

# Organizing Workers in the Informal Economy

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## **Trade Union Organizing in the Informal Economy: A Review of the Literature on Organizing in Africa, Asia, Latin America, North America and Western, Central and Eastern Europe**

Report to the Solidarity Center

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## EXECUTIVE SUMMARY AND MAJOR FINDINGS

The purpose of this report is to review the existing literature on efforts throughout the globe by workers who labor outside the formal labor and employment relations policy framework of their country to form or join trade unions as well as unions' efforts to organize and represent them. Globalization - the expansion and integration of market-based economic policies - has driven a worldwide decline in the number of workers in the primary labor market with "standard" employment - stable, long term employment with a single employer and covered by various legal and social protections - and accompanying increases in the secondary, informal and illegal labor markets.

Informal economy work includes a wide range of occupations and economic activities roughly divided into "dependent" wage earners and self-employed or "own-account entrepreneurs. The case examples included in this report cover domestic work, construction, taxi drivers; truck drivers, street vendors, waste-pickers, home-based work, day laborers and others.

Informal work globally shares one important feature. It is either not covered or insufficiently covered by national legal and regulatory frameworks and social protection schemes. Informal

Informal worker  
들에게 결여된 7가지

workers have been characterized as lacking seven essential securities: labor market security, employment security, job security, work security, skill reproduction security, income security and representation security. Trade unions and collective action have historically played a critical role redressing this last type of insecurity and with it many if not all of the others. This is the focus of this report. While unions have been slow to respond to the needs of informal workers, these workers themselves have often formed their own organizations (often referred to as Member-Based Organizations of the Poor - MBOP) and often with the assistance of Non-Governmental Organizations (NGOs). Unions are increasingly working with MBOPs, affiliating MBOPs into their existing structures or organizing informal workers on their own. Details of our findings are contained in the full report. Below we highlight the major cross-cutting findings that emerge from studies in five regions: Africa, Asia, Latin America, North America and Europe.

- **The line of demarcation between formal and informal employment is blurring and it appears that this trend is likely to continue in the foreseeable future.** This may reflect a **permanent shift** in the nature of work of the same magnitude as the shift from agrarian to industrial economies in the late nineteenth and twentieth centuries.
- In most countries **the national legal frameworks governing employment and labor relations are geared to formal employment and standard jobs**, leaving a growing number of types of work and workers excluded from the basic protections of the law.
- **Informalization has a disproportionate impact on women in all countries and regions.**
- **There is a strong correlation between globalization and migration and immigration and informal work as a survival strategy.** Immigrants present a particular challenge to national unions seeking to include informal economy workers.
- **Organized labor movements throughout the world have faced common struggles in expanding the scope of their membership or constituencies.**

노조 멤버십은 '임금노동' 개념에 기반  
> 비정규직/비공식 노동자들을 포함하기  
위한 새로운 접근법을 개발 중

- Throughout the world, unions have typically defined their membership as employees working for a particular employer or set of employers within an industry, or what can be called a “wage culture” and the first position taken by most unions in regard to informalization was to oppose it and exclude the workers involved.
- Many unions have moved past this position and started to develop new approaches for including non-standard and informal economy workers.
- **Organized labor movements throughout the world have also faced common struggles in altering their structures.**
  - One of the central questions for trade unions is how best to relate to the NGOs or MBOPs that have often taken the lead in organizing informal workers.
  - Unions at different levels – international, national centers/federations, and national unions have different roles to play.
- **Organized labor movements throughout the world have faced common struggles in expanding the scope of their membership or constituencies and altering their representational strategies.**
  - Traditional strategies - collective bargaining and participation in the political system either through alliance with a political party, through the institutions of social dialogue or other means - remain important.
  - Another important strategy for almost all types of informal workers is gaining access to various types of social protections including employment law and social insurance.
  - But many informal workers need approaches (cooperatives, insurance, access to capital, and business skills) that address their needs as very small scale entrepreneurs. This aspect of representation of informal workers moves most traditional unions beyond their comfort zone.
  - Education and skill building of various kinds play a critically important role in union strategies.
- Despite many similarities, **there remain significant differences across and regions and countries based on the role of the state and law, the role and nature of employers and the strength and nature of the unions themselves.** There are, in particular, differences between the approaches and needs in the global north and south, though there are also real opportunities for learning across those boundaries.
- **Despite a growing literature on this topic, too little is known about what works for organizing informal economy workers.** There are many examples of union organizing of informal workers that have not been documented in reports or case studies and the published literature often fails to provide sufficient details.

## INTRODUCTION

Although international trade is hardly a new phenomenon, since the 1970s a process now known as globalization or economic globalization has been underway which is different from previous international economic activity. Specifically, “globalization” refers to the reduction of tariffs, taxes and other impediments to trade among nations and “economic globalization” refers to the ensuing integration of markets. The process of globalization has dramatically increased the mobility of capital across national borders thereby increasing the interdependence of developed and developing countries and creating intensified competition across a broad range of markets – especially labor markets.<sup>1</sup> Globalization has been a major factor behind significant changes in the employment and labor relations systems of both developed and developing nations on such basic characteristics as wage levels, labor deployment and labor standards.<sup>2</sup>

While there is a substantial literature on multinational firms’ global human resource management practices, there has been much less focus on the effects of these practices on workers in different national contexts.<sup>3</sup> The management literature shows clearly that the dominant human resource management approach involves a search for flexibility – both numeric and functional - but also involves a concerted effort to escape or circumvent the regulatory employment frameworks achieved by trade unions and their political allies during the 20<sup>th</sup> century. The result is a worldwide decline in the number of workers in the primary labor market with “standard” employment – stable, long term employment with a single employer and covered by various legal and social protections - and accompanying increases in the secondary, informal and illegal labor markets.

However, because there are significant differences in nations’ level of development and their industrial relations systems, the specific effects of globalization vary from country to country<sup>4</sup>. One of the most significant differences among nations’ industrial relations systems is the legal framework defining which workers’ are eligible to exercise freedom of association rights to form or join trade unions for the purposes of representing their interests in the employment relationship and/or in the broader economic policies of the nation.

The purpose of this report is to review the existing literature on efforts throughout the globe by workers who labor outside the formal labor and employment relations policy framework of their country to form or join trade unions as well as unions’ efforts to organize and represent them.

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<sup>1</sup> F. Traxler, S. Blaschke and B. Kittel, *National Labour Relations in Internationalized Markets: A Comparative Study of Institutions, Change, and Performance* (Oxford: Oxford University Press, 2001).

<sup>2</sup> G. Gereffi and T.J. Sturgeon, “Globalization, Employment, and Economic Development: A Briefing Paper” (MIT IPC Working Paper, No. 04-006, 2004); Eddy Lee, “Globalization and Employment: Is Anxiety Justified?” *International Labor Review* 135 (1996): 485-98.

<sup>3</sup> D.G. Collings, “Multinational Corporations and Industrial Relations Research: A Road Less Traveled.” *International Journal of Management Reviews* 10 (2008): 173-93.

<sup>4</sup> For a comprehensive review see M. Morley, P. Gunnigle, and D.G. Collings, eds., *Global Industrial Relations* (London: Routledge, 2006).

The report is organized as follows: first we present a brief description of our approach to the research. This is followed by a more detailed discussion of the globalization process and the growth of the informal economy. We then present regional reports from our global research team covering Africa, Asia, Latin America, North America and Western, Eastern and Central Europe.<sup>5</sup> The final section of the report contains a more detailed discussion of our major findings and conclusions drawn from the regional reports.

## METHODOLOGY

We chose to use regions as the basic unit of analysis both for theoretical and practical reasons. In terms of theory, existing comparative labor and employment relations systems research points to “regionality” as a useful lens to understand “varieties of capitalism.”<sup>6</sup> Practically, it was most effective for reasons of geography and language to assign members of the team with expertise in a region to review the literature of that particular region and to write that section of the report.

The literature we reviewed consists of both academic and more popular publications along with unpublished reports and organizational websites. We also reviewed statistics on the extent and nature of the informal economy and informal work in each region as collected and published by various transnational and governmental organizations. The goal of these regional reviews was twofold: first we wanted to provide a broad overview of union activities by, with and for informal economy workers. In addition to the broad overview, we wanted to look more closely at a subset of case studies in particular countries which may or may not be representative of the activities in the broader region but do illustrate both some commonalities and differences in strategies and approaches.

Each regional section gives context to the topic at hand by providing a general overview of the patterns of industrial relations systems in the region and estimates of various forms of informal work. Each regional section also discusses union activity but there is some variation in approach based in part on the size and complexity of the region and the literature available in the region. Thus, the section on Africa provides brief descriptions of union activities in a wide range of African countries but treats two, Ghana and South Africa in more depth while Asia covers particular cases of union organizing in eight countries (India, Indonesia, Nepal, Pakistan, Hong Kong,<sup>7</sup> Bangladesh, Philippines and Cambodia). The Latin American section likewise provides an overview of many countries but discusses three in more depth, Guatemala, Columbia and Mexico. The North American section, covering only two countries with a similar industrial relations framework, focuses more on representative cases as well as on significant differences in the legal framework that appear to influence the opportunities for unions to organize informal economy workers. The section on Europe is more conceptual and analytical and provides a useful approach to regional comparisons. For Europe we were able to take advantage of a more extensive study by the authors.

The regional sections provide summaries and conclusions about successes, challenges and patterns within the region. The final section of the report draws on these regional conclusions to

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<sup>5</sup> We did not include the Middle East in any of these regions.

<sup>6</sup> Morley, Gunnigle and Collings, *Global Industrial Relations*.

<sup>7</sup> Not, technically, a country, of course, but a unique city within a larger country.



present a larger set of observations that identify patterns or issues that cross the regions. We conclude with questions that remain largely unanswered by this review.

## DEFINING THE “INFORMAL ECONOMY”

Establishing a commonly used global definition of the informal economy has generated much discussion and controversy over the past 30 years. Pioneering theorists Castells and Portes described the term “informal economy” as a “common-sense notion” in their seminal work on the subject in 1989<sup>8</sup> Eschewing notions of economic dualism and marginality, they highlighted the inextricable link between the formal and informal sectors in most economies and isolated the essential feature as being the lack of regulation in societies where similar activities are being regulated. They also drew attention to the causal link between highly regulated economies and de-regulation.<sup>9</sup>

In its 2002 resolution concerning Decent Work and the Informal Economy,<sup>10</sup> the International Labor Conference (ILC) of the International Labor Organization’s (ILO) defined the **informal economy** as:

**Not included in the law; or not covered in practice**      All economic activities by workers and economic units that are - in law or in practice - not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome or imposes excessive cost.

According to the ILC definition, workers who may be covered by statutory regulation which is either inadequate, or difficult to impossible to implement, are also categorized as informal economy workers.

An adaptation of “**dual labor market theory**”<sup>11</sup> provides one way to conceptualize the growing fluidity of labor market boundaries. In their early formulation, Doeringer and Piore argued, from a U.S. perspective, that labor markets reflect a class, race and gender stratification where the primary sector was populated primarily by (mostly white) males in unionized heavy industry or white collar jobs, the secondary sector by females and lower skilled males, and the informal sector by people unable to access the other two for reasons of race, gender or skill levels. Later research showed that the boundaries were more fluid than initially conceived and that many people in the primary labor market also chose to engage in the informal sector either as their primary source of income or to supplement their primary income.<sup>12</sup>

<sup>8</sup> A. Portes, M. Castells, and L.A. Benton, *The Informal Economy: Studies in Advanced and Less Developed Countries* (Baltimore: Johns Hopkins Press, 1989), 11.

<sup>9</sup> Portes, Castells, and Benton, *The Informal Economy*, 12-13.

<sup>10</sup> “Decent Work and the Informal Economy” (paper presented at the International Labor Conference 90<sup>th</sup> Session, 2002), 3, <http://www.ilo.org/public/english/standards/reilm/ilc/ilc90/pdf/rep-vi.pdf>.

<sup>11</sup> P. Doeringer, and M. Piore, *Internal Labor Markets and Manpower Analysis* (Lexington, MA: Heath/Lexington Books, 1971).

<sup>12</sup> For a review of informal economy typologies see J. Losby et al., “Informal Economy Literature Review,” ISED Consulting and Research and the Aspen Institute, 2002, [http://www.kingslow-assoc.com/images/Informal\\_Economy\\_Lit\\_Review.pdf](http://www.kingslow-assoc.com/images/Informal_Economy_Lit_Review.pdf).

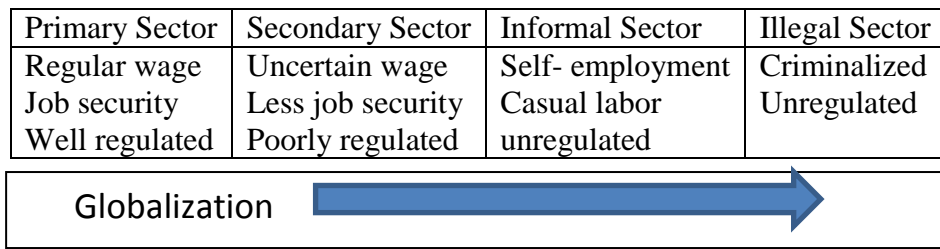


Figure 1

Primary sector가 감소하는 두 이유  
 - 생산 부문이 다른 국가 (덜 규제, 인건비 적은)로 이전  
 - 표준 일자리가 유연한 방식으로 전환됨으로써 생산성 증가

Figure 1 presents a typology of labor markets and shows shifts from one type to another resulting from globalization pressures. This graphic representation shows the impact of globalization on labor markets is a result of a single set of forces but with different impacts on employment both between and among countries but also within particular countries. The literature suggests that the shrinkage of the primary sector has two sources. The first source is from job eliminations as corporations have moved production to less regulated and lower labor cost countries. The second source is productivity increases derived from converting standard jobs to flexible work arrangements within the “formal” economy. These changes create a chain reaction in which workers in the primary sector are pushed into the secondary sector and the latter into the informal sector. While this process has been going on for several decades, the economic downturn of the past five years has clearly accelerated the process. The disappearance of jobs in the formal economy, which was the major source of trade union membership and influence in the twentieth century, has not been offset by growth of unionization in the secondary or informal labor market. The result has been a decline in unionization rates in most parts of the world.<sup>13</sup> As a result many unions and labor federations around the world are turning their attention to the question of how to organize workers in these sectors where, in many cases, there is no legal framework covering the workers’ occupations and/or no identifiable employer with whom to create a collective bargaining agreement.

### WHO WORKS IN THE INFORMAL ECONOMY?

In order to fully appreciate the challenges informal economy workers face in seeking to form or join unions and unions face in trying to assist them, it is important to note the diversity of those working in the informal economy because the problems and needs vary across forms. For example, many are engaged in basic survival activities; others are piece workers or home workers, whose relationship with an employer is not recognized or protected. The self-employed and micro-enterprise employers face various barriers and constraints to setting up and operating formal enterprises. Informal economy workers include “own-account” workers in survival type



<sup>13</sup> C. Frege. “International Trends in Unionization,” in see Morley, Gunnigle and Collings, Global Industrial Relations.

activities, such as day laborers, street vendors, shoe shiners, garbage collectors and scrap- and rag-pickers; domestic workers employed by households; home-workers and workers in sweatshops who are “disguised wage workers” in production chains; and the self-employed in micro-enterprises operating on their own, as well as their contributing family workers, apprentices and employees. In some parts of the world employers are increasing their use of “independent contractor” status to avoid creating an employment relationship with its attendant obligations, part of a grown phenomenon termed “employer distancing.”

These different groups have been termed “informal” because they share one important characteristic - they are either completely not, or insufficiently recognized or protected under the legal and regulatory frameworks. This is not, however, the only defining feature of informality. The ILC report also describes the situation of informal economy workers and entrepreneurs in terms of seven essential securities<sup>14</sup>, which are often denied to them:

- **labor market security** (adequate employment opportunities through high levels of employment ensured by macroeconomic policies);
- **employment security** (protection against arbitrary dismissal, regulation on hiring and firing, employment stability compatible with economic dynamism);
- **job security** (a niche designated as an occupation or “career”, the opportunity to develop a sense of occupation through enhancing competences);
- **work security** (protection against accidents and illness at work, through safety and health regulations, limits on working time etc.);
- **skill reproduction security** (widespread opportunities to gain and retain skills, through innovative means as well as apprenticeships and employment training);
- **income security** (provision of adequate incomes); and
- **representation security** (protection of collective voice in the labor market through independent trade unions and employers’ organizations and social dialogue institutions).

Precariat 특성과 동일

As Figure 1 and the ILC definition make clear, there is no sharp dividing line between formal or standard employment, precarious work or informal work. Even within the formal sector many workers lack one or more of the seven essential securities. In addition, during their working careers and sometimes even during their working day, individuals have always moved back and forth across the formal/informal boundary. Indeed, as **Cobble and Vosko** have pointed out, “standard” employment is a recent historical phenomenon and constructed around the idea of a single (typically male) wage-earner. Women have always constituted a disproportionate share of the informal economy in most countries.<sup>15</sup> Cobble and Vosko suggest that the growing attention to the informal economy is precisely because more men are being pushed into it.

No clear division between formal/standard and informal/precarious work

<sup>14</sup> “Decent Work and the Informal Economy”, 3. Originally from Guy Standing, 1997, “Globalization, Labor Flexibility and Insecurity: The Era of Market Regulation”, *European Journal of Industrial Relations*, 3(1): 7-37.

<sup>15</sup> D.S. Cobble and L. Vosko, 2000, “Historical Perspectives on Representing Nonstandard Workers,” in *Nonstandard Work: the Nature and Challenges of Changing Employment Arrangements*, eds. F. Carré et al. (Champaign, IL: Industrial Relations Research Association), 331-9.

## FORMS OF INFORMAL ECONOMY ORGANIZATION

Autonomous organization in the informal economy is a relatively recent global phenomenon. Chen, Jhabavala et al. call these organizations “Membership-based organizations of the very poor (MBOPs).”<sup>16</sup> The exponential rise of informal economy MBOPs globally has also resulted in the creation of higher level organizations through the formation of international networks of organizations representing street vendors, home-based workers, domestic workers, waste collectors, informal transport workers, agricultural and fishing workers in the past decade.

Table 1 illustrates a model pioneered by Francoise Carré<sup>17</sup> and refined by WIEGO illustrating that informal economy organizing models and organizing strategies are inextricably linked. Often organizations use more than one strategy, although it is likely that they have one or more that can be considered as primary strategies.<sup>18</sup> Those that have adopted the trade union model have often sought dialogue, co-operation and full association with existing trade unions.<sup>19</sup>

Table 1

Primary Strategy	Type of Organization
Grassroots organizing and base building	Unions, Membership Based Organizations (MBOs), Community Based Organizations (CBOs), cooperatives
Collective negotiations and representation	Unions, MBOs
Economic and livelihood development	Cooperatives
Policy, legal and rights advocacy	NGOs, CBOs, networks, alliances
Mobilization and campaigning	Networks, alliances, unions
Social , welfare, training	NGOs, CBOs

While autonomous organizations of informal workers may or may not self-define as trade unions, established, traditional unions throughout the globe have been gradually taking an increased interest in the organization and representation of these same workers. This has not been the initial response of most unions to growing informalization. As various scholars have noted, unions have typically sought first to prohibit or limit informal work and/or to paint

<sup>16</sup> M. Chen et al., “Memberships Based on Organizations of the Poor”, 2, <http://www.arts.cornell.edu/poverty/kanbur/MBOPVolumeOverview.pdf>.

<sup>17</sup> F. Carré et al., eds, *Nonstandard Work: the Nature and Challenges of Changing Employment Arrangements*, (Champaign, IL: Industrial Relations Research Association), 331-9.

<sup>18</sup> Christine Bonner, “Domestic Workers around the World: Organising for Empowerment” (paper presented at the Social Law Project Conference, 2010), 16.

<sup>19</sup> A. Yaw Baah, A. Britwum, and A. Akorsu, “A Report of the International Conference on Organising in the Informal Economy, Accra, Ghana,” (paper presented Sep. 2006), 12-22.

informal workers as somehow illegitimate and thus best ignored and excluded.<sup>20</sup> This is made all the easier when the gender, race, age or immigration status of informal workers differs substantially from the traditional membership base of the unions. However, growing numbers of traditional unions throughout the globe are opening their organizations to informal workers. In the regional sections below, we describe multiple examples of such openings and the attendant efforts to include informal workers and improve their working conditions and incomes.

## THE INFORMAL ECONOMY IN AFRICA

Sahra Ryklief

The fragmentation of labor markets in the wake of globalization has severely affected incomes and employment in the fragile formal sectors of Africa south of the Sahara. African societies are predominantly agrarian, and the majority of African populations reside in rural areas, drawing their livelihoods in non-wage activities related to the agricultural sector. If we add to this the fact that at the turn of this century 80% of the total non-agricultural employment was informal employment, as was over 60 per cent of urban employment and over 90% of new jobs in Africa created in the previous decade<sup>21</sup>, any division between formal and informal begins to lose meaning.

Mapping the extent of the informal economy in Africa is difficult, as many countries do not keep accurate statistics and there are also considerable differences of definitions. It is general knowledge that the informal economy in Africa is dominated by retail trade related activities, to the extent that even formal distributors and manufacturers use informal workers to expand their markets to low income groups. The informal economy is estimated as contributing 55% to the GDP of African countries south of the Sahara, including agricultural activities (this rises to 60% if South Africa and Botswana are excluded) and 30.4% of North Africa.<sup>22</sup>

Workers in the informal economy are characterized by having lower education and literacy levels compared to the formal sector; by earning much lower wages ( from 44 to 84 %); by working longer hours and by having higher proportions of women and children employed.<sup>23</sup>

### **Post-colonial industrial relations in Africa.**

Early industrial relations systems in Africa were rooted in colonial (or in the case of South Africa and Namibia, apartheid) regimes which created wage work through the exploitation of primary natural resources.<sup>24</sup> These colonial origins limited economic activity and hence the

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<sup>20</sup> See, for instance, E. Heery, "Trade Unions and Contingent Labour: Scale and Method," Cambridge Journal of Regions Economy and Society 2 (2009) and E. Cerviño, "Trade Union Strategies Towards Atypical Workers, (Working Paper) Madrid: Juan March Institute, 2000.

<sup>21</sup> J. Charmes, "Measurement of the Contribution of the Informal Sector/Informal Employment in GDP in Developing Countries," Expert Group on Informal Statistics, Delhi Group, 2000, 16, <http://www.unescap.org/stat/isie/reference-materials/National-Accounts/Measurement-Contribution-GDP-Concept-Delhi-Group.pdf>.

<sup>22</sup> Charmes, "Measurement of the Contribution," 8.

<sup>23</sup> Sher Verick, "The Impact of Globalization on the Informal Sector in Africa," 2006, 6-7, [http://www.iza.org/conference\\_files/worldb2006/verick\\_s872.pdf](http://www.iza.org/conference_files/worldb2006/verick_s872.pdf).

<sup>24</sup> Frank M. Horwitz, "Industrial Relations in Africa," in see Morley, Gunnigle, and Collings, Global Industrial Relations, 179.

growth of the labor market, with only a segment of the indigenous population able to take up opportunities in the formal economy. In Africa, informalization has a long history, as social and economic relations relied heavily on unregulated work as a means of driving down labor costs in the formal economy, to ensure maximum appropriation of wealth. The informal economy has always been the dominant portion of the economies of most African countries<sup>25</sup>. It remains the main response to Africa's continued weak development and integration into the global economy.<sup>26</sup>

In the 1960s and 1970s, many African countries achieved independence and introduced industrial relations systems. State independence allowed African workers, who were once discriminated against based on race, the opportunity to organize themselves legally into trade unions. The origins of many African trade unions were often directly related to the African nationalist liberation movements which spawned them. In their formative years during anti-colonial struggles, African trade unions were similar to social movements where workers were organized against the existing political regime. Nurtured by the former liberation movements in control of the new governments, African trade union organization flourished for a brief period in the 1960s – 1970s, supported by the rising economic growth which characterized the first decade of post colonialism.

However, this growth was short-lived, and by the late 1970s the global economic crisis left most African states facing deep and prolonged economic decline. During the 1980s virtually all African governments were subject to Structural Adjustment Programs (SAPs) required by the International Monetary Fund, the World Bank or Western Aid donors.<sup>27</sup> SAPs have had grievous consequences for African labor markets, resulting in “retrenchments and job insecurity, wage restraints and the suspension of benefits, soaring consumer prices and user charges for public services, flexible management practices and subcontracting, and an intensification of managerial efforts to increase labor productivity.”<sup>28</sup>

1980년대부터 구조 조정의 대상이 됨.

Unable to achieve sustainable post-colonial growth and development, Africa's economies are characterized by “a small formal sector with the majority of the population confined to subsistence agriculture and informal activities.”<sup>29</sup> In the context of this neo-liberal restructuring for three decades, formal sector employment represents a shrinking proportion of the economically active population.<sup>30</sup> African enterprise can be summarized into three categories: public enterprises where the state owns at least 50 percent of the organization, private indigenous enterprises which are characterized by informal and precarious work arrangements, and multinational companies, foreign subsidiaries and joint-venture organizations.<sup>31</sup> Private indigenous enterprises increased after the imposition of SAPs, engendering “union membership decline with contracting formal employment, growing informalization and casualization, a

<sup>25</sup> Anthony Baah, “Organizing in the Informal Economy: Experiences and Lessons from Africa, Asia, and Latin America,” (paper presented at *Ghana's Trades Union Congress/LO/FTF* (Denmark) Project, Nov. 2006), 8.

<sup>26</sup> Ilda Lindell, “Building Alliances Between Formal and Informal Workers: Experiences from Africa” in *Labor and Challenges of Globalization: What Prospects for International Solidarity?* eds. A. Bieler, I. Lindberg, and D. Pillay, (Scottsville: UKZN Press, 2008), 218.

<sup>27</sup> Piet Konings, “African Trade Unions and the Challenge of Globalization: a Comparative Study of Ghana and Cameroon” in *The Future of Organized Labor: Global Perspectives*, ed. Craig Phelan, (Bern: Peter Lang AG, 2007), 361.

<sup>28</sup> Konings, “African Trade Unions,” 362.

<sup>29</sup> ANSA: Alternatives to Neo-Liberalism in Southern Africa, <http://www.ansa-afrika.org/>.

<sup>30</sup> Lindell, “Building Alliances,” 218.

<sup>31</sup> Horwitz, “Industrial Relations in Africa,” 181-2.

hardening of employer positions in collective bargaining with increasingly precarious, unprotected and insecure employment models being adopted.”<sup>32</sup> Enterprises are able to take advantage of a large pool of precarious labor in the informal economy to drive down protections and wages. These economic developments have invariably had a deleterious effect on trade union organization, as well as on their socio-economic and political influence.

### **African Trade Union Organization in the Informal Economy.**

In the context of colonialism and weak economic development, trade union density and power in Africa have always had endemic weaknesses. Unlike the developed economies, unions have never represented a large proportion of the working population, and in pursuit of expanding the wage economy under difficult circumstances they have concerned themselves almost exclusively with defending and advancing wage employment and those employed in the formal economy.

#### **Exclusive protection for the formal economy**

Organizing a minority of the working population in a shrinking formal sector made up predominantly of public sector wage workers in poverty stricken populations, many African trade unions are, in addition, bound by their formative ties to the ruling parties which presided over the implementation of harsh SAP measures for decades. Consequently these unions place much emphasis on their waning political influence over these parties. There is general agreement that African trade unions are facing “a deep crisis of identity, having not yet devised any new strategies to deal with these dramatic changes.”<sup>33</sup> In order to recruit and represent informal workers, as well as to relate effectively to the different kinds of associations informal workers are organizing for themselves requires unions to revise both their concepts of political alliance and of which occupations and activities constitute “workers.”

Union response to the exponential growth of informal economy workers has been slow. Devenish and Skinner cite the diversity of economic activities and spatial location; their often negative previous experience of organization; the lack of an identifiable employer and the necessity of competition with each other as being the main barriers to trade union organization of informal economy workers.<sup>34</sup> Inevitably informal economy workers had already begun self-organizing initiatives before attracting the attention of trade unions. This has resulted in highly diverse strategies being employed by African trade unions, “ranging from antagonism to full integration.”<sup>35</sup>

이미 비공식 노동자들은 자체조직화

Not all of these organizations conform to the traditional trade union model. The WIEGO Organization and Representation Database (WORD)<sup>36</sup>, which is regularly updated, contains the contact details, scope, type of workers and occupation of almost 200 African member based organizations spanning the top ten sectors in the informal economy.<sup>37</sup> The database gives a good indication of the diversity of member based organizations in the informal economy. In Africa,

<sup>32</sup> Horwitz, “Industrial Relations in Africa,” 181.

<sup>33</sup> Konings, “African Trade Unions,” 364.

<sup>34</sup> Annie Devenish and Caroline Skinner. “Organising Workers in the Informal Economy: The Experience of the Self-Employed Women’s Union, 1994-2004.” School of Development Studies, University of KwaZulu-Natal, 11-12, <http://www.ifwea.org/@Bin/148860/2004SEWUEXperience.pdf>.

<sup>35</sup> Lindell, “Building Alliances,” 219-22.

<sup>36</sup> WIEGO Organization and Representation Database WORD, [www.wiegodatabase.org](http://www.wiegodatabase.org).

<sup>37</sup> Vendors; home-based workers; domestic workers; transport workers; construction workers; sex workers; waste pickers; agricultural workers; other – incl. carpenters/marketers/hairdressers/tomato traders etc.

informal economy worker organizations that have adopted the trade union model have often sought dialogue, co-operation and full association with existing African trade unions.<sup>38</sup>

### **African case studies of unions organizing informal economy workers**

The WIEGO database (WORD)<sup>39</sup> reveals at least 190 informal economy associations in Africa, ranging from MBOPS to CBOs to co-operatives to NGOs to Trade Unions. This review does not cover all the trade unions featured in WORD, because, there is as yet insufficient documentation of empirical details pertaining to union organization and even fewer analyses of successes and failures of union strategy. Although the case studies presented below are too sporadic to draw definitive conclusions for the entire continent, they are sufficient to allow for preliminary conclusions to be drawn, specifically those which direct future investigation for union policy formulation. This section is divided into two parts. First, very brief sketches of union organizing of informal workers is presented for several sub-Saharan African countries. Second, more in-depth case studies are presented from South Africa and Ghana. These countries were chosen for several reasons. Both South Africa and Ghana have diverse and rich mineral resource and agricultural bases. Both countries have demonstrated “jobless growth” in the past decade, in which the GDP has risen but formal employment has dropped; both countries have stable industrial relations systems and active trade unions which have consistently demonstrated their capacity and willingness to engage broadly on issues of de-regulation. In order to illuminate analysis of the cases from both these countries, a brief overview of the scope of informal economy and pertinent industrial relations issues are provided as a preface.

**Benin** The UNSTB (National Union of the Unions of the Workers of Benin) represents and provides education for informal economy workers. They claim to be the first to extend social security and pension benefits coverage to informal economy workers, and have also facilitated credit access. They have signed collective bargaining agreements that cover informal economy workers and provide education and training for collective bargaining.<sup>40</sup>

The National Union of Motorbike Taxis (SYNAZEB) provides welfare assistance to and negotiates for taxis drivers with government and city authorities. Their membership covers drivers and their service providers, including roadside petrol sellers, street cleaners and vendors at stations. They cite their main challenge as being government hostility to environmental pollution caused by the motor bikes of their members, and their weakness as being the absence of state policy in the sector and irregular contributions of members.<sup>41</sup>

**Mozambique** The Street vendor association, Associacao dos Operadores e Tralhadores do Sector Informal (ASSOTSI), is a full affiliate of the trade union national center Organizacao dos Trabalhadores Mocambicanos Central Sindical (OTM-CS). OTM-CS also waives the affiliation fee for ASSOTSI, which is registered as a union, but still struggling to get legal recognition from city municipality.<sup>42</sup>

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<sup>38</sup> Yaw Baah, Britwum and Akorsu, “A Report of the International Conference.”

<sup>39</sup> WIEGO.

<sup>40</sup> Yaw Baah, Britwum and Akorsu, “A Report of the International Conference.”

<sup>41</sup> Yaw Baah, Britwum and Akorsu, “A Report of the International Conference.”

<sup>42</sup> Lindell, “Building Alliances,” 223-5.



**Niger** The USTN formed a federation of informal sector workers, and succeeded in getting access to social security for some workers.<sup>43</sup>

**Nigeria** The Nigerian Labor Congress organizes through identified target groups of workers e. g. domestic workers, yam sellers, photographers and acts as a guarantor for them to access small and micro credits.<sup>44</sup>

**Tanzania** Various groups of informal construction workers formed the Tanzanian Association of Informal Construction Workers (TAICO) in 2007. The association's objectives are to "safeguard the interests of informal construction workers and pioneer for policy changes and access to markets."<sup>45</sup> TAICO negotiates for vocational certification, contractor registration and a reduction of contractor registration fees. It negotiates for access to public works projects and social/developmental construction projects such as the World Bank funded Tanzania Social Action Fund. TAICO has had talks with the Tanzanian Mines and Construction Workers' Union (TAMICO), which organizes formal (wage) workers, and agreement has been reached for TAICO to become a member of TAMICO, although this affiliation has not yet been realized.<sup>46</sup>

**Uganda** The National Alliance of Informal Economy Workers Organizations, formed in 2004, is an affiliate of the national center, Central Organization of Free Trade Unions (COFTU). They have applied for legal registration, but were not yet registered at the time of Lindell's study in 2008.<sup>47</sup>

**Zambia** The Alliance for Zambian Informal Economy Associations (AZIEA) is the national umbrella organization for associations of informal workers in Zambia. Launched in October 2002, it is the result of a project on organizing in the informal economy undertaken by the Workers' Education Association of Zambia (WEAZ), an affiliate of the International Federation of Workers Education Associations (IFWEA), and the Zambia Congress of Trade Unions (ZaCTU). AZIEA has associate membership with the national center, Zambian Congress of Trade Unions, and is also a member of StreetNet International.<sup>48</sup>

**Zimbabwe** The Zimbabwe Chamber of Informal Economy Associations (ZCIEA) is also associated to ZiCTU (Zimbabwe Congress of Trade Unions) but not affiliated. It was launched from an informal economy project of the ZCTU-CTUC and claims to have 125 affiliates.<sup>49</sup>

**Ghana** In Ghana, out of the estimated total workforce of 9 million, 86% (7.7 million) is engaged in the informal economy leaving a small fraction in the formal economy.<sup>50</sup> Of Ghana's informal workforce, the majority, 63%, are self-employed agriculture workers,<sup>51</sup> while the

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<sup>43</sup> Yaw Baah, Britwum and Akorsu, "A Report of the International Conference."

<sup>44</sup> Yaw Baah, Britwum and Akorsu, "A Report of the International Conference."

<sup>45</sup> Jill Wells and Arthur Jason, "Employment Relationships and Organizing Strategies in the Informal Construction Sector," *African Studies Quarterly* 11:2 and 11 (2010): 117-8.

<sup>46</sup> Wells and Jason, "Employment Relationships," 117-8.

<sup>47</sup> Lindell, "Building Alliances," 223-5.

<sup>48</sup> WIEGO.

<sup>49</sup> WIEGO.

<sup>50</sup> Baah, "Organizing in the Informal Economy," 12.

<sup>51</sup> Baah, "Organizing in the Informal Economy," 12.

remaining 37% are in non-agricultural industries such as textile, mining and transportation.<sup>52</sup> Ghana's economic growth has averaged 6–7 percent since 2005.<sup>53</sup>

The unionization rate for informal workers in Ghana is extremely low with only 0.1% of the workers in a union.<sup>54</sup> The main national trade union center is Ghana's Trade Union Congress (TUC). The TUC was established in 1945 and was given exclusive rights to organize by the Industrial Relations Act of 1965 which still governs the country's industrial relations<sup>55</sup>, although this exclusivity no longer applies and several independent trade unions have since been formed, including a second national center, the Ghana Federation of Labor (GFL) formed in 1998.

The TUC has protested the government's deregulation policies and their exploitative effects on informal workers and fiercely guards its hard-won independence from political parties.<sup>56</sup> In 1996, the TUC adopted a policy to strengthen its organization by recruiting workers in the informal sector. In an attempt to influence government policies, the TUC was instrumental in forming the National Consultative Forum of Ghana Labor (1985), the National Economic Forum in 1997<sup>57</sup>, and the Labor Enterprise Trust (LET) to encourage wage employment. The TUC has successfully campaigned to expand national health insurance to include informal economy workers (2003) and is currently advocating for a Basic Conditions of Employment act that will cover informal economy employees as well.<sup>58</sup>

## Ghana Union Cases

The Construction and Building Materials Workers Union organizes various informal economy associations and has signed a Collective Bargaining Agreement (CBA) to cover both formal and informal construction workers, which includes wages and health and safety protections.<sup>59</sup>

The General Agricultural Workers' Union organizes informal workers in the rural sector. The Ghana Private road Transport Union organizes self-employed commercial drivers and vehicle owners. The Local Government Workers' Union allows informal economy associations to affiliate as members. The Industrial and Commercial Workers Union also incorporates informal economy associations representing hair dressers and tie-dyers as full affiliates.<sup>60</sup>

The Maritime and Dock Workers Union (MDU) formed a company to absorb unemployed members who work as casual laborers. They report that the role of the union as an employer creates a conflict of interest and has reduced confidence in the union from the currently employed workers represented. Their response was to develop a CBA to cover the workers and provide leadership training for worker representatives.<sup>61</sup>

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<sup>52</sup> Kwasi Anyemedu, "Trade Union Responses to Globalization: Case Study on Ghana," International Federation of Workers' Education Association, 2000, 5, <https://ifwea-org-bin.directo.fi/@Bin/fdbe84d091985a1f0517a182fc2ca7be/1321893033/application/pdf/217846/Ghana%20globalisation%20case%20study.pdf>.

<sup>53</sup> "IDA at Work: Ghana's Concerns—IDA's Priorities," World Bank, <http://siteresources.worldbank.org/IDA/Resources/IDA-Ghana.pdf>.

<sup>54</sup> Baah, "Organizing in the Informal Economy," 16.

<sup>55</sup> Anyemedu, "Trade Union Responses," 2.

<sup>56</sup> Anyemedu, "Trade Union Responses," 7.

<sup>57</sup> Anyemedu, "Trade Union Responses," 7.

<sup>58</sup> S. Ryklief and A. Yaw Baah, "Summary of Legislative Achievements Through Social Dialogue in Ghana and South Africa," (paper presented at FNV Consultant's Week, Amsterdam. Sep. 2011).

<sup>59</sup> Ryklief and Yaw Baah, "Summary of Legislative Achievements".

<sup>60</sup> Lindell, "Building Alliances," 221-2.

<sup>61</sup> Lindell, "Building Alliances," 221-2.

The Timber and Wood Workers Union (TWU), provides skills training on managerial and bookkeeping skills and grievance handling for several informal sector groups. They also provide credit access and welfare schemes that can be extended to a social security scheme.<sup>62</sup>

**South Africa** Post-apartheid South Africa has experienced the restructuring of many industries including manufacturing, textile, construction, and taxi which has resulted in the informalization of much of the workforce. Presiding over the restructuring, ANC leader Thabo Mbeki implemented the economic policy framework “Growth, Employment and Redistribution” (GEAR). Mbeki earned the enmity of trade unions including key leaders and sectors of ANC alliance partner Congress of South African Trade Unions (COSATU) by subsuming all other development policies to the priorities of GEAR which, despite its name, reduced employment drastically.<sup>63</sup> From 1993 until 2011, the average quarterly GDP Growth was 3.32 percent.<sup>64</sup>

In the period from 1995-2001, full-time employment of the economically active population (EAP) declined by 20% while informal occupations rose by 17-31% of EAP<sup>65</sup>. As a result of the restructuring, “Employment practices were highly exploitative, with most workers being employed on a casual, temporary, or ad hoc basis.”<sup>66</sup> The growing trend of informalization of work, within the formal economy and without, continues. During 2004 – 2005, 516 000 of the 658 000 jobs created were in the informal sector.<sup>67</sup> A 2003 – 2004 report puts the EAP at 20.3 million, with 8.4 million registered unemployed; 6.6 million in the formal economy with regulatory protections and secure employment; 3.1 million as “semi-formal” workers in precarious forms of work, including outsourced, temporary, part-time and domestic workers; and 2.2 million in informal economic activities.<sup>68</sup>

In 1979, black unions were legalized and incorporated into the apartheid industrial relations system. Throughout the 1980s black trade unions, utilizing their access to legal protections and procedures, grew exponentially. The integration of the apartheid state control into all aspects of a black worker’s existence made the link between workplace struggles and their political solution inexorable, leading to high levels of politicization of black workers in these unions. Union actions, growth, capacity of organization and strategic economic relevance gave them considerable powers of mobilization. By 1985 COSATU and its smaller rival the National Council of Trade Unions (NACTU) were launched, and trade unions were beginning to consolidate their power on an industrial sector level. Mergers towards the formation of sectoral unions followed the launch of both federations, and collective bargaining strategies became

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<sup>62</sup> Lindell, “Building Alliances,” 221-2.

<sup>63</sup> Sahra Ryklief, “Does the Emperor Really Have no Clothes?” in *Thabo Mbeki’s World: The Politics and Ideology of the South African President*, eds. S. Jacobo and R. Calland, (Scottsville: UKZN Press, 2002), 113.

<sup>64</sup> “South Africa GDP Growth Rate,” Trading Economics, <http://www.tradingeconomics.com/south-africa/gdp-growth>.

<sup>65</sup> Franco Barchiesi, “Informality and Casualization as Challenges to South Africa’s Industrial Unionism: Manufacturing Workers in the East Rand/Ekurhuleni Region in the 1990s,” *African Studies Quarterly* 11 (2010): 67-85.

<sup>66</sup> Jane Barrett, “Organizing in the Informal Economy: A Case Study of the Minibus Taxi Industry in South Africa,” ILO, 2003, 15, [http://www.ilo.org/wcmsp5/groups/public/@ed\\_emp/@emp\\_ent/@ifp\\_s\\_eed/documents/publication/wcms\\_117698.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/@ifp_s_eed/documents/publication/wcms_117698.pdf).

<sup>67</sup> Devan Pillay, “Globalisation and the Informalisation of Labor: The Case of South Africa,” in *Labor and Challenges of Globalisation: What Prospects for International Solidarity?*, eds. A. Bieler, I. Lindberg, and D. Pillay, (Scottsville: UKZN Press, 2008), 49.

<sup>68</sup> Pillay, “Globalisation and the Informalisation of Labor,” 52.

increasingly sophisticated.<sup>69</sup> Through collective action and bargaining the black unions successfully reconfigured industrial relations in the country.

After the 1994 elections, labor relations legislation was overhauled, leading to the current two central pieces of labor legislation: the Basic Conditions of Employment Act (BCEA) of 1997 and the Labor Relations Act (LRA) of 1995.<sup>70</sup> The BCEA sets out minimum standards for most employers, excluding minimum wage requirements while the LRA facilitates collective bargaining rights including the right to organize; however, if workers are not in any employment contract, then they are not granted these rights. The BCEA also provides for state legislated Sectoral Determinations which regulate wages, hours and basic conditions for vulnerable<sup>71</sup> or special sectors.<sup>72</sup>

South Africa currently has three national labor central federations, who collaborate relatively effectively in statutory social dialogue arrangements. COSATU remains the largest and most active in these forums. Their most recent accomplishment has been the adoption of the Decent Work Country Program in 2010.

### South African Union Cases

The South African Transport and Allied Workers' Union (SATAWU) and the National Taxi Drivers' Organization organize mini-bus taxi drivers. Spawned by the vast spatial disparities caused by black urban relocation and the lack of public transport infrastructure to black communities during the apartheid era, the mini-bus taxi sector is a critical element of the public transport system, accounting for 65% of all public transport daily commuter trips, and employing an estimated 185,000 workers. SATAWU claims to represent 10,000, of which 2,500 are paid up members.<sup>73</sup>

The sector has been oversaturated for years, which has sparked violent "taxi-wars" among taxi operators for routes, and bribery and corruption with regard to traffic laws and licensing regulations. Although legally licensed to operate, the vast majority of taxi operators are highly exploitative and do not register their employees or adhere to standards as outlined in the Basic Conditions of Employment Act, which technically covers the non-owner drivers, queue marshals and vehicle washers in the sector.<sup>74</sup> These workers are usually classified as informal economy workers because of the precarious nature of their employment along with their powerlessness to make their employers register which leaves them with inadequate protection.

The same applies to the one million domestic workers in South Africa, who although covered by a state legislated sectoral determination which sets wages, hours and other employment regulations, remain inadequately protected due to their inability individually or collectively to enforce these protections. There is a long history of organization, although the unions are generally weak and unable to develop large membership. The South African Domestic Workers Association (SADWA) was launched in 1981. In 1986, SADWA then became the South African Domestic Workers Union (SADWU) affiliated to the Congress of South African Trade Unions (COSATU). COSATU disbanded the union in 1996, after multiple splits and financial problems.

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<sup>69</sup> Rykklief, "Does the Emperor," 50-52.

<sup>70</sup> Barrett, "Organizing in the Informal Economy," 10.

<sup>71</sup> Example: inter alia contract cleaning workers, domestic workers, farm worker, forestry workers, workers in the hospitality sector, civil engineering and taxi drivers.

<sup>72</sup> Example: child performers.

<sup>73</sup> Barret, "Organizing in the Informal Economy," ix.

<sup>74</sup> Devenish and Skinner, "Organising Workers in the Informal Economy," 13.

In 2000 some former leaders of SADWU formed SADSAWU (South African Domestic Service and Allied Workers Union). There are several other small domestic workers unions in existence, but none have the national profile of SADSAWU. The union is still active, although it struggles to recruit and retain membership. The union claims representation of 15,000 in the Cape Province and Kwa Zulu Natal, with 7,000 paid up members.<sup>75</sup>

In 2007, three rival construction unions in South Africa, the National Union of Mineworkers (NUM), Building Construction and Allied Workers Union (BCAWU) and the South African Building Workers' Organization (SABAWO); all affiliates of the Building Workers International, formed an alliance with the Labor Research Service, a Swiss union, UNIA and Swedish union BYGNNADS to build a campaign directed at civil engineering construction related to the 2010 soccer World Cup. Funded by several solidarity support organizations, they launched the "Fair Games Fair Play" Campaign. The objective of the campaign was to use the World Cup "to facilitate growth of union density in the sector, through promoting decent work for non-standard workers in the construction industry."

Organizing attempts in South Africa's construction industry occur primarily in the formal economy. Due to the precarious nature of work in the informal economy, it is difficult to sustain lasting union membership since workers are only employed for the duration of a specific project. Further, members are unable to pay union dues because of their unstable employment.<sup>76</sup> The principal strategy of unions has been "ensuring that the main contractor on a main project is held responsible for employment standards, including wages, benefits, unemployment insurance, conditions of work, health and safety of all workers on a given project, regardless of whether they are employed by the main contractor or a subcontractor."<sup>77</sup>

For the World Cup 2010 campaign the unions formed a steering committee which oversaw the campaign with the LRS-employed campaign coordinator. The three year campaign led to various improvements for construction workers involved in the World Cup 2010 including production bonuses, transport, better facilities and health and safety improvements. There was a total of 26 strikes during the campaign, and participating unions recruited 27,459 workers by the end of 2009, equating to a 39% increase in union density in the sector since 2006. The "beyond" element of the campaign was aimed at improving state regulations through a ban on labor brokering and an improved and expanded Sectoral Determination. The campaign succeeded in raising the minimum wage set in the Sectoral Determination from ZAR 2,200 in 2007 to ZAR 3,000 in 2009, and the call for a ban on labor brokering has been taken up by several South African trade unions, including COSATU.<sup>78</sup> The completion of the civil engineering projects in early 2010 led to considerable job losses, and there is not yet any record of whether the unions were able to retain the membership gained during the campaign.

The textile and garment industry was heavily affected by tariff reductions in the 1990's and the union lost thousands of members due to factory closures. The South African Clothing and Textile Workers' Union, has responded by broadening its scope of representation to include home-based workers. Dues paying members have access to union benefits such as their health

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<sup>75</sup> Ryklief and Yaw Baah, "Summary of Legislative Achievements," 2.

<sup>76</sup> Tanya Goldman, "Organizing in the Informal Economy: A Case Study of the Building Industry in South Africa," *International Federation of Workers' Education Association*, 2003, 32, <https://ifwea-org-bin.directo.fi/@Bin/407e55caeea0d4f2e9d67515563d6cf6/1321848208/application/pdf/217849/Goldman%20building%20industry%20case%20study.pdf>.

<sup>77</sup> Goldman, "Organizing in the Informal Economy," 51-2.

<sup>78</sup> M. Koen and A. Bahadur, "Fair Games, Fair Play: Evaluation of the BWI Decent Work Towards and Beyond 2010." Labor Research Service, 2011, 8-11.

care, funeral and scholarships for dependents.<sup>79</sup> The union also managed to include home-based workers in the statutory bargaining council's services and functions and wages a concerted battle against employers who attempt to seek exemptions from extending agreements to cover home-based workers in micro-enterprises.

In 1994, the Self Employed Women's Union (SEWU), modeled on SEWA in India, was formed. The union lasted a decade, declaring bankruptcy in 2004. Devenish and Skinner cite SEWU's successes as being, inter-alia, strengthening their members' income earning capabilities and access to credit; opening new opportunities by retraining and a broader empowerment of members, from knowing their legal rights to knowing how to conduct a meeting. The main weaknesses were the inability to reach sufficient scale of membership, with lapsed members and insufficient dues being a particular problem. The unions also suffered from problems with financial mismanagement and corruption.<sup>80</sup>

### Summary of key trade union strategies

African trade unions have adopted one of three strategies:

- 비공식 노동자들을 단일 부문 노동조합으로 조직  
- 구조적 관계 없이 사회적 대화 수준에서 지원/옹호로 협력  
- "우산형" 연합 관계로서 MBOPs와 제휴

1. To broaden the definition of workers they are legally entitled to represent (expanding their bargaining unit) and recruit and organize informal economy workers into a unitary sectoral trade union structure. Certain Ghana TUC unions, SACTU and SATAWU in South Africa have adopted this approach.
2. To collaborate with no structural relationship through benevolent support and advocacy on social dialogue levels, or occasional joint advocacy on campaigns of common interest. COSATU, South Africa adopts this approach.<sup>81</sup>
3. To affiliate MBOPs into a structured "umbrella" federated relationship and advocate nationally and internationally on their behalf.

The third option is the most prevalent strategy, pioneered and consistently pursued in Benin, Mozambique, Ghana, Niger and Uganda to a greater extent, and Zambia and Zimbabwe to a lesser extent (by forming an associate relationship rather than an affiliate relationship). These unions or national labor federations provide assistance in the registration of informal economy associations as trade unions and incorporate them as affiliates into the national centers, or into the sector-federated unions of the national sectors.

This strategy has the advantages of bringing numbers into the national center while retaining the informal association's capacity for self-organization and enabling these structures to influence one another, specifically enabling the informal economy association to influence the agenda of the better placed (economically and politically) national center to articulate and support the interests of informal economy workers.

At the same time, this strategy has not been entirely successful Lindell points to major constraints due to the fact that the interests, needs and aspirations of self-employed informal economy workers are often very different or may even collide with the members of existing trade

<sup>79</sup> Devenish and Skinner, "Organising Workers in the Informal Economy," 12.

<sup>80</sup> Devenish and Skinner, "Organising Workers in the Informal Economy," 35.

<sup>81</sup> Z. Vavi, "Address to the Informal Economy Conference, Cape Town." (paper presented Dec. 2 2011), 2.

unions and that the structures and modalities of trade unions are ill-equipped to deal with these workers.<sup>82</sup>

Former Ghana TUC General Secretary, Kwasi Adu Amankwaha, summarized the main obstacles to organization as being “low financial returns from the sector in relation to the cost of organization, the absence of a ready package of benefits to attract informal sector operators, and lack of previous experience in union organization.”<sup>83</sup>

Most unions who are pursuing this strategy agree, pointing to their own inability to sustain membership and collect dues, which limits growth potential.<sup>84</sup> The problem of sustaining membership exclusively through a dues system among workers who never have sufficient income to live on impedes growth and leads to a reduction of appropriate services/support or, if a strategy of fundraising is adopted to pay for this, donor dependency.<sup>85</sup> Often the viability of these new unions is plagued by financial mismanagement or corruption, as in the case of SEWU.<sup>86</sup>

These are not the only dangers. Ally, through a qualitative examination of SADSAWU, argues that domestic workers have been demobilized and depoliticized by the democratic state. The availability of an extended post-apartheid state apparatus for the protection of domestic workers removed the necessity for domestic workers to join a union, leading to declining union density in the sector. The state as the articulator, representative, and protector of domestic workers' collective interests displaced the union in these roles, and depoliticized it.<sup>87</sup> However, Ally's conclusion is contestable, specifically as state protections are pegged at basic minima of standards and even these minima are inadequately implemented by employers. The union's lack of resources may impede its ability to protect individual workers through casework, but it consistently attempts to improve both compliance and minima through advocacy and negotiation with state and employer representatives on a social dialogue level. Thus although it may well be argued that state protections have led to a reduced number of workers seeking union membership making it structurally weak, it is difficult to accept that this has led to a de-politicization of the trade union, especially when looking at SADSAWU leadership's alliance building with key labor and social NGOs, and its role in improving wages, working conditions and generalizing legal protections for domestic workers nationally and regionally through their work with the Domestic Workers' Research Project (DWRP) and globally through the International Domestic Workers' Network (IDWN).<sup>88</sup>

Despite the constraints, combining self-organization with a structural relationship to sectoral unions and/or trade union central federations still seems to be a more promising approach than simply relying on benevolent representation on social dialogue level.

In the first instance, benevolent representation and occasional joint advocacy and support only succeed if the supporting trade unions remain both politically effective and politically connected and are therefore able to mobilize support beyond their own membership in order to

<sup>82</sup> Lindell, “Building Alliances,” 226-7.

<sup>83</sup> Anyemedu, “Trade Union Responses,” 9.

<sup>84</sup> Yaw Baah, Britwum and Akorsu, “A Report of the International Conference.”

<sup>85</sup> Devenish and Skinner, “Organising Workers in the Informal Economy,” 20.

<sup>86</sup> Devenish and Skinner, “Organising Workers in the Informal Economy,” 20.

<sup>87</sup> Shireen Ally, “Domestic Worker Unionization in Post-Apartheid South Africa: Demobilization and Depoliticization by the Democratic State,” *Politikon* 35, 2008, 1-21, <http://www.informaworld.com/smpp/content~db=all~content=a794743512>.

<sup>88</sup> Domestic Workers Research Project, [www.dwrp.org.za](http://www.dwrp.org.za); “International Domestic Workers’ Network,” <http://www.idwn.info>.

wield an influence disproportionate to their size.<sup>89</sup> Few African trade unions can claim this status.

Those that can, like COSATU, describe themselves as ‘social movement unions’ because their articulation and mobilization efforts sometimes extends beyond merely servicing and representing their members through institutionalized arrangements and boundaries. Devenish and Skinner point out that informal workers attempts to organize themselves often stem from their dissatisfaction with the benevolent articulation of their perceived interests by unions.<sup>90</sup> Theron goes even further<sup>91</sup>, describing the expectations of wage employment as a disincentive to self-help for informal economy workers, and identifies the difficulties of developing mutually beneficial reasons for association between waged workers and those in the informal economy.

In the second instance, participants at the international conference on organizing in the informal economy in Accra identified as key needs the opportunity for national and/or municipal registration as service providers; skills certification to improve production or trade; finance and management skills certification; access to credit and savings; increased market access; and, freedoms to trade effectively in order to bring contract and self-employed workers together. Support and articulation for these interests are high on the agenda of the associations they form. None of these are within the framework of most trade unions, and without real, structural influence in existing trade unions, these interests are unlikely to be consistently and effectively pursued.

### **Conclusions: Implications for trade union policy formulation**

There is sufficient evidence that trade unions in Africa have taken the first and most important step, namely to approach, initiate, collaborate with and/or represent informal economy workers and their associations. These initiatives have revealed that several conceptual shifts have to be made by trade unions for them to take organization further, these being:

- acknowledgement that the rigorous implementation of structural adjustment by ruling parties, whether externally or internally imposed, has severely eroded unions’ political influence in these parties and that they may need independent status in order to broaden their alliances if they are to wield any significant influence;
- a combination of autonomous organization and collaborative, focused articulation is likely to be more effective in facilitating improvements;
- a shift from a seeking to provide a ‘wage culture’ towards raising the profiles of co-operatives and the “social economy” may prove to be more sustainable and effective in developing mutual commonalities with informal economy workers.<sup>92</sup>

In conclusion, given the levels of informalization and poverty on the continent, Africa can be seen as an “incubator” for union organization of the informal economy. Yet empirical

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<sup>89</sup> Konings, “African Trade Unions,” 364.

<sup>90</sup> Devenish and Skinner, “Organising Workers in the Informal Economy,” 2.

<sup>91</sup> J. Theron and M. Visser, “Remember me When Your Ship Comes in: Cooperatives and the Need to Shift From a Wage Culture,” (paper delivered at WIEGO Conference, Cape Town, 2011), 42.

<sup>92</sup> Theron and Visser, “Remember Me,” 42.



information on existing endeavors is sparse. On-going research and documentation of initiatives to provide concrete evidence and analysis is essential; it will assist by providing the basis for improving organizational strategies, orientation and development.

## **TRADE UNIONS AND INFORMAL ECONOMY WORKERS IN ASIA**

Verna Viajar

### **The Informal Economy in Asia**

In most developing countries in the Asian region, a substantial percentage of their gross domestic product (GDP) comes from the informal or ‘secondary’ economy. In the Philippines the informal economy contributes more than 20% of its GDP while in Cambodia, 85% of total workforce is engaged in the informal sector or precarious employment and according to some estimates, India may be as high as 98% of total workforce.<sup>93</sup> In Pakistan, it is estimated that 20 million persons are working in the informal sector, the majority of whom are women and children.<sup>94</sup> In Asia, the massive number of workers engaged in the informal sector combined with the sector’s component of the economy means that informal and precarious work is perceived as the norm rather than the exception. This chapter describes the organizing strategies of trade unions and other social movements to assist workers in the informal sector in the Asian region to organize. Selected examples are presented from the following countries: Bangladesh, Cambodia, India, Indonesia, Hong Kong-China, Nepal, Pakistan, and the Philippines. The cases represent informal workers in the following sub-sectors: domestic work, construction, transport, street vendors, waste-pickers and home-based work. These examples were selected because they have been established for at least two years, are members-based, and are recognized by regional/international trade unions (BWI, IUF, and ITUC) and non-government institutions such as the ILO.

The informal economy in Asia is characterized by “small-scale units” of production of goods and services with low levels of organization, vague differentiation between labor and capital, and composed of independent, self-employed or own-account workers/producers working alone or with others (i.e. unpaid family labor, hired workers or apprentices. In Cambodia, the small producing units in the informal economy are characterized with very little or no capital; low levels of technology and skills; low levels of productivity; low and irregular income and highly unstable employment<sup>95</sup>. Informal work in the Philippines is conducted either alone or in partnership with members of the same or other households. Work arrangements are casual without formal contracts and workers may be unpaid family members or employed on a

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<sup>93</sup> Rainier V. Almazan, “The Cambodian Construction Industry: Opportunities and Challenges for Workers and their Trade Unions,” (research report submitted to the Building and Wood Workers International, Selangor, Malaysia: Asia Pacific Regional Office, 2008).

<sup>94</sup> “Home Based Workers Organising,” Action for a Progressive Pakistan, <http://progpak.wordpress.com/2011/06/24/home-based-workers-organizing/>.

<sup>95</sup> This section is based on “Decent Work in the Informal Economy in Cambodia: A Literature Review,” Economic Institute of Cambodia, Bangkok: International Labour Office, 2006, 12.

temporary/seasonal basis.<sup>96</sup> The ‘informality’ in these units refers to the unregistered nature of these enterprises that are beyond government regulation, unrecorded in official statistics and unreached by labor and social protection.

The informal economy can be seen on streets, sidewalks and back alleys of cities and includes petty traders, street vendors, coolies and porters, small-scale artisans, barbers and shoeshine boys.<sup>97</sup> As in most of the developing world, it is the sector that functions as a catch-basin for people falling into poverty.

## Overview of Industrial Relations in Asia

The financial crisis of the 1990s was a major factor in the restructuring of Asia’s industrial relations systems (IR). For some of these countries, the move toward democratization has been correlated with an increase in unionization while others moved toward informal economies where unionization is fragmented. Regardless of the type of restructuring, the state remains the most powerful actor in Asia’s progression toward more developed industrial relations systems. IR in Asia is described as underdeveloped and under-institutionalized at present but with the prediction that the labor movement will be increasingly dynamic in the future.<sup>98</sup> The state is considered the strongest actor in Asian IR systems for maintaining economic development and stability. State control of IR is strongest where one party has succeeded in remaining in power for a long period of time and in countries with military and authoritarian regimes where governments assume a primary role in economic development or in socialist countries transitioning towards a market economy.<sup>99</sup> In a study comparing South Korea, Taiwan and the Philippines, the IR systems in South Korea and Taiwan are described as examples of state corporatism while IR in the Philippines, is a rare example of pluralistic industrial relations in Asia

The countries in which the state retains most control over industrial relations are: Malaysia, Thailand, Singapore, China, and Vietnam. In Malaysia, trade unions are prohibited from decision-making at the national level and have little influence at the sectoral level. The government controls the labor movement by allowing only a small minority of urban workers to collectively bargain but prohibits negotiation on transfers, promotions, layoffs, and job assignments. The government of Thailand has historically suppressed the labor movement despite attempts at democratization in 1992 and 1997. Following the financial crisis the state adopted a cost-reduction strategy that relies on informal, casual and short-term forms of employment that have decreased Thailand’s already low union density. Industrial Relations in Singapore are subordinate to governmental restraints. Union activities such as collective bargaining and striking are limited by the government. Similarly, China’s Communist government maintained control over the actions of employees for decades. However, in recent

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<sup>96</sup> This section is based on J. Sibal, “Measuring the Informal Sector in the Philippines and the Trends in Asia,” (paper presented at the 10<sup>th</sup> National Convention on Statistics, Mandaluyong City, Philippines, 2007), 2-3.

<sup>97</sup> “Poverty and the Informal Sector: Role of the Informal Sector in Poverty Reduction.” United Nations Economic and Social Commissions for Asia and the Pacific, 2006.

<sup>98</sup> Dong-One Kim, “Industrial Relations in Asia,” in see Morley, Gunnigle, and Collings, *Global Industrial Relations*, 147.

<sup>99</sup> This section is based on S.R. De Silva, “Elements in the Shaping of Industrial Relations in Asia.” International Labour Organization, Bureau of Employers Activities, 6, <http://www.ilo.org/public/english/dialogue/actemp/downloads/publications/srsindus.pdf>.

years, China has experienced a dramatic increase in the number of labor disputes suggesting that the government may need to relinquish some control over the labor movement. Finally, toward the end of the financial crisis, Vietnam enacted the Labour Code in order to promote harmonious relationships between employers and unions; however, this code is weakly enforced and tends to be ignored in practice so the government is able to suppress the labor movement.<sup>100</sup>

Other countries such as Japan, South Korea, Taiwan, Indonesia, and Hong Kong, have more well established and autonomous industrial relations systems. Although the growth of employment in the service sector has resulted in decreased union membership, Japan's manufacturing sector remains strong and unionized. South Korea's government suppressed the development of the labor movement until 1987 when the country moved toward democratization. Although unionization and labor strife were temporarily stifled by the financial crisis, both have steadily increased since the late 1990s. Taiwan's economy is characterized by small, usually family owned businesses which were more difficult to organize especially since the Labour Standards Act of 1984 did not provide basic union rights. In the late 1980s, Taiwan experienced a democratization movement similar to that of South Korea which weakened the government's control over unions, allowing them greater autonomy.<sup>101</sup> As a result, Taiwan had the highest union density rates of all the Asian countries – 35.9% - in a 2006 estimate.<sup>102</sup> Indonesia has a long history of union suppression by the government but democratization following the financial crisis led to a decrease in governmental control over the labor movement and implementation of ILO conventions in 1998 has correlated with an increase in union density. Finally, Hong Kong has an underdeveloped industrial relations system where only four percent of the workforce is covered under collective bargaining agreements but union density in the country has continued to increase following the financial crisis.<sup>103</sup>

While the general pattern of industrial relations in Asia is characterized by government control, in some countries, the role of trade unions has been important determinant of industrial relations outcomes for example, in India and Sri Lanka, where trade unions were part of the national independence movements. While the more suppressive governments prohibit all aspects of unionization, the governments in democratized countries control aspects of collective bargaining and the right to strike. Many countries also adopted the notion of enterprise unions rather than industry unions as a means of decentralizing the labor movement<sup>104</sup>. In general, unionization rates are low across Asian countries. Apart from the suppression of independent labor movements in Asian countries, the increasing informal and rural sectors have affected union strength particularly in Indonesia, Thailand, the Philippines and the South Asian countries<sup>105</sup>. Similar to Thailand and the Philippines, the majority of wage earners are in enterprises with only 10 or more workers, limiting their capacity to form unions and collectively bargain. Globalization has resulted in increased flexibility and informality in the workplace to benefit the employers.<sup>106</sup> Further, globalization has made unionization increasingly difficult for

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<sup>100</sup> Kim, "Industrial Relations in Asia," 153-66.

<sup>101</sup> Kim, "Industrial Relations in Asia," 148-52.

<sup>102</sup> Susan Hayter and Valentina Stoevska, "Trade Union Density and Collective Bargaining Coverage: International Statistical Inquiry 2008-09," International Labour Organization, 2011, 10. <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---dialogue/documents/genericdocument/wcms\\_165194.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/genericdocument/wcms_165194.pdf)>.

<sup>103</sup> Kim, "Industrial Relations in Asia," 156-61.

<sup>104</sup> Kim, "Industrial Relations in Asia," 169-9.

<sup>105</sup> De Silva, "Elements in the Shaping of Industrial Relations in Asia," 10.

<sup>106</sup> Kim, "Industrial Relations in Asia," 169.

workers worldwide.<sup>107</sup> Although trade unions in Asia tend to have lower rates of union density, there has been an increase in labor disputes which is contradictory to the trend in many Western countries.<sup>108</sup>

**Table 2: Informal sector incidence and share of GDP per country in Asia**

Country	Informal sector as percent of employment	Contribution to GDP (year)
Bangladesh	87.7 <sup>109</sup>	63.59 (2005-2006) <sup>110</sup>
Cambodia	95.0	81.04 (2003) <sup>111</sup>
Hong Kong	10.2-10.7 (1990-2008) <sup>112</sup>	16.6 (1993) <sup>113</sup>
India	93.0 <sup>114</sup> (of the workforce in 1999-2000) 45.8 <sup>b</sup> (as percent of total employment)	31.6 (1997-1998) <sup>115</sup>
Indonesia	29.1 <sup>a</sup>	25.2 (1998) <sup>116</sup>
Nepal	73.3 <sup>c</sup> (1999)	51.47 (2008) <sup>117</sup>
Pakistan	64.6 <sup>c</sup> (1997)	21.2 (1997) <sup>118</sup>
Philippines	44.6 <sup>119</sup> (2002-2007)	25.4 (1995) <sup>120</sup>

<sup>a</sup> Informal sector is defined as employment on casual basis and unpaid work.

<sup>b</sup> Estimation by the Delhi Group.

<sup>c</sup> National definition.

## Case Studies of Trade Unions and Informal Economy Workers in Asia

### India<sup>121</sup>

**Self-Employed Women's Association (SEWA).** The informal economy organizations in India illustrate the combination of forming cooperative or mutual self-help organizations and

<sup>107</sup> N. Ramasamy, "The Future of the Trade Union Movement in Malaysia," Malaysia Trade Union Congress, <http://www.mtuc.org.my/Nagiah%20The%20Way%20Forward.pdf>.

<sup>108</sup> Kim, "Industrial Relations in Asia," 171.

<sup>109</sup> D. Maligalig, "Informal Employment in Bangladesh and Indonesia," Asian Development Bank, <http://www.adb.org/Documents/Presentations/Gender/Dax-Maligalig-methodology.pdf>.

<sup>110</sup> Maligalig, "Informal Employment in Bangladesh and Indonesia."

<sup>111</sup> "Private Sector Assessment for the Kingdom of Cambodia," Asian Development Bank, [http://www.adb.org/Statistics/reta\\_files/6430/Bangladesh-Country-Paper.pdf](http://www.adb.org/Statistics/reta_files/6430/Bangladesh-Country-Paper.pdf).

<sup>112</sup> "Key Indicators for Asia and the Pacific 2011," Asian Development Bank, [http://www.adb.org/Documents/Books/Key\\_Indicators/2011/pdf/Key-Indicators-2011.pdf](http://www.adb.org/Documents/Books/Key_Indicators/2011/pdf/Key-Indicators-2011.pdf).

<sup>113</sup> F. Schneider, "Size and Measurement of the Informal Economy in 110 Countries around the World," (paper presented at Workshop of Australian National Tax Centre, ANU, Canberra, Australia, July 17 2002).

<sup>114</sup> J. Unni, "Size, Contribution, and Characteristics of Informal Employment in India," The Gujarat Institute of Development Research, <http://casi.ssc.upenn.edu/system/files/UNNI+India+Case+Study+for+ILO+stats+book.Pdf>.

<sup>115</sup> Unni, "Size, Contribution and Characteristics."

<sup>116</sup> Maligalig, "Informal Employment in Bangladesh and Indonesia."

<sup>117</sup> R. Suwal, and P. Bishnu, "Measuring Informal Sector Economic Activities in Nepal," (paper presented at the IARIW-SAIM Conference, 2009) <http://www.iariw.org/papers/2009/7%20Suwal.pdf>.

<sup>118</sup> "Profile of the Informal Sector," Congressional Planning and Budget Department, [http://www.congress.gov.ph/download/cpbd/fnf\\_112008\\_profsector.pdf](http://www.congress.gov.ph/download/cpbd/fnf_112008_profsector.pdf).

<sup>119</sup> "Profile of the Informal Sector."

<sup>120</sup> "Profile of the Informal Sector."

<sup>121</sup> This section is based on "HomeNet Bangladesh," WEIGO, [http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=11&sobi2Id=246&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=11&sobi2Id=246&Itemid=88&lang=en).

trade unions to blend the struggle for rights and development. For SEWA, the struggle is against the restrictions and repression experienced by informal workers in their societies and economies while development is about strengthening women's capacity to negotiate new economic alternatives for themselves. SEWA is the classic example of successful self-organization by poor self-employed women. SEWA has over one million informal women members, over 100 cooperatives, and is involved in child care services, insurance and other forms of mutual aid. SEWA's strategy combines the forms of unions and cooperatives and is founded on the Gandhian principle of organizing for social change. SEWA is a confluence of three movements, the labor movement, cooperative movement and the women's movement.

Similarly, **Kagad Kach Patra Kashtakari Panchayat (KKPKP)** or the Trade Union of Waste Pickers based in Pune City, India had about 8,000 members as of 2009, composed mainly of women waste-pickers and itinerant scrap buyers. The KKPKP organizes and mobilizes waste-pickers using the twin strategies of peaceful non-violent protest and resistance and development of alternatives. KKPKP campaigns for decent work for waste collectors, organizes for social protection such as medical insurance, cooperative credit/saving schemes, etc. and mobilizes against exploitation of waste-pickers from moneylenders and harassment from government authorities. KKPKP has also established cooperative scrap stores to provide the waste-pickers with services and better returns on the sale of scrap. The organization engages local, state and national governments on their issues and their scrap shop cooperatives strive to integrate the waste pickers into the local urban solid waste management system. KKPKP is registered as a union since 1993.

**The National Street Vendors of India (NASVI)** is the major federation of street vendors in India responsible for struggling towards the formation of a national policy for street vendors in the country. NASVI was formed as a network in 1998 and has since registered as a workers organization in 2003 to represent more than 10 million street vendors in India. At present, NASVI has over 540 street vendor organizations composed of 3.5 lakh members (or 350,000 persons) engaging the state and municipal authorities towards policy reforms and enforcement of laws on street vendors. In coalition with many NGOs, community-based organizations and professionals, NASVI's goals are to ensure livelihood and social security for members through policy interventions, building capacity; and setting up financial programs and services such as credit cooperatives and insurance.<sup>122</sup>

## **Indonesia**

**National Network for Domestic Workers Advocacy / JALA-PRT** Indonesia has about 2.5 million domestic workers mostly young women from rural poor communities.<sup>123</sup> Domestic workers in Indonesia are excluded from the labor laws and are vulnerable to abuse and maltreatment. JALA-PRT is a network NGO made up of many institutions concerned with the interest of domestic workers. Formed in 2004, JALA-PRT engages the government and local domestic workers organizations in its advocacy work, legal assistance, research and policy reforms campaigns towards recognition for domestic workers. Among the programs of JALA-PRT are policy advocacy; national campaigns on domestic workers law; database and

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<sup>122</sup> This Section is based on "National Association of Street Vendors in India," WIEGO, <http://wiego.org/wiego/national-association-street-vendors-india-nasvi>.

<sup>123</sup> "Protection of Indonesia Domestic Workers: Awareness Raising at National and Local Level," International Labour Organization, [http://www.ilo.org/jakarta/whatwedo/eventsandmeetings/WCMS\\_122355/lang--en/index.htm](http://www.ilo.org/jakarta/whatwedo/eventsandmeetings/WCMS_122355/lang--en/index.htm).

information; organizational development; and networking.<sup>124</sup> Together with Tunas Mulia Domestic Workers Union-Indonesia, the two organizations are engaging the Indonesia government for a national legislation for domestic workers.

**Tunas Mulia** was organized in 2003 initially as a religious study group of domestic workers in the Mosques as employers encourage their domestic workers to participate in such activities. The discussion groups became awareness-raising sessions for domestic workers to become conscious of the need to demand for recognition and better working conditions. Tunas Mulia campaigns and mobilizes through art/theatre, newsletter, radio, work communities” using a 3-pronged strategy by helping workers with work contracts, struggle for recognition as a union and fight for the national domestic workers law. Members of Tunas Mulia recruit members at parks or rest places for domestic workers, mosques, employers’ houses and meets once a week. The organization supports the formation of other domestic workers unions in the other parts of the country.

### **Nepal**

**Nepal Independent Domestic Workers Union (NIDWU).**<sup>125</sup> The Nepal Independent Domestic Workers Union was established on February 2007 as a national federation of domestic workers with 533 registered workers. Today, it has 15 local committees or chapters with more than 1,500 workers organized. NIDWU, through the support of GEFONT, a national trade union center of Nepal, focuses on the plight of child domestic workers who constitute a majority of the domestic workers in Kathmandu. NIDWU organizes and campaigns for such key issues as: registration of all domestic workers under municipal and local development authorities; employment contracts for domestic workers; minimum wage legislation; work benefits such as medical insurance, social security, and fixed 8-hour working hours and holidays; family visit vacation twice a year with transportation provided by the employer; and a prohibition on children below 14-years old to be employed as domestic workers.

### **Pakistan**

**Women and Development Association; Home Based Women Workers Federation, Labour Education Foundation.**<sup>126</sup> Home-based work is transient and flexible facilitated by multiple middle men working for factories, independent manufacturers and/or exporters. There are about 12 million home-based workers (HBWs) in Pakistan. WADA and HBWWF with support from the Labor Education Foundation (LEF) are seeking to hold the state government accountable for the protection of millions of home-based workers in Pakistan. The national policy reform demand envisions making employers pay for social security of HBWs including health insurance, disability and maternity benefits. WADA and HBWWF engage the government to provide market alternatives for HBWs, organized reproductive health clinics, address community issues such as sanitation, sexual harassment, etc., negotiate for higher wages with contractors and facilitate study sessions for HBWs. WADA and HBWWF also mediate in domestic disputes, and bring people together to solve problems such as instances of sexual harassment.

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<sup>124</sup> JALA-PRT: National Network for Domestic Workers Advocacy, [www.jala-prt.org](http://www.jala-prt.org).

<sup>125</sup> Nepal Independent Domestic Workers Union, <http://domesticworkerrights.org/?q=node/11>.

<sup>126</sup> “Home Based Workers Organizing.”

## **Hong Kong, China**

**Asian Domestic Workers Network (ADWN), Federation of Asian Domestic Workers Union (FADWU), International Domestic Workers' Network (IDWN).** Hong Kong, while not a country, has been an important locus for achieving rights for domestic workers. Hong Kong now recognizes domestic workers though they are still excluded from the regular minimum wage law. The Asian Domestic Workers Network (ADWN) was officially formed in 2005 as a result of an exchange workshop of Asian Domestic Workers in Hong Kong in 2004 organized by the Committee for Asian Women (CAW). ADWN became the first Asian-based network that links local adult domestic workers' organizations. At present, ADWN members are from South Asia, East Asia and South East Asia. These organizations are mostly domestic workers' organizations including societies, trade unions and NGOs. ADWN conducts such activities as capacity-building, campaigns on DW issues, networking, alliance-building, lobbying and organizational development.<sup>127</sup> The Federation of Asian Domestic Workers Union (FADWU) is a labor federation of six (6) local and migrant domestic workers unions in Hong Kong including the local Chinese domestic workers' union, the Indonesian, Filipinos and Thai domestic workers' unions in the country. FADWU was formed with the support of the Hong Kong Confederation of Trade Unions (HKCTU), a major labor organization in Hong Kong and is now a union member of HKCTU. FADWU's major strategy is to unite domestic workers from different countries working in Hong Kong towards a collective struggle for common rights and better working conditions.<sup>128</sup> The International Domestic Workers Network (IDWN) is a network of domestic workers organizations all over the world coordinating DW organizations from Asia, Europe, Africa and Latin America. It is a mass-based organization with the intention of promoting the organizing of domestic workers unions nationally and across regions. Specifically, IDWN aims to: (1) to bring unions and support organizations into regional networks run by DW organizations; (2) to campaign for the ratification of ILO's C189 and use this to mobilize/organize DWs; (3) highlight the situation of DW and build support for rights, encourage trade unions to support DW organizing and demands for rights, as a platform for national legislative changes; (4) encourage and support information exchange and networking through an active web site.<sup>129</sup>

## **Bangladesh**

**HomeNet, Bangladesh/Bangladesh Homeworkers Women Association (BHWA), Self Employed Union (SEU), Jatiya Rickshaw Shramik League**

HomeNet Bangladesh is a network of home-based workers organizations in Bangladesh composed of 45 member organizations, 6 micro-credit finance institutions and 5,387 members. The network together with the BHWA organizes for "social protection, better market access and national policy for home-based workers through various innovative activities such as trade fairs,

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<sup>127</sup>This section is based on "Asian Domestic Workers Network (ADWN)," Committee for Asian Women, <http://www.cawinfo.org/asian-domestic-workers-network-adwn/>.

<sup>128</sup> "Federation of Asian Domestic Workers Union (FADWU)," WIEGO [http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=12&sobi2Id=541&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=12&sobi2Id=541&Itemid=88&lang=en)

<sup>129</sup> "International Domestic Workers' Network (IDWN)," [http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=12&sobi2Id=266&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=12&sobi2Id=266&Itemid=88&lang=en).

workshops, and newsletters.<sup>130</sup> The Self-Employed Union (SEU) is a trade union of informal workers namely vendors, fish-sellers and home-based workers. SEU have more than 2,500 members half of whom are women with an objective to protect the rights of self-employed and jointly struggle for development and overcome poverty.<sup>131</sup> SEU conducts capacity building education activities; network; advocacy and lobbying for members services and hold regular discussions with issues of street vendors. The union negotiates and dialogues with the government on policy issues and demands of street vendors. SEU's current campaign involve on the elimination of child labour on the street and protection for child street vendors. The Jatiya Rickshaw Shramik League is a union of 43,000 transport workers such as rickshaw pullers, truck drivers, boatmen and taxi drivers. The union negotiates with police commissioners, city mayors and other municipal authorities to provide licenses for rickshaw, get free medical facilities for its members, get proper stands/halting places and for local authorities to provide night shelters for homeless rickshaw pullers. To retain its members, the union fights for their rights and solve their grievances such as police harassment, facilities, social protection, law and rights and exploitation. The union recruits by organizing local meetings, distributing publicity materials and highlighting the union's achievements.<sup>132</sup>

### **Philippines**

#### **Samahan at Ugnayan ng mga Manggawgawang Pantahanan sa Philipinas or Association and Linkages of Domestic Workers in the Philippines (SUMAPI); National Union of Building and Construction Workers in the Philippines (NUBCW)**

SUMAPI, established in 1995, now have 5,000 local domestic worker members in the Philippines. The organization aims to lead the movement for the protection of domestic workers especially child DWs and improve the conditions of their lives through organizing and capacity-building. Among the strategies utilized by SUMAPI to organize domestic workers were to conduct recreational activities in parks, schools, parishes to brief domestic workers on issues relating to them. SUMAPI also runs campaigns towards the enactment of a law for domestic workers and the ratification of ILO's C189. The organization has key services to recruit members such as 24-hour hotline numbers, provide legal assistance, recreation, facilitates access to social security benefits (i.e. health insurance) and education services for domestic workers.<sup>133</sup>

The NUBCW is an affiliate of the global union Building and Wood Workers International and formed in 2001. The union emerged from the alliance of five (5) construction workers' associations in the Philippines to organize trade unions in the construction industry.<sup>134</sup> As an industry union, NUBCW enters into a social dialogue with the Philippine state on policy reforms particularly on the occupational health and safety (OSH) enforcement; decent wages and better

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<sup>130</sup> "HomeNet Bangladesh," WEIGO, <[http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=11&sobi2Id=246&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=11&sobi2Id=246&Itemid=88&lang=en).

<sup>131</sup> "Labor at Informal Economy (LAIE); Formerly Self Employed Union (SEU)," WEIGO [http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=10&sobi2Id=385&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=10&sobi2Id=385&Itemid=88&lang=en)

<sup>132</sup> This section is based on "Jatiya Rickshaw Shramik League," WIEGO, [http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=13&sobi2Id=269&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=13&sobi2Id=269&Itemid=88&lang=en).

<sup>133</sup> This section is based on "Samhan at Ugnayan ng mga Manggawgawan Pantahanan sa Philipinas or Association and Linkages of Domestic Workers in the Philippines (SUMAPI)," WEIGO [http://www.wiegodatabase.org/index.php?option=com\\_sobi2&sobi2Task=sobi2Details&catid=12&sobi2Id=383&Itemid=88&lang=en](http://www.wiegodatabase.org/index.php?option=com_sobi2&sobi2Task=sobi2Details&catid=12&sobi2Id=383&Itemid=88&lang=en).

<sup>134</sup> "An Industry of Union Construction Workers," National Union of Building and Construction Workers, <http://nubcw-org08.tripod.com/>.



working conditions for construction workers; capacity-building and push for the general welfare of its members. NUBCW is currently organizing construction workers into community-based unions, firm-based unions, craft-based unions (guilds), and cooperatives.<sup>135</sup>

## **Cambodia**

**Building and Woodworkers Trade Union Federation of Cambodia (BWTUC)** Established in 2009 after two major construction workers' federations merged (the Cambodia Construction Trade Union Federation (CCTUF) based in Siem Reap and Cambodia Federation of Building and Woodworkers (CFBW) based in Phnom Penh).<sup>136</sup> Due to the nature of precarious employment among construction workers who are project based, casual, seasonal and temporary, organizing them presents many challenges. When a construction project ends, workers commonly return to the rural areas to farm or find other construction jobs in other project sites. Likewise, majority of construction enterprises are small and project-based. Given Cambodia's tragic history, the trade union movement in the country is relatively young. There were trade unions in Cambodia before the Khmer Rouge however little was known about them until 1954-1979. Between the end of the Khmer Rouge in 1979 until 1990 under the communist government, the People's Republic of Kampuchea (PRK), trade unions or 'syndicates' as they were called, were formed and controlled by the State.<sup>137</sup> Independent trade union organizing and formation did not begin until 1991 under the United Nations-supported peace process which led to introduction of democracy and human rights movement in the country. After the first national elections in 1993, various 'free' and 'independent' trade unions sprung up which coincided with the transformation of the country's political system to constitutional monarchy and opening to free market economic system. Among the strategies that the organization plans to implement to increase its membership are: (1) community based organizing; (2) firm-based organizing; (3) providing legal assistance to construction workers; (4) craft-based organizing and (5) capacity-building education activities. The union is also engaging the Cambodian government on policy reforms such as improved occupational health and safety standards. The mobile nature of construction workers in temporary project sites and small-scale construction enterprises are the challenges in organizing construction workers. Almazan recommended looking at craft-based labor organizing of skilled workers (or artisans as they are called in Cambodia) as well as organizing the professionals involved in construction such as the architects and engineers.

## **Conclusions: comparisons and policy implications**

Despite the substantial contribution of the informal economy to the overall economies in Asia, legislation covering the workers in this sector is scarce. For those organizations struggling to organize the informal sector, gaining legal protection at the local or state level is one of the major strategies. SEWA, KKKPK and NASVI in India, HBWWF in Pakistan and the SEU, BHWA and rickshaw operators in Bangladesh focused their initial struggles at the state for legal

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<sup>135</sup> E. Arellano, "State of the Working People and Labor Organization Address."

<sup>136</sup> Almazan, "The Cambodian Construction Industry."

<sup>137</sup> Veansa Noun and Melisa Serrano, "Building Unions in Cambodia: History, Challenges, Strategies," Friedrich-Ebert-Stiftung Office for Regional Cooperation in Asia, 2010, 20.

recognition and continue to engage in efforts to enable informal sector workers to legally operate free from police harassment and criminalization. The domestic workers in Indonesia (JALA-PRT and Tunas Mulia) and in the Philippines (SUMAPI) are currently engaging their respective governments to enact a law recognizing domestic workers and including their labor rights within the labor codes of these countries. The domestic workers organizations in Indonesia are supported by trade unions such as the KBSPI (a central federation) and the FSPMI (Indonesian Metal Federation). The SUMAPI in the Philippines are supported by three labor centers: the Alliance of Progressive Labor (APL), Trade Union Congress of the Philippines (TUCP) and the Federation of Free Workers (FFW).

Access to social protection benefits is the second major issue that informal sector workers struggle for in their respective countries. Construction workers in the Philippines (NUBCW) and Cambodia (BWTUC) have discovered that high profile advocacy campaigns and lobbying around occupational safety and health policies (OSH) is an effective consolidating issue for workers and the campaign activities inspire workers to organize themselves into unions. Home-based workers, street vendors and rickshaw operators in India, Pakistan and Bangladesh also respond strongly to campaigns for health insurance benefits, housing and education. Livelihood, credit programs, cooperatives and other opportunities for economic development are also important issues for self-employed workers. On the other hand, for the domestic and construction workers the enforcement of work contracts and minimum wages would be the crucial issues.

**Table 3: Asian Cases**

Country	Organizations	Strategies
India	Self-Employed Women's Association (SEWA); KKPKP (Trade Union of Waste Pickers); and National Association of Street Vendors of India (NASVI).	<ul style="list-style-type: none"> <li>- twin strategy of creating trade unions and cooperatives;</li> <li>- organization engaged in struggle for rights and economic development</li> <li>- negotiate and bargain at the local, state and national levels of government on permits to operate and coverage in state laws</li> <li>- development services such as credit, insurance and other livelihood programs</li> <li>- social protection services such as health insurance and education</li> </ul>
Indonesia	National Network for Domestic Workers Advocacy / JALA-PRT and Tunas Mulia Domestic Workers Union in Indonesia	<ul style="list-style-type: none"> <li>- engages the government in its advocacy work, legal assistance, research and policy reforms campaigns towards recognition for domestic workers</li> <li>- "campaigns and mobilizes through art/theatre, newsletter, radio, work communities" and demand for work contracts, recognition as a union and enact the national DWs law</li> <li>- Recruits members in rest places, parks and mosques</li> </ul>
Nepal	Nepal Independent Domestic Workers Union (NIDWU)	<ul style="list-style-type: none"> <li>- organizes and campaigns for registration of all domestic workers; enforce employment contracts; establish minimum wages; social protection, and fixed 8-hour work hours</li> </ul>
Pakistan	WADA - Women and Development Association; HBWWF - Home Based Women Workers Federation; LEF - Labour Education Foundation	<ul style="list-style-type: none"> <li>- engages the government to provide market alternatives, organized reproductive health clinics, address community issues such as sanitation, sexual harassment, and negotiate for higher wages with contractors</li> </ul>

Hong Kong, China	Asian Domestic Workers Network (ADWN); Federation of Asian Domestic Workers Union (FADWU); International Domestic Workers' Network (IDWN)	<ul style="list-style-type: none"> <li>- major strategy is to unite domestic workers from different countries working in Hong Kong towards a collective struggle for common rights and better working conditions</li> <li>- organize and demand for rights, as a platform for national legislative changes</li> </ul>
Bangladesh	HomeNet Bangladesh/Bangladesh Homeworkers Women Association (BHWA); Self Employed Union (SEU); Jatiya Rickshaw Shramik League	<ul style="list-style-type: none"> <li>- the unions negotiates with government authorities (i.e. police commissioners, city mayors) to provide license to operate for street vendors, rickshaw pullers, get free medical facilities, proper stands/halting places and other services (i.e. night shelters for homeless rickshaw pullers)</li> </ul>
Philippines	Samahan at Ugnayan ng mga Manggawgawang Pantahanan sa Philipinas or Association and Linkages of Domestic Workers in the Philippines (SUMAPI); National Union of Building and Construction Workers in the Philippines (NUBCW)	<ul style="list-style-type: none"> <li>- key services to recruit members such as 24-hour hotline numbers, legal assistance, recreation, access to social security benefits (i.e. health insurance) and education services</li> <li>- organize into community-based unions, firm-based unions, craft-based unions (guilds), and cooperatives</li> </ul>
Cambodia	Building and Woodworkers Trade Union Federation of Cambodia (BWTUC)	<ul style="list-style-type: none"> <li>- community based organizing; firm-based organizing; providing legal assistance to construction workers; and capacity-building education activities</li> </ul>

Non-government organizations or civil society groups are also major key actors in forming mass-based organizations in the informal sector. In sectors peopled by street vendors, domestic workers and home-based workers (i.e. Streetnet, Homenet, Jala-PRT, SUMAPI, etc.), NGOs play a prominent role in establishing trade unions or workers organizations. In construction and transport sectors, trade unions are more involved in organizing workers such as the BWI in Cambodia's BWTUC and ITF in the Rickshaw League in Bangladesh. NGOs and other civil society groups working in the communities are supporting the informal workers in terms of addressing their concerns such as housing, health issues, police harassment, etc.

While presently there is a broadening of NGO-trade union alliances in organizing informal sector workers, this has not been the case in the past. Previously, unionists did not consider self-employed or informal employees workers, so these workers were not targeted for unionization.<sup>138</sup> SEWA waited years before its application was accepted as a trade union member in the International Trade Union Confederation (ITUC). The home-based workers federations in Pakistan and Bangladesh are still not part of any trade union confederation nor are the domestic workers in the Philippines (SUMAPI) and Indonesia (Tunas Mulia). However, trade union-NGO/civil society cooperation on the issues of informal sector workers organizing has been strengthened through the years. The International Domestic Workers Network (IDWN) and Asia Domestic Workers Network (ADWN) strongly supported by the global union, IUF (International Union of Foods) in Asia are most often at the center of the trade union-NGO joint actions and events especially during the advocacy for the adoption of the ILO Convention for domestic workers (C189) in 2011.

<sup>138</sup> C. Bonner and D. Spooner, "Organizing in the Informal Sector: A Challenge for Trade Unions," IPG, [http://library.fes.de/pdf-files/ipg/2011-2/08\\_a\\_bonner.pdf](http://library.fes.de/pdf-files/ipg/2011-2/08_a_bonner.pdf).

In terms of organizing strategies, the modes of organizing have been adjusted to the nature of work and demographic of the informal sector. For the home-based workers, community-based workers organizations focused on addressing workers' rights and representation coupled with economic development programs seem to be the common thread among the labor strategies of SEWA and KKKPK in India, HBWWF in Pakistan, BHWA, SEU and Jatiya in Bangladesh. Formation of network worker organizations become the starting point for domestic workers in Hong Kong, the Philippines and Indonesia while NIDWU begin as a trade union affiliated with GEFONT (a major labor center in Nepal) but all work closely with trade unions in these countries on their struggles for DW legislations, minimum wages and work contracts. As domestic workers work in individual households, common rest places such as parks or religious sites are the places of organizing where domestic workers spend their day-offs. Construction workers in Cambodia and the Philippines are directly formed into unions with the support of the global union BWI (Building and Woodworkers International) struggling to negotiate collective bargaining agreements and national policies on occupational safety and health. Street vendors in India (NASVI) and Bangladesh (Homenet Bangladesh and BHWA) are affiliated with informal sector networks and alliances such as the Streetnet and WIEGO. Construction workers and street vendors most often have mobile workplaces such that mobile organizing of these workers is also commonly being used by unions and NGOs. The system of getting employed in construction projects in Cambodia as well as in the Philippines is the presence of one skilled construction worker recruiting 10-20 workers under him for a specific project. The relationship is commonly "patron-client" wherein the workers gravitate towards this leader for jobs or projects. In the Philippines, this is called the "cabo-system" wherein a skilled construction worker brings in his men towards a particular construction project or firm. Their relationship may last for years or just a few projects.

It is therefore important to study the nature of the sub-sectors in the informal economy to adjust labor organizing strategies. The nature of work as well as worksites are not as defined compared to workers in the formal sector where trade unions can organize within a defined workplace or factory. Employer-employee relationship is also difficult to establish in the informal sector making it difficult to enforce the traditional collective bargaining process. And finally, labor laws are still lacking in many parts of the developing world that covers the labor relations of workers in the informal sector. It is on this note that labor organizing in the informal sector need to be informed on the different employment patterns as well as rethinking concepts of workplace and employment relationship in the informal economy.

## **Trade Unions Organizing the Informal Economy Workers in Latin America**

Gilma Madrid Berroterán

### **Introduction**<sup>139</sup>

This section explores trade unions' (TUs) initiatives to tackle the impact of the expansion of the informal economy (IE) in Latin America (LA). Since the 1980s, TUs have warned about the impact of neo-liberal policies in different countries in LA in particular the massive flow of

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<sup>139</sup> Except as otherwise noted this introductory section is based on Annual Survey of Violations of Trade Union Rights, <http://survey.ituc-csi.org/Americas-Global.html?lang=en>.

imported goods into the countries resulting in increasing de-industrialization and a subsequent decrease in the offer of formal employment.<sup>140</sup> TU initiatives in IE are centered around the construction of a two-dimensional educational strategy: capacity building and professional training.<sup>141</sup> This chapter focuses on three countries, Guatemala, Colombia and Mexico. These countries share a history of social, cultural and economic violence against the poor and marginalized people, expressed mainly through the persecution of NGO members, trade unionists and community leaders.<sup>142</sup> In 2010, the Americas continued to be cited as the most dangerous continent for the exercise of trade union rights. For example 45 of the 75 people killed for seeking to exercise basic workers' rights occurred in Colombia alone (three of which were women and 16 trade union leaders). Another twenty trade union activists escaped attacks. In Guatemala where an anti-trade union culture implemented by employers is tolerated by the State, ten people were murdered, two people escaped death and five others received death threats. This climate of violence is fueled by an underlying culture in which the majority of trade union organizations were victims of smear campaigns, infiltration, parallelism and exclusion from all forms of political and social inclusion.

In Mexico, suppression of workers' rights to freedom of association is endemic and takes a variety of forms, most especially the so-called "protection contracts" (contratos de protección). These are agreements between employers and employer-dominated unions with minimal protection for or involvement of the workers covered by the contract and which function to repress workers' efforts to form independent unions.<sup>143</sup> Employers' interests are also enforced through the use of force aimed at suppressing workers for democratic trade unions with no consequence from and sometimes the assistance of the government. Two unions in particular have been targeted based on their efforts to advance the goals of freedom of association: Mexican Miners' and Metalworkers' Union (SNTMMSRM) and the Mexican Electrical Workers' Union (SME).

The Annual Survey makes clear that suppression of workers' rights against workers is not only particular to Colombia, Guatemala and Mexico but on the Continent as a whole with the notable exceptions such as Argentina, Brazil, Chile and Uruguay. Employers use a wide variety of tactics to repress the main expressions of freedom of association (forming trade unions, collective bargaining or strikes) including arbitrary dismissals, discrimination and anti-trade union campaigns. In many Latin American countries collective bargaining rights are limited not only due to employer resistance but also due to a paucity of binding legal measures. There are still few countries where governments have implemented genuine measures to encourage free and open collective bargaining.

As a result of the serious repression of workers' rights to form or join unions, countries in the Americas have developed practices expressly aimed at by-passing labor rights. These practices include protection contracts (Mexico) or the use of contract or temporary workers (Colombia, Honduras among others). The economic crisis is consistently used as a pretext to undermine trade union and workers' rights. Therefore, as will be discussed further below, violence is a significant factor in the growth of the IE, which in turn is one of the many challenges facing

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<sup>140</sup> Emilio Klein, "Los Sindicatos y el Sector Informal," *Nueva Sociedad* 70 (1984): 95-101.

<sup>141</sup> Gerardo Castillo, Miguel Frohlich, and Alvaro Orsatti, "Construcción de una estrategia Formativa Integral Hacia los Trabajadores de la Economía Informal, serie Sindicatos y Formación, CIOLS/ORIT" 2005.

<sup>142</sup> Amnesty International Country Reports 2000-2010, <http://www.amnesty.org/>.

<sup>143</sup> See for example "Mexican Government must Answer Case on Protection Contracts," International Metalworkers' Federation-IMF, <http://www.imfmetal.org/index.cfm?c=22603>

trade union organizations in this region. At the same time, violence against trade unionists, NGO members and community leaders is one of the obstacles for trade union organization itself.

This culture of violence against trade union members and supporters is enabled and supported by a public discourse that is characterized by violent rhetoric in the media in which the exercise of basic freedom of association rights is devalued and even criminalized. This discourse often accuses unions of corruption or association with insurgent political factions and asserts defending workers' rights is an impediment to industrial progress and modernization.<sup>144</sup> These campaigns function in two-ways: as smear campaigns to curtail public support for trade union activists and also to some extent, to legitimize the violent attacks on trade union activists.

The three case study countries, Guatemala, Colombia and Mexico have had right-wing governments in power for decades that have sought to maintain the status quo. It is against this background of repression, therefore, that we explore the strategies that TUs are implementing to organize workers in both the formal sector but also, and sometimes even more dangerous, those in the informal economy.

### **Trade Unions and Informal Economy Workers in Latin America<sup>145</sup>**

It was not until fifteen years after initial definition of informality was presented at the beginning of the 1970s that it was incorporated to the Inter-American Regional Workers' Organization (ORIT), the Latin American region of the International Confederation of Free Trade Unions, now the International Trade Union Confederation (ITUC). In the 1990s the XV ICFTU Congress approved the resolution "Strategies to the Integration of marginalized workers" which recognized the existence of marginalized laborers, a problem common to all LA countries, as a result of labor de-regularization, employment crises and the implementation of structural adjustment Program (SAPs). The resolution signaled that there were common elements to the conditions of workers: socially isolated, underpaid, unrecognized, exploited, subjected to the worst and most dangerous working conditions, without benefiting from social welfare, and without protection against dismissal or other means to defend their interests. This view also incorporated child labor as a critical characteristic of informality.

As part of its strategy to engage dependent workers in general, ORIT focused its work in the IE mostly on heads of families and single salaried workers with low income, through a line of work concentrated on dependent workers in precarious work. This line of work continued the historical work that trade unions had done in LA. Beginning in the 1950s there are examples of informal workers' trade unions in such trades as construction workers, barbers, shoe polishers and seamstresses in Guatemala and in Colombia. In the trade union base of Colombia, Untracut (Union Nacional de la Central Unitaria de Trabajadores) eventually to become the Central Unitaria de Trabajadores (CUT), informal workers accounted for more than 80% of affiliates.

ORIT continued its work developing internal and external strategies. Internal strategies, for example, contemplated assessments of the socio-economic characteristics of the IE in each country, creation of working commissions on the subject and education activities with their base members to sensitize formal workers and the general public; external strategies focused on the struggle to integrate IE work into the formal economy with the goal of the total elimination of the IE. ORIT has also promoted the debate around the term informal work because it created confusion among workers who considered this term as synonymous with irresponsibility and

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<sup>144</sup> Gilma Madrid, "Working With Flowers: An Analysis of Social, Cultural, and Ethical Relations in Colombia and the U.K." (PhD Thesis, University of Warwick, 2003).

<sup>145</sup> This section is based on Castillo, Frohlich and Orsatti, "Construcción de una estrategia Formativa Integral."

lack seriousness. In the seminars promoted by ORIT, the workers explained the need and convenience to use other terms such as “independent work”, “private work”, “own-employment,” “autonomous,” “under-employed” and even micro-entrepreneur.

In 2006 the International Confederation of Free Trade Unions merged with the World Confederation of Labor (WLC) to create the International Trade Union Confederation (ITUC). In 2008 the Americas’ regional organization was changed from ORIT to the Trade Union Confederation of the Americas (TUCA). At its founding congress TUCA resolved that internal trade union reform (“auto-reforma”) would be a regional priority, highlighting the need to create a culture of organizing workers in diverse, representative unions that include all workers regardless of the increasingly precarious, temporary and indirect terms under which they are hired. For many unions, the process of auto-reform has included efforts at integrating informal sector workers.

### **The Informal Economy in Latin America<sup>146</sup>**

Although generally working in the informal economy is contrasted negatively with working in the formal sector, the reality is more complex process which has different impacts in different economic sectors such as manufacturing, commerce and services. This is because there is a heterogeneous range of actors involved, in terms of economic activities and level of income. The informal economy is considered as an alternative to gain an income, especially for the poorest population with less possibilities of integrating into the formal sector. It is seen sometimes as an alternative for improving the family income given that the majority of the poor populations are self-employed or working in small units. However, given the fact that these families tend to remain in poverty, informal economy work often does not yield sufficient income for families to raise their living standard above the poverty level and is therefore remains, for many, more a survival tool than a strategy to overcome poverty.

Further, starting a business is a costly and a time consuming barrier to people with low incomes who lack the resources to navigate the often cumbersome process of obtaining permits and registration and licensing rules. Lack of credit for small and medium companies is another obstacle to creating formal sector type jobs therefore excluding this type of employment for a large part of the population.

In the 1980s the informal economy grew in parallel to the escalating Latin American financial crisis and by the 1990s globalisation did not the promised higher employment rates or better welfare for the Latin American population.<sup>147</sup> According to the data shown in Table 4, at the end of the 1990s, the percentage of population working in IE almost tripled in some countries such as Argentina, Brazil and Costa Rica compared to the 1980s. Other countries such as Mexico, Peru and Ecuador almost doubled or substantially increased these figures. However, the data also shows a slight decrease a decade later, suggesting that although foreign investment, especially from European and Asian countries, has increased dramatically in the region (40% in

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<sup>146</sup> This section is based on Sara Ochoa Leon, “Economía Informal: Evolución reciente y perspectivas,” Centro de Estudios Sociales y de Opinión Pública, 2010.

<sup>147</sup> Lucia Rosales, “Reseña Sobre La Economía Informal Y Su Organización En America Latina,” Global Labour Institute, [http://www.globallabour.info/es/2009/03/la\\_economia\\_informal\\_y\\_su\\_orga.html](http://www.globallabour.info/es/2009/03/la_economia_informal_y_su_orga.html).

2010<sup>148</sup> and 54% in 2011<sup>149</sup>), this investment has not “trickled down”- to bring reduced poverty and inequality or increased formal employment.

According to the ILO 2011 Labor Overview, the analysis of data from 16 countries shows that 50 out of every hundred people in Latin America work in the informal sector. For Latin America as a whole, 33% are employed in the informal economy, 12% have informal employment within the formal sector, and 5% work as in domestics.<sup>150</sup>

Another factor contributing to the increasing population working in the informal economy is the increase of people either forcibly displaced internally or refugees from other countries. After Sudan, Colombia has the largest proportion of the population internally displaced in the world<sup>151</sup> with 5,195.620 people forcibly displaced in the last 25 years (1985-2010).<sup>152</sup> According to official data, 51% of the total of the population on forced displacement had to abandon their land during the eight years of the past government (2002-2010).

In Mexico a report by Parametria shows that between 2010 and 2011, more than 120,000 were forcibly displaced by the violence throughout the country from Ciudad Juárez, Zacatecas and Cancún, among others.<sup>153</sup> Data from other sources are higher and estimate that the number of people at risk of displacement is increasing.<sup>154</sup>

Guatemala has also coped with the effects of internal displacement since the 1980s when, due to the civil war, thousands of people, mainly peasant and indigenous people, were forcibly displaced from their ancestral lands. Even when the government signed a Human Rights Agreement to assist and economically compensate the victims, this agreement has not being honored and several thousand victims are in a precarious social and economic situation.<sup>155</sup>

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<sup>148</sup> “Latin America and the Caribbean was the Region Where Most Foreign Direct Investment Grew in 2010,” CEPAL, <http://www.eclac.cl/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/7/43307/P43307.xml&xsl=/prensa/tpl/p6f.xsl&base=/tpl/top-bottom.xsl>.

<sup>149</sup> “FDI Increases 54% in First Half of 2011 in the Region,” CEPAL, <http://www.eclac.cl/cgi-bin/getProd.asp?xml=/prensa/noticias/comunicados/9/44869/P44869.xml&xsl=/prensa/tpl/p6f.xsl&base=/tpl/top-bottom.xsl>.

<sup>150</sup> “Organizacion Internacional del Trabajo,” ILO.

<sup>151</sup> Gutiérrez Aguilar and Angelica Lucia, “Marco Teórico y Aspectos Generales Relativos al Fenómeno de Desplazamiento Interno Forzoso.”

<sup>152</sup> “¿Consolidacion de que? Informe sobre Desplazamiento, Conflicto Armado y Derechos Humanos en 2010,” Consultorio para los Derechos Humanos y el Desplazamiento, CODHES, 2011.

<sup>153</sup> “Mexico y sus Desplazados,” Parametria, [www.internaldisplacement.org/.../DesplazadosOK.pdf](http://www.internaldisplacement.org/.../DesplazadosOK.pdf).

<sup>154</sup> “México: Desplazamiento Forzado, Silencioso y no Reconocido,” Radio Nederland, <http://www.rnw.nl/espanol/article/m%C3%A9xico-desplazamiento-forzado-silencioso-y-no-reconocido>.

<sup>155</sup> Asociación Consejo Nacional De Desplazados De Guatemala Condeg, <http://www.cnoc.org.gt/condeg.html>.



**Table 4: Population working in the Informal Economy (% of the labor force)**

Country	1984 <sup>156</sup> %	1999 <sup>157</sup> %	2008 <sup>158</sup> %	2010 <sup>159</sup> %
Argentina	15	42,4	N/A	46,7
Brazil	15	47,4	42	42,1
Colombia				59,6
Costa Rica	15	41,6	37,1	43,8
Mexico	30		43,7	54,2
Peru	30	64,1	59,3	70,3
Ecuador	30	58,9	57,4	56,4

### **Types of Informal Economy Work in Latin America**

Appendix 1, compiled with information from WIEGO database, ILO data and ITUC data, shows the following sectors of informal economy work represented by TUs in different countries in LA: domestic workers, waste collectors, taxi and bus drivers, street vendors, food vendors, agricultural workers, home-based workers, photographers, cleaners, street-market vendors, artisans, shoe and car cleaners, florists, kiosk vendors, lottery tickets vendors, cosmetic vendors, catalogue vendors, electrician, plumbers, salon vendors, sex workers, and many more types of work. The cases summarized in Appendix 1 show some of the main trade unions from different sectors of the IE. This is by no means a comprehensive summary of all Latin American trade unions organizing the workers in the IE.

The data show that domestic workers trade unions (DWTU) predominate. Currently, there are 7.6 million people employed as domestic workers in LA, constituting an average of 5.5 per cent of total urban employment.<sup>160</sup> Domestic workers are primarily women though there is also a small percentage of men from lower income households. Many are migrants from the forcibly displaced population described above - originally coming from the rural areas of their own country, but more recently from foreign countries, generally, but not only, neighboring countries.<sup>161</sup> In Costa Rica, Chile and Argentina between 16 to 21 percent of domestic workers are migrants.<sup>162</sup>

<sup>156</sup> Klein, "Los Sindicatos y el Sector Informal."

<sup>157</sup> United Nations Development Programme (UNDP), <http://www.beta.undp.org/undp/en/home.html>.

<sup>158</sup> United Nations Development Programme.

<sup>159</sup> Organizacion Internacional del Trabajo (OIT), <http://www.oit.org.pe/>.

<sup>160</sup>Victor E. Tokman, "Domestic Workers in Latin America: Statistics for new Policies," (paper for International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations and Women Informal Economy: Globalizing and Organizing, 2010).

<sup>161</sup>Tokman, "Domestic Workers in Latin America."

<sup>162</sup>Tokman, "Domestic Workers in Latin America."

One of the main focuses of domestic worker' trade unions' (DWTU) effort is to obtain basic "standard" employment terms: work contracts, wages, pensions and health insurance. Out of all the DWTUs listed in Appendix 1, the Federacion Nacional de Trabajadoras del Hogar de Bolivia (FENATRAHOB) (National Federation of Bolivian Domestic Workers) has succeeded in securing a new law that regulates working conditions for domestic workers, including social security, breaks for breastfeeding, health coverage, vacation time and an 8 hour working day. It has created a support organization (CCTH) which acts as a lobbying and vocational training center. In Costa Rica, an NGO, Asociación de Trabajadoras Domésticas (Astradomes) (Domestic Workers Association), played a major role in obtaining specific legislation in 2009 for domestic workers that includes an 8 hour day and one weekly day of rest. In 2011 Domestic Workers unions in the Dominican Republic advanced a law that would provide domestic workers with access to social security. At the time of this writing the law has yet to be ratified.

In Peru the Instituto de Promoción y Formación de Trabajadoras del Hogar (I PROFOTH) (Domestic Workers Capacity Building Institute) has created the first national union of domestic workers that assists with organizing, training and running projects. The Institute also struggles for changes to labor laws, and was successful in having domestic labor covered by labor law in 2003.

Street vending is seen in many cases in Latin America as a "temporary" survival strategy, especially for women, men and children who have been forcibly displaced from their homes and land.<sup>163</sup> This survival strategy, is known as "rebusque" – which means "whatever it takes to survive." Meertens differentiates the living situation between the "historical poor" and the newer forcibly displaced people and argues that among the latter, men are particularly disadvantaged because of their rural background where their skills are linked to traditional rural male jobs such as cattle raising, agriculture, etc. which have little value in the urban labor markets where they seek refuge. Women, however, develop skills that are more transferable to the work in the cities such as domestic work, cleaning, child and elder care and cooking. 70% of displaced people come from the rural areas, the other 30% from urban areas, where they might have more access to other type of skills such as shopkeepers, teachers, chauffeurs, hairdressers etc. People from the urban areas tend to find work more easily than those with an exclusively rural background. For the latter, arrival in the city means a big change in both occupational and, relatedly, gender roles.<sup>164</sup> Street vending is taken up, therefore, as a "temporary" survival strategy by people who have been displaced but the "temporary" character in many cases turns to be permanent.

In Colombia there are contradictory policies and regulations concerning street vendors. One is the "legalization" and "relocation" approach taken by different municipal administrations in Bogota in the 1990s. The 1998 Acuerdo 6 adopted the Economic, Social and Public Works Development Plan 1998–2001,<sup>165</sup> through which the local administrations wanted to massively displace street vendors in order to "free" and "recuperate" urban space in Bogotá. Street vendors and support organizations along with some trade unions, such as Unión General de Trabajadores Independientes y de la Economía Informal, UGT, opposed the forced relocation through public awareness campaigns and filed a Lawsuit against the municipality, signed by 1,016 street

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<sup>163</sup>Donny, Meertens, (2003) "Forced Displacement in Colombia: Public Policy, Gender and Initiatives for Reconstruction," (paper presented at the Conference on African Migration in Comparative Perspective, Johannesburg, South Africa, June 4-7 2001).

<sup>164</sup> Meertens, "Forced Displacement in Columbia."

<sup>165</sup> The following section is based on Simanca, Castillo, and Orielly, "Fondo De Ventas Populares 1972-2006," Alcaldia Mayor de Bogotá, 2008.

vendors from different locations in the city. The Constitutional Court (CC) ruled that although public space prevailed over private interest, the municipality was obliged to relocate those street vendors with whom the municipality had previous agreements and had to offer them a capacity building program, advice on the procurement of low-interest loans and any other strategy that the municipality had previously negotiated with the street vendor's organizations. According to the ruling of the court, the municipality had to reformulate its policies and strategies for the street vendor sector. The Fondo de Ventas Populares (FVP) had to redesign its program with the goal of incorporating street vendors into the city's formal economy through the implementation of professional advice, credits, and capacity building.

Another important event was CC ruling T-772 in which the court recognized the violation of several rights of a street vendor by the police: (rights to human dignity, equality, free personal development, freedom from displacement, freedom to choose profession and craft, and personal freedom). This ruling informed the actions and program of the municipality and has enhanced the bargaining power of the street vendors and their representatives in negotiations about public space.

Apart from trade unions there are several other types of organizations representing or advocating for informal workers such as associations, foundations, NGOs, federations, and committees. From the 130 types of worker organization listed in WIEGO's database, 43 are trade union-oriented (33% of the total). They could be informal trade unions with affiliation to the national chapters or formal trade unions working within the informal sector. Trade unions are affiliated to their national chapters in each country and those in turn form continental federations such as: Confederacion Latinoamericana de Trabajadoras del Hogar (CONLACTRAHO), Red de Sindicatos de La Economia Informal de Centroamerica y Panamá (SEICAP), Red de Trabajadoras Sexuales (REDTRASEX) and Red Latinoamericana de Organizaciones de Recicladores (RLOR).

## **Main Trade Unions organizing Informal Economy Workers in Guatemala, Colombia and Mexico<sup>166</sup>**

### **Guatemala**

La Confederacion de Union Sindical de Guatemala (CUSG) formed the Federación de Unidad Sindical de la Economía Informal de Guatemala, which includes seven sectoral trade unions (cycle taxis, taxi drivers, traders, market vendors, middle men) with a total of 1500 members. The Union Sindical de Trabajadores de Guatemala (UNSITRAGUA) organizes informal workers from the rural areas in the whole country with emphasis on the border with Mexico. The union was formed in 1985 to restructure the trade union movement, which had been subjected to a campaign of terror by the government against grass-root organizations. The union adopted horizontal decision making processes to guarantee the democratic nature of the organization.<sup>167</sup>

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<sup>166</sup> The following sections are based on Guillermo Perez Herrera, "Orit-Ciosl: Experiencia De Organización Sindical En La Economía Informal," Programa Sindical de la Economía Informal CIOSL-OIRT, [www.oit.org.pe/spanish/260ameri/oitreg/actividad/proyectos/actrav/proyectos/ppt/orit1.ppt](http://www.oit.org.pe/spanish/260ameri/oitreg/actividad/proyectos/actrav/proyectos/ppt/orit1.ppt); and WIEGO (see page 9 for full citation).

<sup>167</sup> "Trade Union of Workers of Guatemala," UNSITRAGUA, <http://unsitraguahistoricagt.org/index.php>.

The Central General de Trabajadores de Guatemala (CGTG) jointly with the Movimiento de Trabajadoras y Trabajadores de Campesinos de San Marcos (MTC) and UNSITRAGUA, formed the Movimiento Sindical y Popular Autonomo (The Popular and Independent Trade Union Movement). The Movement has two main campaigns, one to advocate for social and economic rights for young people and the other around decent jobs (“decent jobs: yes!”). The campaign activities include, among others, seminars about decent work, leaflets, and awareness raising walks.<sup>168</sup> The CGTG also offers assistance with trade union organization, capacity building, finances, legal aid, human rights, and health services including a medical clinic, pharmacy, dental care and laboratory.

## **Colombia**

The Escuela Nacional Sindical (ENS) (the National Trade Union School) has argued in several reports that the majority of human rights violations against trade unionists in Colombia are linked to labor conflicts, even when they occur in the middle of the civil war and when they are committed, in the majority of the cases, by actors in the armed conflict. The ENS has also pointed out that the majority of murders, death threats, kidnappings and forced displacement of workers have occurred during periods when workers and unions seek greater exercise of their rights. This implies that Colombian trade unionists are not collateral or casual victims of the armed conflict; rather, suppressing labor rights appears to be part of the combatants strategy.<sup>169</sup>

The Confederación de Trabajadores Colombianos (CTC) works with 71 trade unions and seven federations in the IE (FETRALNA, FETRADES, FEDETRAL, FESTRATOL, FESTRALVA, FETRABOL, FEDETRAR), comprising 5000 workers in the country.

Since the beginning of the 1980s, the Central Unitaria de los Trabajadores (CUT) promoted work with 100 organizations and 12,000 members nationwide through the Federacion Nacional de Profesionales y Trabajadores de los Gremios Independientes de Colombia (FENGRICOL). The CUT has also founded the Casa de la Mujer Trabajadora (the Women Workers’ Home), which focuses on the IE and women’s unemployment generally. One of its main activities is a program of assistance for creating productive businesses for women.

The Confederacion General de Trabajadores Democraticos (CGT) struggles for the abolition of child labor in the short, medium and long term. The CGT also lobbies for protective labor legislation and government programs to increase employment and social security, improve the quality of life, and reduce poverty.<sup>170</sup> The strategy is based on organizing meetings and workshops to promote employment generation and favorable legislation for the independent worker in the informal sector.

## **Mexico**

Like Colombia, Mexican unions are the target of violence and there are serious violations of the freedom of workers to organize.<sup>171</sup> The International Tribunal on Trade Union Freedom

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<sup>168</sup> “Jovenes sindicalistas por el Trabajo Decente en Guatemala,” UNI Global Union, <http://www.uniglobalunion.org/Apps/UNINews.nsf/vwLkpById/9E9D7CD79AF3ACFDC1257925006724CB>.

<sup>169</sup> “Colombia,” Annual Survey of Violations of Trade Union Rights, <http://survey07.ituccsi.org/getcountry.php?IDCountry=COL&IDLlang=ES>.

<sup>170</sup> The following section is based on WIEGO.

<sup>171</sup> “Deterioration of the Trade Union Rights Situation in Mexico,” International Metalworkers Federation, <http://www.imfmetal.org/index.cfm?c=26495&l=2>.

argues that the violence against workers' organizations in Mexico is being promoted in various ways by the Mexican government itself and the tribunal demands an end to this state of affairs.

The main trade union activity in the IE in Mexico is located in the Confederación Revolucionaria de Obreros y Campesinos (CROC), which in 1982 created the Federación Nacional de Organizaciones de Trabajadores No Asalariados (FNOTNA or the National Federation of Organizations of Workers Not Employees). The Federación has developed a multi-pronged strategy in different fields. The Unión Nacional de Trabajadores (UNT) organizes workers in the IE in the north of Mexico and some vendors and artisans in the capital city.

## **Conclusions and Policy Implications**

Out of the three countries that comprise the cases studies of this chapter, two are engulfed in internal armed conflict and the third, Guatemala, was devastated by a civil war in the 1980s. People in the three countries have been victims of forced displacement and other human rights violations by the paramilitaries and other armed actors.<sup>172</sup> The situation is precarious in Colombia and in Mexico is worsening every day. Internally displaced people find most of their survival strategies within the informal economy and the deterioration of the human rights situation in Latin America corresponds with the increased percentage of the population depending on the informal economy for their survival.

The strong connection between displacement and informalization presents certain challenges to organizations working with or for IE workers. In polarized countries divided by mistrust, these organizations themselves tend to have a high degree of volatility.<sup>173</sup> The work of trade unions and other related organizations in the context of internal conflict, targeted violence, discriminatory discourses, and lack of support from the government is dangerous and requires the support of their international affiliates or other international organizations and the general public in countries in the North. Nonetheless, there are clear examples where informal economy worker have successfully formed or joined unions to advance their rights. For example the Federación Nacional de Trabajadoras del Hogar de Bolivia's success in securing a new legal basis for domestic workers.

It is important to note that the majority of the TUs listed in Appendix 1 working within the IE focus their activities in cities. There is still the need to further support organizing work by TUs or other labor organizations, to reach the rural areas.

## **NORTH AMERICA: UNITED STATES AND CANADA**

Adrienne E. Eaton, Susan J. Schurman and Camille Dileo

The industrial relations systems of the United States and Canada are similar in many ways. The basic model in both countries consists of **six elements**: employee choice; majoritarianism; decentralization; exclusive representation; bargaining power; written legally enforceable collective bargaining agreements; and administration by a specialized government agency. The legal framework for private sector labor relations in the U.S. was established in 1935 with the

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<sup>172</sup> Fidel Mignorance, "The Flow of Palm Oil Colombia – Belgium/Europe: A Study from a Human Rights Perspective," HRE – CBC, 2006.

<sup>173</sup> Meertens, "Forced Displacement in Columbia."

enactment of the National Labor Relations Act (NLRA). The NLRA applies to industrial relations in all private sector firms that affect interstate commerce except firms in railways, airlines, and agriculture. Employees working in the railway and airline industries are covered by the Railway Labor Act (RLA). The development of industrial relations in the United States prompted the establishment of an industrial relations system in Canada, and in 1948, “The federal government in Canada used the NLRA as the model for labor legislation covering employees in interprovincial industries.” While the United States has national labor legislation, Canada utilizes national legislation for interprovincial industries, such as airline and telecommunication, but each province adopts its own legislation for industries that are not interprovincial.

In both countries, a majority vote of employees in a pre-determined workgroup in favor of union representation will result in certification of the union. This legal framework favors worksite organizing and decentralized collective bargaining. In both countries, there is little government intervention in the bargaining process following certification; thus outcomes are determined by the parties’ bargaining power and the strategic use of industrial conflict (strikes and lockouts). Each country also has a specialized agency to enforce the law. In the United States, the National Labor Relations Board (NLRB) governs employees covered by the NLRA. The Canadian Industrial Relations Board applies to interprovincial industries while provincial labor laws are regulated separately by each province’s industrial labor relations board.<sup>174</sup>

As in most of the world, union density in the United States and Canada has substantially declined: according to 2010 data, union membership in the United States is now estimated at 11.9% of the workforce and 30.8% in Canada. Both countries have major deficiencies in the coverage of their labor (and employment) laws. For instance, the NLRA applies only to certain private sector employees; it does not apply to workers covered by the RLA, domestic workers, agricultural workers, domestic employees, local/state/federal government employees or independent contractors.<sup>175</sup> In 2002, the US GAO<sup>176</sup> estimated, using 1997 data, that 22% of private sector workers were excluded from the protections of the NLRA. Breaking down that gross estimate further, the GAO concluded that supervisors or managers accounted for 9%, independent contractors 7%, small business (too small to be covered) 5%, agricultural workers .5%, and domestic workers .3%. (The GAO also estimated that 34% of public sector workers are without bargaining rights, largely a result of entire states prohibiting or not protecting collective bargaining; this number would be higher today as a result of legislative changes in 2011.) Temporary agency workers are covered but complications arise in determining who the employer is and the law in this area is unsettled. There are similar coverage issues in the laws that protect individual rights. For instance, the Fair Labor Standards Act, which sets the national minimum wage and regulates overtime and child labor also covers employer (and employees) in interstate commerce and excludes self-employed/independent contractors, agricultural workers, and some home-based workers. (Administrative, professional and managerial workers are also excluded from the overtime protections of the law.) Despite gradual expansion in coverage over

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<sup>174</sup> This overview is based on Richard N. Block, "Industrial Relations in the United States and Canada," in *Global Industrial Relations*, ed. Michael Morley, Patrick Gunnigle, and David G. Collings (London: Routledge, 2006), 25-52.

<sup>175</sup> “National Labor Relations Act,” National Labor Relations Board, <http://www.nlr.gov/national-labor-relations-act>.

<sup>176</sup> “Collective Bargaining Rights: Information on the Number of Workers with and Without Bargaining Rights,” U.S. General Accounting Office, Sep. 2002, <http://www.gao.gov/new.items/d02835.pdf>.

the decades since it was originally enacted, a 1996 estimate suggested only 65% of all (private and public sector) U.S. workers were covered at least in part.<sup>177</sup>

As described above, Canadian labor and employment law is more complex, at least in the private sector, than U.S. law given the split in jurisdiction between national and provincial law. In terms of coverage of particular types of workers, however, the labor laws generally share similar shortcomings in their treatment of independent contractors, some home-based workers and some agricultural workers. On the other hand, most Canada labor laws offer a broader definition of employee including someone in what is termed “dependent contractor status”. The dependent contractor concept has broadened the scope of coverage, exactly how broad depends on how the particular labor board has defined it. There are also, at the national level and in some provinces, Status of the Artist acts which establish a framework for collective bargaining in an industry which is characterized by informal work (and discussed in more detail below).

### **Extent of Informal and Non-standard work**

Table 5 summarizes basic statistics on the extent of informal or non-standard work in Canada and the U.S. Estimates of the extent of the informal economy are notoriously difficult to come by and unreliable. Nonetheless, most estimates coalesce in the way described in the Table 5 with the U.S. at about 10% or a little lower and Canada somewhat higher. This higher degree of Canadian informality is closely related to the degree of self-employment, a major source in any country of informal work. It should be noted that aside from involuntary part time work, the U.S. government does not track other forms of non-standard work regularly and has not done so since 2005. We know that the level of involuntary part time work in the U.S. roughly doubled as a result of the ongoing economic turndown; it is probably safe to assume the levels of other non-standard work have similarly gone up. It is important to note that, in keeping with the generally low level of labor market regulation in the U.S., there are few restrictions on non-standard employment in that country. At the same time, it seems likely that Canada’s greater levels of informality are at least partly a result of greater regulation of the labor market; that is, more employers and possibly more workers themselves attempt to escape regulation through informal and non-standard forms of work.

A final note should be made about data on informal and non-standard work. It is clear that in both countries, this type of work is disproportionate across various demographic groups. Indeed, women, people of color and immigrants are over-represented in almost all categories of this type of work. This is no doubt an important factor in the general lack of representation of these workers by unions.

**Demographic groups에 따라 비정규직/비공식 업무에 불균형적으로 분포  
=> 노조들의 과소대표로 이어지는 결과.**

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<sup>177</sup> Janice Fine and Jennifer Gordon, “Strengthening Labor Standards Enforcement through Partnerships with Workers’ Organizations,” *Politics and Society* 38 (2010).

Table 5: Extent of informal and non-standard work in Canada and the U.S.

	Canada	United States
Estimates of size of informal economy	11.5-16.4%	8.5-10% <sup>178</sup>
Type of work as % of labor force		
Self-employment (as % of labor force)	10% (2000) <sup>179</sup>	6% (2004) <sup>180</sup>
Involuntary part-time work	~6% (2006) <sup>181</sup>	>6% (Sept. 2011) <sup>182</sup>
Temporary work	7% (2006) <sup>183</sup> 10-11% (2009) <sup>184</sup>	5% (2005) <sup>185</sup>

### Unions and Informal/Non-standard work

Craft union 모델이 전통적 조합 형태와 공존.

While in general, most North American unions have, in the post-war period, come to equate unionization with collective bargaining, some unions in both countries have begun organizing and representing the interests of informal workers. It should be noted that the craft union tradition in both countries, based on what might be termed a mutual aid strategy of union-run apprenticeship programs, hiring halls and benefit funds along with collective bargaining, has continued to co-exist with the more dominant, workplace-based industrial union form throughout this period. Industries where the craft model still predominates are typically those where work has long been “non-standard”, that is more intermittent and casual with multiple worksites and employers; these include construction, long-shoring, entertainment and agriculture. These industries and the unions operating in them present models for other unions and industries or sectors where work is becoming more informalized but they are not the focus of this report. Rather, we look at cases where unions have attempted, sometimes successfully and sometimes not, to organize other groups of workers who have historically, and usually for multiple reasons, been considered beyond the reach of the traditional labor movement. As it turns out, most of these cases concern workers who have rightly or wrongly been defined as independent contractors.

<sup>178</sup> Defined as % of GNP: 10% (Gutmann, 1978 in Castells and Portes, 1989), 27% (Feige, 1978 in Mattera 1985), 4.4% (Tanzi, 1980 and 1982), and 8.5% (IRS in Castells and Portes, 1989). Source Jan L. Losby et al., eds. *Informal Economy Literature Review* (2002), 33. Defined as % of GNP: 8.8% (1999-2000). Source Friedrich Schneider, “Size and Measurement of the Informal Economy in 110 Countries around the World,” 2002, 15.

<sup>179</sup> Defined as “Own-account, self-employed”. Source Cynthia J. Cranford et al., *Self-Employed Workers Organize: Law, Policy, and Unions*, (Quebec: McGill-Queen’s University Press, 2005). See also <http://www.ic.gc.ca/eic/site/sbrp-rppe.nsf/eng/rd02610.html>.

<sup>180</sup> Defined as unincorporated, don’t employ others. Source Steven Hipple, “Self-Employment in the United States: An Update,” *Monthly Labor Review* (2004), 13-23.

<sup>181</sup> Leah F. Vosko, *Managing the Margins* (New York: Oxford University Press, 2010).

<sup>182</sup> “Union Member Survey,” U.S Bureau of Labor Statistics, <http://www.bls.gov/news.release/unions2.nr0.htm>

<sup>183</sup> Vosko, “Managing the Margins.”

<sup>184</sup> Leah F. Vosko and Andrea M. Noack, “Precarious Jobs in Ontario: Mapping Dimensions of Labor Market Insecurity by Workers’ Social Location and Context,” Toronto: Law Commission of Ontario, 2011.

<sup>185</sup> Defined as direct hire temporaries, temp agency, and on-call/day labor. Source Ditsler and Fisher, “Nonstandard Workers in the U.S. Workforce, 2005,” in *The State of Working America 2008/2009*, ed. Lawrence Mishel, Jared Bernstein and Heidi Shierholz, Economic Policy Institute.



The cases are summarized in Tables 6 and 7. The tables describe the union and workers involved in the case. Because there remains a heavy emphasis in the work traditional unions are doing with informal workers on establishing a collective bargaining regime, three columns address the issue of collective bargaining rights and agreements. The remaining columns examine other strategies used by the unions involved and other interesting and important aspects of the case. In addition, we present below brief, one paragraph descriptions of the cases.

## Canadian Cases

With one exception, the Canadian cases include work groups that are dominated by women or immigrants or both. They cover a wide array of occupational groups and unions.

**Table 6: Summary of Canadian Cases**

Union(s) involved	Workers	Demographics	Collective bargaining rights sought	Collective bargaining rights won	Collective bargaining agreement achieved	Nonunion NGO or community group involved	Other strategies used	Other observations
Letter Carriers, Canadian Labour Congress	Rural route mail carriers	Female-dominated	Yes	Briefly yes, but ultimately, no		Originally, yes ( Association of Rural Route Mail Couriers)	Alliances with other rural community groups; legal challenges	
Canadian Union of Postal Workers	Rural route mail carriers	Female-dominated	Yes	yes	Yes (9 years)	No	Legal challenges; leveraging existing bargaining relationship	Significant resources invested; some evidence that original union membership base was not fully supportive of organizing the new group
Various	Artistic workers		Yes	yes	Some example for some groups but these are exceptions rather than the rule	Professional Associations		Structural barriers remain despite legal enablement of bargaining through national and provincial Status of Artists Acts; SAA stimulated by UNESCO recommendations
ILGWU	Home-based garment workers	Female, immigrants	Yes		No		Research, use of "pre-union" association offering services (legal, language, other education); coalition with groups representing other home-based workers	
UFCW	Agricultural workers	Immigrants	Not emphasized	Yes in Ontario	Yes, in a few cases	Yes	Migrant Agricultural Workers Support Centres offering services; coverage by provincial osh law (Ontario)	
INTERCEDE* (not a traditional union); Ontario Federation of Labour	Domestic workers	Female, immigrants	Yes	Yes but they were lost again when the party in power changed	No	Yes	Success in improving immigration status; setting of minimum standards under the provincial Employment Standards Act; coalition with OFL, ILGWU	Legal bargaining rights were not enough, a viable employer structure for collective bargaining was needed but not created (INTERCEDE proposed a central registry of employers, rejected hiring hall)

## **Rural Route Mail Carriers, Canada Post. Part 1**<sup>186</sup>

The rural mail delivery system in Canada began in the early 1900s. From the beginning, rural mail couriers were defined as independent contractors. As independent contractors, couriers earned low rates of pay (“hovering” around the minimum wage) and, of course, were not subject to basic employment laws and systems of insurance. In 1985, couriers formed the Association of Rural Route Mail Couriers (ARRMC) in reaction to a series of adverse decisions by Canada Post. The ARRMC allied with other grass roots organizations (including Rural Dignity) to resist the changes and the Letter Carriers Union of Canada (LCUC) which aided the couriers in making a legal case for employee status. Because Canada Post was, at the same time, going through a process to restructure and consolidate its bargaining units, ARRMC became caught in a turf war between LCUC and the Canadian Union of Postal Workers (CUPW). The Canadian Labor Congress stepped in and issued a direct charter for a courier local called the Rural Routes Mail Carriers of Canada. Ultimately, a court overturned labor board decisions that would have enabled collective bargaining for the carriers. The legal setback led to the union’s eventual disbanding in 1994.

## **Rural Route Mail Carriers, Canada Post, Part 2**

The second major campaign for employee status began in 1995 fueled by a strategic decision by CUPW to organize all workers handling the mail. CUPW’s strategy for the couriers was to organize them first and to seek a legal status change second. By the end of 1998, the union had signed up 3500 members but in a separate organization, and CUPW shifted focus to changing the couriers’ employment status. CUPW brought a claim under NAFTA and lobbied Parliament for change but was unsuccessful in both attempts. In 2002, with the election of a new CUPW president, the strategy shifted to signing up a majority of couriers as CUPW members, applying for certification, and then bargaining for the couriers as part of the regular Canada Post bargaining cycle. (Supporting this strategy was a shift in the Supreme Court of Canada which in 2001 concluded that trade union activities were protected via the Charter of Rights protection of freedom of association, thus increasing the likelihood that the couriers bargaining rights would be upheld if it came through the labor board and courts again.)

CUPW invested considerable resources in the organizing drive; spending \$1 million by one estimate and involving 160 organizers. Perhaps because CUPW made clear its willingness to strike over the issue, in late July 2003, the union and Canada Post reached an agreement that included, among other things (including some concessions on work rules and severance pay for some occupational groups) employee status for rural couriers as of January 1, 2004 and substantial gains in working conditions for couriers. CUPW was recognized as the exclusive bargaining agent for the newly renamed “rural and suburban mail carriers.”

## **Organizing under the Status of Artists Act**<sup>187</sup>

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<sup>186</sup> This case (Parts 1 and 2) is based solely on Cranford et al., Self Employed Workers Organize.

<sup>187</sup> This case is based on Cranford et al., Self Employed Workers Organize; Elizabeth MacPherson, “Collective Bargaining for Independent Contractors: Is the Status of the Artist Act a Model for Other Industrial Sectors?” [http://www.capprt-tcrpap.gc.ca/eic/site/capprt-tcrpap.nsf/vwapj/Doc-elizabethmacpherson\\_eng.pdf/\\$file/Doc-elizabethmacpherson\\_eng.pdf](http://www.capprt-tcrpap.gc.ca/eic/site/capprt-tcrpap.nsf/vwapj/Doc-elizabethmacpherson_eng.pdf/$file/Doc-elizabethmacpherson_eng.pdf); and Gary Neil, “Status of the Artist in Canada: An Update on the 30th Anniversary of the UNESCO Recommendation Concerning the Status of the Artist,” (paper presented at the Canadian

Stimulated by the UNESCO's "Recommendations on the Status of the Artist," and by lobbying from the artistic community, first Quebec and then the national government passed laws aimed at creating the institutional framework for union representation and collective bargaining for artists who, because of their independent contractor status, would otherwise be excluded from coverage by Canadian labor law. Both laws cover a wide array of artists and protect artists' association from being deemed illegal combination in restraint of trade. The Quebec law requires producers to form associations which the national law, significantly, does not.<sup>188</sup> The national law is administered by a separate public board whose members are expert in the arts and allows certification for bargaining purposes if an association establishes that it is the most representative body for the particular profession, a much looser standard than typical under Canadian law. Collective agreements negotiated are "scale agreements", setting minimums for the provision of the particular professional service involved. Although there were unions and bargaining agreements before these laws, some new scale agreements have been reached by labor organizations certified under the SAA and several pre-existing agreements were renegotiated under the SAA. Overall, there has not been a huge growth of unionization in this sector.

### **Community Unionism in Canada: Cases of Union-Community Group Alliances**

Cranford et al. argue that "community unionism" is the best fit for the organization of precarious workers, particularly non-workplace based workers<sup>189</sup>. For them, community unionism takes two forms (or sits on a continuum, bordered on either end, by these two forms): alliances between "trade union" and community groups and autonomous organizing by community groups like worker centers. The alliance model includes cases of unions working with community groups to organize workers into traditional unions but also into "pre-union associations allied with trade unions."<sup>190</sup> They offer two main examples of this form in Canada. One is the International Ladies Garment Workers Union's Toronto campaign to organize immigrant women manufacturing garments in their homes.

In the 1990s, the Ontario district of the ILGWU began to reach out to home-based garment workers. This followed a long term decline in membership and density and the election of a leader who was "a progressive feminist with an aggressive organizing agenda"<sup>191</sup> The union chartered the "Homeworkers Association as an associate member local,"<sup>192</sup> a kind of "pre-union"<sup>193</sup> offering such services as legal seminars, language programs and sewing machine maintenance programs. The second aspect of the strategy was to work in coalition with other

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Conference of the Arts, 2010), [http://www.capprtcrpap.gc.ca/eic/site/capprtcrpap.nsf/vwapj/CCA\\_SAA\\_eng.pdf/\\$file/CCA\\_SAA\\_eng.pdf](http://www.capprtcrpap.gc.ca/eic/site/capprtcrpap.nsf/vwapj/CCA_SAA_eng.pdf/$file/CCA_SAA_eng.pdf).

<sup>188</sup> For related activities in other provinces see Neil, "Status of the Artist in Canada." In British Columbia, a collective bargaining regime in the arts sector has been established through interpretations of provincial labor law by the PC Labor Relations Board.

<sup>189</sup> Pradeep Kumar and Christopher Schenk, *Paths to Union Renewal: Canadian Experiences* (Toronto: Broadview Press, 2006), 239.

<sup>190</sup> Kumar and Schenk, *Paths*, 239.

<sup>191</sup> Steven Tufts, "Community Unionism in Canada and Labor's (Re)Organization of Space," *Antipode* 30 (1998).

<sup>192</sup> Cranford et al., *Self Employed Workers Organize*.

<sup>193</sup> Tufts, "Community Unionism in Canada," 242.

groups (including INTERCEDE whose campaign is described in the case below) to work for coverage of home-based workers of all kinds under labor and employment laws. The third component was a campaign to publicize the working conditions of homeworkers, focusing not on the direct employer – often a member of the same ethnic community as the workers themselves – but rather up the supply chain to the bigger manufacturers or retail stores.

The second case Cranford et al. discuss briefly is a partnership between the Canadian Labor Congress, the Canadian wing of the United Farmworkers and the United Food and Commercial Workers through which the Migrant Agricultural Workers Support Center was opened in Leamington, Ontario in 2002. Today, UFCW participates in the Agricultural Workers Alliance (AWA) which operates 10 support centers around the country.<sup>194</sup> The union also has negotiated collective agreements for groups of farm workers in 3 different provinces. In addition, UFCW and the AWA have successfully advocated for farm worker coverage by the provincial occupational safety and health law and the right to organize in Ontario and have fought for similar coverage in other provinces.

### **Domestic Workers in Canada<sup>195</sup>**

This case fits better into the second type of community unionism, autonomous organizing, although it also involved support from and coalition with traditional unions. Domestic workers in Canada were historically excluded from the protection of Canadian minimum wage and labor laws. In the post-war period, the racial and immigration status of domestic workers began to shift, first with the recruitment of Caribbean women. In the late 1970s, a group of women researchers, academics and lawyers formed INTERCEDE to organize and advocate for these workers. While INTERCEDE achieved some victories by focusing on policy changes in both immigration and employment laws, it ultimately came to the conclusion that the standard enforcement scheme – relying on worker complaints to the Ministry of Labor – did not work for domestic workers due to their lack of knowledge of their rights and their shaky immigration status which left them especially vulnerable to job loss. INTERCEDE further concluded that the solution to this problem was collective representation of some kind.

The election of a New Democratic Party (NDP) provincial government in Ontario in 1990 offered an opportunity for the extension of collective bargaining rights to domestic workers as part of a larger, comprehensive reform of provincial labor law. In the end, the law was changed to eliminate the exclusion of domestic workers and the government promised to establish a task force to examine how bargain might structurally be extended to domestic and other workers whose employment relationships did not lend themselves well to traditional collective bargaining, a promise that was ultimately not delivered upon. In 1996, the Conservatives reversed the labor law reforms undertaken by the NDP and restored the exclusion of domestic workers from the law.

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<sup>194</sup>“About AWA,” UFCW [http://www.ufcw.ca/index.php?option=com\\_content&view=article&id=2003&Itemid=245&lang=en](http://www.ufcw.ca/index.php?option=com_content&view=article&id=2003&Itemid=245&lang=en).

<sup>195</sup>This case is based on Judy Fudge, “Little Victories and Big Defeats: The Rise and Fall of Collective Bargaining Rights for Domestic Workers in Ontario,” in *Not One of the Family: Foreign Domestic Workers in Canada*, ed. Abigail B. Bakan and Davia Stasiulis (Toronto: University of Toronto Press Incorporated, 1997), 119-46.

## U.S. Cases

많은 이민 노동자들 : 서비스/운송/건설업(일용직)에 포함

To an even greater degree than the Canadian cases, the work groups involved in the U.S. cases are dominated by immigrants. The cases are concentrated in the broadly defined service sector and transportation though also includes day laborers many of whom work in the construction industry. Wide arrays of U.S. unions are represented including affiliates of both the AFL-CIO and Change to Win as well as the AFL-CIO itself. The cases are summarized in Table 7.

**Table 7: Summary of US Cases**

Union(s) involved	Workers	Demographics	Collective bargaining rights sought	Collective bargaining rights won	Collective bargaining agreement achieved	Non-union NGO or community group involved	Other strategies used	Other observations
Laborers International Union (LIUNA)	Day Laborers	Immigrants	In some but not all cases		Yes, but in very small numbers	Yes – workers centers and National Day Laborers Organizing Network	Worker centers continue to engage in community organizing and service provision while LIUNA offered access, at least in some cases, to its apprenticeship program and worked to organize employers	This case involved three different models of alliance between worker centers and LIUNA with different levels of formal partnership between the two. The undocumented status of many workers has been a barrier to access in training programs and formal, collectively bargained-for employment.
SEIU, AFSCME, AFT, CWA	Home-care and home-based child care workers	Women of color, in some cases immigrants	Yes, in several states	Yes (in LA county 11 years)	In most cases where rights were achieved and employing authority created, yes	Yes, ACORN (via the United Labor Union) originally	Establishment of public authority that could act as employer for bargaining	
International Brotherhood of Teamsters	Port truck drivers	Immigrants	Yes, though the first goal was to create employee status	No			Coalition with environmental and other community organizations to push for local environmental regulation including requirement of employee status	Courts have struck down the requirement of employee status
International Brotherhood of Teamsters	FedEx Ground truck drivers		Yes	Yes	No (despite union wins in some certification elections)		Drivers and the union have successfully challenged their independent contractor status in state and federal courts and in the NLRB	In some cases when employee status was awarded, FedEx terminated drivers. In other cases, FedEx has aggressively opposed unionization drives
Communication Workers of America/ Wash Tech	High tech contractors/ temps		Yes, as long term goal	In some cases, yes (employee status won)	Minimal (4 contracts)	Yes, it affiliated with CWA	Legal challenges to independent contractor status; state and national public policy work including around visa issues	
AFL-CIO	National Taxi Workers Alliance, National Domestic Workers Alliance	Immigrants, women of color	Yes, in taxi case though not necessarily with traditional employer			Yes	In some cases, Taxi Worker groups are attempting to negotiate industry regulations with the city in which they operate; Taxi worker groups also provide services. Success in NY state with Domestic Workers Bill of Rights	These emerging partnerships with excluded worker organizations are in their early stages so direction is somewhat unclear.

## Day Laborers in the U.S. and the Laborer's Union<sup>196</sup>

The organization and representation of day laborers – casual workers, who are typically picked up by their short term employer from a street corner, many of whom provide unskilled labor in the construction industry- in the United States has largely taken place through community organizations and worker centers rather than traditional unions. In 2001, twelve of these organizations came together to create the National Day Laborer Organizing Network (NDLON). Today, NDLON has 43 organizational affiliates in 15 different states (mostly on the west coast and northeast regions).<sup>197</sup> The Laborers International Union of North American (LIUNA) is the building trades union with the jurisdiction, among others, to organize unskilled workers in the construction industry. Like other construction unions, LIUNA has experienced steadily declining density for several decades. As part of LIUNA's effort to reverse that trend, it entered into discussions with NDLON "about how the organizations might work together to improve the conditions of day laborers and to provide opportunities for them to unionize."<sup>198</sup> Over time the organizations developed 3 different approaches to partnering: from a very close relationship where the union would actual charter a worker centers, to a looser affiliation of a worker center with a local union, to even looser informal mutually supported alliances. ) ✓

The Eastern region of LIUNA has chartered a local union with New Labor, a worker center in New Jersey with members in residential construction, warehouse and distribution centers, landscaping, car washes, restaurant workers and retail workers. The intent was that LIUNA would develop collective bargaining relationships with employers; workers working for a unionized employer would be members of Local 55. New Labor would continue its work to set a floor for wages and help in collecting wages in cases of wage theft where an employer was non-union. Despite all this cooperation and organizational cross-pollination, the relationship has been rocky and has not yet produced the organizing gains hoped for. LIUNA is also pursuing its other models of interacting with worker centers in other areas of the U.S. Overall, the attempt to organize immigrant residential construction workers has been hampered by the substantial decline in business in the sector during the continued financial crisis and the immigration status of the workforce. Interestingly, LIUNA leaders argue that the lack of documentation of many of these workers makes them ineligible for some training programs and unemployable in the formal, collectively bargained-for sector.<sup>199</sup>

## Homecare/Childcare: SEIU and others<sup>200</sup>

Workers who provide care to disabled or elderly people and to children in private homes work under a variety of different regimes in the U.S. Some work illegally or under the table while others are licensed. Care, when provided to the poor, is often government subsidized.

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<sup>196</sup> This case is based on Janice Fine, "When the Rubber Hits the High Road: Labor and Community Complexities in the Greening of the Garden State," *Labor Studies Journal* (2011); and Janice Fine, "Laborers International Union of North America Case Study," *Labor and the Integration of Immigrant Workers: Germany, France, the United States, and United Kingdom in Comparative Perspective*, 2011.

<sup>197</sup> NDLON National Day Laborer Organizing Network, [http://www.ndlon.org/index.php?option=com\\_content&view=article&id=58&Itemid=183](http://www.ndlon.org/index.php?option=com_content&view=article&id=58&Itemid=183).

<sup>198</sup> Fine, "When Rubber Hits," 125.

<sup>199</sup> Fine, "Laborers International Union."

<sup>200</sup> This case is based on Adrienne Eaton et al., "Organizational Change at SEIU, 1996-2009".

Care providers may be engaged in both informal and subsidized care at the same time.<sup>201</sup> In the last 10 years, unions in the U.S. have made enormous gains in organizing and representing the subsidized care provider segment. Service Employee International Union (SEIU) undertook this organizing as one of its breakthrough campaigns, organizing 365,000 home-based care workers. Like all workers in the home care sector, they tend to work alone, providing their services in their clients' houses and apartments. While some of these workers are hired through private agencies and fit a more traditional employee/employer model, many more are hired on an ad hoc basis and had been defined as independent contractors ineligible for unionization.

SEIU political campaign in California succeeded in redefining home care workers as employees and in county-based authorities that would take over the administration of the home care programs and serve as the workers' employers. SEIU and American Federation of State County and Municipal Employees (AFSCME) have successfully, organized workers in various California counties; this includes the 1999 SEIU win for 74,000 Los Angeles County workers. Using what it learned about organizing homecare workers, SEIU and other unions were able to transfer the model to organizing home-based childcare providers. SEIU has effectively used the model in several states outside of California, Illinois, New York, Oregon and Washington. AFSCME, but also the American Federation of Teachers, and the Communication Workers of America have successfully organized home-based childcare workers using the same strategy. The collective agreements resulting from these campaigns have raised standards for the covered workers.

### **The Teamsters, Part 1: Port truck drivers<sup>202</sup>**

The occupation of truck driving has long included both waged employees along with owner-operators. It is also an occupation that has been subject to a great deal of employer distancing through the movement of employees to often inappropriate or illegal independent contractor status in the past two decades. Paralleling this history is a debate within the Teamsters union as to the boundaries of membership; throughout most of its history, the Teamsters constitution has made room for owner-operators as members.<sup>203</sup> Below we discuss two recent examples of Teamster outreach to drivers misclassified as independent contractors.

The first of these concerns drivers who haul goods to and from the U.S.'s ports. Independent contractor status puts these drivers outside the protection of labor and employment laws and forces them to "bear all the risk and responsibilities of small businessmen, including paying their truck leases, buying fuel, paying tolls, paying license fees, truck maintenance and repair, liability insurance, unemployment and workers' compensation, social security."<sup>204</sup> It has also meant that their trucks are often in bad shape and are heavy air polluters. The condition of these trucks is of crucial importance because it has become the linchpin of a coalition and regulatory strategy aimed at improving working conditions for the drivers through union representation along with

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<sup>201</sup> Linda Houser and Elizabeth Nisbet, "Unionized Home-Based Child Care Providers in New Jersey (paper presentation at LERA Annual Meeting, January 2012, Chicago).

<sup>202</sup> This case is based solely on Bensman, David. "Challenges and Opportunities: The Labor/Environmental Alliance for Clean Air and Clean Trucks in New York and New Jersey." May 2010, unpublished paper.

<sup>203</sup> Cobble and Vosko, 2000, pp. 301-305

<sup>204</sup> Bensman, 2010, 2.



environmental outcomes. “In 2006, the Teamsters Union joined with **Change to Win** [– the new federation set up in 2005 as an alternative to the AFL-CIO -] to organize port truckers.”<sup>205</sup>

The union coalition developed a strategy of allying with groups from the environmental, environmental justice, and public health arenas, as well as faith-based and other community organizations to improve the environmental impact of the ports and establish employment status to the drivers, thus providing them also with collective bargaining rights. In 2007, the coalition succeeded in getting the Harbor Commissions of both Los Angeles and Long Beach, California to adopt a set of requirements for trucking companies moving freight in and out of the port to improve air quality around the port, including a requirement that the companies employ their drivers.<sup>206</sup> The industry also challenged the employment requirement in court, and in late September 2011 the 9th Circuit Court of Appeals voided the employment requirement. Meanwhile, the campaign continues in LA and other ports on the west and east coasts of the U.S. and at the federal level.<sup>207</sup>

## **The Teamsters, Part 2: FedEx Ground Drivers<sup>208</sup>**

FedEx Ground was established in 1998 as a non-union competitor to USPS and UPS. FedEx Ground has required drivers to purchase or lease their vehicles as well as sign an Agreement stating that the worker will, “operate as an independent contractor and not an employee for any purpose”. In response to the inequities of being classified as independent contractors, drivers from five terminals (Fairfield, NJ, Barrington, NJ, Hartford, CT, Northboro, MA, and Wilmington, MA) decided to organize and challenged their status at the NLRB. In 2004 the drivers were officially declared employees by the NLRB and granted the right to organize. Drivers approached the Teamsters and in 2006, Teamsters passed a resolution to work in solidarity with FedEx workers across the country. The legal battles continue with FedEx also challenging the NLRB’s jurisdiction. At the same time, FedEx management has responded with to local organizing campaigns with a vigorous anti-union campaign that has successfully defeated most of the attempts to unionize.

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<sup>205</sup> Bensman, 2010, 2.

<sup>206</sup> Strong opposition from the trucking industry eventually forced the Long Beach commission to back away from the employment requirement.

<sup>207</sup> Political Support. Coalition for Clean and Safe Ports. <<http://cleanandsafeports.org/letters-of-support/>>.

<sup>208</sup>This case is based on Johansson, Erin. "Fed Up with FedEx: How FedEx Ground Tramples with Workers' Rights and Civil Rights." American Rights at Work. Oct. 2007. <<http://www.americanrightsatwork.org/dmdocuments/ARAWReports/fedupwithfedex.pdf>>. 13 Nov. 2011; Metcalf, Eddy. "FedEx Drivers Aren't Pilots Campaign Urges A End To FedEx Loophole." AvStop » Number One Online General Aviation News and Magazine. 9 June 2010. <[http://avstop.com/news\\_june\\_2010/fedex\\_drivers\\_aren't\\_pilots\\_campaign\\_urges\\_a\\_end\\_to\\_fedex\\_loophole.htm](http://avstop.com/news_june_2010/fedex_drivers_aren't_pilots_campaign_urges_a_end_to_fedex_loophole.htm)>. 13 Nov. 2011; Munroe, Galen, and Leigh Strobe. "Teamsters Delegates Back Resolution to Secure FedEx Workers Right to Pursue Union Representation | International Brotherhood of Teamsters (IBT)." 27 June 2006 <<http://www.teamster.org/content/teamsters-delegates-back-resolution-secure-fedex-workers-right-pursue-union-representation>>. 13 Nov. 2011 ; Saveland, Todd D. "FedEx's New "Employees": Their Disgruntled Independent Contractors." Law Journal Library. Hein Online, 2009. Pages 95-119. <<http://heinonline.org/HOL/Page?handle=hein.journals/tportl36>>. 13 Nov. 2011; and Sivaraman, Aarthi. "FedEx, UPS Clash over Bill on FedEx Labor Rules" Business & Financial News, Breaking US & International News | Reuters.com. 27 Oct. 2009. <<http://www.reuters.com/article/2009/10/28/us-parcel-debate-idUSTRE59R03E20091028>>. 13 Nov. 2011.

## CWA, WashTech and high tech workers<sup>209</sup>

WashTech was formed in 1998 by several of Microsoft's temporary and contract workers, often known as "permatemps" because they frequently continued working for the company for many years while remaining formal designated as "temporary" with all the resulting inequities that accompany that status. These workers were upset about an action by Washington state to exclude them from coverage of state overtime law. Shortly after its founding, WashTech affiliated with the Communications Workers of America. Over its history WashTech has drawn members from a variety of other high tech firms, many headquartered in Washington State. The organization has two levels of involvement, dues paying members and non-paying "subscribers"; there are many more of the latter than the former. WashTech has support worker lawsuits against misclassification as independent contractors including the big case at Microsoft which was settled by the company for \$97 million. WashTech also engages in public policy advocacy at the state and national level including on visa issues. WashTech seeks to establish traditional collective bargaining relationships where possible, but has thus far only negotiated four contracts. One major barrier the barriers established by the NLRB to organizing workers who are essentially co-employed by both a client firm and a temporary employment agency. Throughout, CWA has remained committed to supporting a non-collective bargaining form of unionism for these highly skilled but non-traditionally employed workers. ?

## AFL-CIO Partnerships with Non-Traditional Labor Organizations

In 2006, the AFL-CIO established a National Worker Center partnership whereby the federation could affiliate worker centers with state and local central labor bodies. The first such affiliation was established at the national level with the National Day Laborers Organizing Network (NDLON – see also the Laborers case above), itself a federation of worker centers and community groups representing or working with day laborers. In addition to cooperation at the local level between NDLON affiliates and state and local AFL-CIO bodies, the partnership called for cooperation around immigration reform. Most recently, the AFL-CIO partnered with the Taxi Workers Alliance to charter a new Taxi Workers Organizing Committee, proclaiming

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<sup>209</sup> This case is based on "Amazon, Etown Workers Lose Jobs in Dot-Com Slide." Communications Workers of America. 1 Mar. 2001. <[http://www.cwa-union.org/news/entry/amazon\\_etown\\_workers\\_lose\\_jobs\\_in\\_dot-com\\_slide](http://www.cwa-union.org/news/entry/amazon_etown_workers_lose_jobs_in_dot-com_slide)>. 17 Nov. 2011; Brophy, Enda. "System Error: Labor Precarity and Collective Organizing at Microsoft." Canadian Journal of Communication 31:3, 2006. 619-38. <<http://cjc-online.ca/index.php/journal/article/view/1767/1886>>. 13 Nov. 2011; "CWA and Hi-Tech Affiliate Take on \$300 Billion Microsoft." Communications Workers of America. 1 Nov. 1998. <[http://www.cwa-union.org/news/entry/cwa\\_and\\_hi-tech\\_affiliate\\_take\\_on\\_300\\_billion\\_microsoft#.TsV7Mz0k67s](http://www.cwa-union.org/news/entry/cwa_and_hi-tech_affiliate_take_on_300_billion_microsoft#.TsV7Mz0k67s)>. 17 Nov. 2011; Sreenan, Malachy. "WashTech Launches Campaign to Organize AT&T Mobility Finance Employees." WashTech. 26 Mar. 2010. <[http://www.washtech.org/index.php?option=com\\_content&view=article&id=76:washtech-launches-campaign-to-organize-atat-mobility-finance-employees&catid=1:latest-news&Itemid=50](http://www.washtech.org/index.php?option=com_content&view=article&id=76:washtech-launches-campaign-to-organize-atat-mobility-finance-employees&catid=1:latest-news&Itemid=50)>. 13 Nov. 2011; "Unemployment Up, 80,000 Slashed in March Govt Sees Strong Demand for Guest Worker Visas." WashTech. 3 Apr. 2008. <[http://archive.washtech.org/news/industry/display.php?ID\\_Content=5228](http://archive.washtech.org/news/industry/display.php?ID_Content=5228)>. 13 Nov. 2011; Van Jaarsveld, Danielle D. "Collective Representation Among High-Tech Workers at Microsoft and Beyond: Lessons from WashTech/CWA." Industrial Relations: A Journal of Economy and Society 43:2, 25 Mar. 2004. 364-85; "WashTech Fights for Permatemps on Three Fronts." Communications Workers of America. 1 May 1999. <[http://www.cwa-union.org/news/entry/washtech\\_fights\\_for\\_permatemps\\_on\\_three\\_fronts#.TsWPoj0k67s](http://www.cwa-union.org/news/entry/washtech_fights_for_permatemps_on_three_fronts#.TsWPoj0k67s)>; and Washington Alliance of Technology Workers. <http://washtech.org/>; D. Nack and J. Tarlau, "The Communication Workers Experience with Open-Source Unionism", WorkingUSA, Vol. 8(6), 2005, pp. 721-732.

that “The affiliation with the Taxi Workers Alliance, the newest union to join the AFL-CIO, is the furthest step taken so far to involve workers groups in the broader labor movement.”<sup>210</sup> In issuing a formal charter to the Taxi Workers Alliance, the AFL-CIO established that group as “a national umbrella for organizing new unions of taxi workers, beginning with the New York Taxi Workers Alliance and the Philadelphia Taxi Workers Alliance.” The New York group had previously joined the New York City Central Labor Council in 2006. The intent of the new charter is to launch new organizing driver in other cities where there are currently no taxi unions.<sup>211</sup> Other formal partnerships were established in May 2011 with the Domestic Workers Alliance and the National Guest workers’ Alliance, coinciding with the Excluded Workers Congress held in New York City.

## Conclusions

Overall, North American unions have had trouble seeing beyond a traditional collective bargaining relationship. Even when they are working with and advocating for informal economy workers it is usually with the intent of finding a way to create a more traditional employment and collective bargaining relationship. Beyond the focus on collective bargaining, there are also issues of structure, organizational culture and demographics that have slowed the inclusion of informal workers into traditional unions. Nonetheless, there is a significant and growing level of experimentation. Our cases indicate that achieving collective bargaining for informal workers typically involves both legal changes, accomplished through challenges to administrative agencies or courts or through legislation or Executive Orders, and structural changes to create an employing entity. It is likely that some unions are put off by the substantial resources and time required to be successful in these campaigns. Where unions have committed to organizing and representing informal workers, they have typically done so for their own strategic reasons, either commitment to growth in general or commitment to growth or maintenance of density in their core industries or sectors and a recognition that informal workers constitute a significant and often growing portion of that industry or sector.

A few other observations are in order. Our cases indicate that informal workers have frequently gotten caught in the middle of inter-union or inter-labor organization conflicts. This too may slow their inclusion. It’s possible that campaigns to organize informal workers also create intra-organizational conflict. This is not yet clear because the existing research often does not provide enough detail about the dynamics of decision-making within the union that leads to the commitment to organize these workers. Finally, it is important to note that in most of our cases, these workers had either self-organized into non-traditional labor organizations or were being served by a community organization created by middle-class reformers or a hybrid of both, before the traditional union became interested and involved. This makes the division between union and nonunion organization a particularly artificial one.

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<sup>210</sup> “Future of Work and Unions Debated at AFL-CIO, as Taxi Workers Affiliate with Federation,” IBEW, [http://www.ibew.org/articles/11daily/1110/111024\\_TaxiDrivers.htm](http://www.ibew.org/articles/11daily/1110/111024_TaxiDrivers.htm).

<sup>211</sup> “The Taxi Workers Alliance Organizing Committee,” AFL-CIO, <http://aflcio.org/aboutus/thisistheaflicio/ecouncil/ec08032011a.cfm>.

## EUROPEAN TRADE UNIONS AND ‘ATYPICAL’ WORKERS

Rebecca Gumbrell-McCormick, Mihai Varga and Richard Hyman

### Introduction

This chapter covers the situation of informal or ‘atypical’ workers and the responses of trade unions in Europe. Though it is more than twenty years since the collapse of the Soviet bloc, there are still significant differences between the economies, labor markets and industrial relations institutions of Western and Eastern Europe; we therefore present separate sections for the two regions. The section on Western Europe is based largely on material from research into trade unionism in ten west European countries.<sup>212</sup> Union leaders throughout Western Europe now consider the increase in precarious forms of work, including part-time, temporary or agency, contracted-out, posted, dependent self-employed and undocumented work, to be one of the major challenges which they currently face, and one which requires changes in their way of thinking, organization, policies and structure. Unionists in Central and Eastern Europe (CEE), where informal work is more extensive than in the west and other forms of atypical work are on the increase, are beginning to share these concerns and are developing policies and actions in response.

We begin with a brief overview of the industrial relations setting of Western and Central and Eastern Europe, then proceed to identify the main varieties of atypical work, explain some of the challenges the rise in atypical work has created for trade unions, and highlight examples of their response. We conclude that while unions have made progress in addressing the concerns of atypical workers, they will have to make substantial changes to their structures, thinking and way of operating in order to respond fully to the challenges of atypical work and workers.

Europe comprises a complex patchwork of countries with distinctive traditions and ‘varieties of capitalism’. It is common to refer to a ‘European social model’, a concept which most closely matches the countries of western continental Europe.<sup>213</sup> Key features include highly developed welfare states; relatively extensive restrictions on the employer’s right to hire and fire; trade unions with greater membership density and social influence than in the other regions covered in this study; a high coverage of collective agreements based on multi-employer bargaining; and works councils or similar structures which can influence decisions on employment. However, the degree to which these features apply differs between countries, and neoliberalism and globalisation have eroded some of their features in Western Europe, while such institutions are largely absent in CEE. Another distinctive feature is the existence of a supranational authority, the European Union (EU). Originally formed in 1957 with six members, by the mid-1990s it had grown to cover almost the whole of Western Europe (the main exceptions were Norway and Switzerland). In 2004 and 2007 it admitted 10 CEE countries. The EU far from constitutes a federal state, but it does possess significant regulatory powers, including over labor market issues. In the past two decades it has adopted legislation (‘directives’) applying to part-time work, fixed-term contracts and temporary agency work.

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<sup>212</sup> For fuller details see R. Gumbrell-McCormick, “European Trade Unions and Atypical Workers.” *Industrial Relations Journal* 42 (2011), 293-310.

<sup>213</sup> G. Esping-Anderen, *The Three Worlds of Welfare Capitalism* (Cambridge: Polity Press, 1990).

## **‘Atypical’ and ‘Informal’ Employment in Western Europe**

A reflection of the extent of employment security and labor market regulation in Western Europe is that strictly ‘informal’ work is relatively rare (although it is far higher in CEE countries, as explained below). The ‘normal’ employment relationship traditionally involved a full-time job with an employer who could terminate the contract only for narrowly defined reasons, which in many countries could be challenged in the labor courts. Though the OECD<sup>214</sup> index of strictness of employment protection legislation (EPL) is widely criticised, it does provide a clear indication of the distinctiveness of the European model. For this reason, the drive to create more flexible labor markets poses particular challenges for industrial relations and trade unions in Western Europe.

The notion of ‘atypical’ work is defined negatively, as those types of employment relationships which do not match the traditional ‘normal’ pattern. The main forms of ‘atypical’ work in Europe are: part-time work (although this is now highly regulated in most of Western Europe and can no longer be considered ‘precarious’ in most respects), fixed-term or short-term contracts, temporary and temporary agency work (TAW), ‘outsourced’ work, ‘dependent’ self-employment, and undocumented work. The last two categories, dependent self-employed and undocumented work, are probably the closest to the ‘third world’ model of informal employment. In much of Europe, women, young people, and members of ethnic minorities are the most likely to be employed on a precarious or ‘atypical’ basis. The variety of forms of ‘atypical’ work offers employers a wide range of strategic choice.<sup>215</sup> Despite the overall high level of employment protection in most of Western Europe, there is significant cross-national variation in the regulation (and often, recent deregulation) of different types of precarious work. Firms seeking increased flexibility or reduced labor costs have proved increasingly adept in identifying and exploiting the particular loopholes in each national regulatory system: one reason for the differences in national patterns of ‘atypical’ employment. Table 8 shows the extent of various forms of atypical or precarious employment in ten Western European Countries as well as provides a measure of the strength of the legal framework governing these types of work.

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<sup>214</sup> OECD Employment Outlook, 2004.

Table 1: Indicators of 'atypical' and 'precarious' work

	P-T*	Temp*	Temporary agency work†	S-E‡	Undec§	Employment protection legislation¶		
						1	2	3
SE	26.6	16.1	1.0	6.4		2.9	4.5	1.6
DK	24.6	8.4	1.2	4.5		1.5	3.9	1.4
DE	25.0	14.7	1.6	6.1	3	2.7	3.8	1.8
AT	23.3	9.0	1.4	6.8	7	2.4	3.3	1.5
NL	47.3	18.2	2.5	8.7	13	3.1	3.0	1.2
FR	16.9	14.2	2.1	5.8	6	2.5	2.1	3.6
IT	14.3	13.3	0.6	17.3		1.8	4.9	2.1
BE	22.6	8.3	2.3	9.0	6	1.7	4.1	2.6
UK	25.3	5.4	5.0	10.2	2	1.1	2.9	0.4
IE	16.8**	8.5	1.3	10.7	4	1.6	2.4	0.6

\*European Commission, *Employment in Europe 2009*. Data for 2008. P-T: self-definition as part-time except for NL, where definition is weekly hours under 35. Temp = fixed-term contracts.

†Vanselow and Weinkopf (2009) *Zeitarbeit in Europäischen Ländern: Lehren für Deutschland?* Estimates for 2006.

‡European Foundation, *Industrial Relations Developments in Europe 2008*. Self-employed

Table 8

## Trade Union Perceptions of the Challenges

While employers can select from a range of options in their use of atypical labor, trade unions also face a strategic choice in their response to the rise of precarious work. Their traditional reaction has often been to oppose atypical work in all its forms, and as a consequence to avoid or exclude precarious workers; but in recent years most have accepted that precarity is a reality that will not go away, and have recognised the need to represent the interests of this group of workers. How they do respond is conditioned by their own structures and ideologies, the national industrial relations system in which they operate the economic situation and other factors.

Trade unions in Europe grew to maturity under 'Fordism', organizing and representing a relatively homogeneous group of potential members: white, male, and working in full-time, relatively secure occupations. European industrial relations systems were largely based on the needs and characteristics of these groups of workers, and trade union strategy and action have since then operated within the structures and constraints of those systems. The interdependence of union ideologies, structures and demands and the industrial relations system makes it difficult for unions today to respond effectively to new challenges without undertaking major attitudinal and organizational changes.

One example of attitudinal change is the changing perception of part-time and 'flexi-time' work, which arose in conjunction with the increased employment of women with family responsibilities. Unions in most European countries were often less concerned with defending the rights of part-time workers than with opposing such work per se, calling instead for improved child-care facilities so that women could work full-time. Unionists assumed that workers preferred full-time work, and perceived no difference between precariousness and flexibility, as employers sought to confuse the two and to impose their own version of flexibility to their own benefit. The understanding that some types of flexibility could be attractive to workers has come relatively recently, and has led to a shift in trade union attitudes and demands, so that many have

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now developed proposals to minimise the negative aspects of part-time or flexi-time work, leaving the more positive aspects. Much the same transformation in attitudes has accompanied the more recent rise of temporary work, including TAW, which is perceived as (and often is) a threat to the status of 'typical' workers, but which is nevertheless preferred by some women and also by younger workers.

There are many practical challenges as well in the rise of precarious work. The increased frequency of changes in jobs and even occupations affects not only young people, who for a variety of reasons may prefer to change jobs more frequently, but also many others who have been in long-term stable employment but have been forced into precariousness and may also have to change jobs or occupations. It has become more difficult for unions to rely on the traditional industrial or occupational basis for organization and identity. It is also more difficult for them to recruit and organize temporary workers, and their membership is often short-lived as they change jobs, sectors and even country. Another practical challenge is that many temporary workers, as well as out-sourced and dependent self-employed workers, are at the same workplace as others on stable, long-term contracts, but officially for a different employer, either an agency, a separate employer for a contracted-out part of the business, or on their own account. In the case of TAW, they may be carrying out the same tasks as those on permanent contracts, while contracted-out workers are less likely to be working side-by-side with workers on permanent contracts and more likely to be performing a distinct function, such as cleaning or transport. The separate contractual status of these workers creates both practical and legal difficulties for unions in seeking to represent the different and sometimes conflicting interests of these workers along with the interests of other workers at the same site.

For these and other reasons, atypical workers and forms of work present major challenges to trade unions and their traditional attitudes and demands, as well as their ways of working and recruiting, organizing and representing members.

### **Trade Union Responses**

Trade union responses to the challenge of atypical work have taken many forms, involving organizing and recruitment, revisions to internal structures and new industrial, political and societal policies and actions. Once unions have decided to act on behalf of atypical and precarious workers, they have had to address the exclusion of these workers from the union. Opposition to precarious work has often meant, in practice if not by design, that many unions have excluded precarious workers, for example by limiting membership to those working over a specific number of hours or with a particular contract of employment. The German IG Metall, for example, traditionally refused to organize TAW workers on the grounds that this would give temporary work 'legitimacy'. Even when not formally excluding potential members, until recently few unions sought to recruit atypical workers, and most failed to address their specific concerns in collective bargaining, services and proposals for legislation. Devoting more time and resources to atypical workers was seen as taking away attention from 'traditional' workers at a time that resources were limited. Further, the interests of these two groups have sometimes indeed been in conflict. Indeed, some unions have tacitly accepted the outsourcing of risk as a means of enhancing the security of their core members'<sup>216</sup> More generally, 'most European

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<sup>216</sup> B. Palier and K. Thelen, "Institutionalizing Dualism: Complementaries and Change in France and Germany," *Politics and Society* 38 (2010): 119-48.

unions have a rather strong institutional position... [and thus] the incentive to organize new groups of workers is relatively weak.<sup>217</sup>

However, unions have gradually come to understand that the increase in atypical forms of work weakens their capacity to act unless they succeed in including such workers in their membership. Organizing these workers has therefore become a priority for many unions and confederations. This can be carried out at many levels: local, sectoral, national. In the Netherlands, the multi-industrial union FNV Bondgenoten has devoted a great deal of resources to organizing seasonal agricultural workers, many of them CEE migrants. In 2010 it organized the longest Dutch strike since the 1930s, winning improved pay and conditions for workers, most of them immigrants, employed by the contracted-out cleaning operations for the Dutch railways and Schiphol airport. The Dutch cleaners' campaign, and a similar campaign for a living wage for cleaners in London,<sup>218</sup> profited from coalitions between trade unions and community and religious groups. The difficulty in recruiting highly precarious workers, such as immigrants, whether documented or not, is that these workers may lose their jobs as a result of union activity or simply leave because of the seasonality of the work (especially in agriculture and tourism) or to return to their native country. However, this campaign has led to improved terms and conditions that should remain for future workers even if the individual workers originally involved leave the job and the union.

Inclusion of atypical workers has sometimes had profound implications for union structures. The formation by all three Italian confederations of unions for temporary workers<sup>219</sup> – of which the CGIL union, NIdiL, is the most active – represents one end of the spectrum; but many other, smaller adjustments have been made in order to accommodate the inclusion of atypical workers. The more usual pattern is to organize atypical workers into existing local or national union bodies. Efforts to organize TAW workers working at the same site and carrying out the same jobs as permanent staff are particularly fraught with difficulties, as contractual difference in terms and conditions and the identity of the official employer create obstacles to common action. These are not however irrevocable, as union success in the Irish telecommunications sector shows.<sup>220</sup>

✓ Heery<sup>221</sup> and other writers have identified a need to ‘move away from the enterprise’ in action involving or on behalf of precarious and atypical workers. One obstacle to organization has been the tendency of temporary or other atypical workers to be employed in small enterprises, such as in catering or retail. French unions like the CGT in the Paris region have responded by organizing single unions for entire shopping centers<sup>222</sup>, and unions in the UK have created networks for organizing in SMEs, sometimes with the support of an official covering a large geographical area. A further problem is that atypical workers, especially young workers,

비정형 노동자들 상  
당수가 소기업에 고  
용 => 기업 단위의  
행동이 한계

<sup>217</sup> D. Kloosterboer, “Trade Union Strategies to Organise Young, Ethnic Minority, and Atypical Workers,” *Economia e Lavoro* 42 (2008): 120-1.

<sup>218</sup> M. Simms, *Trade Union Strategies to Recruit New Groups of Workers-United Kingdom* (Dublin: European Foundation, 2010). See also [http://www.eurofound.europa.eu/eiro/studies/tn0901028s/uk0901029\\_q.htm](http://www.eurofound.europa.eu/eiro/studies/tn0901028s/uk0901029_q.htm).

<sup>219</sup> S. Leonardi, “Union Organization of Employees in Atypical and Precarious Work in Italy,” *International Journal of Action Research* 4 (2008): 203-24.

<sup>220</sup> R. MacKenzie, “Why Would Contingent Workers Join a Trade Union? Union Organization of Contingent Workers in the Irish Telecommunications Sector,” *European Journal of Industrial Relations* 16 (2010): 153-68.

<sup>221</sup> E. Heery, “The Trade Union Response to Agency Labor in Britain” *Industrial Relations Journal* 35 (2004): 434-50; and E. Heery, “Trade Unions and Contingent Labor: Scale and Method,” *Cambridge Journal of Regions, Economy and Society* 2 (2009): 429-42.

<sup>222</sup> See also S. Bérout, “Organiser les inorganisés: Des expérimentations syndicales entre renouveau des pratiques et échec de la syndicalisation,” *Politix* 22 (2009): 127-46.



change jobs and sometimes occupations frequently. This has been addressed in some cases by increasing the emphasis on local territorial-based organization. The CGIL in Milan is seeking to turn its existing Camera del Lavoro into a ‘one-stop’ trade union office for atypical young workers, so that they do not need to keep changing their industrial union affiliation every time they change jobs and occupations. Territorial-based organization is more common in some countries than in others, and varies even within countries. The French CGT, for example, has always had a territorial as well as an industrial structure, but this is not the standard practice in the other leading French confederations CFDT or FO.

## Structural Issues

Precarious forms of work, especially TAW, have sometimes created jurisdictional problems within confederations. Should temporary workers be organized in the union for the sector in which they are currently working but may shortly leave, or in a separate union in which they can maintain their membership, but with the result that workers in the same plant with different contractual status are in different unions?. Efforts to find a ‘home’ for workers with which unions lack prior experience can result in anomalous solutions: for example, in France the CGT initially grouped contracted-out female cleaners with dockers, as they were ostensibly employed on somewhat similar terms. The drive to create a dedicated union body for precarious workers within the CGT has aroused controversy. But the Italian confederations, in particular the CGIL’s NiDIL, have had some success with organizing temporary workers in separate unions. Some unions are even organizing cross-nationally in order to represent migrant workers. In 2004 the German construction union IG BAU established a ‘European Migrant Workers’ Union<sup>223</sup>,’ with offices in Poland, while many unions are increasingly developing cooperative links with their counterparts in the countries of origin of migrant workers.

## Collective Bargaining and Industrial Action

In recent years, most unions have sought to include part-time, contracted-out, self-employed or TAW workers in collective bargaining; and to address their concerns in the bargaining agenda. However, legal rules in many countries make this difficult, particularly in the case of those not formally employed by the same employer as the core workforce. Unions have often been able to cover directly employed temporary workers, but where agreements are negotiated for outsourced or TAW workers these normally require a separate agreement with the formal employer. There are some exceptions, however, as with the success of unions in Germany and Austria in defending temporary and dependent self-employed workers against lay-offs.<sup>224</sup> More generally, unions have concentrated on making sure that all terms and conditions apply to these workers and that they are not subject to discrimination in the provision of benefits, such as training opportunities.

Beyond the company level, collective bargaining at the sectoral or national level in countries where this is the practice has gradually come to include more demands involving the regulation of part-time and temporary work. Industry-wide collective agreements for the temporary sector

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<sup>223</sup> H. Dribbusch, *European Migrant Workers Union Founded* (Dublin: European Foundation, 2004). See also <http://www.eurofound.europa.eu/eiro/2004/09/feature/de0409206f.htm>.

<sup>224</sup> H. Holst, A. Aust, and S. Pernicka, “Kollektive Interessenvertretung im strategischen Dilemma: Atypisch Beschäftigte und die ‘dreifache’ Krise der Gewerkschaften,” *Zeitschrift für Soziologie* 37 (2008): 158-76.

have been concluded in Sweden, the Netherlands and Belgium. In some countries, such as France, agency workers should by law be paid above the normal rate for directly employed workers as compensation for their insecurity, but elsewhere the terms of TAW agreements are inferior. In Germany, IG Metall launched a campaign in 2007 for equal pay for agency workers, and has attempted to persuade its works councillors to pursue company agreements guaranteeing parity.

The preceding sections indicated some of the obstacles to united action: the most important perhaps being the separation of precarious workers from others by bargaining unit, location, task, or interest. The characteristics and conditions of precarious workers themselves also militate against successful involvement in action: the weaker identification with the workplace and with fellow workers and insecurity itself make union involvement more difficult for them. The difficulty of including atypical workers in broader industrial action is confirmed in the German case, where collective action has recently become more difficult in retail<sup>225</sup> and in engineering.<sup>226</sup> Yet industrial action carried out by atypical workers on their own has sometimes been successful, whether in the cleaners' strike organized by FNV Bondgenoten, or in actions with similar precarious groups in France.<sup>227</sup> So too has industrial action carried out by 'traditional' workers on behalf of atypical workers, for example in Austria, where the GPA union carried out a successful campaign against spurious self-employment in call centers, or in Italy, where strikes often involve permanent workers supporting the grievances of temporary workers, where the latter are not allowed to take action for legal or contractual reasons.

## Political Responses

Unions have also responded to the rise in precarious work through action within political parties, lobbying of government and in tripartite negotiations. As noted above, unions have opposed the introduction of precarity and have sought to control its worst abuses through the introduction of or improvements to legislation and other forms of regulation. Confederations such as the Swedish LO, the Dutch FNV and the Belgian ACV/CSC and ABVV/FGTB have concentrated on pressuring government to limit the length of temporary contracts, for example to a maximum of six months in Sweden, recently increased to 12 months, or on the enforcement of strict rules for the operation of temporary work agencies. Elsewhere, unions have sought to regulate the reasons for which temporary workers may be hired.

While measures aimed at controlling and limiting the use of atypical work, especially TAW, have not always benefitted the atypical workers themselves but have instead led to a reduction in their numbers, some union proposals for regulation have directly benefitted these workers. General measures aimed at improving the wages or conditions of all workers can have an especially positive impact on atypical workers, such as the introduction of the minimum wage in the UK. Other measures and proposals have been specifically aimed at improving the conditions of atypical workers, usually part-time or temporary. In France, the CGT has proposed a way to improve the security of individual workers while protecting their right to flexibility, through a single contract that would follow workers from one job to the next. This approach has been

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<sup>225</sup> H. Dribbusch, *Gewerkschaftliche Mitgliederwerbung im Dienstleistungssektor: Ein Drei-Länder-Vergleich im Einzelhandel* (Berlin: Edition Sigma, 2003).

<sup>226</sup> I. Greer, "Organized Industrial Relations in the Information Economy: The German Automotive Sector as a Test Case," *New Technology, Work and Employment* 23 (2008): 181-96.

<sup>227</sup> A. Mabrouki, *Génération précaire* (Paris : Cherche midi, 2004).

adopted in the state provision of education and training, which is now transferrable between jobs. The effective regulation of part-time work provides perhaps the best example of measures proposed by unions that protect the atypical workers themselves and also prevent employers from using them to undercut the wages and status of full-time workers. Unions have also sought regulation at the EU level, notably through the European Trade Union Confederation (ETUC), which played a major part in achieving Directives on posted workers (1996), part-time work (1997), fixed-term contracts (1999) and TAW (2008). These have in turn required strengthening of legislative provisions in most member states.

## Societal Engagement

Political pressure often goes hand-in-hand with coalition building with broader societal organizations, and many European trade unions have developed links with community organizations and other NGOs for campaigns to organize and defend the interests of atypical workers. This was certainly the case with the FNV Bondgenoten cleaners' campaign, which took long and careful planning and the building of relationships with mosques and other community organizations for the largely immigrant work force. The UK 'living wage' campaign to protest against the low wages and poor working conditions of contracted-out cleaners in large banks in the City of London, as well as several universities, has had some successes but has been as much an NGO as a trade union initiative.

Another type of campaign is the mass public mobilization that has characterized much of French trade union action. One example of this was the campaign led by French trade unions, student organizations and NGOs in 2006 against the government's proposal for a *contrat de première embauche*, which proposed inferior terms and conditions for young workers in their first jobs. The mass demonstrations forced the government to withdraw its plans; but they were not accompanied by strikes or other forms of traditional trade union industrial action. However, unions such as CGT have campaigned actively in support of undocumented workers (*sans papiers*), including organizing high-profile strikes. Another example was the campaign by *ver.di* in Germany, in association with various NGOs, around the retail chain Lidl. This campaign exposed the employer's blatant violations of the human rights of its workers, but did not lead to a long-term increase in trade union membership or representation.<sup>228</sup> Such examples indicate a tension between political/community campaigning and trade union organizing and recruitment.

Clearly, trade unions have come a long way from the exclusion of atypical workers and have sought to include precarious workers in recruitment and organizing campaigns, have included them in collective bargaining demands, and in some cases have altered structures to represent them more effectively. Their responses have varied over time, and from one industry, region and country to another. In the last section we try to identify some common themes.

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<sup>228</sup> I. Artus, "Prekäre Interessenvertretung: Ein deutsch-französischer Vergleich von Beschäftigtenrepräsentation im niedrig entlohnten Dienstleistungsbereich," *Industrielle Beziehungen* 14 (2007): 5-29; and K. Gajewska and J. Niesyto, "Organising Campaign as a 'Revitaliser' for Trade Unions? The Example of the Lidl Campaign," *Industrial Relations Journal* 40 (2009): 156-71.

## Post-communist Trade Unions and Precarious Work in Central and Eastern Europe

Over the past twenty years, post-communist CEE has seen tremendous changes in the employment relationship, probably far greater than in most other countries of the world. The challenges for trade unions have been immense.<sup>229</sup> In most CEE countries – in particular the largest – the dominant union confederations are ‘reformed’ successors of the former official unions, and have inherited a non-adversarial approach to industrial relations coupled with control over certain social benefits that make membership attractive to workers. This section first discusses the situation of post-communist unions in general, and then focuses in depth on two countries, Romania and Ukraine.

Post-communism involved a transition – in many countries, extremely rapid – from state ownership and planning to a market economy. The employment relationship changed fundamentally as a myriad of private owners with diverse interests in production replaced the relatively stable state employer. The integrated markets of the Soviet era collapsed, while a range of protectionist measures obstructed the creation of new markets in the west. The long process of accession to the EU brought new rules of the game: those countries which had not already pursued economic liberalisation were obliged to do so. The effect of these changes was a sharp fall in GDP and massive job loss throughout the region. Negotiating the terms of job destruction – the size of unemployment benefits, early retirement schemes – became the key trade union priority.

In this context, it is no surprise that the increasingly precarious character of jobs was not a priority for trade unions. Rather, they focused on preserving jobs (any jobs) and obtaining the best possible deals where job preservation was too difficult. This agenda still dominates trade union priorities across the region, particularly given the world economic crisis. Unions are hard pressed in this respect, since the austerity measures that followed the crisis targeted the public sector with massive layoffs. As in Western Europe, the public sector is a union stronghold, and also one of the very few sectors that actually generated employment during the transition. In the private sector, in the current crisis unions have joined with local employers to lobby the state for protection under the banner of job preservation. This agenda is enough to keep busy a trade union movement that is only twenty years old.<sup>230</sup>

The destruction of formal economy jobs did not only result in a growth in the informal economy and other precarious jobs; across the region, people retreated to the household economy, or combine formal employment and household resources for survival.<sup>231</sup> An interest in fighting precarious work has therefore emerged only slowly, and often does not stem from local union initiatives. Important cross-national initiatives in the region stem from the agency of union-friendly Western organizations, most notably the German Friedrich-Ebert-Stiftung (FES) or the Dutch-based Transnationals Information Exchange. It was the FES that hosted the biggest pan-regional initiative on the issue, a December 2007 conference ‘Non-standard employment forms and the response of trade unions’; this brought together unions from Azerbaijan, Belarus,

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<sup>229</sup> For an overview and a discussion of various measures for asserting their strengths in cross-European perspectives, see S. Crowley, “Explaining Labor Weakness in Post-Communist Europe: Historical Legacies and Comparative Perspective,” *East European Politics and Societies* 18 (2004): 394-429.

<sup>230</sup> M. Varga, “Political Involvement in Industrial Conflict in Ukraine during the World Economic Crisis, 2008-2010,” *Emecon: Journal for Employment and Economy in Central and Eastern Europe* 1 (2010): 1-19.

<sup>231</sup> C. Wallace and R. Latcheva, “Economic Transformation Outside the Law: Corruption, Trust in Public Institutions and the Informal Economy in Transition Countries of Central and Eastern Europe,” *Europe-Asia Studies* 58 (2006): 81-102.

Kazakhstan, Russia and Ukraine. The result was a declaration outlining political action as the main tool for tackling precarious work.

Our two focal countries are geographical neighbours but have very different post-communist economic trajectories and labor movements. Romania recovered its communist-era GDP around 2004 and joined the European Union in 2007. Some of its national unions developed an extreme pattern of adversarial relations with the government and later with private employers, turning Romania into the region's most strike-prone country. Ukraine has never regained its communist-era GDP and remains outside the EU. Its trade unions have maintained a self-proclaimed 'partnership'-approach to the government (as in Soviet times), in exchange for managing key social benefits such as housing and accident insurance. Both countries experienced wide-scale job destruction, with a massive decrease in the importance of formal employment for the survival strategies of the population. An EBRD report<sup>232</sup>, with data from the 1990s – later figures have not been collected – claimed that the two countries have the region's (and Europe's) biggest informal economies. This ranking is unlikely to have changed.

At the 2007 conference mentioned above, Ukraine was represented by its biggest union confederations, including the Federation of Trade Unions of Ukraine (Federatsiya Profspyluk Ukrainy, FPU), the largest union with an estimated membership of 8-10 million (roughly half the employed population). The FPU translated this into political action aimed to pressure Parliament to regulate non-standard employment and ban outsourcing.<sup>233</sup> The chances of success seem minimal: the Ukrainian authorities have been able to ignore almost every single demand voiced by trade unions since the country's independence in 1991.<sup>234</sup>

There were no similar initiatives in those CEE countries that joined the EU. Instead, trade unions oppose precarious employment mainly (a) within national boundaries, (b) and in response to government initiatives to 'deregulate' labor markets through revisions of Labor Codes. Thus, a recent report on Slovakia<sup>235</sup> (the only study of strategies of post-communist unions to tackle precarious work) shows how KOZ SR, the main union confederation, resisted government changes to the Labor Code intended to introduce a broad range of precarious work types. In Romania, trade unions failed to influence the new Labor Code in 2011, since they abandoned negotiations in protest at a simultaneous offensive by government coupling deregulation with significant limitations to collective bargaining.<sup>236</sup>

Independently of political struggles, three of the five Romanian trade union confederations pursue Programs aiming to return vulnerable groups to formal employment – whether or not the formal jobs are part-time, involve dependent self-employment, or in any other way represent precarious work. The emphasis is thus on employment of any kind, rather than its quality – a reflection of the priorities of the government rather than the unions themselves. The Programs are quite small (targeting at best 1,000 people each). More positively, they all address implicitly or explicitly groups where exclusion from formal employment overlaps with ethnic exclusion of the Roma minority.

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<sup>232</sup> Wallace and Latcheva, "Economic Transformation."

<sup>233</sup> M. Kurzina, *Zaščita prav robotnikov v uslovijach rasprostranjenja zaëmnoĝo truda : perspektivy dlja Ukrainy* (Kiev: Friedrich-Ebert Stiftung, 2011).

<sup>234</sup> Varga, "Political Involvement."

<sup>235</sup> M. Kahancová and M. Martisková. *Bargaining for Social Rights: Reducing Precariousness and Labor Market Segmentation through Collective Bargaining and Social Dialogue* (Bratislava: Central European Labor Studies Institute, 2011).

<sup>236</sup> C. Ciutacu, "Government and Trade Unions Clash on New Labor Code," <http://eurofound.europa.eu/eiro/2011/02/articles/ro1102049i.htm>.

In Ukraine, a wave of interesting initiatives is taking shape at the periphery of the established labor movements. Several new trade unions have emerged among precarious workers, and given their small size and therefore lack of political influence they focus on a set of actions very different from those undertaken by the big unions. Unions of supermarket workers (Auchan, METRO Cash & Carry), construction workers and self-employed market and street vendors make use of pickets to pressure public prosecutors to initiate investigations into labor law violations. The goal is to make authorities intervene in such cases, and so far these actions have been most successful in cases of extreme violations, such as no-contract work coupled with physical intimidation, particularly in the construction industry. This type of action is still at a beginning, and undertaken by very small organizations with limited resources. Such actions are often met with violent and illegal employer counteraction, and intimidation of participating workers; it is therefore understandable that unionization is not the best measure of success. These unions therefore attempt to counteract their isolation by cultivating international links. The Zakhyst Pratsi (Defence of Work) trade union, responsible for the supermarket actions, is one of two Ukrainian affiliates of the UNI Global Union. International affiliations offer a key source of best practices and a communication channel; in exchange, these unions tend to be very active in solidarity campaigns with workers in other countries, a rare feature in Eastern Europe.

## **Conclusions**

This section has examined trade unions and their responses to the challenge of precarious work and workers in Europe. A number of interesting themes emerge, some already identified but others which have received less attention.

First, there is important variation in the situation of workers on different types of precarious contracts within and between countries, and this has affected the trade union response. Overall, part-time work can no longer be considered inherently precarious in Western Europe, even though wages and other terms and conditions still tend to be inferior. Temporary work, including TAW, has become more regulated in several countries, such as Belgium and France, but it remains highly precarious overall. Temporary workers are usually formally separated from others at the same workplace, creating an obstacle that is difficult for unions to overcome. Temporary workers are also much less likely to be union members than those on open-ended contracts, and their organization and representation in collective bargaining remain difficult. Some unions have begun to organize dependent self-employed workers, for example Austria and The Netherlands, but this area remains largely uncovered by regulation and is outside the scope of most trade union activity. Finally, union attempts to organize posted and undocumented workers remain marginal, although there have been some campaigns around this in the UK and France.

One major difficulty is the important variation in the situation of workers on different types of precarious contracts within and between countries which has affected the trade union response. Overall, part-time work can no longer be considered inherently precarious in Western Europe, even though wages and other terms and conditions still tend to be inferior. Temporary work, including TAW, has become more regulated in several countries, such as Belgium and France, but it remains highly precarious overall. Temporary workers are usually formally separated from others at the same workplace, creating an obstacle that is difficult for unions to overcome. Temporary workers are also much less likely to be union members than those on open-ended contracts, and their organization and representation in collective bargaining remain

difficult. Some unions have begun to organize dependent self-employed workers, for example Austria and The Netherlands, but this area remains largely uncovered by regulation and is outside the scope of most trade union activity. Finally, union attempts to organize posted and undocumented workers remain marginal, although there have been some campaigns around this in the UK and France.

Closely related to this point, our research has confirmed the differential effect of atypical work on specific categories of workers; this too has affected union response. In all countries, women and young people are more likely to seek or accept part-time work. Temporary or fixed-term work is now in almost all countries the first work available to young entrants to the labor market, but in many countries is no longer leading to permanent work. At the same time, many older workers are being forced into part-time, dependent self-employed, fixed-term or temporary work as a result of compulsory redundancies or plant closures. While many unions have stepped up their efforts to organize and recruit young workers, for example in Denmark and Sweden, there appears to be less attention to the plight of older workers. Ethnic minority workers are also over-represented in temporary and TAW work, and comprise the vast majority of undocumented and informal workers. Unions in several countries are seeking to organize and represent these workers, especially in the Netherlands, the UK, France and Romania.

Another important issue is the typology of union responses. Our study largely confirms Heery's characterisation of these as 'resist, control, and include', or Cerviño's<sup>237</sup> of exclusion, partial inclusion and total inclusion, and identifies an historical sequencing to this response. Generally, unions in most of the countries studied have responded more rapidly and effectively to the needs of part-time workers than to those of temporary and other forms of atypical work. This is partly explained by the greater difficulties in organizing other types of atypical workers, who often have different employers, a formally different status and often different terms and conditions. Unions have also responded in a more timely manner to the specific interests and concerns of women workers than to those of ethnic minority, young or older workers, but many are now devoting considerable resources to the latter groups.

A theme which has received less attention is the importance of union structure as a hindrance to efforts to organize and represent atypical workers. In the west, this problem has arisen most often in the most complex and highly structured trade union movements, affecting both those with multiple ideologically-based confederations (France, Italy) and those with different confederations based on occupation or profession (Denmark, Sweden). In CEE, the decentralized structure of post-communist unions (Ukraine is an extreme example) is a universal obstacle. Confederations that have sought to organize TAW or other atypical workers in new unions, such as FNV or CGIL, have sometimes been more successful than those that have sought to adapt existing sectoral federations to serve the needs of these workers (CGT). Many unions have realized that their structures will have to change to adapt to the needs of new forms of work and changing demarcations between professions and industries; this has proved a source of controversy in Italy and France, and we can expect this same in other countries as well.

Finally, despite protestations otherwise from both unionists and scholars, it is clear that to some degree there is a conflict of interest between atypical workers and others with long-term secure jobs. It has always been the task of the trade union movement to articulate and defend the interests of different groups of workers and to build unity and solidarity; this task has never been more urgent than today.

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<sup>237</sup> Cerviño, Trade Union Strategies Towards Atypical Workers. See page 7 for full citation.

## SUMMARY AND OVERALL CONCLUSIONS

We begin our overall conclusions with a set of observations about informal work generally. First and most significant, the regional data make clear that **the line of demarcation between formal and informal employment is blurring** and that this trend is likely to continue in the foreseeable future and may in fact reflect a permanent shift in the nature of work of the same magnitude as the shift from agrarian to industrial economies in the late nineteenth and twentieth centuries.

Second the data also make clear that in most countries **the national legal frameworks governing employment and labor relations are geared to formal employment and standard jobs, leaving a growing number of types of work and workers excluded from the basic protections of the law.** One important legal standard that should receive further attention is Canada's Status of the Artist Act which recognized the lack of a defined employer for artists and creates options for collective representation.

Third it is evident that **informalization has a disproportionate impact on women.** In all regions, a majority of the precarious and informal sectors are populated by women. This "gendered" aspect of the informal economy has other major ramifications for virtually all other significant institutions in the societies such as families and communities.

Fourth the data underscore **the strong correlation between globalization and migration and immigration** and the as people relocate, voluntarily or forcibly, in search of survival.

In the face of these enormous challenges the data also make clear that freedom of association and trade unionism remain perhaps the most effective means for informal economy workers to improve their situations. It is also clear that trade unions are beginning to respond and that union strategies and actions can make a significant impact in virtually all countries.

At the same time the data also reveal the real difficulties that existing unions face in adapting their approaches and structures to include atypical and informal economy workers. In the introduction, we argue that **the dynamics driving informalization of work are the same throughout the globe but with somewhat differing consequences for developed and developing economies and for labor markets at different stages of development.** Interestingly, organized labor movements throughout the world – no matter their particular history or density – have faced **similar struggles in expanding the scope of their membership or constituencies and altering both their structures and representational strategies to accommodate the needs of informal workers.** In fact, the stages of development in union approaches emerging from Europe – either Heery's 'resist, control, and include', or Cerviño's "exclusion, partial inclusion and total inclusion – can probably be applied throughout the globe. We elaborate on questions of self-definition, structure, and representational strategies below.

### ***The Labor Movement's Self-definition.***

Throughout the world, unions have typically defined their membership as employees working for a particular employer or set of employers within an industry, or what can be called a "wage culture". The distancing of the employment relationship at the heart of the informalized employment relationship has called into question this very fundamental aspect of organized labor's self-definition. The first position taken by most unions in regard to informalization was to oppose it; opposition meant that the unions could not recognize the legitimacy of informal workers themselves and embrace them as members or constituents. The research discussed in this report indicates that many unions have moved past this position to embrace informal workers



as constituents and members or potential members, though often still with the goal of formalizing their work and establishing traditional employment and collective bargaining relationships.

It appears that there are two overarching reasons that motivate unions to make this change. One is ideological: does the union or federation define itself as a representative of the broader working class (as some have described a social movement of workers)? If so, the inclusion of the working poor or workers of all kinds, irrespective of the nature of their employment relationships, becomes easier. Where unions view themselves more narrowly as representatives of workers in the formal sector of their occupational or industrial jurisdictions, including atypical or informal economy workers becomes more difficult. At the same time, however, many unions have made more pragmatic determinations that informal workers are part of the occupation or sector that they have traditionally represented and have determined that if they seek to maintain or increase their membership, they must find ways to represent those workers without undue consideration of the nature of their employment relationships.

### **Structural issues.**

Throughout the regions of the globe, it is clear that much of the organizing of and advocacy by or for informal workers is being done through NGOs or MBOPs independent of traditional trade unions. Thus, one of the central questions for trade unions is how best to relate to these independent organizations. In some cases, unions and NGOs/MBOPs have loose affiliations where they cooperate around policy issues or social dialogue at various governmental levels or even around particular local campaigns. In others, NGOs/MBOPs have actually affiliated with national unions or union federations and some have actually been subsumed under the union. These relationships are fraught with potential conflicts over organizational culture, governance issues and control. While the dominate pattern of union organization of informal workers involves some form of prior independent organizing, there are, at the same time, many examples of traditional unions choosing to organize and incorporate informal workers on their own and without prior independent organization of any kind.

✓  
- 느슨한 제휴관계로 정책 등에 대해 사회적 대화, 혹은 지역 캠페인 등으로 협력  
- 노동조합(연합)에 가입/통합

✓ The regional reports also address the differing approaches to informalization by different levels of the labor movement: international labor organizations especially the sectoral Global Union Federations (GUFs), national central labor federations, and national unions (organized by ideology, industry or occupation). In some countries, the national federations have played a stronger role in organizing informal workers. Federations are also, and logically more likely, to affiliate and otherwise provide assistance to independent organizations of informal workers. Given that many informal workers work in sectors without an obvious union with jurisdiction, the federations have an important role to play. At the same time, existing national unions are more interested in actual membership and therefore struggle more with how to relate to the independent organizations. The regional reports also make clear that, with the possible exception of Western Europe, labor movements throughout the world are struggling with their own survival. With membership and therefore resources shrinking, and in some parts of the world unions confronting repression and even violence, attending to this new, difficult to find and often very poor constituency, presents particular challenges. In this regard, assistance from wealthier labor movements in the Global North has sometimes played an important role in allowing unions in the Global South to organize informal workers.

## **Representational Strategies.**

Perhaps the most important observations concern the diverse strategies needed to effectively improve the conditions of informal workers. For most of the past century the traditional labor movement globally has focused on workplace organizing and representing workers through collective bargaining with an employer or group of employers, often at the sectoral level, and through participation in the political system either through alliance with a political party, through the institutions of social dialogue or other means. Thus, for many unions, the main emphasis of their work has been to structure traditional collective bargaining relationships for informal workers when possible, often through inclusion of informal workers into the legal framework that structures the collective bargaining regime in a particular country and by organizing an employing entity with which to bargain. For other informal workers, taxi drivers and street vendors, for instance, collective bargaining may take place with the municipality which essentially regulates their conditions of work, rather than with an employer per se.

Another important strategy for almost all types of informal workers is gaining access to various types of social protections including employment law (anti-discrimination, minimum wage, occupational safety and health) and social insurance (unemployment insurance, workers compensation, public pension systems, and socialized health care). Our report describes many successes in this regard.

Both the expansion of collective bargaining rights and of other social protections indicates the essential role of law in improving the status of informal workers. Differences in legal regimes are an important source of differences in union strategies but in all cases, changing the legal framework requires union imagination, time and resources.

Beyond the more traditional strategies of collective bargaining and the extension of social protections through legal reform, many informal workers need approaches that address their needs as very small scale entrepreneurs. This aspect of representation of informal workers pulls most traditional unions to move beyond their comfort zone. In some cases, this has taken the form of establishing cooperatives of small scale producers or other informal business enterprises. Cooperatives hark back to an earlier definition of the labor movement, one that is still reflected in the institutions of social democracy in many northern European countries, and that includes trade unions, labor political parties and cooperatives. Beyond cooperatives, unions have assisted street vendors, small scale producers, waste pickers and other similarly placed informal workers with business infrastructure including insurance, access to capital, and business skills. ✓

The last point about the need for education in business skills points toward a final aspect of the work unions are doing with informal workers. The regional reports indicate the important role played in many cases by education and skill building. This goes considerably beyond narrow labor relations or union education to business skills for the self-employed, as mentioned above, but also language skills for immigrant, and many other vocational skills.

## **Variation**

While the conclusion thus far has emphasized aspects that are common across the reports, this is not in any way intended to deny the very real variation among and within regions and countries. These variations result from the role of the state and law, but also the role of employers and the nature and strength of the labor movement and by the size and importance of both the informal economy overall but also particular subsectors within the informal economy. In particular, and not surprisingly, there are substantial differences between the countries of the global north and south reflecting the much smaller size and importance of the informal economy in the north; it appears, for instance, that unions in the global south are more willing to provide assistance to and affiliated organizations of the self-employed without necessarily attempting to turn them into employees. In Africa, Asia and Latin America there are many more example of new forms of organization that blend the characteristics of membership-based organizations with trade unions than we find in NorthAmerica and Europe. The dynamic features of these newer forms of worker organizations have much to teach more traditional unions but at the same time, the traditional unions experience with market economies and multinational employers has much to offer these newer forms.

## **Looking Ahead: Suggestions for Future Research**

The existing published literature on trade unions and informal economy workers, while growing, is still very sparse. In particular, with the exception of some of the very detailed case studies from which we drew much of our information, the research remains very descriptive but often does not provide the kind of details on the actual processes of organizing that practitioners need in order to help them improve their ability to engage in efforts to organize and represent informal economy workers. Much of the experience with organizing and representing informal economy workers is contained in unpublished reports and manuscripts as well as in the heads of practitioners. Especially lacking are analyses of the internal dynamics of decision-making within unions that leads to the commitment to organize these workers. This is no doubt because unions do not often permit researchers to study these internal processes due to sensitive internal politics. However, it is crucial that the details of factors that seem to contribute to success or failure in various contexts become available to those in the practitioner community – in unions and in other types of organizations – who undertake the important work of assisting informal economy workers to have their occupations recognized as an important part of the global economy and entitled to inclusion in the employment and labor relations legal frameworks of their countries. To that end, a strong collaboration between researchers and practitioners could play a vital role in knowledge development and transfer on this important issue.

## Appendix 1.

### Trade Unions and the Informal Economy, Latin American region, summary of unionised workers in each country<sup>238</sup>:

#### Argentina

TU Name	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Unión de Personal de Casas Particulares (UPACP)</b>	Domestic workers	Women			
<b>Union de Trabajadores Cartoneros Argentinos (UTRACA)</b>	Waste pickers	Women and men			To build consciousness about workers' rights
<b>Sindicato de Vendedores Ambulantes de la Republica Argentina (SIVARA)</b>	street, agricultural, waste, manufacturing, domestic	Women and men	StreetNet	CGTRA (Confederación General de Trabajadores de la R. Argentina)	Implement the contents of Resolution 198, 2006

#### Bolivia

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Union Femenina de Floristas de Bolivia</b>	vendors-street, florists only	Women		Federacion de Mercados, Sindicatos 26 de Mayo y 26 de Marzo	Works to improve the florist's market.
<b>Federacion Nacional de Trabajadoras del Hogar de Bolivia (FENATRAHOB)</b>	Domestic workers	Women		CCTH-support org, Confederation Latinoamericana y del Caribe de Trabajadoras del Hogar - CONLACTRAHO-A, CUT, CGTP	Secured a new law regulating working conditions for domestic workers, including social security, breaks for breastfeeding, health coverage, vacation time and

<sup>238</sup> Source: WIEGO database and ILO

					an 8 hour working day. It has created a support organisation (CCTH) which acts as a lobbying and vocational training centre. Education/Training: Vocational training provided through support organisation- CCTH
<b>Federacion Departamental de Gremiales de La Paz</b>	vendors-street, kiosk vendors				defends members' stalls, their kiosks and their rights

## Brazil

Union(s) Involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Sindicato dos Permissarios de Sao Paulo (SINPESP)</b>	Vendors-street (with permits)				
<b>Sindicato dos Trabalhadores na Economia Informal de Sao Paulo (SINTEIN)</b>	vendors-street, home ( e.g. sweets, lottery tickets, cosmetics), domestic workers, self employed teachers, electricians, plumbers, salon workers		Street Net	CUT	Proposes the creation of an economic forum consisting of government, business, vendors, city council, police, dept of environment, financial and loan institutions. Working towards the harmonization of shop keepers, vendors and the public Organisations of vendors , unions should also come together to debate issues of public space, preservation of environment etc. Education/Training: Will provide skills training, adult education, catering courses, drama and performance courses and others.
<b>Sindicato das</b>	Domestic				

<b>Trabalhadoras Domésticas do Aracaju Sergipe (CUT)</b>	workers				
<b>Sindicato de Trabalhadoras Domésticas de Rio de Janeiro (CUT)</b>	Domestic workers			FENATRAD	
<b>Federação Nacional das Trabalhadoras Domésticas (FENATRAD)</b>	Domestic workers	Women		CONLACTRAHO	

## Chile

<b>Union(s) Involved</b>	<b>Workers</b>	<b>Demographics</b>	<b>Non-union NGO or group</b>	<b>Affiliation</b>	<b>Achievements</b>
<b>Sindicato InterEmpresa de Trabajadores Textiles de la Confeccion</b>	Vendors	Women and men			
<b>Sindicato Interempresas de Trabajadores de Casas Particulares (SINTRACAP)</b>	Domestic workers	Women			
<b>Sindicato de Trabajadores Vendedores de la Locomoción Colectiva, SINTRALOC</b>	Ice cream, cell-phone cards, handicrafts. Book, vendors in public transport	Women and men			Permit to work in public transport like trains, buses, micros

## Colombia

Union(s) Involved	Workers	Demographics	Non-Union NGO or group	Affiliation	Achievements
<b>Casa de la Mujer Trabajadora (CUT)</b>	vendors, producers, services and other IE women workers	Women		CUT	Support, organisation and advice for women workers
<b>Confederacion de Trabajadores de Colombia (CTC)</b>	vendors, other IE workers	Women and men		ITUC	
<b>Confederacion General de Trabajadores Democraticos (CGT)</b>	vendors- street and other informal workers	Women and men		FENALTRAL CLAT - WCL	Organising formal and informal workers to end child labour
<b>Unión de Trabajadoras del Hogar Remuneradas (Utrahogar)</b>	Domestic workers	Women		CGT	
<b>Sindicato de trabajadores de la informalidad y el servicio domestico</b>	Domestic workers, vendors, services	Women		CUT	
<b>SINCONTAXCAR</b>	Transport, independent taxi drivers	Women and men		CNT Bolivar, ITF	Negotiates taxi tariffs, regulation of yellow zones. Gives advice to stations.
<b>Federacion Nacional de Trabajadores del Comercio (FENALTRAC-CGT)</b>	vendors - street mobile and stationary	Women and men		CGT	Work for agreement contracts with organisations in markets and recreation spaces.
<b>Unión General de Trabajadores Independientes y de la Economía Informal, UGT</b>	Vendord	Women and men		CUT	Participation in the Bogota Public Space Master Plan, and the re-design of some zones in the capital. Capacity building and education

## Costa Rica

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
	Migrant Domestic Workers	Women	Asociación de Trabajadoras Domésticas (Astradomes)	CTRN CONLAC TRAHO	Legislation for DW in 2009. 8 hour day and 1 day rest per week.
<b>Federacion Costarricense de Trabajadores Autonomos (FECOTRA) – a mix of unions and worker associatins</b>	Migrant workers, fishermen, photographers, private and public drivers, lottery and newspaper vendors. artisans	Women and men		CMTC FETRAL-COS	Agreement with the social security office to get general, maternity, and people with disabilities medical attention. Creché. Housing. Capacity building projects. Lobby in the Round Table for Social Dialogue and Employment Policies.

## Dominican Republic

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Movimiento de Mujeres Unidas (MODEMU)</b>	Sex workers	Women and men		Redtrasex	demands fixed wages, punctual payment of wages, easter bonus, one free day per week, registration with social security, pre- and post maternal leave, and two weeks' paid annual vacation. Legislation pending on social security.

## El Salvador

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Federación de Sindicatos de la Industria de la Construcción Similares Transportes y</b>	construction workers, transport workers	Women and men			



Otras Actividades					
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## Guatemala

Union(s) Involved	Workers	Demographics	Non-union NGO or group	Affiliation	Achievements
<b>Asociación de Trabajadoras del Hogar a Domicilio y Maquila (Astradahom)</b>	Domestic workers	Women			
<b>Confederacion de Unidad Sindical de Guatemala (CUSG)</b>	Agricultural Workers			<b>CIOSL/ ORIT CTCA CGTG</b>	
<b>Central General de Trabajadores de Guatemala (CGTG)</b>	IE Workers			<b>CLAT CMT</b>	<b>Struggle for social end economic rights for young people. Campaign “decent jobs: now”</b>
<b>Unidad Sindical de Trabajadores de Guatemala (UNSITRAGUA)</b>	IE Workers			<b>CONCENTR A</b>	
<b>Sindicato de Trabajadores de la Direccion General de Transportes (SITRADGTMICIVI)</b>	Taxi drivers. Transport.	Women and men		ITF	Education, training on TU, negotiation for formal workers
<b>Sindicato de trabajadoras domesticas, similares a cuenta propia (Sintradomsa)</b>	Domestic workers	Women			
<b>Federacion Sindical de Trabajadores Independientes</b>	Vendors	Women and Men		Central General de Trabajadores de Guatemala (CGTG)	Designation of public spaces for street vendors with the municipality
<b>Sindicato de Trabajadores y Trabajadoras Independientes de Guatemala</b>	Vendors	Women and men		Frente Nacional de Lucha (FNL)	To protect, organise and to promote capacity building projects
<b>Sindicato Nacional de Trabajadores</b>	Health agents, mid-wives, nurses,	Women and men		FNL	Diploma for professional

<b>Independientes de la Salud (Sintrainsa)</b>	cosmetic sales men and women, natural product salers				Mid-wives from the Ministry of Health
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## Honduras

<b>Un ion(s) Involved</b>	<b>Workers</b>	<b>Demogra phics</b>	<b>Non-union NGO or group</b>	<b>Affiliation</b>	<b>Achievements</b>
<b>Federacion de Org de Trabajadores del Sector Social e Informal de la Economia de Honduras(FOT SSIEH)</b>	Street vendors and other IE workers		Street Net	CUTH	Working on special law for the sector, building of markets, making a rotating fund and promoting a social protection plan
<b>Federación Nacional de Trabajador es Autónomos de la Economía de Honduras (FENTAEH)</b>	Street vendors and other IE workers**			CGT	Promotes the struggle to introduce the Labour Organisation Law for Autonmous Workers (on going)

## Mexico

<b>Union(s) Involved</b>	<b>Workers</b>	<b>Demographics</b>	<b>Non-union NGO or group</b>	<b>Affiliation</b>	<b>Achievements</b>
<b>Confederacion Revolucionari a de Obreros y Campesinos (CROC)</b>	vendors- street, market, cab drivers,photogr aphers, cleaners - own account workers	Women and men	StreetNet		Has education and training programmes to build organisation- practical and political
<b>Female Union of Domestic Servants and Related Workers</b>	Domestic workers	women			
<b>Female Union of Domestic Workers of Vera Cruz</b>	Domestic workers	Women			

<b>Federacion Nacional de Organizaciones de Trabajadores no Asalariados (FNOTNA)</b>	vendors -street and market,shoe and car clean, homeworkers, artisans	Women and men	Street Net	CROC	Negotiate with authorities at state and federal level for rights and social protection. Has negotiated an agreement on urban usage and on access to social security in State of Nuevo Leon. Workers pay small contribution Education/Training: Provides political and organisation building education and training
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## Nicaragua

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Confederación de Trabajadores Por Cuenta Propia (CTCP)</b>	vendors-street,market,hawkers, coops and associations of informal workers	Women and men	Street Net	Frente Nacional de os Trabajadores (FNT),	Negotiations with local governments, national police, national commission for the eradication of child labour (CENEPTI)
<b>Confederación de Unificación Sindical</b>	Vendors	Women and men			

## Panamá

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Sindicato de Trabajadoras de la Provincia de Cloque, Panama</b>	vendors, craft producers	Women		Convergencia Sindical	provides services to promote crafts and trade union training, as well as medical support services. It is currently involved in developing a micro-credit program

## Perú

Union(s) Involved	Workers	Demographics	Non-union NGO or group	Affiliation	Achievements
<b>Central Unitaria de Trabajadores del Peru (CUT)</b>	vendors-street, micro-entrepreneurs in production, service, commerce, agriculture, domestic workers	Women and men		ORIT-ICFTU	CUT represents its members in different forums and negotiations on employment and development.
<b>Sindicato Nacional de Trabajadores del Hogar, SINTRAHOGARP</b>	Domestic workers	Women			
<b>Red de Mujeres Trabajadoras Ambulantes de Mercados de Lima, Network of Working Women Vendors from the Markets of Lima</b>	street vendors, home-based workers, waste pickers	Women		COMFIA - CUT	Created a network of Women Street Vendors in Lima
<b>Instituto de Promoción y Formación de Trabajadoras del Hogar (IPROFOTH)</b>	Domestic workers	Women	Peru Network	CGTP CONLACTRAHO	First national union of domestic workers. Assist organising, trains, runs projects. Struggles for changes to labour laws, and was successful in change of law - domestic workers now covered by labour law (2003)

## Uruguay

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Central Unica de Trabajadores (PIT)</b>	vendors and other IE workers	Women and men			
<b>Sindicato Unico de Trabajadoras Domésticas (SUDT)</b>	Domestic workers	Women			
<b>Unión de Clasificadores de Residuos Sólidos, UCRUS</b>	Waste collectors	Women and men		PIT- CNT Red Latinoamericana de Recicladores	Work with the municipalities, ask to be recognised as an important cleaning/environmental agent.

## Venezuela

Union(s) involved	Workers	Demo-graphics	Non-union NGO or group	Affiliation	Achievements
<b>Federacion Unica de Trabajadores No Dependientes y Afines de Venezuela (FUTRAND)</b>	Vendors street, market, hawkers	Women and men	Street Net		Proposers of new labour law to cover own account workers - particularly vendors. Demands to municipalities to create a post which will oversee the running, promotion and organisation of markets; to end discrimination against market and street traders; Creation of new markets and commercial centres; Create an ordinance which will create a forum for discussion of city policy with market and street traders and other informal economy workers dependent on public spaces to earn a living; Establishment of an office to regulate the informal economy and its needs.