

Fairwork

**ADVOCATING FOR SAFETY AND**

**DIGNITY IN THE PLATFORM ECONOMY**

# Fairwork South Africa Ratings 2023



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# Executive Summary

This report is the latest iteration of Fairwork’s ongoing assessment of the working conditions on digital labour platforms in South Africa. This year, in 2023, Fairwork conducted its fifth annual rating in the country, evaluating working conditions for five platforms across various sectors: ride-hailing, food delivery, home maintenance and domestic services.

Those platforms are as follows: Uber, Uber Eats, Mr D Food, Home+ and Sweep South. The platforms were rated against the Fairwork Principles - Fair Pay, Fair Conditions, Fair Contracts, Fair Management and Fair Representation. Cumulatively, during the five years of research in South Africa, Fairwork has conducted a total of 50 ratings, across 18 digital labour platforms, in a bid to improve the working conditions platform workers. Twenty-four pro-worker changes to platform practices and policies have been secured as a result of this research. Still, there is much to be desired, especially in light of external factors that have worsened platform worker welfare, such as the COVID-19 pandemic. According to the United Nations Development Programme, the war in Ukraine has triggered uncertainty

about the recovery of the global economy, and South Africa’s economy in particular, which was beginning to recover after the COVID-19 pandemic.<sup>1</sup> The latest price increases make fuel in South Africa about 40 percent more expensive than a year ago. In addition to increased costs and the challenging economic crisis, platform workers’ safety and security situation is worsening across all sectors. This is specifically highlighted in this year’s “Theme in Focus” section. This year’s report reviews platform workers’ unresolved issues and takes stock of what steps are needed to improve them in real terms.



# Key Findings



## FAIR PAY

**Two of the platforms assessed this year – Home+ and Sweep South – met the threshold for the first point of Fair Pay, as they were able to provide evidence that their workers' gross earnings are at or above the minimum wage after costs, which was (R 25.42<sup>2</sup> / USD 1.37) per hour at the time of research (March–December 2023).**

When assessing minimum wage, the amount prescribed by the National Minimum Wage Act<sup>3</sup> was considered. Home+ received the second point for Fair Pay. The platform guarantees its workers an hourly wage that is above the local living wage (R 44.95<sup>4</sup> / USD 2.43), paying R499 during standard hours and R599 after hours. Neither of the ride-hailing platforms received a point for Fair Pay. Many of the workers interviewed from ride-hailing platforms were uncertain as to how platforms calculated their wages or how much commission they took.



## FAIR CONDITIONS

**Two platforms – Mr D Food and SweepSouth – received the first point for Fair Conditions. The other platforms could not be evidenced to guarantee adequate equipment and training to workers and mitigate the risks of lone working.**

Two platforms provided online video training to workers about general safety procedures. One ride-hailing platform also trained workers about using an emergency support system. However, most workers Fairwork interviewed noted that they felt unsafe at some point in their work due to threats received from customers and anti-social behaviour. While robbery, physical violence, and sexual harassment appeared to be part of workers' lives, Mr D Food insisted they did everything within their power and argued that crime and violence were a broader social issue in South Africa. Many workers interviewed through the course of this project, especially women and domestic care workers, indicated that they had to decline work opportunities after hours and in specific neighbourhoods. As a result, those workers feared platforms (and customers) tended to deprioritise them in job allocation as their cancellation rates tended to be higher.

Regarding ensuring risks and providing safety to workers, Fairwork team found that some platforms had preventive measures such as highlighting potential neighbourhoods via the App and push notifications and vetting customers based on their past behaviours. These measures seemed to be more effective than reactive measures such as panic buttons.

In terms of ensuring safe working conditions and a social safety net for workers, Mr D Food complied with all criteria set out in the Fairwork principle threshold. Interviews with workers, desktop research, and platform engagement indicated that the platform frequently contacts workers with the latest safety tips, pushes safety-related fun quizzes to increase workers' awareness and periodically emails them to stay alert on any recent safety-related developments.



## FAIR CONTRACTS

**To receive the first point for Fair Contracts, platforms must provide their workers with clear and transparent terms and conditions.**

Three of the five platforms assessed – SweepSouth, Home+ and Mr D Food – received this first point. They provided sufficient evidence that workers were aware of the terms and conditions (T&Cs), such as reading out terms to workers and actively notifying workers of any changes. This was a welcome contrast to some platforms which continue to push impersonal and nameless terms and conditions via their app to the workers.

To receive the second point, platforms must not impose any unfair clauses on workers. Mr D Food provided evidence that it notified changes to workers, and they did not use a dynamic pricing model to allocate jobs and determine wages. However, no platform was awarded a point for this principle this year.



## FAIR MANAGEMENT

**The first point of this principle requires that platforms provide due process for decisions affecting workers.**

Three platforms – SweepSouth, Home+, and Mr D Food – received points for providing due process for decisions affecting workers. The same three platforms also provided evidence demonstrating they had multiple forms of human-centred communication channels for workers to engage with the platform management and had a clear process for appealing against the deactivation process.

A primary concern raised in the previous report was a need for an easier and more direct method regarding the appeal process when platforms deactivated or unilaterally terminated workers' accounts. Another key finding was, in the case of a multinational ride-hailing app, workers, when deactivated, had to wait for a call from management, sometimes from as far away as Amsterdam. In another case, a worker reported that the platform would deactivate workers participating in protests without an appeals process. Many of the workers we interviewed said there was no mechanism to appeal bad ratings, as platforms prioritised customers' decisions as final.

The second point of the principle requires equity in the management process. SweepSouth and Mr D Food had a human rights or non-discrimination policy, and they were able to demonstrate that the policy was communicated to all workers. No platform could evidence that the governing values of the algorithms used to determine access to work or remuneration are transparent.



## FAIR REPRESENTATION

**To receive the first point for this principle, platforms must provide evidence which assures freedom of association and the expression of a collective worker voice.**

SweepSouth received a point under this principle. In partnership with other advocacy organisations, the platform is committed to working with domestic care workers to improve their fair wages and decent working conditions in South Africa. The platform showed evidence of their engagement with workers' groups, government bodies, and advocacy groups to improve the conditions of domestic care workers.

The second point requires platforms to support democratic governance. Some of the platforms that engaged with Fairwork this year noted that they were willing to listen to workers individually, with three of them stating that they were willing to organise informal discussions with worker groups.



# Advocating for Safety and Dignity in the Platform Economy

Fairwork has conducted annual ratings of the working conditions on digital labour platforms in South Africa since 2019. It is possible to look back at Fairwork's research in South Africa as a whole and make retrospective analyses about how the working conditions in platform economy have changed in the past five years. Based on such a review and this year's research, this present report identifies the following issues to strengthen the working conditions of platform workers in South Africa.

As the fifth round of ratings, 2023 Fairwork South Africa report provides an opportunity to assess the performance of platforms against the Fairwork principles over time. Since 2019, the research and advocacy conducted by Fairwork has resulted in 24 pro-worker changes to platform policies and practices. Most changes have been made around the Fair Management principle, with four platforms making a total of seven changes. Three of the five platforms analysed this year have been assessed by the Fairwork project since 2019, with the other two platforms being rated since 2020.

Fairwork's analysis shows that there is still more to be done for improving the working conditions of platform workers in South Africa. Most importantly, the issues of

representation and safety of the workers emerge as areas that need further attention and improvement.

## **Enable an environment that acknowledges and recognises the unionisation of workers**

Despite a long trade union history<sup>5</sup>, platforms in South Africa are highly reluctant to recognise workers' unions formally. During Fairwork's various engagements with platform managers, we encountered some resistance to establish a readily accessible channel for workers to communicate with other workers and listen to their grievances. Lack of formal platform worker representation continues to be a central issue that negatively impacts workers' ability to secure better pay and working conditions.

### Workers' safety and discrimination:

Almost all workers, across ride-hailing, food delivery and domestic work sectors, noted that safety is a significant issue that plagues the day-to-day realities of their working lives. While food delivery and ride-hailing workers are constantly exposed to violent crime, such as robbery and car hijacking, domestic workers face challenges in relation to customer treatment and the feeling that they need to complete household tasks that they are not comfortable with. Several platforms have taken steps to mitigate some of these risks, but not all measures have proven effective.

**SAFETY IS A SIGNIFICANT ISSUE THAT PLAGUES THE DAY-TO-DAY REALITIES OF PLATFORM WORKERS' LIVES.**





## THE FAIRWORK PROJECT

# Towards Decent Labour Standards in the Platform Economy

**Fairwork evaluates and ranks the working conditions of digital labour platforms. Our ratings are based on five principles that platforms should ensure in order to be considered to be offering basic minimum standards of fairness.**

We evaluate platforms annually against these principles to show not only what the platform economy is today, but also what it could be. The Fairwork ratings provide an independent perspective on labour conditions of platform work for policymakers, platform companies, workers, and consumers. Our goal is to show that better, and fairer, jobs are possible in the platform economy.

The Fairwork project is coordinated from the Oxford Internet Institute and the WZB Berlin Social Science Center. Our growing network of researchers currently rates platforms in 39 countries across 5 continents. In every country, Fairwork collaborates closely with workers, platforms, advocates and policymakers to promote a fairer future of platform work.

# Fairwork countries

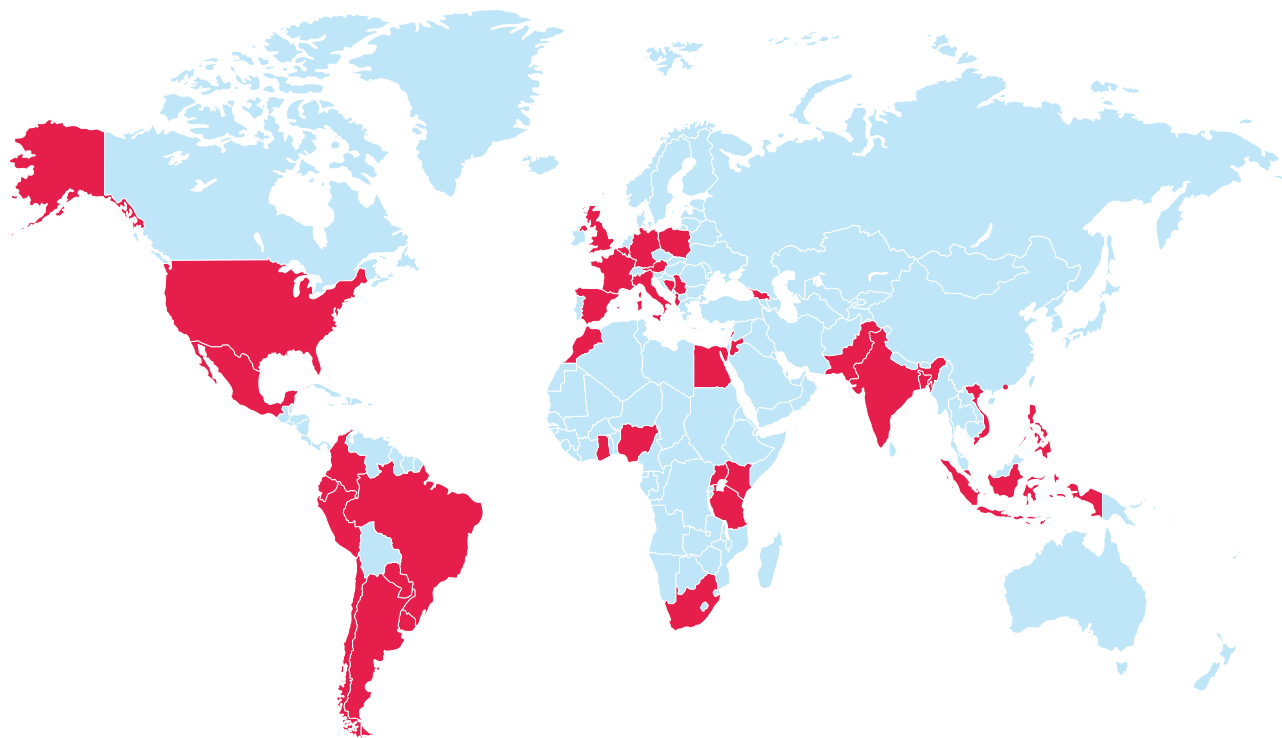


Figure 1. Map of Fairwork countries.

## AFRICA

Egypt, Ghana, Kenya, Morocco, Nigeria, South Africa, Tanzania

## ASIA

Bangladesh, India, Indonesia, Jordan, Lebanon, Philippines, Singapore, Vietnam

## EUROPE

Albania, Austria, Belgium, Bosnia, France, Georgia, Germany, Italy, Poland, UK, Serbia, Spain

## SOUTH AMERICA

Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay

## NORTH AMERICA

Mexico, USA

# The Fairwork Framework

The five Fairwork principles were developed through multiple multi-stakeholder workshops at the International Labour Organisation. To ensure that these global principles were applicable in the South Africa context, we have subsequently revised and fine-tuned them in consultation with platform workers, platforms, trade unions, regulators, academics, and labour lawyers.

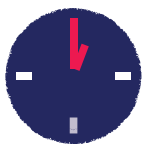
## STEP 1

### The five principles



#### Fair Pay

Workers, irrespective of their employment classification, should earn a decent income in their home jurisdiction after taking account of work-related costs. We assess earnings according to the mandated minimum wage in the home jurisdiction, as well as the current living wage.



#### Fair Conditions

Platforms should have policies in place to protect workers from foundational risks arising from the processes of work, and should take proactive measures to protect and promote the health and safety of workers.



#### Fair Contracts

Terms and conditions should be accessible, readable and comprehensible. The party contracting with the worker must be subject to local law and must be identified in the contract. Regardless of the workers' employment status, the contract is free of clauses which unreasonably exclude liability on the part of the service user and/or the platform.



#### Fair Management

There should be a documented process through which workers can be heard, can appeal decisions affecting them, and be informed of the reasons behind those decisions. There must be a clear channel of communication to workers involving the ability to appeal management decisions or deactivation. The use of algorithms is transparent and results in equitable outcomes for workers. There should be an identifiable and documented policy that ensures equity in the way workers are managed on a platform (for example, in the hiring, disciplining, or firing of workers).



#### Fair Representation

Platforms should provide a documented process through which worker voice can be expressed. Irrespective of their employment classification, workers should have the right to organise in collective bodies, and platforms should be prepared to cooperate and negotiate with them.

## STEP 2

# Methodology Overview

The Fairwork project uses three approaches to effectively measure fairness of working conditions at digital labour platforms: desk research, worker interviews and surveys, and interviews with platform management. Through these three methods, we seek evidence on whether platforms act in accordance with the five Fairwork Principles.

We recognise that not all platforms use a business model that allows them to impose certain contractual terms on service users and/or workers in such a way that meets the thresholds of the Fairwork principles. However, all platforms have the ability to influence the way in which users interact on the platform. Therefore, for platforms that do not set the terms on which workers are retained by service users, we look at a number of other factors including published policies and/or procedures, public statements, and website/app functionality to establish whether the platform has taken appropriate steps to ensure they meet the criteria for a point to be awarded against the relevant principle.

In the case of a location-based work platform, we seek evidence of compliance with our Fairwork principles for location-based or 'gig work' platforms, and in the case of a cloudwork platform, with our Fairwork principles for cloudwork platforms.

### Desk research

Each annual Fairwork ratings cycle starts with desk research to map the range of platforms to be scored, identify points of contact with management, develop suitable interview guides and survey instruments, and design recruitment strategies to access workers. For each platform, we also gather and analyse a wide range of documents including contracts, terms and conditions, published policies and procedures, as well as digital interfaces and website/app functionality. Desk research also flags up any publicly available information that could assist us in scoring different platforms, for instance the provision of particular services to workers, or the existence of past or ongoing disputes.

The desk research is also used to identify points of contact or ways to access workers. Once the list of platforms has been finalised, each platform is contacted to alert them about their inclusion in the annual ranking study and to provide them with information about the process. All platforms are asked to assist with evidence collection as well as with contacting workers for interviews.

### Platform interviews

The second method involves approaching platforms for evidence. Platform managers are invited to participate in semi-structured interviews as well as to submit evidence for each of the Fairwork principles. This provides insights into the operation and business model of the platform, while also opening up a dialogue through which the platform could agree to implement changes based on the principles. In cases where platform managers do not agree to interviews, we limit our scoring to evidence obtained through desk research and worker interviews.

### Worker interviews

The third method is interviewing platform workers directly. A sample of 6-10 workers are interviewed for each platform. These interviews do not aim to build a representative sample. They instead seek to understand the processes of work and the ways it is carried out and managed. These interviews enable the Fairwork researchers to see copies of the contracts issued to workers and learn about platform policies that pertain to workers. The interviews also allow the team to confirm or refute that policies or practices are really in place on the platform.

Workers are approached using a range of different channels. For the 2023 South Africa ratings, interviews conducted both in person and online; and informed consent was sought from all participants to take part in the study.

The interviews were semi-structured and made use of a series of questions relating to the 10 Fairwork (sub) principles. In order to qualify for the interviews, workers had to be over the age of 18 and have worked with the

platform for more than two months. All interviews were conducted in English.

### Putting it all together

This threefold approach provides a way to cross-check the claims made by platforms, while also providing the opportunity to collect both positive and negative evidence from multiple sources. Final scores are collectively decided by the Fairwork team based on all three forms of evidence. Points are only awarded if clear evidence exists on each threshold.

### How we score

Each of the five Fairwork principles is broken down into two points: a first point and a second point that can only be awarded if the first point has been fulfilled. Every platform receives a score out of 10. Platforms are only given a point when they can satisfactorily demonstrate their implementation of the principles. Failing to achieve a

point does not necessarily mean that a platform does not comply with the principle in question. It simply means that we are not – for whatever reason – able to evidence its compliance. The scoring involves a series of stages. First, the in-country team collates the evidence and assigns preliminary scores.

The collated evidence is then sent to external reviewers for independent scoring. These reviewers are both members of the Fairwork teams in other countries, as well as members of the central Fairwork team. Once the external reviewers have assigned their scoring, all reviewers meet to discuss the scores and decide final scoring. These scores, as well as the justification for them being awarded or not, are then passed to the platforms for review. Platforms are then given the opportunity to submit further evidence to earn points that they were initially not awarded. These scores then form the final annual scoring that is published in the annual country Fairwork reports.

**FURTHER DETAILS ON  
THE FAIRWORK  
SCORING SYSTEM ARE  
IN THE APPENDIX.**



## BACKGROUND

# Analysis of Major Trends in Platform Work in South Africa

As of 2023, South Africa's Gini coefficient – a measure of income inequality in a society – is 63, the highest in the world.<sup>6</sup> In connection with this, the country continues to grapple with high unemployment. According to official statistics, the unemployment rate reached 32.9 per cent in Q1 of 2023, representing 7.9 million unemployed persons in the country.<sup>7</sup>

Employment in the informal sector is down on 2022 figures, with women continuing to face higher unemployment than men.<sup>8</sup> Continued high levels of unemployment are conducive to lower wages, inferior working conditions, and a willingness among job seekers to compromise their safety to secure available work.

Platform work, in the context of high levels of unemployment, provides critical income opportunities for many people living in South Africa. The highly developed internet infrastructure in all but the most remote rural areas in the country and the high penetration of mobile phone ownership<sup>9</sup> make platform work a viable option. Pre-COVID-19 estimates indicate around 30,000 workers engaged in location-based platform work in South Africa.<sup>10</sup> Assuming the uptake of platform work in the country matches the global trend<sup>11</sup>, the number of platform workers in South Africa is now estimated to be at 135,000 workers or one per cent of the population.<sup>12</sup>

### Pay (in)equity

However, if pay for platform workers is insufficient, the long-term viability of platform work is undermined. In the past few years, the economic environment in South Africa has been further challenged by high rates of inflation and high fuel prices. As such, workers find it even more difficult to earn a minimum or living wage when their work-related costs are taken into consideration; as their take-home pay has significantly decreased due to high inflation and rising fuel prices. In 2020, five platforms out of eleven were awarded a point for ensuring their workers earned at least the local minimum wage after costs. However, in 2022, this declined to 3 of thirteen platforms, with some workers reporting, for the first time, that hourly costs exceeded their estimated hourly pay.<sup>13</sup>

This trajectory reflects the economic context in South Africa and the mode of worker classification, with platform workers—as independent contractors—having to deal with

increased work-related costs amidst spiralling inflation. Despite an improvement in the overarching economic situation in South Africa, with inflation down from a high of 7.8 percent in 2022 to 5.5 percent as of the end of 2023<sup>14</sup> – pay continues to be a significant challenge for platform workers.

## Safety is paramount

In some sectors, the viability of platform work in South Africa is also challenged by safety and security concerns. South Africa has been ranked as having the third-highest crime rate in the world, attributed to high levels of poverty, inequality, and unemployment.<sup>15</sup> This broader context feeds back into working conditions. Since Fairwork began rating digital labour platforms in South Africa in 2019, safety has consistently been raised as a key issue.

Workers across different sectors of the platform economy have reported risking their safety simply to earn a sufficient income. In relation to this, there has been a high fluctuation over the years in the number of platforms that have provided sufficient evidence to Fairwork that they

ensure fair conditions via the mitigation of task-specific risks and the provision of safe conditions and a safety net. Two of the eleven platforms met the criteria for both points in 2020, rising to 6 of eleven in 2021, and then no platform being evidenced to meet the criteria in 2022. This peak in 2021 was attributed to platforms' measures to assist workers through the COVID-19 pandemic. This shows platforms can provide a crucial social safety net to protect workers from loss of income through sudden and unexpected events, like illness or injury.

## Workers' mobilisation

Platform workers in certain sectors have taken it upon themselves to organise in South Africa. The 2021 Fairwork South Africa report identified that workers had begun to organise informally through the emergence of worker-led WhatsApp and Facebook groups.<sup>16</sup> The interviews Fairwork has conducted over the years have further highlighted the importance of these networks for information sharing and discussion of working conditions among the workers.



Last year, in 2022, organising efforts culminated in strike actions by ride-hailing drivers. For example, in March, drivers working for Uber, Bolt, InDriver and DiDi conducted a three-day strike in major cities. Beginning in Gauteng and expanding to Cape Town and Durban, the strike was organised by a group called Unity in Diversity. Bringing the provision of ride-hailing services to a near standstill, the protest called for fair remuneration and better security.<sup>17</sup> A series of other strikes and protests were initiated in 2022 and 2023 by organisations representing ride-hailing drivers, including the E-hailing Partners Council (EPC) and the Western Cape E-hailing Association (WCEA)<sup>18</sup>. In the food delivery sector, workers have also started to explore how an organisation of delivery riders could be formed.

Where collectives and organisations of platform workers do exist in South Africa, they face difficulty converting themselves into recognised unions, however. This is connected to the fact that platform workers are classified as independent contractors and, thus are not provided with the basic labour rights embedded within South African Labour Law, including collective bargaining, freedom of association, and protection against unfair dismissal and discrimination. However, the South African Constitution acknowledges all workers' right to fair labour practices irrespective of their employment status.<sup>19</sup> Furthermore, the country has a legal basis for forming platform-worker unions.

**PLATFORM WORKERS ARE CLASSIFIED AS INDEPENDENT CONTRACTORS AND, THUS ARE NOT PROVIDED WITH THE BASIC LABOUR RIGHTS EMBEDDED WITHIN SOUTH AFRICAN LABOUR LAW**

Ultimately, though, in spite of the legal basis and the examples of platform worker strike action, overall levels of collective action and unionisation remain low. In post-apartheid South Africa, unions had to contend with workplace restructuring imposed by employers and the state that gave rise to precarious forms of work.<sup>20</sup> Reservations against collective organising and unionisation were apparent in Fairwork's interviews with workers in 2023. Only two ride-hailing workers in Gauteng said that they were affiliated with a workers' association, while one in Cape Town spoke of an attempt to build an association together with colleagues. Five interviewees working in ride-hailing and delivery had been participating in protests or strikes. However, they reported that their protests did not spur the change that they had hoped for. Furthermore, workers reported fearing the possible repercussions from platforms when participating in such activities, including intimidation from platform management.

## Representation through the union

In light of this, developing policies and practices that encourage voice and representation is particularly urgent and pressing. In 2022, three out of thirteen platforms were able to ensure freedom of association for workers. Research conducted by Fairwork in 2023 further highlighted platform managers' reluctance to acknowledge and recognise the formal association of workers. It found that some platforms actively encourage one-to-one engagement with workers only to discourage collective mobilisation.

The difficulties for platform workers to collectively bargain pose a significant barrier to ensuring fair, decent and viable work. For example, non-unionisation weakens the power of workers to negotiate for transparent Terms and Conditions (Fair Contracts Principle), which can often be a pre-requisite for fair pay (Fair Pay Principle). This demonstrates the continued need for more state and non-state agencies, such as the Department of Labour, industry associations, and labour associations, to come together to improve platform workers' situation.



# Fairwork South Africa Scores 2023

Minimum standards of fair work

Mr D Food

6 /10



SweepSouth

6 /10



Home+

4 /10



Uber

- /10



Uber Eats

- /10



THE BREAKDOWN OF SCORES FOR INDIVIDUAL PLATFORMS IS AVAILABLE AT

[WWW.FAIR.WORK/SA](http://WWW.FAIR.WORK/SA)

# Explaining the scores

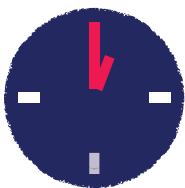


## Fair Pay

For platforms to be awarded the first point for this principle, they should demonstrate that they have taken steps to ensure that it will not be possible for workers to earn below the local minimum after deducting work-related costs.

According to the National Minimum Wage Act South Africa,<sup>21</sup> the 2023 minimum wage was R 25.42<sup>22</sup> (USD 1.37)<sup>23</sup>. When assessing minimum wage, Fairwork considered workers' earnings after work-related costs, such as transport, equipment and unpaid waiting time. According to this assessment, only two – Home+ and Sweep South – out of five platforms rated this year could evidence that workers earn the minimum wage after deducting work-related costs. Before deducting expenses, the minimum wage threshold for these platforms was high enough to absorb work-related costs.

The second point for the Fair Pay principle seeks that workers earn a living wage after accounting for work-related costs. Fairwork based their assessment on the Wage Indicator Foundation's<sup>24</sup> living wage calculation as the basis for the second point. The living wage calculation in South Africa is dynamic, adjusted periodically within a year, and varies from region to region. As research was primarily conducted in Cape Town and Gauteng Province, including Johannesburg, Fairwork team considered living wages from those regions for the calculations. The average living wage for these three locations in 2023 was R 44.95 (USD 2.43). Only one platform - Home+ - was awarded a point for guaranteeing a living wage for workers.



## Fair Conditions

To receive a point under this principle, platforms must ensure that they mitigate task-specific risks. To do so, they must ensure adequate safety training and equipment for all workers at no extra cost and mitigate the risks of working alone by providing occupational safety processes. Two platforms - SweepSouth and Mr D Food - were awarded this first point as the platforms provided documented evidence of the mitigation of task-specific risks for all workers.

To be awarded a second point for this principle, platforms need to provide a safety net for workers. Mr D Food was awarded a point for the second threshold this year. Some other platforms showed initiatives to provide insurance policies to workers, however these policies required workers to undertake the additional cost of insurance, and hence were not accessible to all workers.

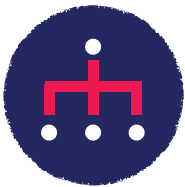


## Fair Contracts

To secure the first point for Fair Contracts, platforms must ensure that workers can understand, agree to, and continually access the terms and conditions of their work, and further that they have legal recourse if the other party breaches those conditions. This year, three of five platforms – SweepSouth, Home+ and Mr D Food – met all the thresholds to secure a point under Fair Contracts. Platforms that received a point took adequate, responsible, and

ethical data protection and management measures laid out in a documented policy.

One platform – Mr D Food – was awarded the second point for Fair Contracts, as the company could prove they notify workers of any changes to the terms and conditions and do not use dynamic pricing methods to allocate jobs and payments to workers.



## Fair Management

This year, SweepSouth, Home+, and Mr D Food met the threshold for the first principle. The platforms provided evidence of an accessible, reliable communication channel with a human representative. They also shared examples of the resolved cases to evidence that they have multiple communication channels and specific processes for workers to appeal against platform decisions, including deactivation. Workers were aware of these channels and confirmed they had received adequate support from platforms when needed. The Fairwork team acknowledges that other platforms also took steps to resolve cases with workers individually, but the process was more ad-hoc and needed further improvements, as workers indicated. It is important to note that 3 out of the five assessed platforms depended on human representatives – not bots – within South Africa. In one case, workers found it difficult to engage with platform representatives providing support from outside South Africa due to time

zone differences, and they could not actively call overseas numbers to resolve their cases.

Two platforms - SweepSouth and Mr D Food - were also awarded a second point for this principle, as they were able to demonstrate equity in the management process. The platforms provided evidence that they were keen on employing the marginalised - and also gendered in the case of SweepSouth - workforce in the country. Furthermore, SweepSouth has been spearheading a campaign, with support from other relevant stakeholders, since 2018, committing to ensuring decent pay and fairer working conditions for domestic workers in South Africa.<sup>25</sup> This year's report analyses job losses, compliance, the relationship between wages and workers' family structure, time taken to commute to the workplace, abuse in the workplace and mental health issues of domestic care workers in South Africa.



## Fair Representation

To receive the first point for Fair Representation, platforms must assure freedom of association and expression of collective worker voice for all workers. SweepSouth provided evidence to secure a point under this principle.

Fairwork researchers found that there is an industry-wide

disengagement on the platforms' side to acknowledge or recognise workers' collective action. It is important to note that this disengagement is not exclusive to digital labour platforms alone but appears to be present across all labour sectors in South Africa.

# Workers' Stories

## Grace, domestic worker

Grace<sup>26</sup> is a 37-year-old woman who has found work via a digital labour platform for nearly two years. Originally from Zimbabwe, where she worked as a farmer, Grace emigrated to Cape Town in search of work: “there are no jobs. I have got kids that need to go to school [...] I am the breadwinner for my family as my mum is sick. So, I moved from Zimbabwe to Cape Town to find a job”. To maximise her income and send as much money home to her family as possible, Grace splits her time between two domestic work platforms. In an ideal world, she wouldn't do this kind of work, but her world – in terms of labour market options – is far from ideal: “I must continue, I don't have a choice”.

## Thando, ride-hailing driver

Thando is 42 years old and works as a ride-hailing driver in Cape Town. He works for 10 to 11 hours a day, six days a week. He was previously working on a different platform, but switched to his current platform six years ago, because of the higher earning potential. Still, he occasionally works on the other platform. Before joining ride-hailing platforms, he was a driver for a private taxi company. He aims to earn 1000 Rand per day, totalling 6000 Rand for a six-day week, but some weeks, he does not even make 5000 Rand. Like other drivers, the increase in fuel costs affected him badly, “I was basically just working just for petrol.” Although fuel prices have decreased in 2023, he claims that still 70 per cent of his earnings goes to paying for his costs.

He reiterates the challenges that many ride-hailing drivers are facing these days, including the fear of violence, robbery and car hijackings. Luckily, he has never experienced such incidents himself. “Further challenges are rude customers and customers demanding stops and drop-offs they had not previously added in the app. With this I am wasting petrol without additional earning. But I am worried that the platform deactivates my account if I refuse customers' demands. At least the platform changed the system, so my rating is not affected when I decline a trip”.

Lack of choice is reflected not simply in the type of work she does, but also in the tasks she must do as part of her work. Grace explained that while some clients are very good, others are not. Exploiting the power imbalance embedded within the client-worker relationship that platforms mediate, certain clients force workers to complete additional tasks, or perform tasks in dangerous and derogatory ways. “I will never forget” Grace said, “I was working for another lady [...] I had to use my knees to mop”. She didn't want to do this, of course, but “you are scared to get a bad rating”. Ratings – almost ubiquitous across the platform economy – feed into future work allocation; bad ratings mean fewer bookings. So, Grace submitted to the client demand: “now I have problems with my knees”.

For many types of issues and complaints, he goes to the platform's office in the city centre to solve them. However, he has also had to wait for a response from the platform's headquarters, which are not located in South Africa. He reports that a free phone number exists for drivers to call, but that drivers can only call this number if they are assigned one of the platform's superior reward statuses.

Thando says that drivers do not have a say in the policies of the platform, but he is one of the ride-hailing drivers who does not want to stay passive about his situation. “I am in a loose group of drivers that wants to form a drivers' association, but it has been proven difficult”. They discuss their challenges in WhatsApp groups and sometimes also meet in person. He recollects that workers had passed a memorandum to the platform, and that the local office had promised changes, but nothing happened. Thando also reports that some drivers would pass information to the platform management about drivers who organise collectively. He wished that the platform would take its workers more seriously and pay stable wages. Ultimately, if there were more employment opportunities in South Africa, he would not be doing the work he does: “This job is okay for now, until I can find a different job”.

## THEME IN FOCUS

# Safety and Security in Platform Work

The exposure to risk has been a persistent issue raised by platform workers in South Africa since Fairwork began conducting research in the country in 2019. Risk comes in many forms, with its exact nature depending on the sector. From the physical risks to the body that food-delivery couriers using motorcycles face, to the threat of violence, xenophobia, and the issues posed by job strain from excessive working hours, many platform workers are enduring significant lack of safety and feelings of workplace insecurity.<sup>27</sup>

This theme in focus will explore some of the most pertinent risks highlighted in the 2023 interviews, and the consequences and choices that platform workers face as a result of them.

In South Africa, the already high levels of crime have reached new heights. Those working on delivery and ride-hailing platforms are especially vulnerable. Driving cars that are fancier-looking than traditional taxis, carrying mobile phones and, in some cases, cash, these workers have become highly visible targets. Accordingly, in the past two years, reports about violence towards drivers have become frequent. In July 2022, Bolt driver Tshepo Ntshangase was shot dead in Kwathema, east of Johannesburg, with his car and valuables stolen.<sup>29</sup> In August, only twenty kilometers away from the previous incident, an Uber driver was shot and severely injured.<sup>30</sup> In December, a Bolt driver was killed in East Pretoria.<sup>31</sup> In January 2023, an Uber driver was killed in a township of Stellenbosch.<sup>32</sup> In March, a Bolt driver was killed in Midrand (Gauteng).<sup>33</sup> And the list of deadly attacks goes on. In response to the violence and safety risks, ride-hailing drivers from Uber, Bolt and InDrive are increasingly

raising public awareness of their deplorable situation. Drivers embarked on strike action in Western Cape and Gauteng in September, October and November 2023, with safety concerns being at the center of the protests.

Almost all the Uber drivers we interviewed for this report, and many food delivery riders working for Mr D Food and UberEats, mentioned the risk of theft, robbery, car hijacking and related violence. Safety and security risks were particularly prevalent for workers in Johannesburg and Cape Town, and to a lesser degree for those in KwaZulu-Natal or Free State. Several food delivery and ride-hailing workers had experienced theft and robbery (of phones, cash or food); with some recalling being held at gunpoint or physically injured in such situations.

And it is not just the valuables they carry that put ride-hailing drivers at risk. Another critical safety risk arises from tensions with the traditional taxi industry (both metered and minibus taxis). Uber drivers in this year's fieldwork reported incidents of, and fears about, violence and assault from taxi drivers. One driver working in Gauteng

reported having witnessed how taxi drivers dragged a customer out of an Uber car at a mall. Another, based in Cape Town, reported the following: “In some places it is very dangerous to go, because the taxi drivers fight you in some places. It happened to me at a taxi rank in a suburb, they snatched my car. I had to pay them to release the car, otherwise there is the risk that they put sugar in my engine or vandalise the car. You don’t have a choice.”

That these conflicts emerged as a topic in this year’s interviews with Uber drivers is not a coincidence. There is fierce competition between different providers of road passenger transport in South African cities, especially on lucrative routes between townships and inner cities. Conflicts between metered taxi and ride-hailing drivers have been reported frequently in Gauteng in 2023, in prominent locations such as Park Station and Sandton.<sup>34</sup> But the tussles between minibus taxi operators and ride-hailing drivers took a violent turn this year, when ride-hailing drivers were attacked, and their cars burnt at a mall in Soweto in June 2023. As a response, ride-hailing drivers declared prominent taxi ranks and malls in Johannesburg as no-go-areas for themselves, after a series of violent incidences in such locations. The conflict was temporarily resolved by an agreement that ride-hailing drivers would

not serve Sowetan malls for three months.<sup>35</sup> However, interviewees recalled that they feel the need to remain generally vigilant in places where taxis operate, with some avoiding such places altogether and thus sacrificing critical income opportunities.

The sectoral conflict is specific to ride-hailing workers, but many of the safety and security risks are not. The interviews Fairwork team conducted with female domestic workers revealed that safety fears in relation to lone working and customer treatment are a common phenomenon in South Africa. Workers expressed feeling unprotected when working in the house of a new customer. Some reported feeling particularly unsafe when the exact location and full contact details were not provided at the time of the booking. Shifts that start and/or finish early and/or late also emerged as particularly challenging for workers since they require workers to travel in the dark, which is very risky in the context of lone working. Two interviewees reported being robbed when travelling and walking to customers’ homes.

Domestic workers identified further security and safety risks regarding the customers themselves. Several reported abusive and rude behaviour, and many more reported fears thereof. Two workers specifically mentioned the gendered



dimension of these dangers, such as the feeling of insecurity when the house is full of men and the fear of rape, sexual abuse and abduction. Several also reported that customers demand extra tasks not previously agreed on/logged in to the app. Workers feared the reactions of customers if they declined to do such extra tasks and did not feel empowered to do so, considering the need for positive ratings to secure future jobs. Yet more concerning, three workers reported that they were made to do physically painful tasks or ones they did not feel comfortable with (e.g. cleaning windows on a ladder, cleaning without protective gloves, and mopping floors on their knees).

For certain workers, the abuse they experience is not to do with the task at all. It is, instead, driven by xenophobia and racism. A third of the interviewed workers indicated that they originally hailed from other countries than South Africa, mostly from Zimbabwe, but also Burundi, Nigeria, and Malawi. Several workers reported incidents of xenophobia when interacting with customers. The interviews also highlighted xenophobic attitudes among workers. One food-delivery worker from Johannesburg that Fairwork interviewed perceived “99 per cent” of workers on the platform to be foreigners and stated that he would like the platform to minimise the number of foreign nationals within the workforce. The same worker also attributed the inability to organise collectively and confront the platform to the high presence of foreign workers. In another instance, one worker from Zimbabwe reported that he received no support from other workers on the platform when trying to bring his experiences of xenophobia to attention. Two delivery workers also reported experiences of racial discrimination from restaurant management or staff.

This, as with the threat of robbery, is reflective of the broader context. For many years, South Africa has been grappling with xenophobia, and analysts have identified a recent rise, with predictions of further growth in light of the upcoming elections in 2024. In these elections, nationalist tendencies linked to scapegoating of foreign nationals for problems such as crime, unemployment and deteriorating public services are being aggressively propagated, seemingly to secure votes.<sup>36</sup> Meanwhile, the disastrous fire in a residential building in the Johannesburg CBD in August 2023 exhibited the plight of undocumented migrants in the country. Politicians were quick to blame the so-called illegal migrants and civil society organisations for the disaster, at the same time denying responsibility for the provision of adequate housing to migrants, a basic right that

is constitutionally guaranteed in South Africa.<sup>37</sup>

Despite this, an overall positive picture emerged when workers discussed experiences with platform managers and employees. Only one worker reported that platform managers would make decisions based on ethnicity. Apart from that, none of the interviewed workers experienced or witnessed discrimination based on race, ethnicity, religion or origin from platform management. Several workers highlighted that the platforms would treat all workers equally. One worker highlighted that for him as a foreigner, platform work would be the only work that he could find.

With regards to the safety and security risks more broadly, certain platforms have taken proactive measures to mitigate some of the risks’ workers face. However, there is scarce evidence that these measures are effective, especially in emergency situations. For example, UberEats has implemented a panic button; but workers reported that it does not always work, or that the company does not always respond on time. One worker claimed that the emergency button just connects the worker to the call centre. Another summarised it like this: “That an emergency button is in place shows that Uber cares, but unfortunately it is not actually helpful”. Furthermore, as one pointed out, even when they work, panic buttons have limited utility in the context of robberies: “There is a panic button, but it is inadequate because the first thing a car hijacker will do is to take your phone”. The platform Mr D Food has taken a different approach to safety risk mitigation. Instead of providing a panic button, the platform is monitoring incidents of theft, robbery, and accidents to take location-specific preventive measures. Among these are the ban of cash payments; a lift of the need for workers to wear branded uniform items in areas with increasing incidents of thefts and robbery; temporary intermission of service delivery in areas of social unrest and permanent cessation of services in crime-affected areas; targeted and repeated advice to workers regarding customer interactions and safety precautions during bad weather conditions. The platform is monitoring safety and security related incidents, and therefore was able to retrace the effectiveness of these measures in 2022 and 2023.<sup>38</sup>

A series of other sporadic risk mitigation practices emerged in the interviews. For example, a delivery worker in Cape Town reported that in dangerous areas, they were allowed to drop off the food at a police station. One worker reported that the platform would not assign township deliveries

to women, except during the day time, for the protection of workers. However, Fairwork could not verify with the platform whether these were formal policies, or specific local/regional actions taken by the platform management. Sweep South provides instructions to workers how to act in emergency situations and has SOS helplines via phone and WhatsApp in place. SweepSouth workers reported that the company would still pay workers in cases when workers left houses due to safety and security concerns. They also reported that SweepSouth recently introduced a function that allows workers to cancel bookings within four days without negative consequences or an “incident” being registered by the company

Despite the risks and dangers, many workers continue to engage in ride-hailing, delivery and domestic work. Some workers told us that they do not report incidences due to fear of repercussions and the fact that they have simply become used to the risks. Reflecting the inadequacy of safety measures – discussed above – workers also adopt individual risk mitigation strategies, i.e. to track and record calls and call the emergency services. Workers also ask customers for details on the phone to verify the information that is provided to them in the app. Furthermore, ride-hailing workers reported that they ask customers not to drop them off/pick them up near taxi stands or where

taxi drivers gather. Further self-help measures include informing each other via WhatsApp groups about their locations and warn about suspicious activity on roads and in neighbourhoods.<sup>39</sup>

The perception of “high-risk” neighbourhoods (i.e., those that are particularly crime-affected), reiterated among workers in conversations and WhatsApp groups, has potentially wider implications. Townships, in particular – already characterised by relative remoteness concerning commercial centres and limited public transport coverage – could experience further disadvantages resulting from the stigma of insecurity reproduced in platform work. Platforms have started to deprioritise and (temporarily or permanently) cancel service delivery in high-risk areas to protect their workers. In South Africa, Mr D Food has introduced this practice, but also one platform in India is resorting to “blacklisting” service areas.<sup>40</sup> While such an approach may protect workers in the first instance, such policies decrease income opportunities for workers, and could reproduce and even augment existing socio-spatial inequalities that are already a deeply enwoven characteristic of South Africa’s urban landscape.





## MOVING FORWARD

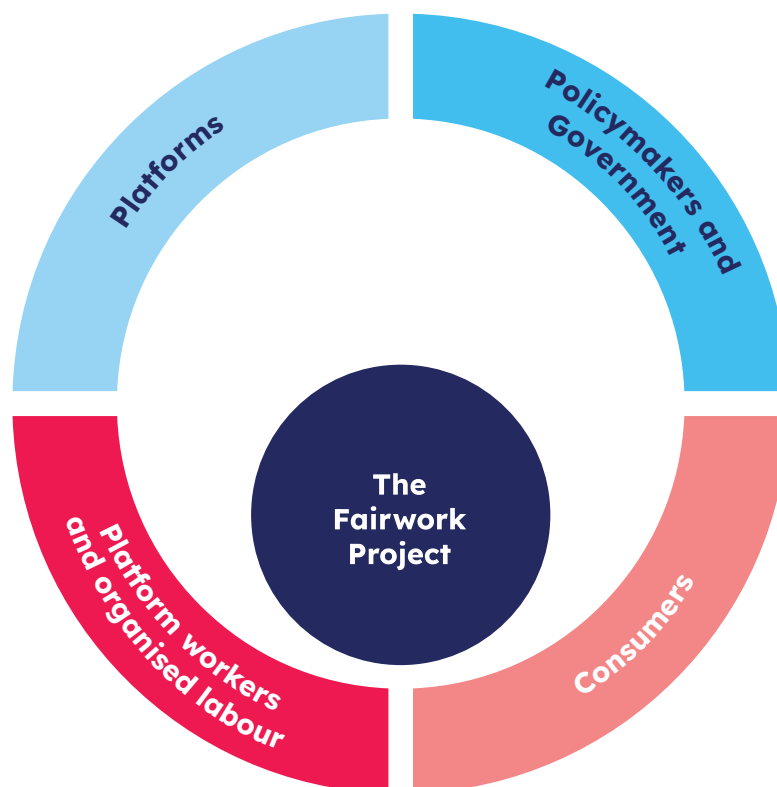
# Pathways of Change

Fairwork's theory of change relies on a humanist belief in the power of empathy and knowledge. If they have the economic means to choose, many consumers will be discerning about the platform services they use.

Our yearly ratings give consumers the ability to choose the highest-scoring platform operating in a sector, thus contributing to pressure on platforms to improve their working conditions and their scores. In this way, we leverage consumer solidarity with workers' allies in the fight for fairer working conditions. Beyond individual

consumer choices, our scores can help inform the procurement, investment and partnership policies of large organisations. They can serve as a reference for institutions and companies that want to ensure they are supporting fair labour practices. In this regard, we see four pathways to change (Figure 2).

Figure 2: Fairwork's Pathways to Change

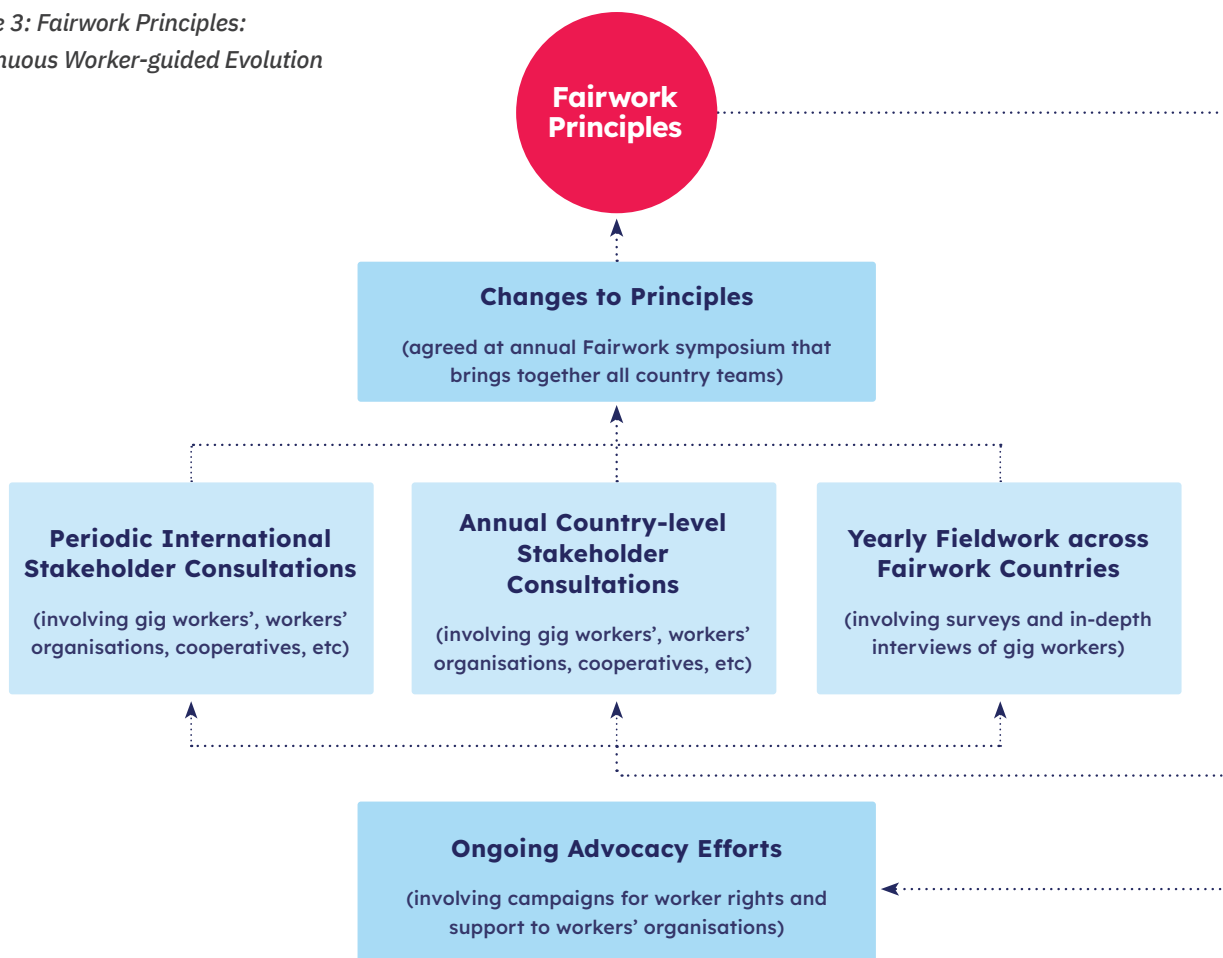


This year, Fairwork has rated five digital labour platforms in South Africa, with a focus – in the report - on safety and security issues, and the lack of formalised unions, as critical issues for platform workers in South Africa.

Fairwork’s engagements with workers, consumers and platform managers have emphasised the need for a multistakeholder regulatory meeting in South Africa to identify strategies to tackle the challenges platform workers face. In one of the platform management meetings with Fairwork, a platform manager welcomed

the proposal and even suggested a South African ‘Platform Managers’ Summit’ to create the space to discuss various issues. However, without worker representation, dialogue will not produce suitable solutions for the on-the-ground issues. As noted in this report, but also according to labour union studies scholars, unions in South Africa have lost political appeal for many, including young workers.<sup>41</sup> It is not an exaggeration to say that the non-union culture is normalised and that the workers themselves often are not aware of the usefulness of unions.

Figure 3: Fairwork Principles: Continuous Worker-guided Evolution



A multistakeholder discussion could also provide opportunities for workers to engage with platforms and regulators to voice their demands. For example, several ride-hailing workers reported to Fairwork researchers that they did not know how much commission the platforms were charging, and they were thus unable to calculate their wages.

Issues around workers' safety also call for a tripartite approach: consumers and end users should be adequately sensitised for their ill-treatment of workers. Secondly, supportive, and flexible working opportunities should exist for delivery workers on night shifts or in dangerous neighbourhoods. Platform workers – especially female domestic care workers – reported that they felt unsafe at certain times at work. They wanted to have an option to decline the job, even if they had entered the work premises, if they felt unsafe. The choice to decline work or to walk out of unsafe work situations – under reasonable circumstances – without extra loss and with adequate compensation for the time spent by the platform will significantly improve workers' conditions.

Algorithms favour workers who cancel or reject jobs the least, however workers might need to take these actions to protect their safety. A human-centred, rather than algorithmic-centred, approach can go a long way in building safety and trust between workers and platforms. Finally, policymakers can introduce essential and mandatory social protection measures and entitlements, such as insurance, that can be incorporated into the law.

There is nothing inevitable about poor working conditions in the platform economy. Despite their claims to the contrary, platforms have substantial control over the nature of the jobs that they mediate. Workers who find their jobs through platforms are ultimately still workers, and there is no basis for denying them the key rights and protections that their counterparts in the formal sector have long enjoyed. Our scores show that the platform economy, as we know it today, already takes many forms, with some platforms displaying greater concern for workers' needs than others. This means that we do not need to accept low pay, poor conditions, inequity, and a lack of agency and voice as the norm. We hope that our work – by highlighting the contours of today's platform economy – paints a picture of what it could become.

**A MULTISTAKEHOLDER  
DISCUSSION COULD PROVIDE  
OPPORTUNITIES FOR WORKERS  
TO ENGAGE WITH PLATFORMS  
AND REGULATORS TO VOICE  
THEIR DEMANDS.**

# The Fairwork Pledge

As part of this process of change, we have introduced the Fairwork pledge. This pledge leverages the power of organisations' procurement, investment, and partnership policies to support fairer platform work. Organisations like universities, schools, businesses, and charities who make use of platform labour can make a difference by supporting better labour practices, guided by our five principles of fair work. Organisations who sign the pledge get to display our badge on organisational materials.

The pledge constitutes two levels. This first is as an official Fairwork Supporter, which entails publicly demonstrating support for fairer platform work, and making resources available to staff and members to help them in deciding which platforms to engage with. A second level of the pledge entails organisations committing to concrete and meaningful changes in their own practices as official Fairwork Partners, for example, by committing to using better-rated platforms where there is a choice.

**MORE INFORMATION ABOUT  
THE PLEDGE, AND HOW TO SIGN UP,  
IS AVAILABLE AT**

**FAIR.WORK/PLEDGE**



## APPENDIX

# Fairwork Scoring System

## Which companies are covered by the Fairwork principles?

The International Labour Organisation (ILO) defines a “digital labour platform” as an enterprise that mediates and facilitates “labour exchange between different users, such as businesses, workers and consumers”<sup>42</sup>. That includes digital labour “marketplaces” where “businesses set up the tasks and requirements and the platforms match these to a global pool of workers who can complete the tasks within the specified time”<sup>43</sup>. Marketplaces that do not facilitate labour exchanges - for example, Airbnb (which matches owners of accommodation with those seeking to rent short term accommodation) and eBay (which matches buyers and sellers of goods) are obviously excluded from the definition. The ILO’s definition of “digital labour platform” is widely accepted and includes many different business models<sup>44</sup>.

Fairwork’s research covers digital labour platforms that fall within this definition that aim to connect individual service providers with consumers of the service through the platform interface. Fairwork’s research does not cover platforms that mediate offers of employment between individuals and employers (whether on a long-term or on a temporary basis).

Fairwork distinguishes between two types of these platforms. The first, is ‘location-based’ platforms where the work is required to be done in a particular location such as

delivering food from a restaurant to an apartment, driving a person from one part of town to another or cleaning. These are often referred to as ‘gig work platforms’. The second is ‘cloudwork’ platforms where the work can, in theory, be performed from any location via the internet.

The thresholds for meeting each principle are different for location-based and cloudwork platforms because location-based work platforms can be benchmarked against local market factors, risks/harms, and regulations that apply in that country, whereas cloudwork platforms cannot because (by their nature) the work can be performed from anywhere and so different market factors, risks/harms, and regulations apply depending on where the work is performed.

The platforms covered by Fairwork’s research have different business, revenue and governance models including employment-based, subcontractor, commission-based, franchise, piece-rate, shift-based, subscription models. Some of those models involve the platforms making direct payments to workers (including through sub-contractors).

## How does the scoring system work?

The five Principles of Fairwork were developed through an extensive literature review of published research on job quality, stakeholder meetings at UNCTAD and the ILO in Geneva (involving platform operators, policymakers, trade unions, and academics), and in-country meetings with local stakeholders.

Each Fairwork Principle is divided into two thresholds. Accordingly, for each Principle, the scoring system allows the first to be awarded corresponding to the first threshold, and an additional second point to be awarded corresponding to the second threshold (see Table 1).

The second point under each Principle can only be awarded if the first point for that Principle has been awarded. The thresholds specify the evidence required for a platform to receive a given point. Where no verifiable evidence is available that meets a given threshold, the platform is not awarded that point.

A platform can therefore receive a maximum Fairwork score of ten points. Fairwork scores are updated on a yearly basis; the scores presented in this report were derived from data pertaining to the months between November 2022 and November 2023, and are valid until November 2024.

Table 1 Fairwork: Scoring System

Principle	First point	Second point	Total
 <b>Principle 1: Fair Pay</b>	 Ensures workers earn at least the local minimum wage after costs	 Ensures workers earn at least a local living wage after costs	 2
 <b>Principle 2: Fair Conditions</b>	 Mitigates task-specific risks	 Provides a safety net	 2
 <b>Principle 3: Fair Contracts</b>	 Provides clear and transparent terms and conditions	 Ensures that no unfair contract terms are imposed	 2
 <b>Principle 4: Fair Management</b>	 Provides due process for decisions affecting workers	 Provides equity in the management process	 2
 <b>Principle 5: Fair Representation</b>	 Assures freedom of association and the expression of collective worker voice	 Supports democratic governance	 2

Maximum possible Fairwork Score



## Principle 1: Fair Pay

### 1.1 - Ensures workers earn at least the local minimum wage after costs (one point)

Platform workers often have substantial work-related costs to cover, such as transport between jobs, supplies, or fuel, insurance, and maintenance on a vehicle.<sup>45</sup> Workers' costs sometimes mean their take-home earnings may fall below the local minimum wage.<sup>46</sup> Workers also absorb the costs of extra time commitment, when they spend time waiting or travelling between jobs, or other unpaid activities necessary for their work, such as mandatory training, which are also considered active hours<sup>47</sup>. To achieve this point platforms must ensure that work-related costs do not push workers below local minimum wage.

#### The platform takes appropriate steps to ensure both of the following:

- Payment must be on time and in-full.
- Workers earn at least the local minimum wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs<sup>48</sup>.

### 1.2 - Ensures workers earn at least a local living wage after costs (one additional point)

In some places, the minimum wage is not enough to allow workers to afford a basic but decent standard of living. To achieve this point platforms must ensure that work-related costs do not push workers below local living wage.

#### The platform takes appropriate steps to ensure the following:

- Workers earn at least a local living wage, or the wage set by collective sectoral agreement (whichever is higher) in the place where they work, in their active hours, after costs<sup>49 50</sup>.

## Principle 2: Fair Conditions

### 2.1 - Mitigates task-specific risks (one point)

Platform workers may encounter a number of risks in the course of their work, including accidents and injuries, harmful materials, and crime and violence. To achieve this point platforms must show that they are aware of these risks and take basic steps to mitigate them.

#### The platform must satisfy the following:

- Adequate equipment and training is provided to protect

workers' health and safety from task-specific risks.<sup>51</sup>

These should be implemented at no additional cost to the worker.

- The platform mitigates the risks of lone working by providing adequate support and designing processes with occupational safety and health in mind.

### 2.2 - Ensures safe working conditions and a safety net (one additional point)

Platform workers are vulnerable to the possibility of abruptly losing their income as the result of unexpected or external circumstances, such as sickness or injury. Most countries provide a social safety net to ensure workers don't experience sudden poverty due to circumstances outside their control. However, platform workers usually don't qualify for protections such as sick pay, because of their independent contractor status. In recognition of the fact that most workers are dependent on income they earn from platform work, platforms should ensure that workers are compensated for loss of income due to inability to work. In addition, platforms must minimise the risk of sickness and injury even when all the basic steps have been taken.

#### The platform must satisfy ALL of the following:

- Platforms take meaningful steps to ensure that workers do not suffer significant costs as a result of accident, injury or disease resulting from work.
- Workers should be compensated for income loss due to inability to work commensurate with the worker's average earnings over the past three months.
- Where workers are unable to work for an extended period due to unexpected circumstances, their standing on the platform is not negatively impacted.
- The platform implements policies or practices that protect workers' safety from task-specific risks<sup>52</sup>. In particular, the platform should ensure that pay is not structured in a way that incentivizes workers to take excessive levels of risk.

## Principle 3: Fair Contracts

### 3.1 - Provides clear and transparent terms and conditions (one point)

The terms and conditions governing platform work are not always clear and accessible to workers.<sup>53</sup> To achieve this point, the platform must demonstrate that workers are able

to understand, agree to, and access the conditions of their work at all times, and that they have legal recourse if the other party breaches those conditions.

### The platform must satisfy ALL of the following:

- The party contracting with the worker must be identified in the contract, and subject to the law of the place in which the worker works.
- The contract/terms & conditions are presented in full in clear and comprehensible language that all workers could be expected to understand.
- Workers have to sign a contract and/or give informed consent to terms of conditions upon signing up for the platform.
- The contracts/terms and conditions are easily accessible to workers in paper form, or via the app/platform interface at all times.
- Contracts/terms & conditions do not include clauses that revert prevailing legal frameworks in the respective countries.
- Platforms take adequate, responsible and ethical data protection and management measures, laid out in a documented policy.

### 3.2 - Ensures that no unfair contract terms are imposed (one additional point)

In some cases, especially under ‘independent contractor’ classifications, workers carry a disproportionate amount of risk for engaging in a contract with the service user. They may be liable for any damage arising in the course of their work, and they may be prevented by unfair clauses from seeking legal redress for grievances. To achieve this point, platforms must demonstrate that risks and liability of engaging in the work is shared between parties.

Regardless of how the contractual status of the worker is classified, the platform must satisfy ALL of the following:

- Every worker is notified of proposed changes in clear and understandable language within a reasonable timeframe before changes come into effect; and the changes should not reverse existing accrued benefits and reasonable expectations on which workers have relied.
- The contract/terms and conditions neither include clauses which exclude liability for negligence nor unreasonably

exempt the platform from liability for working conditions. The platform takes appropriate steps to ensure that the contract does not include clauses which prevent workers from effectively seeking redress for grievances which arise from the working relationship.

- In case platform labour is mediated by subcontractors: The platform implements a reliable mechanism to monitor and ensure that the subcontractor is living up to the standards expected from the platform itself regarding working conditions.
- In cases where there is dynamic pricing used for services, the data collected and calculations used to allocate payment must be transparent and documented in a form available to workers.

## Principle 4: Fair Management

### 4.1 - Provides due process for decisions affecting workers (one point)

Platform workers can experience arbitrary deactivation; being barred from accessing the platform without explanation, and potentially losing their income. Workers may be subject to other penalties or disciplinary decisions without the ability to contact the service user or the platform to challenge or appeal them if they believe they are unfair. To achieve this point, platforms must demonstrate an avenue for workers to meaningfully appeal disciplinary actions.

### The platform must satisfy ALL of the following:

- There is an easily accessible channel for workers to communicate with a human representative of the platform and to effectively solve problems. This channel is documented in the contract and available on the platform interface. Platforms should respond to workers within a reasonable timeframe. There is a process for workers to meaningfully and effectively appeal low ratings, non-payment, payment issues, deactivations, and other penalties and disciplinary actions. This process is documented in a contract and available on the platform interface.<sup>54</sup>
- In the case of deactivations, the appeals process must be available to workers who no longer have access to the platform.
- Workers are not disadvantaged for voicing concerns or appealing disciplinary actions.



## 4.2 - Provides equity in the management process (one additional point)

The majority of platforms do not actively discriminate against particular groups of workers. However, they may inadvertently exacerbate already existing inequalities in their design and management. For example, there is a lot of gender segregation between different types of platform work. To achieve this point, platforms must show not only that they have policies against discrimination, but also that they seek to remove barriers for disadvantaged groups, and promote inclusion.

### Platforms must satisfy ALL of the following:

- The platform has an effective anti-discrimination policy laying out a clear process for reporting, correcting and penalising discrimination of workers on the platform on grounds such as race, social origin, caste, ethnicity, nationality, gender, sex, gender identity and expression, sexual orientation, disability, religion or belief, age or any other status.<sup>55</sup>
- The platform has measures in place to promote diversity, equality and inclusion on the platform. It takes practical measures to promote equality of opportunity for workers from disadvantaged groups, including reasonable accommodation for pregnancy, disability, and religion or belief.
- Where persons from a disadvantaged group (such as women) are significantly under-represented among a pool of workers, it seeks to identify and remove barriers to access by persons from that group.
- If algorithms are used to determine access to work or remuneration or the type of work and pay scales available to workers seeking to use the platform, these are transparent and do not result in inequitable outcomes for workers from historically or currently disadvantaged groups.
- It has mechanisms to reduce the risk of users discriminating against workers from disadvantaged groups in accessing and carrying out work.

## Principle 5: Fair Representation

### 5.1 - Assures freedom of association and the expression of worker voice (one point)

Freedom of association is a fundamental right for all workers, and enshrined in the constitution of the

International Labour Organisation, and the Universal Declaration of Human Rights. The right for workers to organise, collectively express their wishes – and importantly – be listened to, is an important prerequisite for fair working conditions. However, rates of organisation amongst platform workers remain low. To achieve this point, platforms must ensure that the conditions are in place to encourage the expression of collective worker voice.

### Platforms must satisfy ALL of the following:

- There is a documented mechanism<sup>56</sup> for the expression of collective worker voice that allows ALL workers, regardless of employment status, to participate without risks.
- There is a formal, written statement of willingness to recognise, and bargain with, a collective, independent body of workers or trade union, that is clearly communicated to all workers, and available on the platform interface.<sup>57</sup>
- Freedom of association is not inhibited, and workers are not disadvantaged in any way for communicating their concerns, wishes and demands to the platform, or expressing willingness to form independent collective bodies of representation.<sup>58</sup>

### 5.2 - Supports democratic governance (one additional point)

While rates of organisation remain low, platform workers' associations are emerging in many sectors and countries. We are also seeing a growing number of cooperative worker-owned platforms. To realise fair representation, workers must have a say in the conditions of their work. This could be through a democratically governed cooperative model, a formally recognised union, or the ability to undertake collective bargaining with the platform.

### The platform must satisfy at least ONE of the following:

1. Workers play a meaningful role in governing it.
2. In a written document available at all times on the platform interface, the platform publicly and formally recognises an independent collective body of workers, an elected works council, or trade union. This recognition is not exclusive and, when the legal framework allows, the platform should recognise any significant collective body seeking representation.<sup>59</sup>

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## ENDNOTES

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45. Work-related costs include direct costs the worker may incur in performing the job. This may include, for instance, transport in between jobs, supplies, vehicle repair and maintenance, fuel, road tolls and vehicle insurance. However, it does not include transport to and from the job (unless in-between tasks) nor taxes, social security contributions or health insurance.
46. The ILO defines minimum wage as the "minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract." Minimum wage laws protect workers from unduly low pay and help them attain a minimum standard of living. The ILO's Minimum Wage Fixing Convention, 1970 C135 sets the conditions and requirements of establishing minimum wages and calls upon all ratifying countries to act in accordance. Minimum wage laws exist in more than 90 per cent of the ILO member states.
47. In addition to direct working hours where workers are completing tasks, workers also spend time performing unpaid activities necessary for their work, such as waiting for delivery orders at restaurants and travelling between jobs and undertaking mandatory training (i.e., training activities that must be completed for workers to continue accessing work on the platform). These indirect working hours are also considered part of active hours as workers are giving this time to the platform. Thus, 'active hours' are defined as including both direct and indirect working hours.
48. In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local minimum wage after costs in their active hours; or (b) provide summary statistics of transaction and cost.
49. Where a living wage does not exist, Fairwork will use the Global Living Wage Coalition's Anker Methodology to estimate one.
50. In order to evidence this, where the platform is responsible for paying workers the platform must either: (a) have a documented policy that ensures the workers receive at least the local living wage after costs in their active hours; or (b) provide summary statistics of transaction and cost data evidencing all workers earn a minimum wage after costs.
51. The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."
52. The ILO recognises health and safety at work as a fundamental right. Where the platform directly engages the worker, the starting point is the ILO's Occupational Safety and Health Convention, 1981 (C155). This stipulates that employers shall be required "so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health", and that "where necessary, adequate protective clothing and protective equipment [should be provided] to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health."
53. The ILO's Maritime Labour Convention, 2006 (MLC 2006), Reg. 2.1, and the Domestic Workers Convention, 2011 (C189), Articles 7 and 15, serve as helpful guiding examples of adequate provisions in workers' terms and conditions, as well as worker access to those terms and conditions.
54. Workers should have the option of escalating grievances that have not been satisfactorily addressed and, in the case of automated decisions, should have the option of escalating it for human mediation.
55. In accordance with the ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and applicable national law.
56. A mechanism for the expression of collective worker voice will allow workers to participate in the setting of agendas so as to be able to table issues that most concern them. This mechanism can be in physical or virtual form (e.g. online meetings) and should involve meaningful interaction (e.g. not surveys). It should also allow for ALL

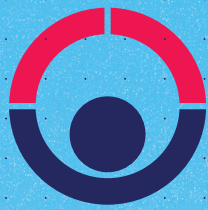
workers to participate in regular meetings with the management.

57. For example, “[the platform] will support any effort by its workers to collectively organise or form a trade union. Collective bargaining through trade unions can often bring about more favourable working conditions.”
58. See the ILO’s Freedom of Association and Protection of the Right to Organise Convention, 1948 (C087), which stipulates that “workers and employers, without distinction, shall have the right to establish and join organisations of their own choosing without previous authorisation” (Article 2); “the public authorities shall refrain from any interference which would restrict the right or impede the lawful exercise thereof” (Article 3) and that “workers’ and employers’ organisations shall not be liable to be dissolved or suspended by administrative authority” (Article 4). Similarly the ILO’s Right to Organise and Collective Bargaining Convention, 1949 (C098) protects the

workers against acts of anti-union discrimination in respect of their employment, explaining that not joining a union or relinquishing trade union membership cannot be made a condition of employment or cause for dismissal. Out of the 185 ILO member states, currently 155 ratified C087 and 167 ratified C098.

59. If workers choose to seek representation from an independent collective body of workers or union that is not readily recognized by the platform, the platform should then be open to adopt multiple channels of representation, when the legal framework allows, or seek ways to implement workers’ queries to its communication with the existing representative body.





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