



FRANCIS ATWOLI,
SECRETARY GENERAL
AT COTU (K)

Uber drivers, other workers in the gig economy deserve better

With the advent of Covid-19, the world of work has been severely disrupted and the future of work is changing now more than ever. For many, Covid-19 did not bring about the changes in the world of work but acted as a catalyst to these changes that had been long anticipated and ignored.

Today, digital platforms have complicated the heretofore 'informal economy quagmire' by transforming work, providing jobs and disrupting labour relations between tripartite social partners as provided in the International Labour Organisation (ILO) Convention 144 of 1976. However, away from the transformations of work, the growth of the gig economy is raising concerns in regards to Sustainable Development Goal 8 on the decent work agenda.

Open Research Europe, in a study, indicates that there are about 166 million freelance profiles registered in online labour platforms. Around 19 million have been able to secure work through these platforms. In 2019, a study titled, 'An assessment of the current state and future outlook of the gig economy in Kenya' indicated that the size of the gig economy in the country was \$109 million (over Sh12.3 billion) and that this sector had employed about 36,573 workers.

And with the growth of the gig economy, workers on these platforms continue to be exploited. Understandably, at the core of many business models is profits while at the periphery are workers and their rights. This was the case between 1751-1800 during the industrial revolution. The gig economy has made matters worse. For this reason, trade unions come in handy as they are known to advocate for the rights and welfare of workers.

For instance, the labour movement in the UK has since pushed for the reclassification of Uber drivers as "workers" and not "self-employed" as Uber had classified them. This follows a recent landmark ruling by the UK Supreme Court which has made Uber to reclassify about 70,000 Uber drivers, thus entitling them to a minimum wage of about \$13 (Sh 1,476) per hour of trips made.

In Kenya, the majority of the workers in the gig economy are within transport, hospitality, telecommunication and education sectors. As the next phase of Kenya's economic development is to formalise the informal sector, which is estimated to have about 80 per cent of Kenya's total workforce, Cotu is at the front-



business for Uber. This came with a lot of challenges.

First, Uber drivers, in Kenya and abroad, have on several occasions protested against the terms and conditions of service. The current terms, which categorise Uber drivers as self-employed, means that, unlike other workers covered in the Employment Act of Kenya 2007, they are not entitled to a basic salary, leave days, bargaining the prices of trips, social protection, deciding the hours of work and also their occupational health and safety is not guaranteed.

Equally, their labour rights, as recommended in the various International Labour Standards as provided by ILO and as in Article 41 of the Kenyan constitution have been curtailed considering that they are restricted from forming or joining trade unions.

However, other countries have moved past these challenges to secure the rights and wel-

fare of Uber workers and other gig economy workers. For instance, Uber drivers in Uruguay have social security while in Argentina the drivers are consulted when it comes to the pricing of trips.

In Spain, there is a 'ride law' which considers Uber drivers as employees. In Portugal, drivers must have an employment relationship with the company. Other countries like Italy give room for collective bargaining agreements between drivers and Uber while in the USA there is a law that tries to establish if there is a state of dependency between the employee and employer.

After failed attempts by others, including Parliament, Cotu has decided to stand up for the rights and welfare of Uber drivers and other workers within the gig economy as there are international labour standards that speak to their concerns.

According to the ILO Global Commission on