

Voice and representation for ridehailing drivers in sub-Saharan Africa: Pathways for trade union revitalization?

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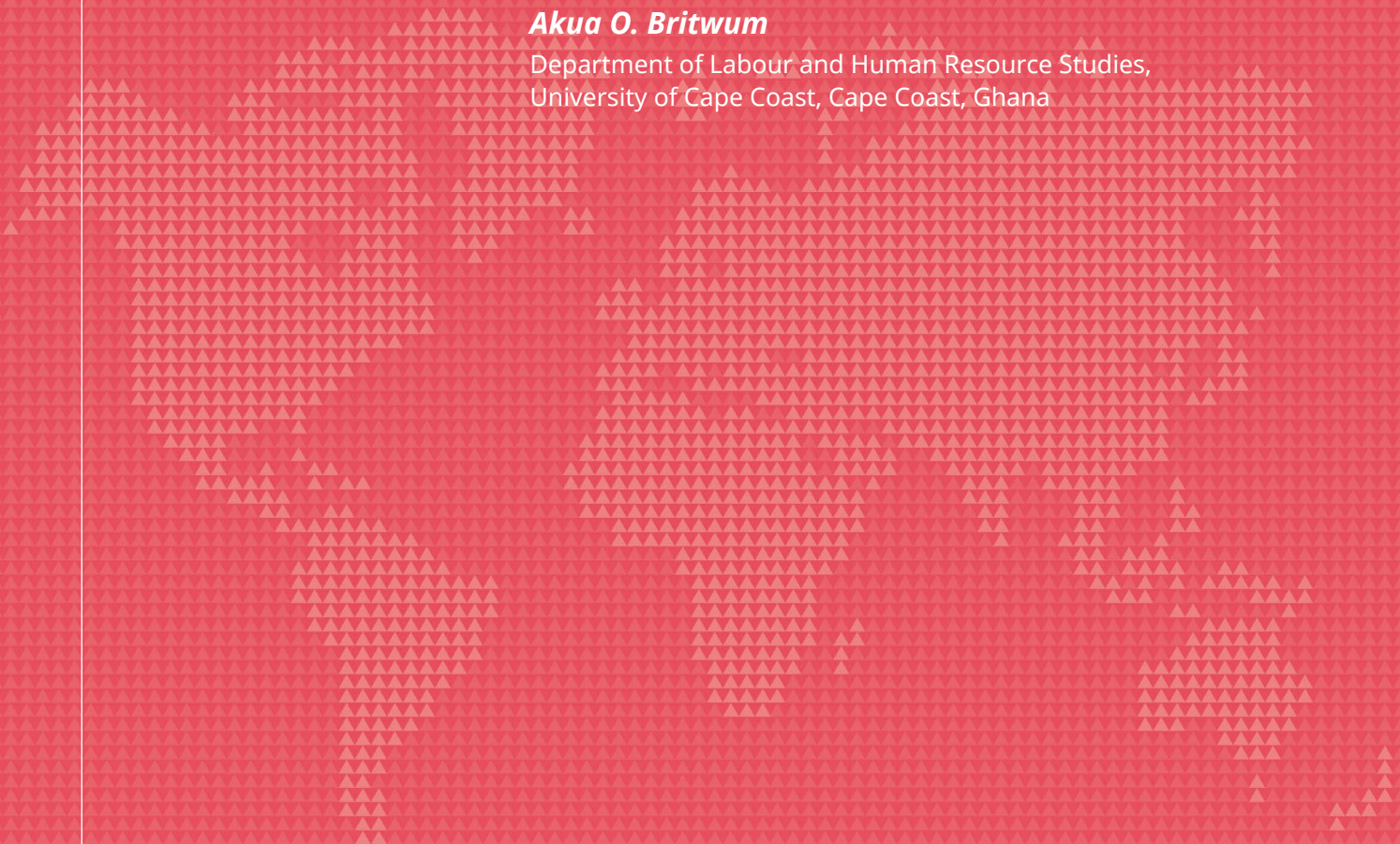
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Introduction

As organizations with the mandate of representing all workers, trade unions are challenged on two fronts. First is the challenge of fulfilling their traditional responsibility towards new categories of workers, who are often in precarious forms of work and unrepresented or under-represented. Such workers include migrant workers, informal economy workers and platform workers. Platform workers, in particular, stand out, because a distinct feature of the contemporary labour is its increased dependence on the use of the internet. This is supported by app-mediated and crowdworking websites; hence the growth of the platform economy. Platform work has arisen from the global digitalization of economies and is creating new forms of work opportunities for youth, women and the disabled, especially in developing countries with weak economies (De Groen et al. 2017; Graham, Hjorth, and Lehdonvirta 2017; Vallas 2019). Nevertheless, platform work has come under attack for intensifying the vulnerabilities of the workers. Platform workers belong to a broader group of non-standard workers – especially in the global South – whose work is characterized by a decline in (formerly secure) standard employment and a rise in informality, irregular work schedules and the absence of employment and social security (Anderson and Huffman 2021; Britwum 2019; Vallas 2019). While this development underscores the need for voice and representation, it also challenges the traditional ways of organizing workers for interest representation, because of ambiguities about their employment status. In most cases, the configuration of platform work evades the existing regulatory framework for protecting workers (Rani and Furrer 2020). In addition, the dispersion of online workers across national borders, especially for globally operating service platforms such as Upwork, inhibits mobilization and undermines national trade union efforts and national legislation cover.

Second, trade unions are faced with an existential challenge occasioned by the constant altering of the global labour markets. For example, increasing levels of deindustrialization, the rise of non-standard and flexible work through subcontracting and outsourcing by the global North and the growth of the informal economy in the global South have meant a constant reduction in union density rates in almost every nation in the world. The devastating effects of the limited coverage include loss of union influence over the past few decades. Also, the insecurity that has come to define work in the twenty-first century undermines the regulatory regimes that trade unions have utilized to organize and regulate labour markets and employment relationships. These factors, coupled with internal governance crises, have caused some to predict that trade unions have outlived their usefulness and are on their way to extinction (Andrae and Beckman 1998). However, instead of sounding the death knell for trade unions, Visser (2019) predicts four potential outcomes for them, one of which is revitalization. With reference to the membership of the International Trade Union Confederation, amounting to 207.5 million in 331 affiliated federations in 163 countries and territories, he concludes that trade unions are still among the largest voluntary organizations worldwide – a fact that is hardly suggestive of outright extinction in the future.

Thus, while revitalization remains a prospect for trade unions, platform workers need protection. Recognition of the representational gap among platform workers has given rise to self-organizing by platform workers as well as the emergence of new players and non-conventional strategies for interest representation. This unfolding situation raises questions of sustainability and political efficacy, which has the potential to claim rights for the vulnerable workers these organizations seek to represent. Most importantly, however, there is a dearth of knowledge on the evolving pathways taken by the emerging actors and their potential for revitalizing the trade union movement in Africa. This paper therefore seeks to answer the following questions. Which other players apart from trade unions are emerging to represent platform workers? Which strategies are such players using? What are some trade union responses? And what are the potential pathways for revitalization?

The paper is structured in seven sections, including this introduction. Section 2 provides a context for the paper. In section 3, we discuss the state of the literature on the organization of platform workers and expositions of the future of trade unions. A brief description of the method is presented in section 4. This is followed by presentation and discussion of the findings on Ghana, Kenya, Nigeria and South Africa in sections 5 and 6. The seventh and final section presents conclusions and reflections on these findings.

Context

Uber is the first ridehailing platform to penetrate the African market, and it still holds the largest market share in many countries. According to Smit et al. (2019), over 4.8 million African workers earned a living via digital platforms in 2019, and this figure is expected to grow as the continent's internet availability improves dramatically. The growth of the ridehailing sector in Africa has been attributed to an increase in population, increased demand for platform taxis by the rising middle class who can afford them, the convenience the ridehailing sector offers as a way of coping with the poorly managed public transportation systems, and the provision of jobs in a labour market with high unemployment rates, especially among young people (Wamai 2021).

In Ghana, the use of mobile phones to access the internet has facilitated the spread of the platform economy. According to Smit et al. (2019), Ghana has about 63 digital platforms operating in the transport, hospitality, trading, agriculture and health sectors. Smit et al. explain that most of these platforms are home-grown, while some have African origins, and others have Asian, Chinese, European or American origins. They consist of platforms used for shopping, making restaurant orders, using courier and logistics services and renting accommodation. The largest and most prominent ridehailing platforms in the transport sector are Uber, Bolt, Yango, Dropping, Swift Wheels, and Fenix. Uber began operating in Ghana in June 2016, mainly in Accra, the capital city, and has remained the market leader in the country.

The ridehailing sector started in Kenya with the launch of Uber in June 2015. Other ridehailing platforms in Kenya include Little Cab, An-Nisa Cabs, Mondo Ride (Mare, Chiumbu, and Mpofu 2020), and Bold (formerly Taxify) and Wasili (Anwar, Otieno, and Stein 2022). However, Uber and Bolt are the dominant platforms there. Little Cabs was launched in July 2016 from a partnership between Safaricom, the largest telecommunications operator in Kenya, and Craft Silicon, a local software firm (Dube 2016). In January 2020, Uber had over 6,000 active partner drivers, who offered 47 million rides covering 460 million kilometres (Lukhanyu 2020).

Nigeria has experienced rapid growth in the ridehailing market, becoming one of Africa's largest markets (Muttaqa 2021). The ridehailing sector started in 2014, with Uber being the first ridehailing company to launch in Lagos (Meagher 2018), followed by Taxify, now Bolt, in 2016. Bolt and Uber together continue to have the most significant market share of the ridehailing sector in Nigeria, with a presence in cities such as Lagos, Abuja and Abeokuta, among others (Muttaqa 2021). The platform ecosystem in Nigeria is large, with 21 ridehailing platforms operating by 2019, outdone only by Kenya in terms of the number of operators in a single market. Locally built platforms include GIGM, ORide, Pamdrive, PlentyWaka and OgaTaxi.

Controlling the operations of the digital capital market and its labour market is a huge challenge for African governments. According to Gramano (2020), several countries have yet to adopt governing norms and regulations for digital marketplaces, which are used by the vast majority of their population and add to an already unsolved labour market dilemma for African nations. In all these African countries, legislative instruments and policies are not fully in place. For example, the Ministry of Transportation in Nigeria has developed draft regulations on operational guidelines for ridehailing providers that were intended to come into effect on 1 March 2020, but have not yet taken effect at the time of writing this article, as negotiations are still ongoing (Muttaqa 2021). The draft regulation on the Traffic (Digital Hailing Service) Rules, 2020, is still before the Senate in Kenya, waiting for adoption. Ghana is far behind in this regard. The only way to get state protection is for platform workers to make a concerted effort to call attention to their working circumstances and demand that their Government live up to its obligations. This requires them to organize for interest representation.

South Africa was the first country on the continent in which Uber was launched (Anwar, Otieno, and Stein 2022). Other ridehailing platforms include Hailer, Uber, Taxify, Zebra Cabs and Bolt. Uber, which entered the market in 2013 (Dube 2016), is estimated to have 13,000 active drivers (Anwar, Otieno, and Stein 2022). Taxify entered the market in 2015 and re-launched its brand as Bolt in April 2016 to access a broader market. In 2016, Zebra Cabs, an existing metered taxi company, adopted electronic taxi hailing technology to launch the Zebra Cabs app, a direct rival to Uber.

Platform workers' organizing and the future of trade unions

A common definition of the platform economy is the use of online digital platforms or applications to deliver both tangible and intangible goods and services (Anwar and Graham 2019; Schmidt 2017). According to the ILO (2016), the platform economy includes a capital market where commodities and services are offered, as well as a labour market for labour services, also known as the digital labour platform. Web-based platforms that outsource work to a geographically distributed crowd ("crowdwork") and location-based programmes that assign work to persons in a specific geographical area are examples of digital labour platforms. Platform work, according to Prassl and Risak (2016), involves bringing owners, users and workers together in a digital space where they build complex virtual relationships. Running contracts are often predetermined by the owners and embedded into the operating software, resulting in an inequitable working relationship. Payment methods and working conditions are thus dictated by the application. Platform labour is characteristically informal, with irregular work hours and a lack of employment security and social security, raising concerns about digital employees' job status and ability to defend their working rights (Britwum 2019).

Much of the discourse on platform workers' organizing focuses on the factors inhibiting it. To begin with, it appears that accessing employment online and working digitally isolate and disperse workers. This circumstance raises doubts about the effectiveness of the usual trade union techniques for reaching out to workers. Also, the varying degrees of ambiguity concerning platform workers' employment status are restricting in the sense that they deprive workers of any entitlements from platform operators, who would otherwise pass as employers. Dølvik and Jesnes (2017) report that direct control by clients further blurs the exploitative interactions between platform operators. Such ambiguities further limit the use of legal instruments to defend workers' rights. Thus, the protection afforded by labour laws is not accessible to platform workers (Fabo et al. 2017; Daus 2012). Furthermore, in many countries, independent or self-employed workers engaging in collective bargaining to achieve higher wages are considered to be colluding and price-setting under competition law, which impedes platform workers' collective action. Regardless of these inhibitions, platform workers do self-organize in response to their work-related vulnerabilities. Their efforts, however, have hardly gone beyond effective mobilization and the provision of welfare support to members – what Vandaele (2018) calls mere membership logic. Their level of organization may not be sufficient to allow them to fight for their rights in the manner of official labour unions (Johnston and Land-Kazlauskas 2019). This has forced some self-organized platform workers to seek affiliation with trade unions.

The readiness, willingness and ability of trade unions in Africa to fill the representational gap of non-standard workers such as platform workers have attracted many labour researchers; for some, this remains a strategic solution to trade union survival. For instance, Akorsu and Britwum (2018) have indicated that trade union survival is dependent on their

innovative response to organizing and servicing the unorganized and under-represented workers. The ILO (2016) has already noted the existence of various trade unions' attempts to engage platform workers to broaden representation and various union techniques. Three approaches emerge in respect of unions' efforts for the organizing of platform workers which, according to Johnston and Land-Kazlauskas (2019), consist of: (1) developing alliances and organizations, whose primary goal is to supply and enhance services to digital platform workers while also lobbying on their behalf; (2) employing legal techniques and provisions to overcome or correct the misclassification claimed by platform workers; and (3) advocating for regulatory and legal reforms and for a policy framework that promotes platform workers' collective bargaining rights and organization. This shows that, with the right design, a digital platform labour force may be used to support worker organization and representation and help workers to connect, collectivize and share information (Johnston and Land-Kazlauskas 2019).

The unions' efforts to organize digital employees are bolstered by their previous experience in organizing and representing people in non-traditional jobs. According to Pulignano, Gervasi, and de Franceschi (2015), most of the unions that lead the organization and representation of digital platform workers have a history of including non-standard workers in their ranks. Such unions have redesigned their internal representative procedures to make it easier for non-standard workers to join (Lamprey and Debrah, 2020). They have also devised new organizational techniques and cut costs to make it easier to extend membership to platform workers (Heery 2015; Simms, Holgate, and Heery 2012). This insight demonstrates that organizing platform workers is not an insurmountable challenge for the labour movement.

Although unions play a key role in contesting worker misclassification, most of such contestations have taken the form of class action lawsuits (ILO 2016; Daus 2012). Most of these lawsuits provide fertile ground for digital platform workers to collectively organize and bargain for social protection and other advantages that come with being classed as an employee (Griswold 2019). This has occasioned the emergence of lawyers as players in protecting workers. Associated with the platform workers' representational gap is the emergence of new players and mechanisms to produce and channel such voices. For a long while, trade unions have offered a solution to this, but now they find themselves competing and losing to alternatives which also offer their solutions. Furthermore, there have even been suggestions that trade unions may not always be advantageous to platform workers because the perceived benefits of unionization would not balance the risks of job loss (Anderson and Huffman 2021; Wood, Lehdonvirta, and Graham 2018) and/or because, in some cases, unions may be unsuitable matches for some issues. Under such circumstances, guilds have been shown to meet the needs of specific categories of workers and address their needs efficiently and more effectively.

The above discussions underscore the importance of highlighting the writing of Visser (2019) on the four possible futures for trade unions – marginalization, dualization, substitution and

revitalization. We find this a useful framework for analysing what the various responses to organizing by platform workers could mean for trade unions on the African continent. By marginalization, Visser refers to the possibility that trade unions may be relegated to playing only a minor role in representing workers because of low coverage, and may eventually be rendered irrelevant to workers altogether. The dualization future refers to the potential of trade unions to prioritize the needs of their few members at the expense of non-standard workers as a matter of necessity, although this would be detrimental to their “equal rights” ideals. The substitution future portrays the probability that trade unions will be replaced by other forms of social action and representation. According to Visser, this is different from marginalization, because it does not undermine worker representation. The fourth future Visser presents is revitalization which, according to him, does not necessarily mean a return to the past, but regaining trade unions’ vitality by doing things differently to reach the new unstable workforce in the digital economy with fewer resources.

Data sources and methodology

To achieve this paper’s objectives, four African countries, Ghana, Kenya, Nigeria and South Africa, were selected for the study. The authors’ interest in these countries is informed not only by their similarities, but also by their differences. Geographically, although these countries span West, East and Southern Africa, with unique cultural differences, they share similar historical experiences as former colonies and are victims of the post-colonial liberalization with the associated growth of digital platforms. However, most important for this paper are the labour responses to the negative effects of digital platforms in these countries. Next, a review of secondary sources was conducted. First, this provided an overview of the state of the literature, which is necessary for avoiding duplication and providing pointers to the conceptual focus of this paper. Second, the review served as the data source for the paper. Both published and unpublished written materials were analysed. These included books, journal articles, working papers, research reports and newspaper reports. Some positivists have critiqued document analysis on epistemological grounds as an unscientific criterion for understanding (Bryant 2000). However, secondary sources often serve as documentation of the results of scientific processes. For this study, a search was conducted using Elsevier’s Scopus citation database of peer-reviewed literature, in the interests of quality assurance. The inclusion criteria focused on the existence of scientifically obtained empirical evidence for the four countries of interest. The secondary sources used helped to ensure retrospective reflections, drawing relevance from past experiences, as suggested by Bowen (2009). The analytical technique used is content analysis, which is most suitable for textual data and allows for evaluative comparisons of materials with established goals (Stemler 2015).

The players representing platform workers in sub-Saharan Africa

Different national and international players are working to defend, advance and chart the rights of ridehailing workers. These include civil society organizations, law firms, trade unions, state institutions, employers and academia (see table below for examples). The emergence of legal firms as important players in the ridehailing space is occurring as part of the digital transformation. Notably, this new development is a response to the uniqueness of ridehailing, with its employment status contestations and the use of legal suits as a strategic tool. In respect of trade unions, this may seem to point to the substitution future predicted by Visser (2019), but we argue that this is not inevitable for two reasons. First, legal firms largely have a profit motive. Apart from International Lawyers Assisting Workers Network (ILAW), which offers legal aid pro bono, it is unclear whether other legal players would provide such assistance for long. Second, it is implausible that legal firms will move beyond misclassification contests to provide broader worker services and representation comparable to those provided by trade unions in terms of magnitude and resilience.

► Profile of players in the organizational stories of ridehailing drivers in Africa

Players	Actions
Drivers' self-organized associations	Mobilization and welfare support for members
National trade unions ► Trades Union Congress (TUC), Ghana ► Central Organization of Trade Unions (COTU-K), Kenya ► Nigeria Labour Congress (NLC), Nigeria ► Congress of South African Trade Unions (COSATU), South Africa	Alliances and affiliation status
Global trade unions ► International Transport Workers' Federation	Financial support to national unions for the support of the affiliated associations
International civil society organizations ► Solidarity Center ► Friedrich-Ebert-Stiftung ► Fairwork project ► International Lawyers Assisting Workers Network	Financial and technical support for research, strategic litigation advocacy and training
State institutions ► In Ghana: Driver and Vehicle Licensing Authority (DVLA), Accra Metropolitan Assembly (AMA), ministries of transport and of communication ► In South Africa: the Commission for Conciliation, Mediation and Arbitration (CCMA)	Legislative instruments and policies/ legislative protection

Players	Actions
Law firms ▶ Mbuyisa Moleele Attorneys, Johannesburg, South Africa ▶ Leigh Day, United Kingdom of Great Britain and Northern Ireland ▶ Olumide Babalola LP, Lagos, Nigeria¹	Provision of legal aid in lawsuits
Private businesses ▶ Insurance firms ▶ Financial institutions	Provision of health insurance for drivers and credit facilities to purchase vehicles

Granted, reports of legal suits concerning drivers' employment status anywhere in the world, regardless of the outcome, have been responsible for heightening the consciousness of ridehailing drivers and have provided fertile ground for their self-organizing into associations. Players such as finance and insurance companies are limited to supporting the associations in their membership provisioning agenda. So far, the data shows that players that have emerged to support ridehailing drivers in Africa are performing roles other than the traditional trade union role and, therefore, cannot replace trade unions.

The organizing strategies

The predominant strategies used by ridehailing drivers to organize and to claim rights are described below. The first four strategies describe the cumulative actions undertaken solely by the drivers to self-organize; they confirm the assertion that such grassroots associations tend to focus excessively on a membership logic or welfare provisioning (Vandaele 2018). However, contrary to the claim that this is often at the expense of deeper political action to claim rights, the last five strategies show traces of political action among drivers' associations, which are largely supported by trade unions.

- ▶ *Mobilizing*: Drivers in all four countries have used social media, specifically WhatsApp group platforms, as the strategic tool for mobilizing and facilitating group formation among the otherwise dispersed drivers (Akorsu et al. 2020; Anwar, Otieno, and Stein 2022). WhatsApp platforms have provided an easy, fast and cheap information-sharing avenue for the drivers.
- ▶ *Recognition*: In Ghana, registration – getting the association duly registered with the Ghana Registrar General's Department – is used by drivers as a strategic tool for recognition by the State (Akorsu et al. 2020). We also found that the National Union of Professional App-based Transport Workers in Nigeria sought recognition through registration.

¹ The law firm is handling a court of appeal case on *Oladayo Olatunji v. Uber Technologies & 2 Ors*. The case is supported by ILAW.

- ▶ *Commitment*: Akorsu et al. (2020) report how drivers in Ghana have used financial contributions as a strategic tool for fostering members' commitment to the grassroots associations. The logic is that drivers' financial investment will give them a greater stake in working towards its success.
- ▶ *Relevance*: Welfare provisioning is a strategic tool used by drivers to prove their relevance to the members. The exigencies of survival characteristic of ridehailing make immediate attention to welfare needs paramount, and these override other needs in the interim. For example, the use of the associations as a form of cooperative for car ownership is most appealing to drivers in Ghana. In South Africa, some associations have worked with external stakeholders, for example, insurance companies and finance institutions, that facilitate the provision of loans to drivers wishing to buy cars. According to the authors, these strategies ensure the relevance of the groups to the members and facilitate organizing (Akorsu et al. 2020; Heeks et al. 2021).
- ▶ *Litigation* has been used in three of the countries (not Ghana) as a tool for gaining political influence. Legal suits, with their great potential to offer institutional power to drivers, have mainly focused on their employment status and have been mixed in their outcomes. For example, a case against Uber in Kenya was filed by a public transport business and 33 individual Uber drivers. In Nigeria, there are two cases in court, one in the court of appeal filed by drivers against Uber and Bolt, while the other is filed by individual drivers and the National Union of Professional App-based Transport Workers. In South Africa, the case against Uber was filed by the South African Transport and Allied Workers Union, the National Union of Public Service and Allied Workers and individual drivers. Here we see a mix of driver initiatives and union action.
- ▶ *Union affiliation*: For drivers, this constitutes a critical strategic tool for gaining political influence. Drivers initiated the affiliation process based on the recognition that union affiliation will potentially offer them the political influence they require in advancing and protecting their rights. This is something drivers could not achieve on their own. The National Alliance of Digital Drivers Unions (NADDU) in Ghana is a registered union of ridehailing drivers affiliated to the TUC (Akorsu et al. 2020). The Transport and Allied Workers' Union (TAWU) of Kenya is a registered union affiliated with COTU-K and the International Transport Federation (Webster and Masikane 2021). The positive responses of the TUC and COTU-K in granting affiliation status to drivers' associations speak to the willingness and preparedness of African trade unions to either support or incorporate such non-standard workers into their union structures. This seems the most promising pathway for trade union revitalization.
- ▶ *Coalition formation* as a strategy to strengthen political influence has been observed since drivers witnessed how fragmentation undermines rights-claiming efforts. Wamai (2021) reports that on occasion, in Kenya, drivers were represented by three different associations and could not agree on which of them should sign a memorandum of understanding; they eventually agreed to sign under the unregistered name of Digital Taxi Forum. In Ghana, NADDU was formed from 16 associations, following

recommendations from the TUC; efforts to create a transnational body are under way (Akorsu et al. 2020; Fairwork 2021). While coalitions of drivers' associations contribute to seamless affiliation to trade unions, they can also threaten trade union revitalization when they grow into strong independent organizations; hence the possibility of the substitution future that Visser (2019) predicts.

- ▶ *Strike action:* Drivers have been used in all four countries to gain influence through public attention. For example, in Ghana, ridehailing drivers in Takoradi have embarked on two-day strikes to fight for improved working conditions and pay (Marfo 2021). Anwar, Otieno, and Stein (2022) report strikes in Kenya and South Africa, which led to an increase in fares as requested by the drivers. Nigerian drivers have resorted to strike action against other discriminatory policies, such as the new legislation policies that restrict the age of cars that can be used for ridehailing and require already active drivers to pay for new permits to drive on Uber (Anwar, Otieno, and Stein 2022). Wamai (2021) reports an 11-day strike organized by the Digital Taxi Association of Kenya, the Public Transport Operators Union and Ride Share SACCO in Kenya. Generally, though, the protests have not been successful in terms of rights-claiming, but have given publicity to the workers' concerns and jolted the Government into starting some policy discussions on protecting these workers. This shows that using the traditional trade union strategy of strikes alone will not suffice for rights-claiming: trade union interventions are still needed.
- ▶ *Social dialogue* has been identified as essential in getting workers' demands met. For instance, in Kenya, a memorandum of understanding was concluded between platform workers and Uber Kenya in 2018 before the Ministry of Labour. This led to the creation of Digital Taxi Forum as a united mouthpiece for ridehailing drivers. In Ghana, through dialogue between drivers, and later with the support of the TUC, the payment of an additional levy to the Driver and Vehicle Licensing Authority was curtailed (Akorsu et al. 2020). Here it can be said that trade unions are needed if such bilateral dialogues are to progress to tripartite ones.

Reflections and conclusion

Much of the organizing among ridehailing drivers begins with drivers' self-mobilization and the deployment of different tools in pursuance of specific goals of group maintenance and cohesion – a membership logic. This membership logic cannot be isolated from a wider process of political influence, because of its cumulative effect. Thus, one observes a movement towards an influence logic and the deployment of distinct strategies to evoke political influence. Within this logic, affiliation with traditional trade unions has found its relevance, flagging trade unions as the most viable player in all the four countries. If this review has revealed anything of interest to trade unions, it is the fact that organizing among ridehailing drivers has opened up an offer of membership of trade unions – an offer driven by the drivers' need for the political influence that trade unions have provided over the years. Although the organizing strategies presented in this paper are mostly initiated at

the grassroots level by the drivers, they provide pathways through which trade unions can support and formalize workers' collective action in platforms to their benefit. African trade unions, judging from our review, have demonstrated by their willingness to grant affiliation status to drivers' associations that they are well aware of the most viable pathway and are poised for revitalization. We, therefore, recommend harmonization of collective efforts and expansive democracy that resonates with the drive towards advocating "with" workers, not just "for" support for all workers, especially vulnerable platform workers. Practically, the affiliation pathway suggested in this paper will, we hope, contribute to the openness of trade unions towards inclusive structures that provide a platform where concerted collective efforts for such a transformation can take place. Such a transformation, we insist, is necessary for trade union revitalization on the continent.

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