

Employment Practices within the Minibus Taxi Industry in Johannesburg: A Study of Precariousness of Jobs in South Africa

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Abstract

Following the work of Standing (2011), Clarke (2006) and others, I use the precariat theory to define the existence of precarious working conditions within the minibus taxi industry. I use precariousness to describe how the employment practices in the industry, labour legislation from the Department of Labour (DoL), regulations and public transport policies by the Department of Transport (DoT) define the nature of the industry. This article is situated in the broader context of my PhD thesis which investigated the impact of the Taxi Recapitalisation Programme (TRP) on precarious working conditions within the minibus taxi industry in Johannesburg. Using qualitative research methods, I conducted a total of fifty – eight interviews for my thesis. Results revealed the existence of precarious working conditions within the minibus taxi industry – in the Global South. The article contributes to the study of precarity in the Global South, similar to Clarke (2006) who examined precarious work in post – apartheid South Africa. The minibus taxi industry's labour conditions place its drivers in a position of precarity. This means that taxi drivers are daily exposed to bad working conditions which are not in line with the Basic Conditions of Employment Act (BCEA) or the Sectoral Determination (SD) on wages.

Keywords: *formalisation, in – formalisation, formal and informal economy, labour process, petty commodity production,*

Résumé

À la suite des travaux de Standing (2011), Clarke (2006) et d'autres, j'utilise la théorie du précarité pour définir l'existence de conditions de travail précaires dans l'industrie du minibus taxi. J'utilise la précarité pour décrire comment les pratiques d'emploi dans l'industrie, la législation du travail du ministère du Travail (DoL), les réglementations et les politiques de transport public du ministère des Transports (DoT) définissent la nature de l'industrie. Cet article se situe dans le contexte plus large de ma thèse de doctorat qui a examiné l'impact du programme de recapitalisation des taxis (TRP) sur les conditions de travail précaires dans l'industrie du taxi minibus à Johannesburg. En utilisant des méthodes de recherche qualitative, j'ai mené un total de cinquante – huit entretiens pour ma thèse. Les résultats ont révélé

l'existence de conditions de travail précaires dans l'industrie des minibus – taxis – dans les pays du Sud. L'article contribue à l'étude de la précarité dans le Sud global, à l'instar de Clarke (2006) qui a examiné le travail précaire en Afrique du Sud post – apartheid. Les conditions de travail de l'industrie des taxis minibus placent ses chauffeurs dans une position de précarité. Cela signifie que les chauffeurs de taxi sont quotidiennement exposés à de mauvaises conditions de travail qui ne sont pas conformes à la loi sur les conditions d'emploi de base (BCEA) ou à la détermination sectorielle (SD) sur les salaires.

Mots – clés: *formalisation, in – formalisation, économie formelle et informelle, processus de travail, petite production de produits de base,*

1. Introduction

Research has been conducted on the spread of precarious work (Barchiesi, 2011; Betti, 2016; Clarke, 2006; and Standing, 2011). This is work where employees experience uncertain, unstable and insecure working relations and receive limited social benefits and statutory protections. In the context of the minibus taxi industry, the precarious work has made the availability of quality work risky and uncertain. The study of precarious work is informed by two broad views of sociological approaches: one is the view of contemporary sociological thinkers who conceive precarity as central to their conceptions of modernity. The second is evident in the views of economic sociologists who explored the proliferation of precarious work during the past three decades. Most of the “sociological theorists have placed the concept of precarity at the heart of their analysis” (Kalleberg and Vallas, 2018, p. 3). In the similar way, I placed precarity at the heart of my analysis of the working conditions within the minibus taxi industry. The failure by the DoL to enforce labour regulations within the industry continues to perpetuate the context of precariousness. Since democracy, the department has failed enforcing Sectoral Determination for the Taxi Sector including BCEA. In light of the growing precariousness in the industry, there continues to be limitations and weaknesses of the South African Transport and Allied Workers Union (SATAWU) in recruiting members in the taxi ranks.

2. Literature Review

2.1 The Precariat

According to (Allen, 2014, p. 43) the three words, *precarious*, *precarity* and *precariat* trace their journey from the meaning of insecure and vulnerable work. These terms epitomises changing fashions in the academy, like the clothing industry. Allen further notes that the precariat is a fashionable but quite a bogus concept. However, Allen's

conception of a precariat that it is not true and is not what it claims to be, is problematic given the conditions that workers face. Allen (2014) argues that the concept reflects a major problem in the movement of the workers today but does not solve this problem. However, I argue that the precariat concept gives context to the problems that workers are facing. Precarity is defined as the loss of labour market security in various forms.

According to (Standing, 2011, p. 10), the precariat are people lacking seven forms of labour security. These people do not have enough income and no protection against arbitrary dismissal. The seven forms of labour security are the following: *labour market security*; *employment security*; *job security*; *work security*; *skill reproduction security*; *income security* and *representation security* (Wright, 2016, p. 4). Though there have always been varying forms of precarity under capitalist modes of production, precariousness is widely defined in reference to what workers lack (Jonna and Foster, 2016, p. 21). It remains questionable whether the term 'precariat' is relevant "for the millions of workers and urban poor in the Global South for whom precariousness has always been a seemingly natural condition" (Munck, 2013, p. 747). The precariat's labour, by its very nature, is insecure. As such, the precariat is associated with casualization, informalisation, part – time employment and labour brokers. All these forms of work arrangements are growing around the world. The precariat lacks access to paid vacations, medical aid and company pensions. Concerning their quality of work, precariat face challenges in relation to feelings of having less job security, the lack of a fixed career plan, fewer training and career development opportunities. Precariat forms of employment is also usually associated with low incomes and, what is widely referred to as non – standard employment. The world is experiencing the growth of non – standard employment. The outbreak of non – standard work arrangements has given rise to a situation where trade unions are having a challenge to 'organize the unorganized' casual and part – time, temporary workers.

The precariat further raises the question whether the working conditions have become more precarious around the world. If the answer to this question is yes, whether those performing precarious work can be considered as a class, in the sense of "being a group that has a distinct structural position in modern capitalism" (Fraser, 2013, p. 11). Standing considers the precariat as a new class (Standing, 2011, p. 183) and that its growth could lead to a politics of inferno. The politics of inferno is not a prediction, he says, but "that the current trends will usher in what could be described as a politics of inferno, with ugly shades of not – so – distant past" (Standing, 2012, p. 598). In other words, the current conditions of social and economic insecurities, including the growing number of people lacking basic social, political, cultural and economic rights will lead to a situation where people are angry towards the state which is perceived as letting them down – according to Standing. However, he obscures the different context of precarious work in the Global South. For example, many of the features that Standing associates with the precariat have always been widespread among the minibus taxi industry workers in the South. The inequality within the society relating to precariousness is nothing new in the Global South, with rising unemployment rates.

2.2 Precarious Working Conditions

Working conditions for the precariat are mostly associated with an irregular working schedule and varying working hours (Werner and Verena, 2017). For example, the work of taxi drivers is considered as characterised by varying working hours and irregular working schedule, dependent on the availability of passengers for a trip. The risk of precariousness tends to increase for most of the workers with no contract (for example, taxi drivers), including temporary or flexible workers. The uncertainty about the duration of the contract is also characteristic of the precarious work. The potential risk of precariousness is considered very high in working conditions where workers are subjected to low pay, job insecurity, stress and health, lack of career development and training, and low levels of collective rights. This means that precarious work is mostly evident in the following four conditions: 1) low pay; 2) poor protection from termination of employment; 3) lack of benefits and; 4) lack or limited access of workers to exercise their rights (for example, union membership) (Bhorat et al., 2016)

The concept of worker precariousness is widely recognised to have originated from the early work of Pierre Bourdieu on colonial Algeria in the 1960s (Jonna and Foster, 2016). For Bourdieu, precariousness is associated with what he called the “subproletariat”. Bourdieu argues that the precariat will need to be provided with an adequate representation since it is impossible to organise them (Paret, 2013). Considering this, for example, the taxi drivers and taxi marshals continue facing intimidation from their employers (taxi operators/owners), as discussed below on the results section. This is one of the reasons why SATAWU finds it impossible to organise the minibus taxi industry employees, hence such employees lack representation rights. But, SATAWU is able to organise employees in the taxi ranks where such employees are not facing intimidation from their employers (Barrett, 2003). However, the task of organising employees in the industry remains full of challenges as it requires SATAWU to go beyond the traditional workplace concerns. The trade union will need to strengthen its role in organising workers in the industry. SATAWU has, without intention, contributed towards the growth of precariousness in the industry by remaining focused on the workers in the formal public transport sector. This is in coherence with Clarke who argued that

“the country’s largest trade union federation, the Congress of South African Trade Unions (COSATU), has inadvertently facilitated the growth in precariousness by remaining narrowly focused on full – time workers in core sectors of the economy, and on tripartite structures and agreements aimed at protecting their members” (2006:v).

Therefore, the precariat in the minibus taxi industry are the workers who experience all the main aspects of precariousness. The precariousness of labour grows with what Karl Marx (Marx, 1961) called the reserve army of labour. In the Global South, precariousness is a reality in large urban centres. Marx's conceptualisation of worker precariousness was associated with what he called the reserve army. Precariousness is recognised as a defining feature in working – class existence and struggle. As such, the general condition can be described in terms of precariousness, with the increasing threat of being thrown into the “surplus population” of the unemployed and underemployed, with this increasing over the course of capital accumulation.

It is important to note that precarious employment is multi – dimensional and, the following dimensions need to be considered when referring to precariousness (Temkin, 2009, p. 18):

Forms of employment

Full – time permanent/full – time temporary

Part – time permanent/part – time temporary

Indicators of precariousness

Earnings – stable, long – term vs. insufficient

Social wage – extended medical, dental, pension, insurance

Regulatory protection – unions or law

Contingency – degree of certainty of continuing employment, tenure, company uncertainty

Social Locations

Visible minority women/men

Occupational Context

Management

Health

Sales and services

Trades, transport and equipment

Primary industry (International Labour Organisation, 2012)

Until the end of the Great Depression in the United States, most jobs were precarious and wages unstable (Kalleberg, 2009). Precarious working conditions are characteristic of the high levels of domination, exploitation and insecure conditions among the working – class positions (Muntaner, 2016). These are the conditions characterising the work of the taxi drivers and taxi marshals within the minibus taxi industry. Precarious work is considered as work that departs from standard work (full – time/permanent employment with benefits) to non – standard work. This seems to be the case in the minibus taxi industry where workers are not permanently employed (with non – existent

of employment contract) and no benefits (Mmadi, 2012). This means that precarious work is work that is deviating from the standard work relationships (Betti, 2016). This work is characterised by the following working conditions: *contingent work, atypical work, vulnerable work, non – contract working arrangements* and *new forms of employment* (Kalleberg, 2014). The most recurring types of precarious work include temporary work, on call/daily hire work, contract work, outsourcing work, independent contractors and involuntary part – time work. It is important to note that standard contracts may also be precarious, because they are uncertain about how long their jobs will last, given the changing employment practices. Precarious working conditions are characteristic of insecure, unstable and uncertain work arrangements (Betti, 2016).

3. Methods

Using qualitative research methods, I conducted a total of fifty – eight (58) interviews for my thesis. The interviews were with the key informants from the Department of Transport; Gauteng Department of Labour; Gauteng Department of Roads and Transport; Gauteng Provincial Regulatory Entity; SA Taxi Development Finance; South African Transport and Allied Workers Union; South African National Taxi Council; National Taxi Alliance. Most interviews were conducted with taxi owners, taxi drivers and taxi marshals in the four main taxi ranks (Bree; Faraday; Noord; and Wanderers taxi ranks) of the City of Johannesburg. Lastly, interviews were also conducted with the commuters of the minibus taxis. The conducted interviews revealed the existence of precarious working conditions within the minibus taxi industry, as discussed in the following section.

4. Results

4.1 Precarious working conditions within the minibus taxi industry

In correspondence with Munck, I argue that the term precariat should be examined “from a global – that, is majority world – to redress the balance in recent debates around this concept” (Munck, 2013, p. 747). Like Clarke (2006) who studied the precarious work in post – apartheid South Africa, this article reveals the existence of precariousness in the Global South within the minibus taxi industry in South Africa. Therefore, any analysis of the conditions – that is, precarious working conditions – resulting from the existence of the precariat should take into account the historical existence of such conditions from the South around marginality and informality debates. For example, the minibus taxi industry in South Africa has historically been marginalised by the

apartheid. It was only in 1994, with the new democratic dispensation, that government made plans to formalise the industry. However, the industry still remains informal and unregulated, though not marginalised and racially – segregated by the state as was the case during apartheid (Mahlangu, 2002). Therefore, the precarious working conditions in the industry – defined by the lack of employment security, representation security, and lack of contract – are not new.

Precarious work in the minibus taxi industry is first seen through the lack of ‘work security’ – that is the lack of good working conditions, health and safety protection. Here, workers are subjected to the unsecure working relations. The work of the taxi drivers and taxi marshals signifies the hidden forms of work that are not tracked by government. These are the employers concentrated in the same location – the taxi ranks. The precarious location. For example, one taxi driver from Noord taxi rank states:

‘The taxi rank is in a suitable place. The only problem is the space to work in that is not there. You’ll find that in this rank there is no space to get out, the road is filled with cars and there is little parking space.’ (Taxi Driver 2 Noord Taxi Rank, 2018, interview).

Therefore, while some taxi drivers view the Noord taxi rank as being in a suitable location, others complain about the unavailability of space in the rank. The unsuitability of the taxi ranks for the taxi operators and drivers speaks to the existence of precariousness in the Global South. It also means that precariousness is not only defined by the lack of labour rights as Guy Standing (2011) suggests, but also by the poor working conditions. In relation to the challenge with space in taxi ranks, another taxi driver from the same rank notes:

‘The MTN is not alright. The problem is that this hole here is killing us very much as the taxi drivers. First of all, it stinks here at this hole and it is not clean. The smell sits very painfully in the chest. So, another thing that we are up against as the taxi drivers is the fact that we are facing many challenges here. The taxi industry is a big company, but it does not have people who are managing it in the proper way. One, we as the taxi drivers do not have benefits. Two, we as the taxi drivers do not have permanent jobs. Three, we are fired like dogs. You work here for about 10 years and then they fire you like dogs. Unfair dismissal! Yes, those are the challenges that we have. So, our complaint is that the government can make us registered and work according to law, so that we can be able to have benefits, so that we can have retirement funds and pension funds like a person who works in companies. This is a company. It’s just that we do not have people who manage it. They do not operate it properly. That’s our challenge.’ (Taxi Driver 3 Noord Taxi Rank, 2018, interview).

What emerges from this subsection is that Noord taxi rank (known as the MTN taxi rank) does not have good working conditions at all. This implies that taxi drivers are confronted with harsh working conditions. In correspondence to this argument, Sanchez et al while studying the quality of life and work ability of taxi drivers from Brazil, argue that “Urban transport drivers, specifically taxi and motorcycle taxi drivers, are exposed to particular environmental, societal, and health situations related to their occupation” (2019:1). In the same way, minibus taxi drivers in South Africa are vulnerable to the precarious working conditions that are offered by the taxi ranks and their occupation. The minibus taxi drivers work in precarious working conditions – they do not have work security. This is similar to the context of taxi motorcycle taxi drivers in Brazil with “job insecurity and lack of social security” (Sanchez et al., 2019, p. 2). It is also clear from here that taxi drivers complain about not having employment benefits. The argument is that they would be having these benefits if the industry was well managed. The non – existent of employment contracts in the industry is explained by the same taxi drivers who states that:

‘You don’t have a contract, you have no payslip. Even if you can go to the furniture shop to go and make an instalment for a bed, they will ask for a payslip, a bank statement, and those are things that we do not have.’ (Taxi Driver 3 Noord Taxi Rank, 2018, interview).

In addition to no having contracts of employment and payslips – which makes it difficult for them to apply for credit – taxi drivers are not members of trade unions. Therefore, taxi drivers are in a precarious condition as they lack representative security and employment security. A point that is explained by the non – existent of unions in the taxi ranks and the fear of being fired like dogs. It seems that the work of taxi drivers is uncertain and unpredictable. In addition to these precarious conditions, most taxi drivers complain that they work long hours. For example, one taxi driver from Wanderers taxi rank states:

‘The working hours are too long. Because I can say I wake – up at four. Leaving the rank depends. Maybe at five I’ve queued for the last trip, and then I leave at seven. They are too much.’ (Taxi Driver 1 Wanderers Taxi Rank, 2018, interview).

These working hours appear to be longer than those stipulated in the Sectoral Determination for the taxi sector. Just like Mmadi (2012) who examined the conditions of workers within the minibus taxi industry, the subsection above reveals the precariousness of this conditions. Commenting on the role of the minibus taxi industry and employment conditions, one taxi marshal from Wanderers taxi rank states:

‘The role of the industry for me is not working, actually, the way that it’s supposed to working, it contributes nothing and we also do not receive anything because the conditions that we work under are unfavourable conditions that cause us not to go forward. We do not grow and we are going nowhere. Instead of us going forward we are regressing backwards.’ (Taxi Marshal 2 Wanderers Taxi Rank, 2018, interview).

In other words, the industry does not play an important role in the lives of the taxi marshals, especially because they work in precarious conditions, where employees do not grow. This corresponds to Hlatshwayo (2018, p. 385) findings that “community health workers (CHW) are subjected to low pay and no benefits”. Also, Clarke revealed that the forms of work in the service sectors “are generally insecure, low paying and poorly protected by labour legislation, social welfare and collective bargaining” (2006, p. 39). Similar to this, another taxi marshal from Wanderers taxi ranks notes:

‘Here, the work, some days it treats us well and some days it treats us very badly. But then other time it finishes us off with respect. There are some who come from their own homes with their own problems, with the people they live with, or in their workplace, and then those people come and unload they fatigue on you. And then you find yourself in trouble in the taxis because you end up responding to them badly. There are no queue marshals that are made raw, they do respect. It’s just that we don’t respect each other when we are at that taxi rank. We don’t respect each other in any way. When a passenger comes with a parcel and I tell her no when you have a parcel you pay this much mama, because when this thing of yours gets lost, you will return back to me wanting help, asking, and demanding your parcel. This is why then the minister of transport gave us that instruction that they must pay money for the couriering of their parcels. But the work that we do at the rank is very distressing, very much. And I don’t know how we will transform because what I see is that a person undermines you, and then they forget that we are feeding our families by being these queue marshals.’ (Taxi Marshal 2 Wanderers Taxi Rank, 2018, interview).

Therefore, while the taxi marshals are satisfied with their work sometimes, they find it distressing most of the times. This seems like a distressing precarious working environment that does not challenge employees to grow. Similar to this, CHWs that were studied by Hlatshwayo considered their work to be distressing and “involved in a struggle seeing to change their working conditions into some form of direct employment by the state” (2018, p. 386). The difference with the minibus taxi industry workers is that they continue to face intimidation from their employers (taxi owners/operators). While all the taxi drivers and taxi marshalls do not view the taxi ranks as situated in a good location, the taxi owners consider the ranks as located in good locations and, therefore, based on the owners’ conceptions the working conditions are good. This is understandable because some/most of the taxi owners do not spend their time in taxi ranks. One taxi owner from the Wanderers taxi rank states:

‘Yes, I can say that it is situated in a good place, because it is a station. We are in the station here. So yes it is in a right place. And this is also the destination place of the train. No matter where it comes from, this will be its final destination.’ (Taxi Owner 1 Wanderers Taxi Rank, 2018, interview).

What emerges from this subsection is that, according to the taxi owners, because the taxi rank is close to Johannesburg Park Station, it is in a good place; and that it is close to the train station. Commenting on the issue of working conditions within the minibus taxi industry, research participant from SANTACO notes:

‘Where a working condition is not good you will find that the owners themselves don’t care or has an I don’t care attitude. You will see the owner not knowing the name of his driver or the driver not knowing the owner because some other driver said I will bring the driver tomorrow, or the other driver just takes the keys and gives them to his friend. This is why when there is a collision or accident some drivers run away because you will find out that they don’t even have a driver’s licence and the owner didn’t know.’ (Research Participant from SANTACO, 2018, interview).

It appears from this subsection that poor working conditions exist where the taxi owner does not know his or her drivers – such that there is no good employment relationship. In fact, these conditions in the industry have always been existence, as revealed in the literature (Mahlangu, 2002). In other words, these conditions have always displayed what Munck (2013) calls a ‘descriptive category’. Precariousness in the minibus taxi industry is not a totally new condition. Working conditions in the industry have always been exploitative patterns of work defined by Karl Marx (Marx, 2000). A taxi owner from the Wanderers taxi rank explains the poor conditions in the taxi ranks as follows:

‘There’s a lot of thugs here. Its those that smoke Nyaope, and they rob people. And if you hit them, you get arrested.’ (Taxi Owner 2 Wanderers Taxi Rank, 2018, interview).

In other words, these are the conditions that make it unsafe to work in the taxi ranks, with some people getting robbed. In this context, the taxi drivers, taxi marshals and informal traders experience precarity in the taxi ranks. The experiences of precarity in the taxi ranks are deeply rooted to the South African history of marginalisation and inequality. Like Deshingkar (2018, p. 5), who examined the conditions of precarity among migrant workers, this article reveals precarity as created by workplace dynamics in the taxi ranks. The precarious conditions in the taxi ranks make working there risky and uncertain. These conditions are what Giddens (1991) called ‘ontological insecurity’, with the taxi drivers and taxi marshals defined by precarious existence – insecure work relationships.

While some taxi owners do consider the condition as bad as taxi drivers and taxi marshals do, the condition of precariousness is very serious in the minibus taxi industry. This is exemplified by one taxi driver from Bree taxi rank, who states that:

‘The condition of the rank is not good, because when it rains, it gets flooded at the taxi rank, and then people are unable to board the taxis and go to the taxi rank. When these cars unload the other taxis cannot get out because there is only one entrance. The other one is that there are no camera’s here. When a fight breaks out here, the people at the offices come and ask us what happened.’ (Taxi Driver 2 Bree Taxi Rank, 2018, interview).

What emerges from this subsection is that the working conditions at Bree taxi rank are not good and there is no security cameras. This further perpetuates the precarious existence in the industry, defined by these poor conditions. These conditions expose the myriad forms of precarious employment which have historically shaped the life of black workers (Kalleberg and Vallas, 2018). The precarious working conditions in the industry are also explained by the Chairperson of the GPRE who states that:

'I don't think that working conditions are actually desirable. I think there's a lot of exploitation that is taking part in that space. If you look at drivers, they don't have serious benefits like your normal public service employee or private sector employee. And they don't have much of protection of the law. The basic conditions of employment Act is not actually covering them. Most of the labour relations legislation are not covering them, you know. And I don't think they have a union, I haven't heard of a union of taxi drivers which is I believe something they will have to think about. Because at least if you don't have much legal tools to protect yourselves, if you are unionized its, better there can be a voice that comes out and says no this is not how you are going to treat us. So they are so prejudiced, to an extent that I can work for you today and the following you can kick me out and get somebody else, so there is no stability, there is no work. There is no protection and it's not an ideal situation. And your marshals are also... you just get a drunk from the sheeben, and you make the guy a marshal. You know, that this guy doesn't care about a living. All he that he wants is something that he can use to go and drink. So, there's a lot of exploitation there. And there are other associations where I hear they are empowering the taxi drivers. They have a system of saying that if you are my driver for five years, at the end of five years, I can give you that car you have been driving faithfully, so that you are no longer a driver but you are a driver and an owner'. (Chairperson of the GPPE, 2018, interview).

Therefore, it appears from this subsection that there is a lot of exploitation in the minibus taxi industry, with the labour legislation not being complied to and some taxi drivers facing intimidation from taxi owners for participating in the union representation. The minibus taxi industry is in a precarious exploitative working condition (Mmadi, 2012). This condition further perpetuates the existence of precarity in the taxi ranks, with the taxi drivers feeling unsafe to work when their employers fight. Literature has revealed that this is mostly fights over routes and due to leadership problems in taxi ranks (Ingle, 2009). While various authors on precarity, including Standing (2011); Kalleberg and Vallas (2018; and Wright, (2016) regard this as having grown in the recent years with significant changes in the employment relations – precarity in the minibus taxi industry has existed historically, especially in the context where labour regulations have never been enforced (Khosa, 1994).

4.2 Lack of representation security in the minibus taxi industry

Taxi operators/owners, taxi drivers and taxi marshalls struggle with the challenge of being represented in order to benefit from the representation security (Mahlangu, 2002). This starts with the case of intimidation from taxi owners with regards to the work of recruiting members by SATAWU from the taxi ranks. Taxi drivers and taxi marshalls experience precarity due to lack of representation security, for example, from SATAWU. Standing (2011) regards representation security as “possessing a collective voice in the labour market through, for example, independent trade unions, with a right to strike” (2011:10).

While Standing (2011) considers stable workers with more secure employment relationship, as more inclined to take on their employers through strikes – I argue that precarious workers in the Global South have historically been involved in protests against their employers (Sekhonyane, 2016; Wiggill, 2017). Recently during democracy, taxi drivers have gone on strike over the impounding of their taxis, lifting of traffic fines, but not so much about their precarious working conditions (Sekhonyane, 2016). Therefore, their strike has been mostly directed to the state than their employers. With the strikes by the taxi drivers less directed to their precarious working conditions, this might have been as a result of failed collective action around the betterment of their conditions. According to (Matebesi, 2018), for collective action to take place, four conditions must be met. He states that:

“These conditions are discontent (prevalent dissatisfaction without relief), ideology (collective identification of complaints as being morally legitimate by the aggrieved), ability to organize (core leaders of the aggrieved group are capable of recruiting, sourcing resources, and communicating strategies), and political opportunity (the extent to which civil liberties allow freedom of speech and association)” (Matebesi, 2018:171).

Therefore, while taxi drivers and taxi marshalls are dissatisfied with their working conditions – and have collective identification of this – they do not have an ability to organise. The leaders of SATAWU are not capable of recruiting members in the taxi ranks, with the taxi drivers and taxi marshalls facing intimidation from their employers.

While Standing argues that without representation security and “other forms of security employees have no skill security, since they fear being shifted around, instructed to do tasks outside their personal plans or aspirations” (2011, p. 11), taxi drivers and taxi marshalls in the Global South – in Johannesburg, do possess a skill security. For example, taxi marshalls have a skill security of managing the taxi ranks and, therefore are never shifted around. There are taxi drivers who have been driving taxis since the 1990s and

have mastered that skill. While taxi drivers possess this skill, their employment relation is defined by precariousness in the context of intimidation from their employers. The issue of intimidation from the taxi owners is explained by Mr Morake Mokoena, a Gauteng Taxi Sector Coordinator from STAWU, who states the difficulty of organising employees in the taxi ranks is due to their intimidation from the taxi owner. For example, he states:

‘intimidation and again that recognition when coming be recognised... because some of them you’ll recruit them and then they will tell [you] don’t inform my boss that are I belong to a trade union. Reason being, remember when I recruit here after recruiting here, I must establish a structure, a workshop steward to represent the workers in this workplace because we are operating in this fashion. You must recruit from workplace.’ (Gauteng Taxi Sector Coordinator SATAWU, 2018, interview).

This problem of intimidation is particularly worse at Noord and Faraday taxi ranks, he notes:

‘Noord is very Troublesome. We can’t break the barrier... the only shop steward we are having is down there, in Bree. We do have a shop steward in Bree. And then we do have a shop steward in Bara. Noord, and also in Faraday, there is a big intimidation. We do have members, but the intimidation.’ (Gauteng Taxi Sector Coordinator SATAWU, 2018, interview).

Therefore, taxi marshals and taxi drivers lack representation security, as revealed by these subsections. It appears that as long as the workers within the minibus taxi industry are being intimidated to exercising their labour rights, they will remain in the condition of a precariat. They are trapped in a condition that they are finding hard to change. It is like they are in the trapped in the chains of precariat – with no possibility of getting out, unless the employer is willing participate. This precariousness is an “ontological state of life” (Deshingkar, 2018, p. 3) for taxi drivers and taxi marshals. This is an inherent part of life for them where they experience precarity daily. The problem of intimidation in the taxi ranks is due to the uncontested power of the taxi owners. This uncontested power contributes to the rise of the precariat, as the DoL is unable to enforce labour regulations.

In the context of the intimation of minibus taxi industry employees, we find a dynamic of variable exclusion. (Von Holdt and Webster, 2005, p. 19) argue that “workers are economically included in the sense that they are employed and earn wages within the core economy, but at the same time are excluded to varying degrees from the rights that are conferred on them by labour legislation and even by the South African Constitution – trade union rights, basic conditions of employment, employment equity,

skills development, and health and safety regulations". The taxi operators/owners are excluding their employees from the labour rights benefits. They are denying workers access to new labour rights, and even the rights to be represented by trade unions in the name of increasing competitiveness and reducing costs.

The empirical research found that some of the taxi operators are represented by the National Taxi Alliance (NTA) and some by the South African National Taxi Council (SANTACO). Therefore, SATAWU has to deal with members who are affiliated with the two. SATAWU has argued that those who affiliate with the NTA are very reluctant to participate when recruited.

4.3 Non – compliance with the labour regulations

The condition of non – compliance with labour regulations within the minibus taxi industry is a descriptive category which appears as a refusal to abide by the Sectoral Determination for the Taxi Sector (Mahlangu, 2002), The non – compliance with the labour regulations enforced by the DoL is definitive of the industry, as a research participant from the DoL states:

'The issue is the sector is not complying and they are supposed to be complying. The problem for us is how do we effectively influence an employer and an employee to comply. The influence becomes focused on advocacy and the benefits that the employee needs to know that this is the benefits when the workplace is complying and that's what we are trying to get through. I cannot tell you, no the industry has very good stories to tell. The point is, if an employer has not registered, for example, an employee for UIF then there is no good story to tell because immediately when that person becomes unemployed he does not have any social protection. If we say that there is a good story to tell but then workers might have a perception that it is okay my employer is paying me. That is not where it is bounded and stops. The point is we are speaking about the decent working agenda. Now how decent is it if an employee does not have an ability to go to a shop and apply for a credit card? You need to prove to a bank that here is my banking statement, here is my payslip, here is a contract of employment therefore I need a bond or credit card. It then becomes an issue because it's not a decent job agenda that we are pushing at. For us it becomes an issue because the workers in that sector are vulnerable. It comes to that point and that is why currently we are prioritising and putting this particular sector under problematic sector. When people are working there, they are not aware that they have to register for compensation and people go to work and injure themselves at workplace and lose a finger.' (Research Participant from the Department of Labour, 2018, interview),

The issue is that the minibus taxi industry does not comply with the labour regulations and making it difficult for the labour inspectors to exercise their role. This perpetuates the condition of precarity in the industry, with the employees not enjoying employment and work security defined by Standing (2011). In other words, they are not protected against dismissal and long working hours. It is like the taxi owners are saying: 'No! No to regulations by the state'. This refusal to be regulated by the state or for the state intervention has always characterised the industry since democracy and following the recommendations of the National Taxi Task Team (NTTT) in 1995 that the industry be formalised and regulated (Browning, 2006). Explaining the issue of non – compliance further, the research participant from the DoL notes:

'if you pick up non – compliance, let me make an example of wage. If you pick up a non – compliance relating to wages. As an employer I would have to get to you and say I am here to conduct an inspection and ask you where the contracts are and where are the payslips of this employee? From there I detect, that is proactively, that the employer doesn't pay wages for employee 1,2,3,4. Therefore you would then secure undertaking or compliance order depending on the situation. From there take that to, if the employer refuses to comply, take that to the labour court. Labour court grants you a court order for example. You get the court order. Where is the money going to that you have received? It's needs to go to the beneficiary. That is where our problem is. The 2nd aspect of it is when you have a complainant that works. When a worker comes forward saying I am here to complain because my employer has not paid my salary. Then you have an affidavit from this person. You have their contact details. You know where to find them. You know when you receive the money who is the beneficiary for it. Therefore, you consult with the person then you issue a compliance order or undertaking. You can take him to the labour court there is a person attached or named attached on whose behalf you are bringing this case to the labour court. Then it gets resolved into his favour. Then he gets payment. Proactively it is difficult because now you need to trace who are the employees. Even if you get the employer and he says no I just have one worker. Those are some of the challenges. Those are the real issues on ground level.' (Research Participant from the Department of Labour, 2018, interview),

The issue of compliance is, therefore, critical and is important to improving working conditions within the minibus taxi industry. Since the deregulation of the industry in 1987, any attempts by the state to re – regulate the industry have been challenged. The taxi owners felt that the state is out to control their industry (Browning, 2006). It is in this context that the taxi owners are not complying with the labour regulations. With the taxi owners going against these regulations; they are reinforcing self – regulation and precariousness.

5. Discussion and Recommendations

It is worth noting that research on precarious employment (Kalleberg, 2009 and (Standing, 2011), (Standing, 2012) and (Standing, 2014) associates the condition of precariousness “with the casualisation of labour in post – Fordist production and the retrenchment of welfare in the European and North American contexts” (Choi, 2018, p. 494). The precariat – the taxi drivers and taxi marshals – are placed in precarious working conditions, as revealed by the results. Therefore, in contrast to Guy Standing (2011) who argued that the precariat lack labour rights and that they are not citizens, I argue that the precariat do not lack the labour rights. It is just that they do not enjoy the rights they have. For example, even though labour regulations in South Africa requires that taxi drivers have a contract of employment, they do not enjoy this in the context where their employers deny them this right. Also, taxi drivers do not enjoy their right to representation, as enshrined in the Constitution of the Republic of South Africa as the freedom of association. Therefore, this article contributes that the precariat are part of the working class with their own existence, and that they have labour rights even though they do not enjoy them – as denied by the taxi owners. While the former Minister of Transport – Blade Nzimande – announced the so – called collaborative taxi industry ownership and operating models, as forming part of the Revised Taxi Recapitalisation Programme (RTRP), to make provision of decent and secure employment to employees of the taxi drivers and taxi marshals, it is not clear how this will be implemented. As long as there is unwillingness from the operators to pursue change, he precariousness will continue defining the industry. So, while the RTRP has recommended a collaborative taxi industry and operating models with the hope of providing decent and secure employment to the taxi drivers and taxi marshals, the state will have to convince taxi owners of the benefits of this for them to participate.

While the employees in the industry are not represented by SATAWU as much as they should – for fear of intimidation from the employers – they reveal invisible forms of labour and exploitation among them. It is important to note that the precarity of the taxi drivers and taxi marshals could be defined as a *continuum* (Mosoetsa et al., 2018). Also, within this continuum, the taxi industry precarious workers are placed in an uncertain and unpredictable conditions. The precarity of work within the minibus taxi industry is not only the outcome of the seven insecurities of labour markets by Guy Standing, but also of taxi owners’ “(capitals) capture and colonisation of life within and beyond the workplace” (Mahmud, 2015, p. 700). The primary logic of the taxi owners is the accumulation of capital. For the taxi drivers and taxi marshals, precarious existence, as condition of labour and ontological experience, is the natural and enduring result. Like Clarke (2006) who established the growth of precarity as defined by deepening employment insecurity and instability in the retail sector, this article makes a contribution

towards understanding the extension of precarity in the Global South. Also, Similar to the conclusions reached by Clarke (2006), the minibus taxi industry presented in this article demonstrates the existence of precariousness, which has historically characterised the industry.

Based on the growing precariousness of the working conditions within the minibus taxi industry, government needs to ensure that the rising level of precarious work is reduced, because the condition is disadvantaging the majority of the workers who do not enjoy labour rights – workers with labour rights on paper, but not in practice. The International Labour Organisation (ILO) is very clear on the need to improve working conditions that are poorly paid, insecure and unprotected. The ILO further claims that precarious work is a norm in Africa, whilst at the same time arguing that this is at the centre of the industrialised countries in the form of the spreading temporary employment (Purcell, 2002). In order to address the current precarious work, the ILO notes that there is a requirement of “a comprehensive policy response that includes economic, fiscal and social policies geared towards full employment and income equality” (International Labour Organisation, 2012, p. 4). The industry employees should be provided written contracts of employment. In other words, taxi owners should make sure that taxi drivers and taxi marshals are given written contracts of employment, as per the requirements of the labour regulations. The DoL should facilitate this. In addition, the employees should be issued with payslips – similar to article 4, taxi owners should make sure that all employees are issued with payslips. The taxi owners should move towards implementing basic income – all the employees of the industry should be paid a basic salary, as per the requirements of the labour regulations.

6. Conclusion

The taxi owners are actively reinforcing precarity through refusing representation security for taxi drivers and taxi marshals, and also subjecting them to intimidation. Thus, while these employees are dissatisfied with their working conditions and collectively identify these conditions, they do not have abilities to organise – that is, SATAWU leaders are not capable of recruiting taxi drivers and taxi marshals. Based on the nature of precarious working conditions within the minibus taxi industry, there needs to be dedicated efforts from the state to transform the industry. The taxi owners should portray willingness to participate in the transformation of the working conditions in the industry.

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Conflict of Interest

I do not have conflict of interest to declare.

Note on Contributor

Siyabulela Christopher Fobosi is currently a PhD Candidate from the University of Johannesburg. For his PhD in Industrial Sociology, he conducts research on the impact of the Taxi Recapitalization Programme (TRP)—now the Revised TRP—on precarious working conditions within the minibus taxi industry in Johannesburg, South Africa. His proposed date of PhD thesis submission is January 2020.

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