

Taming Platform Capitalism

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‘Platforms are, in a sense, capitalism distilled to its essence. They are proudly experimental and maximally consequential, prone to creating externalities and especially disinclined to address or even acknowledge what happens beyond their rising walls’

- Herrman (2017)

DELETE WHICHEVER IS NOT APPLICABLE

- 1) REPORTABLE: YES/NO.
- 2) OF INTEREST TO OTHER JUDGES: YES/NO.
- 3) REVISED.

2018-01-12
DATE

[Signature]
SIGNATURE



THE LABOUR COURT OF SOUTH AFRICA, CAPE TOWN

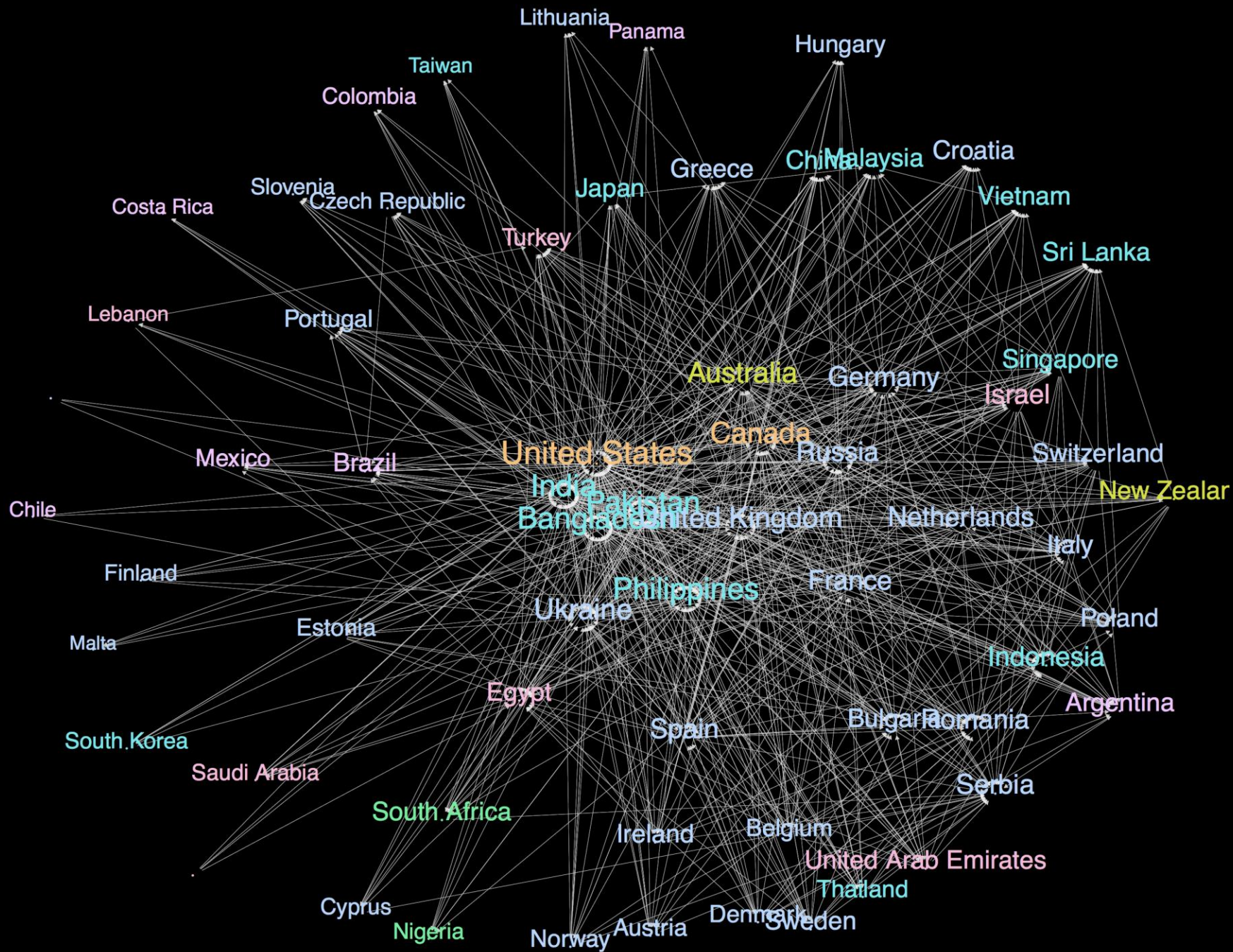
JUDGMENT

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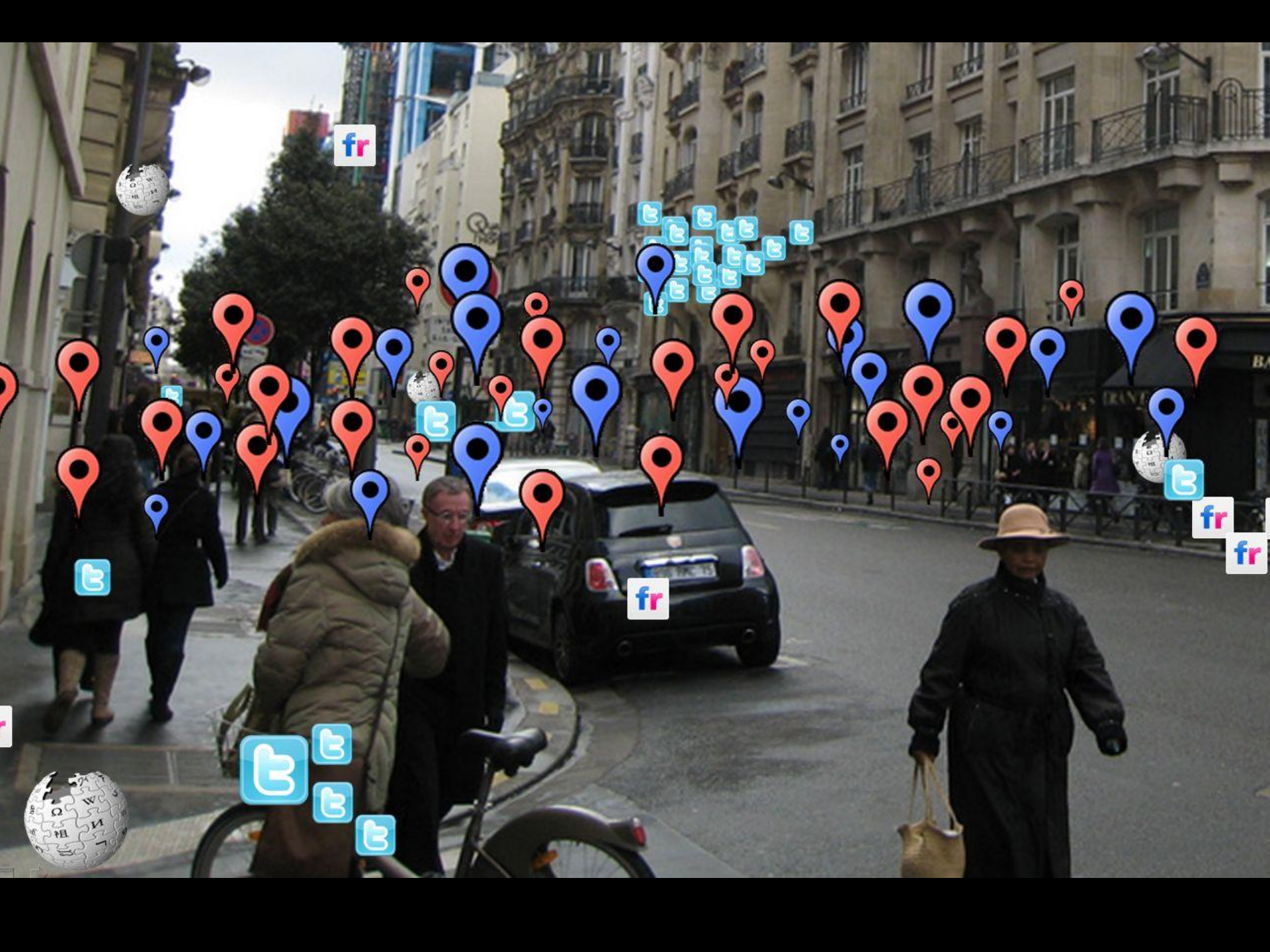
Case no: C 449/17

In the matter between:

UBER SOUTH AFRICA TECHNOLOGY



[illegible]



Conjunctural geographies

Spatial reach

Extra-territoriality

Ephemerality

Decentralisation

Discursive constructions



A Critical Introduction

Jamie Woodcock • Mark Graham



Striking Uber drivers in Johannesburg

“Uber, the world’s largest taxi company, owns no vehicles. Facebook, the world’s most popular media owner, creates no content. Alibaba, the most valuable retailer, has no inventory. And Airbnb, the world’s largest accommodation provider, owns no real estate.”

- Goodwin (2015)



Fairwork

<http://fair.work> | [@towardsfairwork](https://twitter.com/towardsfairwork)

- Co-develop a set of fair work principles.
- Carry out research to evaluate platforms against those principles.
- Score Platforms.
- Change working conditions.
- Launch in India, South Africa, Germany, UK



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RICHARD HEEKS



BALAJI PARTHASARATHY



DARCY DU TOIT



JEAN-PAUL VAN BELLE



ABIGAIL OSIKI



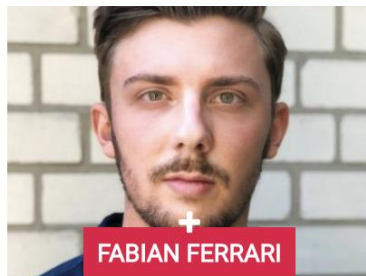
MOUNIKA NEERUKONDA



NOOPUR RAVAL



PRADYUMNA TADURI



FABIAN FERRARI



SAI ENGLERT



ADAM BADGER



MAREN BORKERT



SRUJANA KATTA

Sponsors



Partners



ETI	SA8000	Heeks	Frankfurt	Faircrowd work	Testbird	Fairwork	Fairwork Principles
Living Wages	Living wage	Adequate Earnings	Minimum wage	Pay and non-payment	Fair payment	Minimum wage; Regulation of non-payment; Pay terms	Pay
Employment freely chosen; Working hours are not excessive; Working conditions are safe and hygienic	No child, forced, or compulsory labour; Limits on working hours/days; Safe and healthy working environment	Employment Opportunities; Career Development; Work Process; Working Hours; Health & Safety		Experiences with technology; Quality and availability of tasks	Motivating and good work; Clear tasks and reasonable timing; Freedom and Flexibility	Information about work; Psychologically stressful or damaging tasks	Conditions
Regular employment is provided		Social Protections; Other Legislation and Rights; Stability of Work; Employment Status	Comply with laws; Clarify employment status; Social protection	Changes to Terms and Conditions; Warranty	Tasks in conformance with the law; Clarification on legal situations	Compliance with relevant laws; Non-competition agreements; Non-disclosure agreements	Contracts
				Contact with employers; Contact with workers; Communication	Constructive feedback and open communication	Communication	Communication
No discrimination is practiced; No harsh or inhuman treatment is allowed	No discrimination; No abusive disciplinary practices	Discrimination; Respect, Privacy and Dispute Resolution	Dispute resolution	Reviews, ratings, and evaluations	Respectful interaction; Regulated approval process and rework	Contestation of work evaluations or qualifications; Account deactivation; review of task instructions	Management
Code through supply chain, reporting	SA8000 management system	Platform Governance; Accountability	transparency				Governance
					Data protection and privacy	Access to collected data	Use of Data
Freedom of association and right to collective bargaining	Freedom of association and right to collective bargaining	Freedom of Association; Social Dialogue/ Collective Bargaining	Collective bargaining			Collective representation and bargaining	Representation





Pay - levels of pay and fair terms, including that workers' costs are met
Conditions - clear, safe, and regular employment
Contracts - compliance with the law, including whether contract status reflects the employment relationship
Equality - a cross-cutting principle ensuring there is no discrimination
Communication - clear line of communication between workers, platform, and client
Management - consistent disciplinary practices, particularly "deactivations"
Governance - accountable and transparent platform-wide decision-making
Use of Data - workers need to give consent, have access and control over data
Representation - worker voice, including dispute resolution, collective bargaining, and free association

PERSON PRINCIPLE IS SOKRAHA
1. ANYTHING MISSING?
(or to add)
2. THREE "DO" - (bottom)
(and why)

WIFI
Jozihub5m
Jozihub#

jozihub⁺
START
HERE

THE
MOVEMENT



Methods

- Worker interviews (6-10 per platform x 18 platforms)
- Desk research
- Platform interviews

Methods

- Difference between a '0' and a '1' score
- Allows us to rate platforms who don't participate





Fair Pay

- 1.1 Pays at least the local minimum wage.
- 1.2 Pays the local minimum wage, including costs.

“Workers earn above the minimum hourly wage in South Africa.”



Fair Conditions

- 2.1 Mitigates task-specific risks
- 2.2 Actively improves working conditions

“There are policies to minimise the risks to workers while at a client’s location, as well as a reporting process.”



Fair Contracts

- 3.1 Clear terms and conditions are available
- 3.2 Genuinely reflects the nature of the relationship

“The terms and conditions are clear and accessible to workers through the app..”



Fair Management

- 4.1 Provides due process for decisions affecting workers
- 4.2 Evidence of equality and/or informed consent for data collection

“There is a process through which workers can communicate with the platform and raise issues. In the event of the contract being terminated, the platform interface is still available for appeal.”



Fair Representation

5.1 Includes freedom of association and worker voice mechanism

5.2 Recognises collective body that could undertake collective representation and bargaining

“The platform supports the development of a workers’ organisation that could collectively bargain and provide representation.”











Results (South Africa)

PLATFORM	SCORE
NoSweat	8
Bottles	7
SweepSouth	7
Nomad Now	7
Picup	5
Uber	5
Bolt (Taxify)	4
Domestly	4
Uber Eats	3
Wumdrop	2

Results (India)

PLATFORM	SCORE
Flipkart	7
Dunzo	5
Bigbasket	5
Zomato	4
Swiggy	4
UrbanClap	4
Housejoy	4
Rapido	3
Uber Eats	3
Uber	2
Ola	2
Foodpanda	2

Results – Individual platform pages

NoSweat			 Achieved
			 Not Achieved / Insufficient Data
Pay	1.1	Pays at least the local minimum wage	
	1.2	Pays the local minimum wage, including costs.	
Conditions	2.1	Mitigates task-specific risks	
	2.2	Actively improves working conditions	
Contracts	3.1	Clear terms and conditions are available	
	3.2	Genuinely reflects the nature of the relationship	
Management	4.1	Provides due process for decisions affecting workers	
	4.2	Evidence of equity and/or informed consent for data collection	
Representation	5.1	Includes freedom of association and worker voice mechanism	
	5.2	Recognises body that can undertake collective representation/bargaining	

Find out more about the ten [Fairwork Foundation standards](#).

Total:



Further details

1.1 - Pays at least the local minimum wage

Workers on the platform are paid hourly rates. There is evidence of a documented policy for a minimum hourly wage that is in excess of the minimum wage in South Africa.

Release

- Platforms that represent >1500000 workers in India and South Africa
- 86000 Twitter impressions
- 7500 website views from 77 countries
- Press in 18 media outlets
- We authored three op-eds (South Africa, Germany, and UK)
- South African radio



[TOP STORIES](#)[SHOPPING GUIDES](#)[SPECIALS](#)[CONTESTS](#)[SIGN UP](#)[HOME](#) > [TOP STORIES](#) > FAIRWORK FOUNDATION RANKS FLIPKART TOP 'FAIR WORK' EMPLOYER IN INDIA

FAIRWORK FOUNDATION RANKS FLIPKART TOP 'FAIR WORK' EMPLOYER IN INDIA

[TEAM FLIPKART STORIES](#) | MARCH 26, 2019

The UK-based FairWork Foundation, supported by The Oxford Internet Institute, has published its first report on India based on a study on 'fair work' in the gig economy. Flipkart has topped the rankings, which includes other players operating in the gig economy space in India such as BigBasket, Zomato and Uber.

https://nosweat.work/fairwork_foundation

No
Sweat
Work

[HIRE PEOPLE](#) ▾[GET WORK](#) ▾[CONTACT](#)[HELP CENTRE](#) ▾[GET STA](#)

Fairwork Foundation

The Fairwork Foundation is a project that is working to set and measure standards in the platform economy.

- Certification

To create a certification scheme, to attest where core labour standards are being adhered to in the platform economy.

- Ethical Choices

To reduce the information asymmetry between workers, firms and consumers – so that end-users have the ability to make informed, ethical choices about the digital products they buy.

- Working Conditions

To improve the working conditions of people employed in the digital gig economy, and encourage firms to monitor and improve their production networks.

Proudly rated



08/10

on Fairwork Foundation

thank you

Mark Graham

www.markgraham.space

www.fair.work

@geoplace

Selected reference:

- Graham, M. and Woodcock, J. 2018. Towards a Fairer Platform Economy: Introducing the Fairwork Foundation. *Alternate Routes*. 29. 242-253.

For additional sources please see:

- <http://www.markgraham.space/publications>