, more than 500 drivers joined First Union New Zealand, a national trade union, after the country's Employment Court ruled in 2022 that four Uber drivers were employees, not contractors, and more drivers are said to be joining (Bellan, 2023). The landmark court case granted those Uber drivers standard rights and protections, including the minimum wage, guaranteed hours, sick leave, holiday pay, KiwiSaver (superannuation) contributions, the right to challenge unfair dismissal, and the right to unionize and to collective bargaining. While the ruling affected only the four drivers in the class-action lawsuit against Uber, it set a precedent for defining employee status in the country based on how much control a company has over workers. In the Netherlands, the District Court of Amsterdam ruled in 2021 that a "modern employment relationship" exists between Uber drivers and Uber. This means that drivers are not self-employed workers but employees. Furthermore, the Dutch Collective Labour Agreement for Taxi Transport was declared applicable to this employment relationship. In Germany, Uber now operates only as an intermediary company following several legal disputes. German Uber journeys are carried out by car rental companies, whose drivers are mostly permanently employed. South African DLP workers, including Uber, remain in the same predicament as independent contractors because of the lack of labour-related regulations (Diphoko, 2021). This has implications for the contribution of the DLP towards reducing unemployment and sustaining livelihoods, which is the focus of this study.

3 | RELATIONS BETWEEN THE DEPARTMENT OF EMPLOYMENT AND LABOUR AND DIGITAL PLATFORMS

The lack of co-operation between DEL and the DLP stakeholders hinders the fulfilment of the policy imperative of eradicating the triple issues of poverty, unemployment, and inequality through the DLPs. This imperative calls for the possibility of creating better-paid jobs, workplace security, enhanced personal growth, and prospects for social integration (Department of Labour, 17).

Stakeholder relations enable dialogue and the eradication of information asymmetry on how the government should relate to the DLPs. For instance, during the Uber drivers' strike in March 2022, the DLPs and DEL convened

to discuss issues such as exploitation and the status of drivers as contractors rather than full-time employees, enabling DEL to engage with all stakeholders and report back to Uber drivers on the outcome (Magubane, 2022).

The strike was a consequence of various concerns in the DLP industry, namely exploitation, low wages, a lack of regulation of e-hailing companies, and safety. For example, although parliament passed the National Land Transport Amendment (NLTA) Bill to regulate e-hailing standards and requirements, it has yet to be implemented. The strike was designed to put pressure on the government to implement and enforce the regulation, to which the Presidency responded by directing DLP workers' complaints to the Department of Transportation, the Department of Trade, Industry and Competition, and DEL (Banda, 2022). The bill introduced a new set of definitions, including that of "an electronic hailing service," or e-hailing service. According to the NLTA, e-hailing services enable passengers to call for a vehicle using a technology-enabled application. Examples include Uber and Bolt (previously known as Taxify). The bill now includes a new section on these services and provides for temporary licences to be obtained "over the counter" in a simpler procedure from an official or a delegated member of the regulatory entity, and a simplified application process to replace a vehicle specified in the operating licence. Operators who use an e-hailing platform without having an operating licence will be liable for a fine of up to ZAR 100,000 (approximately USD 5,000). The bill clarifies roles and powers and is not expected to have additional financial implications.

With concerns about low wages and exploitation, the DEL needs to extend its role to DLPs and their workers to fulfil their responsibility to ensure equitable access to opportunities and offer enough social security nets to protect disadvantaged workers. Furthermore, "to promote economic efficiency and productivity and create decent jobs, it includes possibilities for productive work that pays well, workplace security and social protection for workers, and enhanced personal growth and social integration prospects" (Department of Labour, 2017, p. 3).

The DEL needs to facilitate a collective stakeholder engagement strategy that will promote space for negotiations to create harmony in the DLP working environment and agree on terms and conditions of employment. The agreed provisions will function as a contract, specifying each party's rights and obligations, and the collective bargaining agreement should consequently have a positive impact on the Labour Relations Act (Madhala & Govender, 2018). Additionally, it offers a strong foundation for developing the proactive labour relations strategies, frameworks, guidelines, and behavioural interventions required to successfully prevent and control labour relations and outcomes (Ehlers, 2017).

4 | THE CASE OF UBER DLP IN SOUTH AFRICA

A DLP is classified according to several characteristics. First, the size of the platform identifies whether it is primarily a global or a local presence. The second is where the work is performed, which separates traditional employment duties from DLP tasks. Third, the DLP differentiates between physical, routine, and creative work. The fourth consideration is the service provided, separating task-specific and general platforms. The fifth is the type of performance, separating low-skilled and highly skilled activities. Additionally, work-on-demand services can be divided into transport services and household services depending on the method of adjudication, the payment system and the location (De Stefano & Aloisi, 2018).

DEL has designed programmes and plans to reflect government priorities and serve as the basis for guidance and co-ordination in employment development and job preservation. DEL's mandate is based on the vision to strive for a labour market that is beneficial to investment, economic growth, employment creation, and decent work. This is attainable by regulating the labour market to foster a sustainable economy through relevant rules and guidelines, inspection, compliance monitoring and enforcement, the protection of human rights, the provision of employment services, and the promotion of equity with social and economic advancement. DEL's decisions are influenced by the creation and sustainability of jobs, which calls for identifying the best monitoring techniques to accomplish social and economic justice objectives.

The next section discusses Uber-hailing as a DLP in South Africa. First, the business model and, second, the factors affecting Uber DLP–DEL relations.

4.1 | Uber DLP business model

Uber DLP is not only the ride-sourcing platform that allows passengers to request a trip in real time via a smartphone app, which sends their location to nearby drivers. A customer can also order a meal from partner restaurants and have it delivered to their doorstep. A driver accepts a ride request and the passenger can see the vehicle's location and expected arrival time (Ashkrof et al., 2020). The software also features GPS-enabled navigation, which helps non-professional drivers locate sites and reduces the likelihood of taking a detour. Payment and, when added, tips are automatically paid from the passenger's credit card. The driver keeps 75% of the fare and Uber DLP keeps the remaining 25%. Fares can change substantially in response to demand, increasing availability of drivers during peak hours. At the end of the trip, drivers and passengers score each other, forming a rating system (Henama & Sefolo, 2017).

Uber DLP has about 20,000 drivers and delivery people earning income through the Uber and Uber Eats apps in South Africa, which have more than 2.1 million active users (Venter, 2022). Uber is not in direct competition with the taxi industry. The Uber fares are slightly higher, catering to urban customers during odd hours, and can be complementary to the taxi industry by reaching areas or suburbs not covered by taxi routes. The taxi industry accounts for 75% of all daily transport and employs about 300,000 drivers and 100,000 taxi marshals. It also benefits 100,000 car washers and 150,000 vendors at taxi ranks (Fobosi, 2020). There is, however, significant rivalry with Metered Cab-Taxis, which offer the same services but are shunned by customers because of their high prices, which on shorter routes charge up to 250% more (South African metered taxis, 2020). The discrimination and violence experienced by Uber drivers can be regarded as a form of economic xenophobia. The emergence of Uber as a competitor has been met with violence on two fronts: towards Uber drivers and towards Uber passengers (Henama & Sifolo, 2017). Uber drivers have been victims of crime around the world. The most widespread major challenge faced by Uber has been the resistance of two groups: metered taxi drivers and legislators. Jorgic (2016) noted that Uber's expansion into African markets such as South Africa, Uganda, Tanzania, and Kenya has seen attacks on Uber drivers and their cars being torched.

Questions are frequently raised about the state's ability to keep track of service providers' income and collect taxes from it and from other platform-based services. This is nearly always a challenge because platform income frequently goes unreported; Uber DLP is a problem in many countries, as the revenue from this type of self-employment can also go undetected, which affects contributions to social protection (Thelen, 2018). Uber does not pay taxes in South Africa, which has caused controversy. The taxi industry in South Africa is highly regulated, which means that all taxi drivers have to pay their taxes. Uber drivers are not subject to these regulations, which means that the company can be seen as a "tax dodger." There are various reasons why Uber does not pay taxes in South Africa. For example, Uber drivers do not pay income tax on their earnings. According to Uber, (2023), you cannot register for VAT if your only income is from transport services supplied to riders. The company does not need to register with the South African Revenue Service as it is considered to be an internet service provider and not a transport service provider. By allowing drivers to keep 75% of the fare, the company considers that it pays their expenses, such as fuel, vehicle maintenance, and insurance costs. South Africa's tax laws need to evolve so that the country can collect tax revenue even in the case of a modern business model such as Uber.

Commissioning is Uber's income mechanism. Each ride costs the driver in fees, taxes, and business commission. As stated earlier, the driver gets 75% of the value of the fare and Uber gets the remainder (Bolt takes 23%). The company has other revenue streams. Uber profits from promotional collaborations. For example, Uber Eats connects restaurants with customers via an internet platform and delivers meals through partner couriers. Advertising, delivery fees, and restaurant revenue sharing are the revenue streams. The amounts and percentages vary according to the operation site (Pereira, 2023).

Uber DLP operates within modules such as crowdsourcing and work-on-demand platforms, and the difference between them is based on where the work is performed, similar to the methods used to seek or get the job. Uber's cost structure revolves entirely around platform maintenance and marketing to recruit new users. There are also legal fees, credit card fees, insurance, research and development, client support, and more.

Customer Segments: The customer segment in Figure 1 comprises passengers, drivers, and owners. Passengers or riders want to be taken from one place to another. Drivers join Uber because of the freedom to choose their hours of work, meet new people, and earn an income. Car owners can either hire drivers for a weekly commission or drive themselves. The customer segment has faced fierce resistance from established taxi and other transport companies on the basis of unfair competition and regulation. Collaboration is needed to enable common ground to be reached on the legal issues and fair competition within the parameters of South Africa (Thelen, 2018).

Value propositions: Customers love the convenience of having a cab come to them. The rider can estimate the cost before calling for a driver, and this is usually cheaper than the equivalent taxi fare. Drivers can earn a living without needing any particular expertise, have flexible hours, and have quick access to passengers. However, they pay a large commission (25% of the fare for every Uber trip and 23% for Bolt) while ride-hailing companies keep fares low to keep customers happy. The passenger enters the destination on the app, overcoming language barriers and benefitting both parties.

Channels: Initially, customer access was mostly by word of mouth, but social networks and the app are now the primary channels.

Customer relationships: The customer–driver–regulator connection has three parties. Uber prioritizes customers. If it lacks end-user credibility, it should not interfere with its relationship with the other two. Time, pricing, security, and privacy are crucial. Uber drivers are the second largest customer of the company (as we have seen, they are not Uber employees, and their vehicle is not Uber's property). Even if there are several lawsuits worldwide, Uber needs to give drivers attractive working conditions and compensation to keep its business afloat.

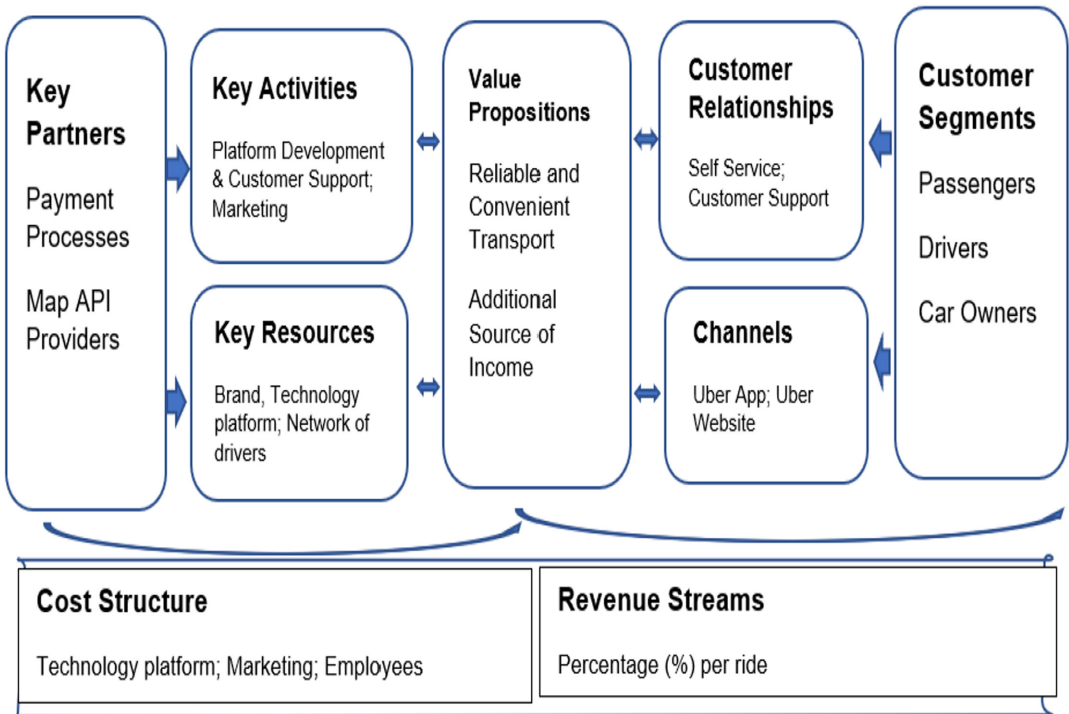


FIGURE 1 Uber DLP business model. Source: Pereira (2023).

Uber seeks regulatory compliance and accountability at a level that allows it to comply with market regulations (Pereira, 2023). According to the ILO (2021, p. 12), “the terms and conditions of the Uber DLP relationship with clients and employees are decided solely by platform operators.” Platform workers are typically classified as self-employed or independent contractors under these terms and conditions. Platforms frequently reiterate that the worker’s arrangement with the client is on the basis of self-employment.

Crime is a well-known problem and many drivers have experienced robberies, hijackings, kidnappings, and killings in South Africa. Uber is generally considered a safer choice in countries that are rife with such crimes as kidnappings and taxi hijackings. However, Uber and other digital platforms have been in the news for suspected criminal acts involving their partner drivers in South Africa. For example, four men were charged with a range of offences, including using the Uber app to abduct women and then rob and rape them (BusinessTech, 2019).

Key resources: Uber has two key resources: the platform that connects drivers and riders, with a focus on continuous improvement of its resources and processes; and the Uber brand, which is used everywhere the company operates.

Key activities: Uber’s two key activities are developing and maintaining the app (and its algorithms), and maintaining and improving engagement between riders and drivers. Other key activities include marketing, communication, and customer service.

Key partners: Uber’s most significant partners are the drivers, without whom the firm is unable to reach the client, fulfil its value propositions, and hence generate income. They are on the supply side of the chain. Investors are other vital partners that enable the company to grow and improve its performance. They contribute the first rounds of investment to build the app, algorithms, and new ideas like autonomous vehicles.

In South Africa, reducing unemployment is a primary concern, including ensuring that technological advances help alleviate rather than increase the problem. Although the benefits and costs of the Uber DLP are still hotly disputed, particularly in terms of employment and job quality, a substantial unemployed and underemployed population is looking for work, and there is rising consumer and commercial demand for independent services. Consequently, increasing the number of independent workers is due not only to the rise of the DLP but also to its ability to absorb the unemployed (Kavese et al., 2022). Kavese et al. (2022, p. 5) further argue that “the reliance of Uber DLP on independent workers could improve the economy by reducing unemployment, encouraging labour force participation, driving demand, and raising productivity levels.” Uber DLP “creates job opportunities and supports socially marginalised populations, particularly the unemployed.” However, metered cab and taxi drivers in South Africa claim that Uber and Bolt (Taxify) have stolen almost 70% of their business and threatened their existence. This is because the metered taxi fares are higher than those charged by Uber and Bolt, so customers prefer their convenience and prices. Since Uber does not directly employ its drivers, it is not responsible for their actions. By refusing to recognize its drivers as employees, Uber avoids responsibility for providing service materials, scheduling, and, most importantly, the behaviour of the workers. A driver can potentially commit three separate offences, including sexual assault, before the company is required to suspend their driving privileges (Spennato, 2019).

4.2 | Factors detrimental to Uber DLP–DEL relations

According to the Uber DLP operating module, certain decisions made by labour platforms to develop a profitable business model result in unfavourable working conditions and labour exploitation. Consequently, although South Africa is a member of the ILO, the narrow conception of employment regulations remains a significant barrier because employment policies are still limited to DEL’s supply-side interventions and there has been little systematic effort to evaluate the impact of economic policies and programmes on employment. This section discusses themes pertaining to the challenges faced by Uber DLP as they relate to DEL. Thematic analysis focuses on finding, examining, and interpreting patterns of meaning within qualitative data (Triad 3, 2016). Table 1 shows the selected themes and source documents.

4.2.1 | Governance

Government operations and how they affect interactions between the state, the private sector, and the general public are influenced by governance. Pillay (2016, p. 24) describes governance as “the management of a country’s economic and social resources with the significance of the current political system emphasised, along with the importance of using economic and financial resources concerning sustainable development and the ability of the DEL to develop, formulate, and carry out policies for the benefit of the entire population.” Furthermore, “the use of excellent national governance includes participation, equity, and inclusivity; the rule of law; the separation of powers; a free, sovereign, and accountable media; the government’s legitimacy, accountability, and transparency; and minimising the influence of wealth in politics” (Pillay, 2016, p. 24; ILO, 2018).

Since Uber DLP is creating new jobs and income-earning opportunities for social groups typically under-represented in the labour market, DEL needs to update labour regulations to balance flexibility and the protection of labour standards, workers’ protection, and income security in the digital age. This calls for a departure from generalized solutions in favour of tailored employment and social protection policies that take account of the particular opportunities and difficulties of various new forms of work based on improved data and careful analysis of the effects of digitally enabled forms of work on society and the economy. Social protection measures also need to be adapted to ensure that no worker is left unprotected in a future work environment revolutionized by digital technology (Deganis et al., 2021).

Governance characteristics include accountability, transparency, integrity, ethical conduct, and partnership, as formulated by the National Economic Development and Labour Council (NEDLAC). This also implies ensuring effective public engagement in the labour market and socioeconomic policy and legislation, as well as fostering agreement and co-operation between the government, labour, business, and the community in addressing South Africa’s socioeconomic difficulties. Good governance therefore enables DEL, Uber DLP, and other interested parties to share a platform to address socioeconomic and labour market challenges through engagement and to find a solution on which to focus attention on work protection in Uber DLP (NEDLAC, 2016, p. 4).

TABLE 1 Extracted themes and source documents.

Themes	Selected documents
Governance	The Constitution of the Republic of South Africa, 1996; Labour Relations Act, 1995; Basic Conditions of Employment Act 1997; DEL Service charter, 2021; ILO, 2016; ILO, 2018; ILO, 2019; Deganis et al., 2021; NEDLAC Annual Report 2016
Co-ordination	Zhou, 2020; NEDLAC Annual Report, 2020; National Development Policy Framework 2020
Collaboration	Zhou, 2020; NEDLAC Annual Report 2020; National Development Policy Framework 2020
Monitoring and Evaluation	DEL Annual Report, 2021; Department of Labour Annual Report 2019; National Development Policy Framework 2020
Labour Policy	National Development Policy Framework 2020; The New OECD Job Strategy 2018; DEL Annual Labour Market Bulletin 2021; Department of Trade, Industry and Competition, 2020
Accountability	International Idea Policy Brief, 2016
Sustainability	United Nations Sustainable Development Goals Report, 2018; ILO, 2016; DEL Annual Report, 2020

Source: The authors.

4.2.2 | Co-ordination

The challenges in the labour market environment in relation to Uber DLP are limited or lack co-ordination. The 2017 Labour Court ruling that Uber DLP workers are not employees implied that existing labour regulations only apply to those considered to be in formal employment. It is evident, however, from the data about the case of Uber drivers that there was never a strategic direction, collaboration in governance, integration, or leadership to address how to protect these workers. According to Osiki (2020), DEL, Uber DLP, and Uber workers should have sat down and negotiated in good faith to determine how to turn the Uber DLP principles into legal requirements. Existing trade unions are required to participate in such a process, and labour courts can help enforce these norms. But, as long as the legislation only applies to those defined as employees, this aim will never be achievable. Unions protect the rights of employees and enforce fair working conditions, so South Africa's trade unions cannot do much for Uber drivers who are deemed to be "self-employed" in existing legislation, according to labour experts. Uber operates under a business model over which South Africa's labour law has no jurisdiction because the company does not formally employ drivers (Rawlins, 2016). The country's labour law therefore has to evolve in order to deal with such atypical forms of employment.

The Uber drivers' strikes in March and April 2022 reflect the lack of attention given to Uber DLP workers. They were raising issues of exploitation, uneconomic prices, and lack of regulation and pleading for DEL to intervene, which in turn requires getting different stakeholders and social partners to co-operate to achieve a shared objective. The integration of various contextual factors makes operations more effective and increases the likelihood of success. In other words, it becomes an act of bringing together, co-ordinating, and integrating parties to achieve a single objective (Banda, 2022).

Lack of co-ordination across the government, such as the various ministries and departments, as well as employers, employees, research and regulatory bodies, public and private organizations, providers of employment services, and regional and local authorities, presents another challenge. According to the ILO, "to strengthen governance, coordination must function alongside other crucial factors, and it must be shown how more effective coordination can have measurable good effects on governance and important areas of policy and practice" (Zhou, 2020, p. 1).

To give social partners the chance to understand Uber DLP as representing the future of work and its potential negative and positive impacts, as well as to identify possible interventions to mitigate the former and take advantage of the latter, NEDLAC, in collaboration with the ILO, hosted a webinar series on the future of work in South Africa. According to NEDLAC, these "webinars allowed social partners to consider the best course of action for future employment policy to progress and protect the promotion of decent work; however, nothing seemed to have materialised" (NEDLAC, 2021, p. 34). This implies that DEL should implement co-ordination mechanisms, such as simpler forms of communication in depicting all types of relationships and the inclusion of discussion and decision-making. It is crucial that teams work closely together to exchange organizational information (Baggio, Wegner, & Dalmarco, 2018).

According to the DEL Annual Report (2020, p. 42), "to ensure that the country has a coordination framework for all employment activities, DEL will prepare the employment policy following the ILO employment policy principles." Furthermore, the relevant stakeholders will scrutinize the procedure to get the most feedback and guarantee buy-in or support in its implementation stages. Therefore, "it is essential to analyse how a group-coordinated effort affects how it is carried out to enable management and group leaders to improve the groups' overall profitability through teamwork" (Assbeihat, 2016, p. 249).

According to the National Development Policy Framework (The Presidency, 2020, p. 6), "decentralised policy-making in national government departments creates coordination challenges because there is no central mechanism to develop and implement departmental policies." For instance, each branch or directorate has a policy-making function, resulting in ineffective policy co-ordination, oversight, and contradictions. Another issue is hiring professionals and government experts who frequently lack prior exposure to public policy or receive proper orientation, and hence are inexperienced in formulating and implementing policy.

4.2.3 | Collaboration

All areas of employment and labour require collaboration, which can be achieved through an ongoing, continuous process with a single vision and common goals. Although the capacity to collaborate regularly continues to elude many in the workplace, realities are formed and maintained through partnerships that have a positive impact on the essential dimensions of organizational performance. Such collaboration remains challenging in the Uber DLP environment due to online interaction between (informal) employees and employers. Furthermore, these issues, including unemployment, labour unrest, and workplace discrimination, particularly with regard to salaries, are caused mainly by features of the labour market. In order to apply labour laws in the DLP environment, collaboration in their implementation could be simplified as a goal-oriented procedure and deployed to accomplish a specified result. The benefits of co-operation in implementation also include the development of a nurturing, supportive environment and inter-professional cohesiveness, which contribute to improved labour outcomes. Moreover, work can be demystified by closing gaps between dispersed services, sharing knowledge and expertise, and efficiently motivating DEL, Uber, and other informal employees to work together effectively to produce better results in a labour relations system that is becoming more interdependent (Rakhudu et al., 2016; Zhou, 2020).

Adopting innovative initiatives can improve the relationship between innovation and performance. Uber DLP benefits from its commercial and financial activity because it uses resources and responds to changes and environmental opportunities motivated by innovation in order to achieve profits. However, Uber, DLP, and DEL could collaborate or consult on these matters. Two categories could be used to classify the scope for partnership. First, "channel co-operation," which refers to assistance from DLP's clients, partners, rivals, and businesses in the same network and offers advantages primarily centred on market and trade concerns and consulting counsel. Second, as set out by Gonzalez-Benito (2016, p. 646) "associations, consultants, regulators, and DLPs are involved in collaboration, which has benefits focused on implementing new technologies, providing guidance for expanding markets, and examining advantages".

According to Banda (2022), another challenge is the lack of communication and collaboration among government departments, including the Department of Transport, the Department of Trade, Industry and Competition, and DEL, to resolve the problems facing Uber employees through co-operation and co-ordination.

4.2.4 | Monitoring and evaluation

The DEL oversees the application of labour laws and provides the Ministry of Employment and Labour and DEL with leadership, strategic direction, and administrative support services; as Venttori (2018, p. 1) puts it, "DEL actively works to end unfair workplace discrimination and inequality in the workplace while promoting labour norms and fundamental rights."

In its 2020/2021 Annual Report, DEL (2021b) noted that South Africa continued to experience challenges of inequity and poverty, with only minimal social protection, particularly in unorganized sectors like Uber DLP. Increasing the number of inspectors places significant pressure on their receiving enough training to meet the needs of future customers and fulfil the organization's mission. Furthermore, "an OHS [occupational health and safety] inspector must undergo lifelong training to be accurately organised; while future activities for the incoming inspectors will concentrate on specialised training, current training focuses on fundamental issues." Minister of Employment, Mr Thulas Nxesi. (Lloyd, 2019). Draught Zero of the National Employment Policy, which features several sub-themes, such as the Fourth Industrial Revolution and informal employment, will be further developed by the Branch Public Employment Services (PES) (DEL, 2021b, p. 14).

In its 2018/2019 Annual Report, the then Department of Labour (2019) noted the challenges of moderating workplace conflicts as the impact of industrial action continues to weigh heavily on labour relations in South

Africa. There have recently been prolonged strikes, with some violence, including intimidation of non-striking workers and damage to property, and some fatalities. For instance, the incidents that took place in April 2022 when Uber drivers were on strike required DEL's active participation in ongoing negotiations with the social partners under the supervision of NEDLAC (Department of Labour, 2019). Another challenge is wage inequality and the implementation of the minimum wage in the South African labour market, which contributes to labour market instability. DEL analyses income disparities in accordance with the Employment Equity Act guidelines and is reviewing sector-specific minimum salaries established under the Basic Conditions of Employment Act (Department of Labour, 2019).

According to Magubane (2022), Uber drivers protested against government regulation of DLP and have vowed to keep calling for change against the companies they believe are taking advantage of them. Moreover, they would like DEL to engage with relevant stakeholders and report back to their members on the way forward. Negotiations are ongoing between the government and the platforms on issues such as the status of drivers as contractors and not full-time employees, but after participating in the strike, Uber drivers complained that their work accounts had been disabled (Magubane, 2022).

Policy assessment can help DEL evaluate labour regulations systematically in light of their design and execution in accordance with specific policy objectives. Reporting on progress to policy beneficiaries, policy-makers, and oversight bodies like the Auditor-General and Parliament will help DEL identify areas for improvement and accountability (The Presidency, 2020, p.15).

4.2.5 | Labour policy

The National Policy Development Framework (NPDF) outlines specific guidelines for efficient policy development and implementation to ingrain good public policy-making processes in South Africa. The Constitution requires DEL to work to meet the needs of the population and promote public participation—in this case including Uber employees—in policy-making. South Africa faces the challenges of unemployment, poverty, and inequality, and DEL has policy levers at its disposal to encourage job creation and improve citizens' socioeconomic circumstances to address these issues (The Presidency, 2020).

However, labour markets are changing with the digital revolution, globalization, and demographic shifts at a time when policy-makers face sluggish productivity, low wage growth, and high levels of income inequality. The 2018 Jobs Strategy of the Organisation for Economic Co-operation and Development (OECD) offers a comprehensive framework and policy suggestions to assist nations in addressing these issues. It also emphasizes the significance of resilience and adaptation for successful economic and labour market performance in a rapidly changing labour market, going well beyond simply considering the number of jobs created and stressing the quality and inclusivity of employment as significant policy concerns (OECD, 2018).

South Africa has severe structural issues and has experienced a prolonged period of stagnant growth. The country performs worse than most OECD member states in terms of the quantity and quality of jobs and labour market inclusiveness, with just half of the working-age population employed and it has an unemployment rate five times higher than the OECD average. The quality of the labour market is also low by OECD standards, both in terms of job strain (workplace stress caused by low salaries, high demands, and lack of control over things like raises and paid time off) and market uncertainty, and "the quality of earnings reveals the unequal distribution of salaries and income." There is also high inequality in labour market participation, and though there are universal social payments for the elderly and child support, these are relatively weak indicators of labour market inclusion (OECD, 2018, pp. 1–2).

In South Africa, the informal economy, which currently includes Uber DLP, also has a significant share of total employment, with over 2.5 million people making up 20% of total employment in the country, providing a means of subsistence and income for millions of workers and business owners, and contributing about 5.1% of

gross domestic product (GDP) (Masuku & Nzewi, 2021). As we have seen, Uber driving is treated as informal in South Africa because it is not yet covered by labour regulations and the drivers are classified as independent contractors. This presents a policy dilemma for the country, as was evident when government and business interventions during the COVID-19 pandemic focused primarily on the formal economy, ignoring the informal economy and neglecting the most vulnerable in society. Furthermore, the informal economy has been largely ignored by economic analysts and policy-makers in South Africa, despite its contribution to GDP. The informal economy encompasses any activity carried out by individuals or businesses that is not adequately supported by formal structures in terms of legislation or practice. Therefore, a key component of broad economic empowerment and the pursuit of inclusive growth should be to support and enhance these activities because they can inject resources into poorer households. The informal and formal economies should not be seen as two distinct strands in the labour market, since doing so results in poor policy to promote and expand the informal economy, as set out by the DEL in its Annual Labour Market Bulletin for 2020/2021 (DEL, 2021b, pp. 27–28).

The NPDF (The Presidency, 2020, p. 6) described seven major challenges in labour policy-making and implementation:

1. A lack of data-driven policy decision-making is the main issue, along with the gradual shift from opinion-based to evidence-based policy-making.
2. A propensity to disconnect the initial socioeconomic impact assessment system (SEIAS) phase from the policy-making process, resulting in a lack of due diligence in developing alternative policy options.
3. Inappropriate and ineffective stakeholder participation in the formulation of policies.
4. Flimsy implementation plans are combined with weak monitoring and evaluation (M&E) methods.
5. Ineffective use of evaluation findings to improve policy processes and programmes or to inform new policies and plans.
6. The policy development process is frequently rushed, which reduces its quality and the number of consultations.
7. A lack of a standard format for policy formation or a national framework to guide and provide practices for policy development, which is evident from the repeated requests for advice on how to produce policies that the SEIAS Unit receives from departments. The reason for this is that DEL develops public policies using its standards, guidelines, and guiding principles without consulting any standardized framework for best practices in policy-making. Furthermore, policy ambiguity and discontinuity can result from changes in the political leadership, with numerous officials reporting delays on advanced policy plans when new political leaders have different views.

4.2.6 | Accountability

Being accountable to the public is the hallmark of modern democratic governance, and is therefore the responsibility for everyone who holds office or is a government employee, which includes DEL. In addition, “the way the public sector is organised and administered and, most crucially, the demographics and expectations of the general public all play a role in how the public sector interacts with the general public” (Ryan, 2019, p. 9). But “limited consequence management, a lack of resources, and poor governance interfere with the delivery of public services and make it hard for public officials to meet the needs of the general population, including Uber employees” (International IDEA Policy Brief, 2016, p. 2).

According to Banda (2022), the main challenge for DEL is the lack of accountability; so, Unity in Diversity organized a protest by Uber employees in March 2022 to address the issues of exploitation, low pay, a lack of regulation of the Uber DLP and industry safety. The protestors also addressed the NLTA Bill, passed by parliament to govern DLPs such as Uber, but yet to be implemented. Since only the Presidency reacted to their demands, the organization representing Uber DLP driver associates, owners, and drivers claimed the protest was intended

to pressure the government to implement and enforce the legislation. In response, the presidential directive expects employees to communicate with the Department of Transportation, the Department of Trade, Industry and Competition, and DEL (Banda, 2022).

Furthermore, Mamokhere (2021, p. 1) writes, “the popular perception of South Africa is characterised by poor governance, which interferes with the delivery of public services and leaves many dishonest public employees and officeholders without access to justice.” Moreover, the National Prosecuting Authority lacks impartiality and independence, and since the role of the Public Service Commission is to make recommendations, its opinions are neither enforceable nor binding.

4.2.7 | Sustainability

Sustainability will be based on how DEL raises the standard of living of Uber DLP employees. The guiding ideas are intergenerational justice and resource efficiency. Jobs are essential for social inclusion and Uber employees' ability to earn enough to sustain themselves and their families. Furthermore, work increases tax revenue, strengthening government financial stability. Indeed, employment and labour are increasingly viewed as new policy domains (Bohnenberger, 2022).

Promoting consistent, full, and productive employment, along with inclusive, and sustainable economic growth and dignified work are some of the UN's development and sustainability goals. In addition, programmes that can quickly close gaps and increase opportunities must be implemented to create durable and productive patterns of work. There is a need for a profound shift in DEL processes along with global value chains, social and physical infrastructure, and policies that provide an environment that enables such change to achieve sustainability (UN, 2018).

The Labour Relations Amendment Act will introduce mandatory balloting before any Uber employees take industrial action that will diminish workplace sustainability. Giving the Commission for Conciliation, Mediation and Arbitration the authority to become involved in protracted labour disputes serves the public interest and reduces their adverse impact on the economy. Additionally, the National Minimum Wage Act claims to create a framework for reducing inequality in the workplace and encouraging compliance with health and safety regulations. Therefore, “to create a sustainable environment within the Uber DLP environment, DEL must intervene through policies that establish peace, justice, equality, inclusivity and protection” (DEL 2020, p. 10).

5 | CONCLUSIONS AND POLICY RECOMMENDATIONS

We have deepened and extended our understanding of the impact of the Uber Digital Labour Platform (DLP) within the parameters of South Africa and its potential to address unemployment. Our contribution lies in the notion that new work realities have transcended existing legal conceptions to normalize discourses surrounding the digital transformation of work and the advent of non-standard forms of employment.

Despite numerous constitutional provisions governing DLP and DEL, South African regulations do not allow for the classification as employees of Uber DLP workers, who are considered independent contractors, and as such are not entitled to employee benefits. In turn, Uber DLP workers will pursue restitution for underpaid overtime and paid annual leave. Uber DLP employees in South Africa make less than the national minimum wage after the platform deducts its fees (Malinga, 2021). South Africa's income disparity means that few professional drivers own the cars they drive; they rent them from owners, known as “partners,” and split the earnings, so the drivers end up earning very little. Furthermore, South African regulations have overlooked working conditions at Uber DLP. The issues of governance, labour policy, monitoring and evaluation, collaboration, and sustainability are all major hindrances to harmonious Uber DLP–DEL labour relations.

We recommend the following actions to improve these labour relations:

First, DEL must establish a balance between flexibility and these factors (governance, labour policy, monitoring and evaluation, collaboration, and sustainability) so as to uphold labour standards, preserve workers' rights, and ensure financial stability in the digital age.

Second, labour laws need to be updated based on reliable data and a thorough examination of the effects of digitally enabled employment on society and the economy. This entails moving away from generalized solutions towards customized policies for employment and social protection that take into account the potential and challenges presented by new kinds of labour. There is also a need to update protection measures to ensure that workers are not left unprotected in a future work environment shaped by digital technology (Deganis et al., 2021). Section 83(1) of the Basic Conditions of Employment Act 75 of 1997 (BCEA) empowers the Minister of Employment and Labour to deem any category of persons to be employees for the purposes of any part of any employment legislation, with the exception of the Unemployment Insurance Act 63 of 2001 (Eiser et al., 2021). The Minister could accordingly declare that ride-sharing drivers, or platform workers in general, are deemed to be employees for specified sections of the BCEA and LRA. The outcome of the potential class action will significantly influence not only the rights of Uber drivers, but also the rights of other individuals undertaking platform work. We will continue to monitor this area and assess new developments.

The final recommendation in terms of legislative intervention relates to the incorporation of the Fairwork Code of Good Practice into the LRA. Following two years of empirical research, the Fairwork Project drafted the Code of Good Practice for the Regulation of Platform Work in South Africa (Fairwork, 2020, 2021), which is aimed at providing platform workers with five key rights: minimum wages; protection under the Occupational Health and Safety Act 85 of 1993; written contracts setting out their working conditions; fair management; and freedom of organization (Eiser et al., 2021). The Code of Good Practice is essential to establish fair working standards and rights in South Africa. It offers valuable insights and recommendations on how to improve the regulation of platform work, ensuring fair treatment and protection for workers.

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ORCID

Adrino Mazenda  <https://orcid.org/0000-0001-7739-9097>

REFERENCES

- Anwar, M. A., & Graham, M., (2020). Digital labour at economic margins: African workers and the global information economy. *Review of African Political Economy*, 47(163), 95–105. <https://doi.org/10.1080/03056244.2020.1728243>
- Ashkrof, P., Correia, G. H. de A., Cats, O., & van Arem, B. (2020). Understanding ride-sourcing drivers' behaviour and preferences: Insights from focus groups analysis. *Research in Transportation Business & Management*, 37, 100516. <https://doi.org/10.1016/j.rtbm.2020.100516>
- Assbeihat, J. M. (2016). The impact of collaboration among members on team's performance. *Management and Administrative Sciences Review*, 5(5), 248–259. https://www.academia.edu/28966698/The_Impact_of_Collaboration_among_Members_on_Teams_Performanc

- Banda, M. (2022, March 25). *Three-day strike has ripple effect on drivers, business owners and customers as everyone's underpressure*. Daily Maverick. <https://www.dailymaverick.co.za/article/2022-03-25-three-day-strike-has-ripple-effect-on-drivers-business-owners-and-customers-as-everyones-under-pressure/>
- Baggio, D., Wegner, D., & Dalmarco, G. (2018). Coordination mechanisms of collaborative R&D projects in small and medium enterprises. *Revista de Administração Mackenzie*, 19(2), 1–27. <https://doi.org/10.1590/1678-6971/eRAMR180095>
- Basic Conditions of Employment Act (1997). South Africa. 1997. Basic Conditions of Employment Act, 1997 (Act 75 of 1997) Pretoria. Government Printers.
- Bellan, R. (2023, February 15). New Zealand Uber drivers begin collective bargaining for first time. TechCrunch. <https://techcrunch.com/2023/02/14/new-zealand-uber-drivers-begin-collective-bargaining-for-first-time/>
- Berg, J., Furrer, M., Harmon, E., Rani, M., & Silberman, M.S. (2018). *Digital labour platforms and the future of work: Towards decent work in the online world*. International Labour Office. http://wtf.tw/text/digital_labour_platforms_and_the_future_of_work.pdf
- Bertolini, A., Borkert, M., Ferrari, F., & Graham, M. (2021). Towards decent work in the digital age: Introducing the fair work project in Germany. *Zeitschrift für Arbeitswissenschaft*, 75, 187–192. <https://doi.org/10.1007/s41449-021-00247-w>
- Bohnenberger, K. (2022). Greening work: Labour market policies for the environment. *Empirica*, 49, 347–368. <https://doi.org/10.1007/s10663-021-09530-9>
- Bryman, A. (2016). *Social research methods*. Oxford University Press.
- BusinessTech. (2019, February 7). Uber and Taxify face legal trouble in South Africa as criminal drivers target passengers. <https://businesstech.co.za/news/technology/297930/uber-and-taxify-face-legal-trouble-in-south-africa-as-criminal-drivers-target-passengers/>.
- Chidoori, C. (2020). *Attitudes toward and experiences of digital labour by current and potential crowd-workers: A South African perspective* [Master's thesis, University of Cape Town]. OpenUCT. <https://open.uct.ac.za/handle/11427/32562>
- Department of Labour (DEL) Service Charter (2021). Department of Labour Service Charter for the 2021/22 Financial Year. https://www.labour.gov.za/DocumentCenter/Publications/Operations/Departmental%20Service%20Charter%20booklet%20for%20financial%20year%202021_2022.pdf
- De Stefano, V., & Aloisi, A. (2018). European legal framework for "digital labour platforms". European Commission. <https://doi.org/10.2760/78590>. <https://publications.jrc.ec.europa.eu/repository/handle/JRC112243>
- Deganis, I., Tagashira, M., & Yang, W. (2021). *Digitally enabled new forms of work and policy implications for labour regulation frameworks and social protection systems* (Future of the World Policy Brief No. 113). United Nations Department of Economic and Social Affairs. <https://doi.org/10.18356/27081990-113>
- Department of Employment and Labour. (2020). Annual report 2019/20. https://www.labour.gov.za/DocumentCenter/Reports/Annual%20Reports/Departmental%20Annual%20Reports/2019/Annual%20Report%202019_2020.pdf
- Department of Employment and Labour. (2021b). Annual report 2020/2021. <https://www.gov.za/documents/department-employment-and-labour-annual-report-20202021-29-oct-2021-0000>
- Department of Labour. (2017). Annual report 2016/2017. https://nationalgovernment.co.za/department_annual/188/2017-department--labour-annual-report.pdf
- Department of Labour. (2019). Annual report 2018/19. https://www.gov.za/sites/default/files/gcis_document/201911/labour-annual-report201819.pdf
- Department of Trade, Industry and Competition. (2020). *Policy proposals for South Africa in the digital economy*. Government Printers.
- Diphoko, W. (2021, July 18). The state of work in SA gig economy. Independent Online. <https://www.iol.co.za/>.
- Duszynski, M. (2021, October, 2023). Gig economy: Definition, statistics and trends. <https://zety.com/blog/gig-economy-statistics>.
- Eastern Cape Socio-Economic Consultative Council. (2022). The gig economy, digital labour platforms, and independent employment in the Eastern Cape. https://ecsecc.org/datarepository/documents/ec-gig-economy_QR3HX.pdf
- Ehlers, L. I. (2017). Conceptualising primary labour relationship quality. *South African Journal of Economic and Management Sciences*, 20(1), a1573. <https://doi.org/10.4102/sajems.v20i1.1573>
- Eiser, K., Ngcamu, S., Johnson, S., & Challenor, K. (2021). *UBER drivers in South Africa: Employees or independent contractors?* Faculty of Law, University of the Western Cape. <https://law.uwc.ac.za/all-resources/uber-drivers-in-south-africa-employees-or-indepdent-contractors>
- Fairwork. (2020). *Gig workers, platforms and government during Covid-19 in South Africa*. <https://fair.work/en/fw/publications/gig-workers-platforms-and-government-during-covid-19-in-south-africa/>

- Fairwork. (2021). *Fairwork South Africa ratings 2021: Labour standards in the gig economy*. <https://fair.work/en/fw/publications/fairwork-south-africa-ratings-2021-labour-standards-in-the-gig-economy/>
- Feeney, M., & Chiu, R. (2021, January 4). *Gig economy regulations under Biden*. Cato Institute. <https://www.cato.org/blog/gig-economy-regulation-under-biden>
- Fobosi, S. C. (2020, July 14). South Africa's minibus taxi industry has been marginalised for too long. This must change. The Conversation. <https://theconversation.com/south-africas-minibus-taxi-industry-has-been-marginalised-for-too-long-this-must-change-142060>
- Gonzalez-Benito, O, Munoz-Gallego, P.A., & Garcia-Zamora, E. (2016). The role of collaboration in innovation success: Differences for large and small businesses. *Journal of Business Economics and Management*, 17(4), 654–662. <https://journals.vilniustech.lt/index.php/JBEM/article/download/2260/1816>
- Graham, M., & Anwar, M. A. (2019). The global gig economy: Towards a planetary labour market? *First Monday*, 24(4). <https://doi.org/10.5210/fm.v24i4.9913>
- Graham, M., Hjorth, I., & Lehdonvirta, V. (2017). Digital labour and development: Impact of global digital labour platforms and the gig economy on worker livelihoods. *Etui*, 23(2),135–162. <https://doi.org/10.1177/1024258916687250>
- Graham, M., Lehdonvirta, V., Wood, A., Barnard, H., Hjorth, I., & Simon, D. P. (2017). *The risks and rewards of online gig work at the global margins*. Oxford Internet Institute. <https://www.oii.ox.ac.uk/wp-content/uploads/2017/06/gigwork.pdf>
- Heerwagen, J., Kelly, K., & Kampschroer, K. (2016, May 10). The changing nature of organizations, work, and workplace. Whole Business Design Guide. <https://www.wbdg.org/resources/changing-nature-organizations-work-and-workplace>
- Henama, U. S., & Sifolo, P. P. S. (2017). Uber: The South African experience. *African Journal of Hospitality, Tourism and Leisure*, 6(2), 39. http://www.ajhtl.com/uploads/7/1/6/3/7163688/article_39_vol_6__2__2017.pdf
- Hughes, C (2021, February 19). British Supreme Court says Uber drivers are workers, not contractors. https://www.upi.com/Top_News/World-News/2021/02/19/British-Supreme-Court-says-Uber-drivers-are-workers-not-contractors/9751613735806
- Hunt, A., Samman, E., Tapfuma, S., Mwaura, G., Omenya, R., Kim, K., Stevano, S., & Roumer, A. (2019, November). *Women in the gig economy: Paid work, care and flexibility in Kenya and South Africa* (ODI Report). ODI. <https://odi.org/en/publications/women-in-the-gig-economy-paid-work-care-and-flexibility-in-kenya-and-south-africa/>
- International IDEA Policy Brief, (2016). Promoting democracy and peace in Africa: the role of the African Union. <https://www.idea.int/sites/default/files/publications/promoting-democracy-and-peace-in-africa-the-role-of-the-african-union.pdf>
- ILO. (2016). *The end to poverty initiative: The ILO and the 2030 agenda*. Geneva.
- ILO. (2018). *The architecture of digital labour platforms: Policy recommendations on platform design for worker well-being*. https://www.ilo.org/global/topics/future-of-work/publications/research-papers/WCMS_630603/lang--en/index.htm
- ILO. (2019). *Literature review on the governance of work*. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_731477.pdf
- ILO. (2021). *Digital platforms and the world of work in G20 countries: Status and policy action*. https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/multilateral-system/g20/reports/WCMS_829963/lang--en/index.html
- ILO. (2019). *Literature review on the governance of work*. Geneva.
- Johnston, H., & Land-Kazlauskas, C. (2018). Organizing on demand: Representation, voice, and collective bargaining in the gig economy (Condition of Work and Employment Series No. 94). International Labour Office. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_624286.pdf
- Jorgic, D. (2016, March 9). Uber seeks to lure cabbies in Africa expansion plan. Moneyweb. <http://www.moneyweb.co.za/news/tech/uber/>
- July, S., Abraham, L., Tom, S., & Appelgryn, L. (2021, March 3). Uber drivers long and bumpy ride becoming workers. <https://www.werksmans.com/legal-updates-and-opinions/uber-drivers-long-and-bumpy-ride-to-becoming-workers/>
- Kavese, K., Mbali, A., & Anyikwa, I. (2022). The gig economy, digital labour platform, and independent employment in the Eastern Cape. *Eastern Cape Socio-Economic Consultative Council*. https://ecsecc.org/datarepository/documents/ec-gig-economy_QR3HX.pdf
- Khoza, M. (2021, July 13). Uber drivers in South Africa: Employees or not? [ProBono.org](https://probono.org.za/uber-drivers-in-south-africa-employees-or-not/). <https://probono.org.za/uber-drivers-in-south-africa-employees-or-not/>
- Labour Relations Act, (1995). South Africa. Labour Relation Act, 1995 (Act 66 of 1995). Pretoria. Government Printers.
- Lloyd, (2019, August 7). Employment and Labour Minister calls for safe and healthy workplaces. <https://health.uct.ac.za/school-public-health/articles/2019-08-07-prof-mohamed-jeebhay-delivers-presentation-south-african-national-occupational-health-and-safety>.
- Magubane, K. (2022, March 25). Uber and others ride strike out as drivers return to duty. News 24. <https://www.news24.com/fin24/companies/uber-and-others-ride-strike-out-as-drivers-return-to-duty-20220325>

- Malinga, S. (2021, March 23). *Uber SA drivers demand to become formal employees*. ITWeb. <https://www.itweb.co.za/content/KA3WwMdDKpoMrydZ>
- Mamokhere, J. (2021). Evaluating the impact of service delivery protests in relation to socio-economic development: A case of Greater Tzaneen Local Municipality, South Africa. *African Journal of Development Studies*, 79–96. https://hdl.handle.net/10520/ejc-aa_affrika1_v2021_nsi1_a5
- Masuku, B., & Nzewi, O. (2021). The South African informal sector's socio-economic exclusion from basic service provisions: A critique of Buffalo City Metropolitan Municipality's approach to the informal sector. *Journal of Energy South Africa*, 32(2), 59–71. <https://doi.org/10.17159/2413-3051/2021/v32i2a5856>
- Mokofe, W. M. (2022). Achieving decent work for digital platform workers in South Africa. *Obiter*, 43(2), 161–177. <https://doi.org/10.17159/obiter.v43i2.14278>
- Naidoo, K. (2020). Innovation, digital platform technologies and employment: An overview of key issues and emerging trends in South Africa (Future of Work(ers) SCIS Working Paper No. 9). Southern Centre for Inequality Studies, Wits University. <https://hdl.handle.net/10539/33905>
- National Policy Development Framework (2020). *The Presidency*. Pretoria. Government Printers.
- NEDLAC (National Economic Development and Labour Council). (2016). Annual report 2015/2016. *Health and safety rights for workers*. [https://nationalgovernment.co.za/entity_annual/991/2016-national-economic-development-and-labour-council-\(nedlac\)-annual-report.pdf](https://nationalgovernment.co.za/entity_annual/991/2016-national-economic-development-and-labour-council-(nedlac)-annual-report.pdf)
- NEDLAC. (2020). Annual report 2020/2021. <https://nedlac.org.za/wp-content/uploads/2021/10/NEDLAC-Annual-Report-2021.pdf>
- Organisation for Economic Co-operation and Development.(OECD) (2018). *Good jobs for all in a changing world of work: The OECD Jobs Strategy*. OECD Publishing. <https://doi.org/10.1787/9789264308817-en>
- Otieno, E., Stein, M., & Anwar, M. A. (2020). Ride hailing drivers left alone at the wheel: Experiences from South Africa and Kenya. In P. Carmody, G. McCann, C. Collieran, & C. O'Halloran (Eds.), *COVID-19 in the Global South: Impacts and responses*. Bristol University Press. <https://doi.org/10.2307/j.ctv18gfz7c.16>
- Osiki, A. (2020, March 5). Platform policies: The growth of indecent work in SA. *Daily Maverick*. <https://www.dailymaverick.co.za/article/2020-03-05-platform-policies-the-growth-of-indecent-work-in-sa/>
- Pereira, D. (2023, June 25). Uber business model. *The Business Model Analyst*. <https://businessmodelanalyst.com/uber-business-model/>
- Pillay, P. (2016). The relationship between public administration and good governance: the case of South Africa. *African Journal of Public Affairs*, 9(1), 18–31. <https://repository.up.ac.za/handle/2263/58182>
- Rakhudu, M. A., Davhana, M. M., & Useh, U. (2016). Concept analysis of collaboration in implementing problem-based learning in nursing education. *Curationis*, 39(1), a1586. <https://doi.org/10.4102/curationis.v39i1.1586>
- Rawlins, L. K. (2016, July 26). Uber drivers can't really unionise. ITWeb. <https://www.itweb.co.za/content/KwbrpOMgN2n7DLZn>
- Rosemain, M. & Vidalon, D. (2020, March 4). *Top French court deals blow to Uber by giving driver 'employee' status*. Reuters. <https://www.reuters.com/article/us-uber-court-idUSKBN20R23F>
- Ryan, J. (2019). Does public accountability even matter if the public sector is performing well? *Policy Quarterly*, 15(4), 8–13. <https://doi.org/10.26686/pq.v15i4.5919>
- Sanders, A. (2018, July 17). National Minimum Wage – “on call”, “sleep in” employees. *Global Workplace Insider*. <https://www.globalworkplaceinsider.com/2018/07/national-minimum-wage-on-call-sleep-in-employees/>
- Sargeant, M. (2017). The gig economy and the future of work. *E-Journal of International and Comparative Labour Studies*, 6(2), 2–12. https://ejcls.adapt.it/index.php/ejcls_adapt/article/view/422
- Smit, H., Johnson, C., Hunter, R., Dunn, M., & van Vuuren, P. F. (2019, March). Africa's digital platforms and financial services: An eight-country overview. *Insight2Impact*. <https://cenfri.org/wp-content/uploads/ADP-Focus-Note-2019.pdf>
- South African metered taxis could get a boost against Uber from proposed new rules. (2020, February 19). *News 24*. <https://www.news24.com/news24/bi-archive/uber-south-africa-2020-2>.
- The Constitution of the Republic of South Africa, (1996). <https://www.gov.za/documents/constitution-republic-south-africa-1996>
- Spennato, E. (2019, October 1). If Uber drivers aren't employees, who is responsible for their misbehavior? *Risk and Insurance*. <https://riskandinsurance.com/uber-drivers-responsible/>
- The New OECD Job Strategy (2018). *Good jobs for all in a changing world of work*. OECD Jobs Strategy - OECD Jobs Strategy.
- The Presidency. (2020). National Policy Development Framework 2020. <https://www.gov.za/documents/national-policy-development-framework-2020-2-dec-2020-0000>
- Thelen, K. (2018). Regulating Uber: The politics of the platform economy in Europe and the United States. *Political Science Association*, 16(4), 938–953. <https://doi.org/10.1017/s1537592718001081>

- Triad 3. (2016, March 9). An introduction to document analysis. *Research Methodology in Education*. <https://lled500.trubox.ca/2016/244>
- Uber, (2023, January 1). Tax Information for Driver-Partners. <https://www.uber.com/za/en/drive/tax-information/>
- United Nations. (2018). The Sustainable Development Goals report 2018. <https://unstats.un.org/sdgs/files/report/2018/thesustainabledevelopmentgoalsreport2018-en.pdf>
- Venter, I. (2022, 24 October). Uber expands African offering; Uber Eats sees healthy growth in South Africa. Creamer Media's Engineering News. <https://www.engineeringnews.co.za/article/uber-expands-african-offering-uber-eats-sees-healthy-growth-in-sa-2022-10-24>
- Venttori, S. (2018). Challenges facing the Department of Labour in implementing labour policy and labour legislation in the hospitality industry in South Africa. *African Journal of Hospitality, Tourism and Leisure*, 7(1), 1–11. <http://hdl.handle.net/10500/24455>
- Villup, E., & Przetacznik, J. (2016, January). *The International Labour Organisation and international trade* (Directorate-General for External Policies Policy Department Briefing DG EXPO/B/PolDep/Note/2016_33). European Union. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/570460/EXPO_BRI\(2016\)570460_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/570460/EXPO_BRI(2016)570460_EN.pdf)
- Wiessner, D. (2019, May 14). Uber drivers are contractors, not employees, U.S. labour agency says. Reuters. <https://www.reuters.com/article/us-uber-contractors-idUSKCN1SK2FY>
- Zhou, I. (2020). *Digital labour platforms and labour protection in China* (ILO Working Paper No. 11). International Labour Organization. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-beijing/documents/publication/wcms_757923

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