



Workers in Tech in Africa: The role of Labour Law

Wambui Wamai

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Outline

Workers in Tech in Africa –The case of workers in Social Media platforms

Labour law at the crossroads

Role of Strategic Litigation

A new social contract

Conclusion

Introduction

- Rise of Labour Platforms in Africa
- Social media has provided work for young workers in Africa: The dominant age group in the TikTok content creator community was 18–25 years, representing nearly half of all creators, on a platform boasting over 1 billion monthly active users globally (Kemp, 2022; Ceci, 2023). TikTok has an estimated 10,000 content moderators, compared with approximately 15,000 moderators on Facebook and 1,500 on Twitter (Ceci 2023).
- The global content moderation market hit US\$9.02 billion in 2022, expecting a 9.6% CAGR through 2028.
- Simultaneously, content creation is set to soar from US\$250 million to an impressive US\$480 billion by 2027.
- On TikTok, where 55.3% of content creators are women aged 18–25,
- These trends highlight the dynamic growth and significance of content moderation and creation in the digital landscape.

Working Conditions

- High-Pressure job
- Hate speech, cyberbullying, sexual harassment, physical assault
- Migration vulnerabilities- Fear of government and community back home , Work permit , family expectations
- Emotional Distress
- Vulnerable young workers- underprivileged backgrounds, often residing in impoverished areas, and do not disclose the nature of their prospective duties until after the contract is signed. unaware of the taxing and distressing nature of their roles, which include moderating sensitive and disturbing content
- limited time for review and no room for negotiation or legal counsel.
- Stringent Non-disclosure agreements

Working conditions cont...

feelings of inauthenticity and led to self-imposed isolation

Drug abuse and Dangerous sexual behavior as a coping mechanism

No formal training

No social media break

Algorithmic discrimination and Management

Wage disparities and inequalities

Intermediaires and outsourcing

Mental Health challenges ..

- Feelings of distress, severe depression, nightmares, vivid flashbacks, insomnia, panic attacks, anxiety, and helplessness, stemming from the constant flood of harmful content they review and moderate
- Post-traumatic stress disorder arising from continuous exposure to violent content, including live beheadings, rapes, murders, suicides, child sexual abuse and bestiality,
- Lack of adequate psychosocial support
- “Like effect”-leads to validation-seeking, pressure to perform, a focus only on appealing content, comparison and envy, anxiety, stress and feeling worthless, short-term focus, algorithmic changes, vulnerability to trolling and negativity, influencer pressure, competition among creators

Role of Strategic Litigation

Meta Case in Kenya , Nigeria

Uber cases in Kenya, Nigeria , South Africa

Platforms undermining the right to freedom of

association.

Contesting jurisdiction-Establishing territorial

jurisdiction

Punitive action by platforms against workers

Non-disclosure agreements and access to Justice

The Labour Law dilemma

If the future of work is set to change, what will the future of labour law be? If technology is disrupting employment, how is it causing a disruption in labour and employment law
(Marc De Von, 2024)

With the technological development which is leading to further fragmentation of work relationships, will labor, and employment laws be devoid of purpose ?



Four Paradigm shifts (Marc De Vos)

From Employment Law to Career Law-The career rather than the job should be the heart of regulation –prevent people from being subjected to flexibility and caught in fragmented work relationships without basic rights

From Work Protection to Work Quality- E-colleagues , The interaction of humans and machines is systematic

From Worker Law to Talent Law- Blending Talent and Labour , training as a shared responsibility-Future knowledge cannot be predicted-Inclusion and upward mobility

From Social protection to Human protection-The traditional -employment structures are blurred-Prioritising Career-Transferable rights nourished by all variations of jobs, career /contracting party-Shared personal rights



Concluding Thoughts

- The social contract regarding the role of work and employment in our society needs to evolve
- Investmnet states that offers ongoing anticipatory and preventative protection
- Work is being viewed from tasks, projects, targets, teams, and results from a functional role with a set of responsibilities, title rank, and career path
- New technology should enable a future of work that puts the human at its heart. Decent work agenda beyond employment relationship
- Prioritizing mental health

References

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