



Collective Bargaining by Informal Workers in the Global South: Where and How It Takes Place

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WIEGO Working Papers

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Abstract

The paper addresses two sets of related questions. It considers what collective negotiation (“bargaining”) looks like and what it means for informal worker organizations and their members. The paper focuses on informal workers who are categorized mainly as “self-employed” for legal purposes. While much research has focused on informal worker (IW) organizing, far less is known about the kinds of bargaining in which the resulting organizations engage. We address how IWs access opportunities to bargain with entities that have some power over the conditions of their work. We also explore some of the ways in which negotiation is combined with other approaches and why this occurs in the case of IWs.

The paper draws on internal documents from the global research and policy network Women in Informal Employment: Globalizing and Organizing (WIEGO) that monitor collective negotiations underway and some published cases. It relies on material from a monitoring of collective negotiations by street vendor organizations, which has been ongoing since 2013 and which co-author Horn conducts through remote interviews and some face-to-face meetings with 32 organizations, combined with selected cases of negotiations by home-based and street vendor worker organizations in several countries in Africa, Asia and Latin America. The two worker groups—street vendors and home-based workers—provide a contrast in work setting and gender composition. Street vendors operate in the public space and are a mixed-gender group, whereas home-based workers are most often women and work in private space.

The paper examines what self-employed informal workers and their organizations want from negotiation, and how their situation differs from that of formal workers. We develop a typology of different types of negotiations in which informal worker organizations engage and provide country examples for these types of platforms based on case studies as well as the review of street vendor negotiations. A final section discusses how and why informal worker organizations engage in global venues for purposes of negotiation. The conclusion provides reflections and points to directions for future research.

Introduction

In cities of the global South, informal work is a primary form of employment (ILO-WIEGO 2013). Most visibly, street vendors, day labourers, and waste pickers dominate the urban landscape. Less visibly, but equally important, workers connected to domestic or global production chains labour in their own homes or space shared with others similarly engaged. As has been argued in numerous venues, not least of which at the International Labour Organization (ILO), informal workers face exclusion from basic labour standards and social protections extended to formal workers, but also face particular challenges to organization and mobilization. Importantly, their movements and organizations need to engage, and seek to bargain, with powerful actors. These include private businesses that directly use their labour, but also real estate and retail interests whose “girth” impacts where and how they might work. Local governments, which sometimes regulate the use of space and other times arbitrage among vested powerful interests (businesses, landlords and other economic actors), often are the most proximate entity with which organizations bargain. Government may also be the source of significant harassment, penalization, and exclusion.

This paper addresses two sets of related questions. It considers what collective negotiation (“bargaining”) looks like and what it means for informal worker organizations and their members. We focus on workers mainly categorized as self-employed for legal purposes (whether or not they are, in fact, economically independent). We address how informal workers access opportunities to bargain with entities that have

some power over the conditions of their work. We also explore some of the ways in which negotiation is combined with other approaches and why this occurs in the case of informal workers.¹

Throughout the paper, we raise issues that cut across main types of informal work but draw examples particularly from two groups, street vendors and home-based workers. The latter group includes homeworkers, who are subcontracted or industrial outworkers,² and independent/self-employed workers operating from home. Street vendors are a mixed but female-dominated group while homeworkers are almost universally women. Street vendors operate in the public space while home-based workers, obviously, primarily work at home. We note where and how women's concentration in these jobs and gender role expectations affect worker experiences in representation and bargaining. A majority of these workers are also categorized as "self-employed" for labour and tax regulations; they do not have a legally responsible employer, even as important economic actors may be intermediaries in their work (as is the case with street vendors distributing a multinational's shampoo or telephone card) or even directly drive some of the ways they work (as in the case of homeworkers who receive designs and instructions from a contractor).

In developing countries, women are over-represented in informal work; thus, we begin with a brief review of the dimensions of women's informal employment. We discuss in the following two sections what informal workers and their organizations want from negotiation, and how their situation differs from that of formal workers in this regard. We then develop a typology of different types of negotiations in which informal worker organizations engage and, in the next section, provide examples for these types of platforms based on case studies as well as an ongoing review of street vendor negotiations. A last section discusses how and why informal worker organizations engage in global venues for the purposes of negotiation. We close with reflections and directions for future research.

Women in Informal Work – Vulnerable but Not Powerless

In developing countries, informal work is primarily what women do when they engage in remunerated work. They are more likely than men to be in informal work (even though, number-wise, men dominate in informal employment). Regional estimates for non-agricultural employment indicate that, in three regions out of five, women are more likely than men to be in informal work. In South Asia, 83 per cent of women workers are in informal work (82 per cent of men); in Sub-Saharan Africa, 74 per cent of women workers versus 61 per cent of male workers are in informal work; and in Latin America and the Caribbean 54 per cent of women, as compared to 48 per cent of men, are in informal work. The incidence of informal employment is the same among women and men in South East Asia: 66 per cent, while men are more likely to work informally than women in the Middle East and North Africa region (47 versus 35 per cent) (Vanek et al. 2014, p. 7).

Informal work is not uniform and women informal workers are particularly vulnerable economically. City-level studies indicate that, in the hierarchy of average earnings within informal work, women are more likely to find themselves at the bottom, in home-based work, for example as industrial outworkers working on piece rate, while in contrast, men who work informally are more likely to be employers (that is, running an informal economic unit and hiring others) (Chen et al. 2005, Rogan et al. 2018).

¹ Informal work also affects wage workers/employees, workers who are in proximate contact with a supervisor or "employer" and nevertheless find themselves excluded from, or losing, coverage by labour standards (particularly representation and bargaining rights) and/or social protection, either by law or *de facto* due to violation/noncompliance by employers (e. g. Carré, 2017, p. 26, Eaton et al. 2017, p. 7). Workers in some contracting arrangements, in intermediated arrangements (temporary company) and subcontracting, might thus labour in informal employment. In their case, the bargaining counterpart might first be the most proximate employer.

² They are the subject of an ILO convention (Home Work Convention C 177 of 1996).

Nevertheless, there has been evidence for years that informal workers, with few statutory rights as workers and with limited or no social protection as workers or citizens, have formed organizations to gain leverage over their economic circumstances. They have formed organizations ranging from producer groups to cooperatives (buyer and seller), to mutual aid groups (for insurance, for lending pools) and, for negotiation purposes, to associations, unions, and cooperatives (Chen et al. 2007). The gender composition of these organizations is affected by the nature of the activity (occupation, place of work) and the product.

The gender dimension—how women handle their roles in private and public spheres—is the sub-text for the discussion of negotiation in this paper. That is, being poor and informal are the main obstacles in informal workers' efforts to establish themselves as bargaining agents and make gains in negotiations, but these characteristics stand all the more in the way when the workers are majority women. All informal workers raise issues of economic deprivation, challenging relationships with contractors or city authorities, harassment, a lack of recognition as workers, a lack of social protection, and being denied access to amenities, or to health and safety equipment, and general physical dangers. But women workers face the additional hurdles of invisibility or seeing their concerns discounted, or being outright dismissed as workers. Social norms that govern production and reproduction deem women's production work in the home—or cooking in the street, for example—as “not real work” even as it provides earnings for the household. They also limit women's legitimacy as actors or leaders in the public sphere. As a woman participant noted during a waste picker workshop: *“When we engage with municipalities or local government officials, they often prefer to speak to the men only and not to us as women waste pickers”* (WIEGO 2015).³

It is likely that home-based workers, the bulk of whom are women, are the most invisible among informal workers. It is also the case that, when these workers have organized in membership-based organizations (sometimes with facilitation and/or coordination from an NGO), women play a significant role in the organization. Based on our experience in developing countries, women tend to lead organizations in activities where women dominate. Leadership tends to be gender mixed where the activities engage both women and men. In the street vending sector, where women are represented in substantial numbers, men tend to dominate both within the trade in higher earning segments and often within the associations; it is a struggle for women to hold leadership positions (e. g. Lindell 2010). To address this tendency, early in its formation, the global street vendor network StreetNet International adopted a constitution ensuring majority women representation in leadership structures, as well as a founding resolution on organizing with a primary focus on class and gender, which set an important strategic direction for the organization. Local member organizations vary in their application of this resolution in their own autonomous structures.

Organizing – Factors at Play

Of course, organizing is a precondition for having the capacity for negotiation. Informal workers face particular challenges to organizing, many inherent in the institutional treatment of informal work (*de jure* or *de facto* exclusion from labour standards, representation law, and social protection), but others hinging upon the work itself and the position of these workers in the social and economic hierarchies. A particular kind of informal work may be only one of several activities that an individual undertakes, making it difficult to have occupation-based membership. Also, workers may be geographically scattered and isolated, or not perceive themselves as workers with the opportunity for collective action. The history of the founding of the early organizations points to these hurdles as, for example, with India's Self-Employed Women's Association (SEWA), initially a branch of the Textile Workers Union, and others (Bhatt 2005, Chen 2010, Eaton et al. 2017, Webster 2011).

³ Reproductive responsibilities also are not consistently factored in by organizations. One Latin American participant in a street vendor and market traders workshop noted they needed child care to free up negotiators (StreetNet 2017). See also Ogando et al. 2017.

Factors at play in mobilization and organizing of informal workers are increasingly the subject of research, particularly research aimed at documenting that these workers are not all budding “entrepreneurs” with an individualistic bent but choose to associate in advocacy or struggle organizations or cooperatives in order to bring collective power to bear on issues of primary concern (Chen et al. 2007, Eaton et al. 2017).⁴ Still, movements of informal workers have different roots and history—some in the formal trade union tradition, some in broad social movements, and some in the cooperatives and solidarity economy movement. Associations form along different sources of affiliation or identities: activity-based (producing for the same group of contractors/buyers); neighbourhood/location; or region of origin, ethnicity or caste (India). Furthermore, the broad occupation and industry within which informal workers operate can channel motives for organizing and opportunities for action (Carré 2013).

Moving from organization formation to negotiation requires both individual members and the organizations to develop the capacity to do so. Regular member participation in decision making matters (Devas 2004). Also, the ability to access “spaces” in governance or policy formation within which informal worker representation has a place and in which negotiation or bargaining might happen is crucial. Such spaces sometimes open up as part of inclusive urban planning and development processes but, most often, informal worker organizations are the ones pushing for an opening for engagement and a degree of inclusion.

Negotiation

For collectivities of workers who can access it,⁵ bargaining over work issues has entailed having a framework with some rules (legal or conventional/customary) that provide a sense of process and relative predictability. Informal workers and their organizations, as we know, would like to have that. But in most countries and situations, they do not.

Precisely because IWs do not fit the accepted notion of employee⁶ (dependent contractors, autonomous vendors, day labourers) and have multiple powerful actors with whom to contend, they have had to come up with venues and modes of negotiation that are suitable to their claims and concerns and can be made accessible through organization and militancy. So, what do practitioners and bargainers dealing with IW organizations say about negotiation? Pat Horn of StreetNet International, describes negotiation, when it works, as “Engaging directly with another party with a view to reaching mutually acceptable agreements.” It is a space “where vulnerable constituencies can use their collective strength” (Horn 2015b: 4). Ideally, it takes place on a “level-playing field” though we know this is rarely the case for informal workers and many others. Bonner (2009: 2) uses a similar definition. This approach departs from ILO’s and most union federations’ definitions; the latter are premised on having a bilateral engagement with employer(s) and their organizations on one hand, and worker organizations on the other (Budlender 2013).

Informal workers rarely have the luxury of access to negotiation. Yet, they organize to exert collective voice and engage in various forms of collective negotiation by necessity. They do so in order to maintain access to markets (e. g. street or market vendors) or public resources (e. g. waste pickers), to streamline fees and taxes (e. g. city and county levies from separate agencies), to negotiate prices for supplies (from contractors) and outputs, to gain social protection or health and safety laws coverage, and to gain infrastructure improvements (relevant for all categories but particularly for home-based workers) (Chen et al. 2015).

⁴ Organizations of self-employed waste pickers have formed cooperatives in order to partake in policy advocacy and negotiation on local issues, with the contractor that sells their production or with local authorities over infrastructure provision. They group into larger structures, like federations, to negotiate at higher levels. For example, ARB (Asociación Cooperativa de Recicladores de Bogotá) is a federation of cooperatives in the city of Bogota and Brazil’s MNCR (Movimento Nacional dos Catadores de Materiais Recicláveis) is a federation active at the national level.

⁵ Wage workers and, in some countries, the self-employed have a right to collective representation and bargaining. Whether they can access bargaining, in practice, very much depends on national context, legal enforcement, and the relative power of organized labour.

⁶ Except for informal *wage* workers.

Devising Ways to Be at the Table

“... given the scarcity of statutory collective bargaining negotiations forums in which workers in the informal economy (including own-account workers) are able to directly represent their members, it is inevitable that many more new bargaining forums will need to be created, tested, and become statutory.”

Horn 2015a: 9

In addition to noting the scarcity of venues where ongoing negotiation is possible, this comment by Pat Horn stresses the direct representation of informal workers as a challenge when IW organizations engage in negotiation. “Consultations” and “dialogues” happen and are non-negligible ways to deliver improvements for informal workers. Nevertheless, IW organizations ultimately aim to engage in negotiation processes in which they can directly represent their members—that is, have their member delegates (designated through a democratic process) represent the membership and negotiate on their behalf. But there are many intermediate stages to this preferred way to negotiate and IW organizations have sought ways to engage in all of them at some point.

To access some form of negotiation—either through existing processes or by creating new “platforms” or “venues”—IW organizations first have to be recognized as groups to be contended with. To create openings for engagement in a negotiated process, “pressure tactics” (Horn 2015a) are used; they can include the whole array of activities in the public domain (e. g. conferences, conventions, marches, delegations to city offices, petitions, or lists of demands) (Chun 2013) and in semi-public environments (e. g. group visits to a neighbourhood representative of a contractor), as well as court cases. Also instrumental are less visible, incremental processes that take place at very local levels and entail exploratory discussions (“roundtables” for example) and collaboration on the least-controversial issues.⁷ These processes are often used as openings for establishing venues for more substantive engagement.

Such are the means of informal workers and their organizations. Their work conditions and earnings are affected by multiple actors from different spheres (private/public) and at different levels. As a result, IW organizations devise multi-pronged approaches to be recognized as bargaining agents. They typically labour in precarious economic circumstances, have little control over their market or remuneration, reside in often precarious living arrangements, and yet they must engage in dialogue and negotiation with powerful actors. Most do not have the power to withhold labour (strike or slow down), although, in some cases such as that of waste pickers or transport workers (Bonner 2006: 64),⁸ they could cease activity and disrupt life in some city centers in some countries. On the whole, however, IWs are seen as having little of what is conventionally understood in labour relations analysis as bargaining power. As already noted, IWs are rarely covered in their country by labour laws, such as they are.⁹

The strategies for gaining access to some form of negotiation are multi-pronged by necessity. They entail reacting to opportunities wherever and whenever they open up while also prioritizing claims that have been formulated by their members. Strategies also include combining negotiation with legal approaches such

⁷ For example, collaborations on health and safety in organized market spaces, as with the fire department in Warwick Junction in Durban, South Africa (Alfers et al. 2016).

⁸ In a Philippines case study, informal road and goods passenger transport workers have relatively strong “workplace” bargaining power. Rather than impacting primarily on a direct employer, action has an impact on the delivery of goods, services and people to their destinations. This inconveniences passengers, including workers, but more importantly it hurts, “the employers of as well as sellers of goods and services to the affected people” (Bonner 2006: 64). Transport disruption and the worker power that it represents are difficult to counter because of inter-industry links. Also, we reference below a case of strike for better piece rates (ILO 2015).

⁹ The most well-known exception is SEWA, which achieved national union status in India and internationally after years of significant struggle.

as court cases,¹⁰ and whenever possible pushing for legal change either to create statutory bargaining structures, or to establish formal agreements for regular negotiations, and/or to gain specific rights (e. g. social protection).

Multiple Kinds and Levels of Negotiation: Why

By “multi-level” bargaining, we actually mean varied levels along two main dimensions: first, a range of platforms with varied degrees of direct engagement and different levels (local, national); and second, engagement within international venues, such as the ILO. We elaborate why IW organizations use international venues in a later section.

Before addressing the different kinds of platforms in which IW organizations engage, we review the complexity of the situation facing IW organizations when they aim to alter conditions for their members. As noted earlier, they represent poor workers who are often not recognized as workers, or even as contributors to public revenue through taxation. Each category of IW faces multiple actors that affect their work environment and economic conditions. Private operators matter most for home-based industrial outworkers (homeworkers); these operators directly shape the structure of the subcontracting chain, the product market, and the arrangement through which homeworkers get work and are compensated.¹¹ Street vendors and other market workers are affected by a multiplicity of actors: governments (municipalities or other levels) regulating, or not, the use of public space; collective associations regulating the operations of local markets; and the private suppliers from whom they buy goods. Both home-based workers and street vendors are affected by public infrastructure policies, be they supports to settlements or marketplaces, evictions, or transportation. Other groups face yet other circumstances. For example, waste pickers are affected by the actors and nature of the market for recyclables and, most directly, by the organization of public waste collection systems, which puts them in direct interaction with local government (and other levels) and its relationship with the recycling industry (including multinationals).

All categories of informal workers are affected by government, almost by definition, because operating as an informal worker, or in an informal economic unit, implies the lack of coverage under labour and/or enterprise laws. Therefore, government policy—exclusionary, punitive or enabling policy in multiple spheres—is at the center of IW organizations’ concerns. This is true even while most IWs operate in an unregulated or unprotected environment on a day-to-day basis. Put another way, their “unregulated” (or inappropriately regulated) environment generates other constraints. There are multiple opportunities in this environment for punitive practices and policies, and these particularly affect those who operate in public spaces, such as street vendors and waste pickers (Roever and Rogan 2017).

Therefore, negotiation or bargaining may occur with public agencies and at multiple levels of government, even as IW organizations know or are aware of the private actors who shape their conditions of work directly (as with contractors who give production orders to outworkers) or indirectly (as with real estate or retail interests that hold sway over land use planning and government decisions). National, even regional, contexts vary in their openness to IWs issues and in their orientation to negotiated or mediated approaches, and therefore in providing statutory mechanisms for IW organizations to have a role (e. g. Agarwala 2013). But, even in cases where national government is inhospitable to IW concerns, negotiations of a kind occur with multiple levels of government writ small.

¹⁰For example, waste pickers in Colombia have had significant wins in the courts.

¹¹A similar situation affects domestic workers, although private households are a different type of economic actor and multinational “chain” structures are embodied in the brokering agencies for migrant domestic workers.

Actors and Factors in Negotiation: Contrasts between Street Vendors and Home-Based Workers

The two worker groups that are the particular focus of this paper—street vendors and home-based workers—contend with somewhat different actors in their activism and negotiations, and distinct factors are at play for each group. Most share the same legal status of self-employment, which is the dominant form of informal employment in developed countries.¹²

Street vendors and their organizations deal primarily with local, regional and sometimes national authorities/government. This is because the rules and decisions made by governments have direct impacts on street vendors' core economic activity. Most visible is the access to public space for vending, storing or producing (e. g. cooking) goods for sale. This access is essential to reaching customers. One primary activity of local government is to administer the use of space by contending actors, to issue regulations on its use by contending parties, and to police the implementation of such rules. Other roles of government also have direct bearing: the issuing of trading licenses, collection of market fees, zoning (and the impacts of real estate developers on it), transportation, and safety of public space. Consistency of enforcement, or lack thereof, and corruption of public agents by powerful economic actors also impact IWs. Thus, day to day, street vendors are affected directly by local-regional government policy (and most directly by interaction with police) and to a lesser but still significant extent by regional and national government. The risks of evictions from desirable (often historic) vending locations are the primary motivations for seeking inclusion in governance and policy. Street vendors organize into associations—sometimes based on neighbourhood or national origin (as is the case in Durban, South Africa with Congolese traders)—and may join in alliances for greater impact. As will be seen later on, because street vendors contend directly with government, the opportunity to obtain statutory, or at least ongoing, negotiations (continuous and with binding outcomes) is enhanced. In principle if not consistently in reality, governments have a duty to set up frameworks for consultation and arbitration of contending interests, which in the case of use of public space are many.¹³

Homeworkers and independent home-based workers also engage with local and regional governments but around the home (or a neighbourhood shared space) as the primary place of work. Government action affects the means and conditions for their work—housing, amenities (water, electricity), and transportation. The ability to access the market—orders for goods, supplies, sources of customers—brings in another set of actors. For homeworkers in particular, who produce goods on order and sometimes to detailed specifications, key actors are contractors or subcontractors (representing themselves or a larger business) with whom they will aim to negotiate over compensation and other demands. Independent home-based workers (who operate production independently) may also work as a group, sometimes in a marketing cooperative, to bargain over price with major buyers. For both these groups of workers, displacement (due to public projects or private real estate) is a common trigger for deeper engagement with government and seeking inclusion in the governance process.¹⁴ For them, as will be seen below, negotiation may sometimes take the form of “consultations” or forums, depending upon the issues at hand and the actors with whom they must contend.

Different kinds of negotiation platforms

A first step in the work of characterizing what collective negotiation or bargaining looks like concretely for IW organizations is an exercise in typology building. This must start with the least formal kind of negotiation in order to step away from the mindset that considers labour negotiations to be structured processes between two parties, and perceives IW activities as not “union-like” or “collective bargaining-like”.

¹²Informal *wage* employment also exists in developing countries but to a lesser extent.

¹³See Kohn 2017 for the example of South Africa.

¹⁴See Bonner et al. (2018a) for examples of such process in the Bangkok region of Thailand.

In this section, we have devised a schematic way to order the kinds of negotiation platforms in which membership-based organizations (that are known to WIEGO and StreetNet International in particular) partake. As with anything as elusive as negotiation that is not statutory, different types are not clear cut and constitute more of an “array” of types of platforms, with some movement or fuzzy boundaries across types which are represented, here, as distinct. Also, to characterize negotiation platforms, we start with situations where little explicit negotiation takes place, certainly not of the conventional collective bargaining kind, but where nevertheless engagement occurs and is used by IW organizations for further steps.

The information on which we draw consists of cases of negotiation, documented by WIEGO in the study of organizing or urban policy engagement, as well as through an exercise undertaken by StreetNet International and WIEGO. The latter involves an ongoing monitoring of collective negotiation by street vendor organizations underway since 2013, conducted by Pat Horn, co-author of this paper, through remote interviews and some face-to-face meetings with a total of 32 organizations. We also draw on selected cases of negotiations by home-based and street vendor worker organizations in several countries in Asia and Latin America.¹⁵ The two worker groups—street vendors and home-based workers—provide a contrast in work setting and gender composition.

We single out particular examples that are useful to illustrate an approach and we have taken care to use primarily those about which most is known. In this section, we present a typology of types of platforms. In the next section, we develop a few examples at greater length. We have emphasized those examples that offer enough constructive impact to be documented.

Table A in the Appendix summarizes characteristics of each type of platform; they are elaborated here. The main questions we use to characterize the different kinds of negotiation platforms are:

- who instigates the process?
- is the engagement bilateral, multi-lateral, or tripartite?—and with whom?
- what kinds of issues are addressed?
- is it advocacy or direct representation?—and what is possible in each case?

Across all types of negotiation platforms, the strength of the collective of workers—their organization—matters for effectiveness. Of course, achieving ongoing bilateral negotiation or representation on a monitoring structure/commission is most achievable for strong, large organizations.

“Day-to-day” negotiation: What we call “day-to-day” collective negotiation encompasses formal and informal ways that IWs collectively regulate their interactions with other actors, mostly local public entities, but also private actors. Market associations with traditional or elected leaders engage with district, municipal, or county officials around use of space, fees, and local tax collection, for example (Lindell 2010). Local waste picker groups negotiate access to storage space. Neighbourhood groups of homeworkers bargain, as a group, with the local “agent” of a contractor over the quality of the supplies (e. g. tobacco leaves for cigarette rollers) or delays in payment. For example, according to the ILO, some homeworker groups in Indonesia negotiated with contractors for the reimbursement of production costs such as electricity and transportation. A homeworker group in Batu enlisted the help of the village leader to negotiate for the reimbursement of their electricity costs (ILO 2015). These day-to-day negotiations are instigated by IWs and are part of the usual run of the work, much as, in the USA, day labour workers are “tolerated” in certain neighbourhood parking lots after exchanges with neighbourhood representatives but absent a city agreement. Of course, the strength of organization of the collective of workers matters greatly to whether these interactions turn out to be negotiations or routs.

¹⁵Cases are documented on the WIEGO website, internal documents, and, in a few cases, in background case studies prepared as part of a project with the Solidarity Center and later published in Eaton, Schurman, and Chen (2017).

Ad-hoc negotiations: These are more formal, explicit efforts that are triggered by conflicts over space or use of facilities, for example. Public events or changes in urban layouts are often occasions for ad hoc (“one off”) negotiations to address immediate problems. Municipal agencies may instigate these; a conflict between formal and informal traders may engage planning agencies; an infrastructure problem in a market may be the trigger for a group of workers to seek an interaction with a municipal agency. The essence is that these negotiations are bilateral (occasionally multi-lateral with agreed stakeholders) and short-term, with no commitment on the part of authorities to continue an exchange of any sort with the worker group(s).

Consultations: Consultation is essentially a process where workers and their organizations are invited, or encouraged, to air their views; there usually is no mutual commitment to end up reaching agreement. The word “consultation” rightly indicates that public authorities usually instigate them, rather than the IW organizations, even though the latter usually have prompted them through a request for bargaining. They can be useful and typically occur when a change in regulation is planned and a process of information gathering is deemed necessary. Information gathering provides an opportunity to push for additional items for discussion. These consultation platforms can evaporate with changes in government, after which the process of establishing the space for engagement must begin again. Consultations may be one-off or ad hoc, or they could from the start have some expectation of durability.

Dialogues or “roundtables”: These tend to be instigated by IW organizations, a regional or national network of IW organizations (e. g. one of the HomeNets, networks of home-based worker organizations¹⁶) or alliances of civil society organizations or NGOs working with IW groups. They are used to affect, ideally to shape, the agenda on a set of policies (affecting, for example, street vending or waste collection). They can be national or local in scope, and can be multilateral given that policies can affect different spheres and levels of government as well as various private actors, including multiple, possibly rival, worker associations. Similarly, in forums, IW organizations are able to first deal with issues that offer possibilities of collaboration. They are useful for building trust around dealing with some issues and for developing allies for longer-term engagement on more significant issues.

The extent and durability of negotiations under the above platforms is affected by turnover in government leadership, and by the interactions among national and local regulations. The key challenge is how to ensure continuity in negotiations processes while structural or democratic changes take place. Where they work effectively, good-faith (on all sides) ad-hoc negotiations may be a precursor to regular negotiations, which can in turn be a precursor to statutory negotiations. In this latter stage, a negotiation structure that works is formalized into legislation and the latter sets the stage for addressing the continuity challenge.

Regular negotiations: These follow a similar set of characteristics as “ad hoc” negotiations but, from the start, parties have an expectation of some durability. It could be an agreement to have monthly meetings or quarterly meetings; often with such arrangements, some terms of reference would be agreed upon at the start of the arrangement.

Statutory negotiations: These are what IW organizations seek to achieve because of their ongoing and mandated nature, which addresses the ongoing nature of the problems workers face (especially about issues around use of public space). The key ingredient is the fact that they are written into law, so compliance is obligatory. Therefore, they are not dependent on which political party is in power or who is in charge of the relevant department for bargaining. The battle of establishing that an IW concern is an issue does not have to be fought repeatedly. Because statutory negotiations are ongoing, they offer multiple openings for IW organizations to introduce specific issues. The detail of terms of reference and the ability to enforce terms of agreement vary (though the same holds true with conventional collective bargaining agreements covering formal workers). Statutory negotiations may require the IW organization to be registered as a legal entity (e. g. a business organization or a union, if possible) in order to bargain.

¹⁶StreetNet affiliates sometimes get invited to these. StreetNet International does not encourage its affiliates to initiate “roundtables”—it would rather initiate negotiations.

In all forms and venues for negotiation, division among groups of IW organizations is a risk, one that increases if IW organizations are weak or simply if their members are too preoccupied with survival to tend to collective activities. Division can more easily be exploited in situations where the setting for negotiation is instigated and controlled by government (as is often the case for street vendors and waste pickers) or private actors.

Types of Negotiation Platforms – Country Examples

We provide illustrative examples of what are the more resilient instances of negotiations, bearing in mind that other efforts have been started but foundered due to corruption or interference from another level of government, or simply because multiple IW organizations cannot line up their positions and act collectively. Importantly, we call attention to the fact that the situation on the ground changes rapidly where relationships between IW organizations and powerful public institutions and private actors are concerned. This is particularly true for street vendors. The examples we provide are illustrative and represent the situation on the ground between 2013-16, when extensive interviewing and follow-up checking with organizations took place.

From Ad Hoc Negotiations to Ongoing Bargaining

In 2009, to engage with the municipality and national government (President's office) in Monrovia, Liberia, street vendors began a process that entailed "pressure tactics" (demonstrations), repeated ad hoc meetings with municipal government, one-off meetings with the national police, attempted MOUs, an effort by vendors to pay a licensing fee (in return for infrastructure services), and some resolution. The negotiations were triggered by police raids that feature destruction of vendor equipment, harassment (invoking ordinances not applicable to vendors), and evictions. Interestingly, the city asked traders to form a registered organization in order to bargain with a single entity; the National Petty Traders' Association of Liberia (NAPETUL) was the result. A number of these ad hoc negotiations did not lead to agreement, including a meeting with the City Director of Planning about new trading space. In this instance, vendors relocated to specified areas after having refused several others, including one that would have clustered them in a single trading space and ones in the outskirts of the city, all of which vendors considered problematic (Budlender 2013, Weeks and Reed 2017). Since 2012, the former President¹⁷ Ellen Johnson Sirleaf (who considered informal market women important for the government's development policies) appointed a new Monrovia City Corporation (MCC) Mayor who concluded a tripartite MOU in October 2014 between MCC, NAPETUL and the Ministry of Commerce & Industry/MSME division. According to Horn (2016: 20), "Mayor Mvogo has taken a specific interest in the situation of street vendors...and has ensured, through her working relationship with the leadership of NAPETUL...that petty traders became a key partner in urban planning and regulation of street trade." The organization's lead negotiator is a woman who has been active from the start of the movement. NAPETUL's engagement experience has since seen ups and downs in the relationship with the MCC Mayor's office, an experience emblematic of the challenges faced by IW organizations in these types of negotiations. In 2016, in the face of disinterest/disengagement by the Mayor's office (the MOU was not renewed), and in alliance with another market organization (Liberia Markets Association), NAPETUL's leadership by-passed the Mayor's office and engaged directly with the Liberia Revenue Authority, the City Police, the City Planning Department, and the Ministry of Commerce, all with the aim of protecting access to trading space. The organization succeeded in securing 500 trading sites for its members in Monrovia and, as of late 2016, had held off a relocation of their members in another municipality, Paynesville.

¹⁷In national elections held in 2017/2018, President Ellen Johnson Sirleaf stepped down and a new President, George Weah, was elected. New mayors have also been appointed by the new President. NAPETUL have changed their structure and name to FEPTIWUL (Federation of Petty Traders' and Informal Workers' Unions of Liberia)—but they have retained their status and negotiating relationship with the new regime.

The municipality of Dakar, Senegal, has held ad hoc meetings with 5,400 table merchants and street vendors in central city market areas since 2009 (the trade union federation CNTS also partakes in a tripartite bargaining at the national level).¹⁸ In some instances, what started as ad hoc negotiations have become ongoing. The municipality convenes meetings by telephone or by letter addressed to associations who appoint their representatives to the forum. The municipal representatives include heads of technical divisions and their allies, such as Prefect or Governor who come with their proposals, recommendations and decisions, which are often irrevocable. In spite of the lack of statutory rights, on occasions, vendors manage to reject city proposals that are too restrictive and the city representatives practice inclusive consultation before making decisions. In some cases, these activities have evolved into ongoing or regular bargaining. Since 2012, a new mayor has expressed commitment to inclusive approaches and participatory city planning and management, a change which may further impact this process.¹⁹

Consultations

Because we have decided to include primarily cases where the process has yielded some steps forward in terms of IW organizations' ability to introduce matters of importance to their membership, we do not present here examples of straight government-initiated consultations. Some instances of "consultation" that have had positive effects have morphed into another more structured stage. Cases where consultation has entailed good faith do occur. Consultations in very early stages make us hesitate to infer what the likely next steps will be. And consultations that have failed are too many to list and are very much part of the history of exclusion of informal workers.

Dialogues/"Roundtables"

Informal worker organizations in Lima, Peru have used the forum and policy dialogue platforms to engage with local government in progressive steps. With support from WIEGO, they instigated processes that enabled them to have input in policy design for market traders. They began with sponsoring debates for national and local political candidates in 2010 and put IW questions to candidates. In 2012, WIEGO sponsored a "consultation" for 150 federations of street vendors in anticipation of the revision of a decades-old Lima ordinance on vending; women delegates were prominent in the leadership of these organizations. Consultation happened centrally, to review the draft ordinance, as well as with individual leaders and municipal authorities in different districts. City council representatives participated in these. In May 2014, Lima's City Council passed a new ordinance that governs how individuals are authorized to sell in public spaces. It covers Lima's downtown area, a main commercial center. It was expected to have an influence on the other 42 districts of Metropolitan Lima. Among several gains are: prioritization for licenses of those in extreme poverty (or other economic hardship) and a simplified process of license acquisition (for longer duration and more predictability). Will it lead to on-going negotiations? The 2014 ordinance establishes a commission that is to bring together the municipality, street vendor organizations and neighbourhood representatives (Abizaid 2016). Implementation will tell; this would yield statutory collective bargaining under local law. A change in mayoral administration has affected the implementation of this commission. As of this writing, the new mayoral administration has announced a formal review of the ordinance as a whole. IW organizations and their allies, including WIEGO partners, have asked for meetings but these have yet to take place. For now, this case provides an example of how "dialogue" may lead to more structured and representative forms of negotiations, on one hand, yet also be vulnerable to government change and discretion on the other.

¹⁸When in 2007, hawkers and vendors in one of the capital city Dakar central markets rioted in the face of a municipality plan to evict them, the President cancelled the eviction and enabled the formation of a national federation of street vendors to engage in national tripartite bargaining. Some market associations include both formal and informal traders (Brown and Lyons 2010).

¹⁹Cited in Horn (2016), presentation by Mayor Cheikh Gueye (*commune of Dieuppeul/Derklé, Dakar*) on management of informal trade at Africities Conference on 30 November 2015.

Regular Negotiations

KENASVIT (Kenya National Alliance of Street Vendors and Informal Traders) leaders participate in county-level negotiations covering all informal traders that have been underway since 2009 in all but three major cities. National leaders monitor these efforts. These negotiations are recent and a continuation of government decentralization processes. (In the remaining three cities, negotiations still take place with city government but have less impact because decision making has moved to county level). KENASVIT negotiation teams include national leadership and local leadership (of vendor alliances) including representatives of women, youth and vendors with disabilities. Negotiations take place involving MOUs with the municipality in some cases.

These negotiations, though ongoing for several years and with trained negotiation teams, present familiar challenges: junior government representatives without authority to negotiate, delaying tactics, dismissive attitudes, “divide and conquer” tactics (bringing in a competing vendor association), or/and intent to refuse to negotiate (decision fixed in advance). The salient issue for negotiations is the lack of land/ space. Issues brought to the table by traders include destruction or relocation of vending space, or of transportation; the process of allocation of vending space in existing or new markets; market levies; and infrastructure and amenities.

For example, in Nakuru, at this writing, an MOU between KENASVIT and the municipality was being renegotiated after the latter demolished vendor stalls. With the construction of modern stalls, negotiations address the accommodation of all street vendors and informal traders in the new space (the KENASVIT goal). In the Kisumu urban area, negotiations address relocation of vendors whose market, Owile Park, was destroyed for the construction of a highway. Pending relocation to a new site with new infrastructure, temporary allocation of spaces also needs to be negotiated for all vendors to maintain their livelihood. Negotiations, even if coordinated and monitored by the KENASVIT national leadership, remain complex at the local level. In the Kisumu area, some vendor groups were willing to move as long as new vending space was secured, while others objected to moving in the first place. At one Mombasa market, county level negotiations have made a concrete difference; traders who had been told to leave were allowed back in and provided with stalls. A proposed increase in market levies was dropped. Traders chased out of major arteries in the central business district were accommodated in side streets (Horn 2016).

In Lesotho, triggered by clashes between street vendors and Maseru municipality in 2012, a multi-stakeholder negotiation “forum” was established by the local government. As of this writing, the national street vendors’ organization finds this “forum” an effective form of formalized interaction between local government units and informal traders. The municipality uses it to bring infrastructure plans to the table for discussion with street vendors and informal traders. Benefits recognized by informal workers so far are: improved transparency in development plans; consultation about their implications; and reduced distrust. Ways in which this forum is still very much a consultation is that the scheduling of meetings reflects the municipality’s “lead” in priority setting. The street vendor organization’s requests for urgent meetings are not always met urgently, while the multiplicity of government-instigated meetings for introducing plans are taxing to informal traders (Horn 2016). Within the limits of what informal negotiations (with no pre-agreed terms of reference) can achieve, this instance has worked so far in limiting disregard of IW concerns, and creating a space for evolution toward higher stake interactions.

Statutory Negotiations

Not surprisingly, one example of statutory negotiation is provided by statutory town vending committees established under the Indian 2014 Street Vendor Act (Street Vendors Protection of Livelihood and Street Vendor Regulation Act)—itself the result of a long-term build-up of advocacy and local negotiations by National Association of Street Vendors of India (NASVI) and SEWA (Horn 2016, Bonner et al. 2018a). The Act mandates that municipalities cannot bypass these town vending committees. Committees are designed to be representative and include among their members: 40 per cent from street vendor organizations;

10 per cent from voluntary organizations/NGOs; and 50 per cent from the municipality, transport sector, police, health and sanitation units, and banking sector (Horn 2016). Even with the legal framework in place, implementation is a challenge at the municipal level. For example, in 2014, NASVI had to take the city of Delhi to court to seek full implementation. The tale is illustrative. After evictions, according to NASVI sources, the Delhi high court “ordered municipal authorities to conduct a survey of the area mentioned in the petition as to how many vendors have been evicted and to reinstate them at their original vending sites because this was an outright violation of the Street Vending Act, 2014” as well as of court orders of several other courts.²⁰

Sector specific negotiations are in effect in Gujarat, India, as for example for bidi workers (about 90 per cent of whom are women) with the Bidi and Cigar Workers Act and extensive activity by SEWA union. Under this act, services such as health clinics are available to a group of workers. Drawing upon the practice of tripartite negotiation (Office of the Commissioner of Labour is involved), the state enables home-based workers operating in piece rate production for contractors (e.g. bidi marketers) to negotiate a minimum piece rate/wage and contractor contributions to a welfare fund (provident fund for retirement). In this well-known case, elected representatives of home-based workers organized in SEWA Union partake in bargaining with government and businesses (essentially the economic entities that control supply, volume of production, and marketing). The practice of the state administration having a role in the setting of minimum piece rates, first started in Gujarat, has spread to other states (for example, West Bengal, Madhya Pradesh). SEWA Union has leveraged the context of government policies and ostensible commitment to tripartite structures to foster bargaining by member elected representatives (Budlender 2013, Tilly et al. 2013, SEWA Academy 2012). It has worked to achieve similar gains for other kinds of home-based workers (e. g. kite makers, incense rollers) at the state level. Importantly, in all these negotiations, the leadership and members are women, as SEWA exclusively represents women workers.

It is quite possible that this example of statutory negotiation for home-based workers achieved by SEWA Union is rare elsewhere in the world for home-based workers. It is well-known that home-based workers face greater obstacles than others to collective organization and participation in bargaining. Working from home, doing work, often seasonally, that is generally perceived as “work for home/women’s work” and therefore not real work, identification as working for “self”, and sheer economic vulnerability contribute obstacles to joint action, at least joint action as a “worker”. Home-based workers organize along a range of identities (group, neighbourhood, product, etc.) a reality which SEWA Union is well-known for having devised ways to address (Webster 2011, Chen 2010).²¹ In other settings, organizations have evolved toward producer groups, cooperatives, or other mutual structures more readily than toward associations or quasi-unions. Nevertheless, other modes of activism have yielded other pathways to work for worker gains. The example from Thailand in the next section is one such case.

“Oversight and Monitoring Boards”: A Variant of Statutory Negotiation

A Thai statutory forum to oversee the implementation of a new law—the Home Workers Protection Act (2010) in Thailand—provides for a Home Work Protection Committee as an oversight, implementing body. It includes home-based worker representatives, government agencies, hirers (employers), and experts (including representatives of registered homeworkers groups). HomeNet Thailand was involved in negotiating the regulations for the operation of the Committee (including the election procedure). Once committee rules were in place, in an election for the home-based worker representatives to the board, three women representatives (leaders) of HomeNet Thailand won seats on the Committee (HomeNet Thailand, 2013, 2014). This structure will set minimum wages, for example, even though it is not a traditional collective bargaining venue.²²

²⁰NASVI 2014 account. See also Bonner et al. 2018a.

²¹Examples of strong group mobilization exist, however. In Indonesia, a group of women making badminton rackets and another making embroidery held a successful strike for an increase in the piece rate, achieving increases ranging from 10 to 20 per cent (ILO 2015). Their leadership was constituted of women.

²²Similarly, in Brazil, after winning payment for waste services, waste pickers in Minas Gerais are represented on an implementation/monitoring board.

Why Global Venues Matter to IW Organizations

Given the many accounts of stop-and-go consultations, dialogues, or negotiations occurring in very local settings, with multiple actors and levels of government, it is not obvious why informal worker organizations have sought to have impact in international venues, and to access the processes of the ILO in particular. Here, we briefly review two broad ways that IW organizations interact with global venues. They may form or join cross-national networks of informal worker organizations to further global and local goals. And they may partake in ILO negotiations at the international level, for example through the annual sessions of the International Labour Conference (ILC)—in fact an international statutory negotiations forum—or in ILO-orchestrated social dialogues in national and local settings.

As we know, since the 1990s, IW organizations have formed transnational, sector-specific networks whose explicit purpose is to act and negotiate in global settings. These networks for global mobilization serve to support and augment activities of IW organizations at the national and local levels. The ILO is one place where national governments can be pressured to open policy discussions on informal work, the status of informal workers, and their access to social protection. Transnational networks have proven useful to partake in ILO dialogues, even discussions, and eventually to achieve conventions (e.g. Domestic Workers Convention 189) because governments in low and middle income countries—unlike the United States—do, or can be pressured to, pay attention to ILO conventions and may enact legislation to comply with one. In turn, these legal standards are norms to be appealed to and leveraged in local negotiations.²³ This process relies upon, first, persuasion, and then legitimation to eventually achieve a transformation in norms and practices that govern basic terms of employment for some categories of informal workers. The process mirrors the cycle of norm construction, norm institutionalization and dissemination, and finally norm adoption (“internalization”) through international standards that has been analyzed in the case of international action and local impacts on human rights and gender equality (Finnemore and Sikkink 1998). In terms of the authors’ framework, ILO Recommendations and Conventions (like other international agreements) facilitate the dissemination of awareness and adoption of a norm by “clarifying what, exactly, the norm is and what constitutes violation...” although we note that, unlike in the field of human rights, regulation of labour violations mostly remains in the realm of national or sub-national authorities.

Indirectly, the work of engaging and building a global network impacts organizational capacity for and strength in negotiation; it enables organizers and leaders to exchange information on strategies and learn from successes/failures (Brown and Lyons 2010, Brown et al. 2010, Bonner and Carré 2013). Organizational leaders may combine local and transnational activism and consider them to be mutually reinforcing. A lead negotiator for street vendors in Lima (example discussed earlier) has combined her local activism with active participation as an informal worker delegate to the ILC for the standard setting discussions for R204 (formalization) and represented street vendor needs at UN Habitat conferences. The visibility achieved in global venues is used in national and local settings by IW leaders. This is particularly true when it is a matter of engaging in steps that are precursors to regular negotiation (pressure, advocacy). For example, when Colombian waste picker leader Nohra Padilla received the 2013 Goldman Environmental prize for South and Central America, she invited a municipal official to her award ceremony to soften the opposition of local government to the waste picker movement and its efforts to engage with municipalities on waste management systems. Also, bringing a global spotlight to positive and negative local experiences is used to bolster the position of individual organizations while they are engaged in some

²³Until recently, IWs with a clearly identifiable “employer” could more readily access the ILO process than others. The situation changed with the most recent standard setting discussions on “formalization”, which included the explicitly self-employed and resulted in Recommendation 204 (2015) concerning the transition from informal to formal, which covers all forms of IWs [Bonner et al. 2018a]. The tripartite system does not give access to the official ILO process unless organizations are part of a trade union delegation. However, although not official actors in the ILO, informal workers’ organizations have been able to influence decisions by participating in the Workers’ Group and other ILO processes.

form of negotiation or advocating for a new standard.²⁴ Participants in a recent bargaining workshop noted that when an engagement with government fails, they seek international solidarity (other leaders) and support from international organizations to bolster their own mobilization (rallies, strikes), as well as that of their local allies (trade unions, town councils); they may also seek to raise their profile by engaging with media (StreetNet 2017).

Also, IW organizations have some interactions with established processes of the ILO. The ILO has worked to foster the adoption of its tripartite statutory bargaining model across countries with disparate results. What actually gets enacted varies across countries and the “brief” of tripartite structures can range from merely advisory to wielding decision-making power. (The organization also convenes Regional Labour Conferences from time to time, according to ILO statutes, which are a regional version of those governing the ILC.) To further the goal of tri-partism and also respond to specific needs, ILO teams also hold social dialogues within countries, which are tripartite but not statutory (unlike standard-setting discussions at the ILC). In principle, such social dialogues entail all parties participating on an equal basis through their elected representatives. IW organizations can partake in such social dialogues, particularly in recent years, reinforced by the inception of ILO debates and the recent Recommendation on “formalization” (R204).²⁵

Historically, networks of women informal workers forged an opening for informal workers at the ILO in particular and in other international venues (Bonner et al. 2018b). The earliest efforts entailed the achievement of the Home Work Convention (177, 1996), the affiliation of SEWA with the IUF in the early 1980s²⁶ and SEWA’s 2006 membership in the International Trade Union Confederation, as well as its recognition by the “Workers Group” in ILO tripartite discussion. The more recent Domestic Workers Convention and the activities of cross-sector groups in preparation of R204 are efforts that relied upon delegations and speaker interventions entailing a preponderance of women members.

Conclusion

Informal worker organizations have taken part in negotiation activity which is better than outright exclusion (no voice) but less than collective bargaining governed by statute. The negotiation landscape is varied, entails public and private actors, and involves multiple levels within these (groups of contractors, levels of government, national/international). We have characterized the different venues and modes of negotiations in which informal workers partake and illustrated what these look like with country examples. The cases presented have some substance and durability and, though not statutory collective bargaining, they illustrate how substantive progress is made in addressing economic issues brought by informal workers.

Even with short-term negotiations or simple consultations, informal workers need first to be organized into associations or other organizations, and to form alliances among organizations representing similar trades in order to engage with powerful actors. Regardless of the format that negotiation takes, cohesion is necessary for progress toward success and for effectiveness in monitoring implementation of negotiated agreements.

²⁴Finneman and Sikkink (1998) note similar patterns in human rights when local advocates (“norm entrepreneurs” in their framework) use an international norm to strengthen their position in a debate (p. 893).

²⁵The terms of the participation of informal workers, particularly the self-employed, are still very much in debate, and even dispute, and are likely to be hammered out on the ground. In the new ILO Recommendation 204 of 2015 on the transition from the informal to the formal economy, the clause related to tripartite negotiations stipulates that informal workers will be represented within the ranks of the unions of formal workers. In one example, the South African National Economic Development and Labour Council (NEDLAC) has four constituencies: labour, government, business and a “4th community”. At the moment, informal workers are represented through the community constituency; they are not yet accepted in the labour constituency, though they are advocating for inclusion in tripartite R204 workshops, with some success.

²⁶Long before any informal worker union was recognized internationally.

In dealing with government—a main actor in negotiations—the interactions among national and local government, and contradictions between national and local legislation, can make negotiations unpredictable and sometimes unsustainable. For example, national government may guarantee a constitutional right to trade, but this right is not respected by local government in their dealings with street vendors. Hence, IW organizations combine negotiation in local settings with advocacy alliances and court cases, as well as negotiation in transnational venues, particularly the ILO, in order to gain additional leverage in national and local settings.

We noted at the start that women are over-represented in informal work; in the developing world, when women work for pay, informal work is the norm. It is therefore no accident that several of the longstanding informal worker organizations have a high or exclusively female membership. It is also no coincidence that associations or unions of women informal workers led advocacy efforts at the ILO for the inclusion of IW concerns, first in general discussions, and more recently in standard setting discussions.²⁷

In local and national negotiations, women leaders of IW organizations with a preponderance of women members have encountered the familiar obstacles of limits to women's participation in public life. These include the norms—both those imposed in the domestic sphere (family, social group) and those exerted by authorities—which dismiss women as workers, as leaders, and as parties to be contended with in a negotiation. In consultative and negotiation processes, organizations that have trained and prepared leadership are likely to do better, on the whole.

In consultation or negotiations, the active representation of organizations with majority women members by leaders who are women matters to addressing their concerns (e. g. lower payments relative to men, safety and amenities, child care). We have not explored the cases in depth regarding this issue. However, the experience with an extended effort at multi-stakeholder consultation over several years in Durban, South Africa provides one example. It indicates that women street vendors had active representation in this consultation during the mid-1990s because the Self Employed Women's Union (SEWU) was operating at the time and had trained (women) leaders, whereas predominantly women street vendors in other cities were mostly represented by men (Horn 2016). In all, these experiences of street vendors and home-based workers illustrate how difficult it is for IWs to engage in bargaining that has concrete impact on their livelihoods. This is particularly so for women informal workers.

Important issues we hope to address in later writing include how accountability is maintained on all sides in negotiations. Regarding the accountability of powerful actors—government and private sector contractors and other economic interests (e. g. developers)—exploring how corruption and patronage interfere and have been confronted during ongoing negotiations would be useful to examine in greater depth. In particular, organizations of street vendors, an important constituency at election times, have to resist local politician efforts to pit one group/association against another or to foster the creation of an association with counter goals. Real estate dynamics affect IWs' work (as that of homeworkers through housing development) and are particularly coloured by corruption of authorities, municipal and beyond. Additionally, the extent of accountability of IW representatives and the importance of the strength of democratic procedures within IW organizations that engage in negotiation require further in-depth exploration. A follow-up of the unfolding of negotiations by organizations with mixed gender bargaining teams, compared to those with predominantly women and those with only men, would delve into the dynamics internal to the organizations, as well as contextual ones, and their impacts on bargaining outcomes for all represented workers.

²⁷The Home Work Convention is an exception in this regard, having been passed in 1996.

Table A: Types of negotiation

	"Day-to-day" negotiations Market associations Waste picker groups Neighbourhood-based HBW groups	Ad hoc negotiations	Consultations	Roundtables/Policy dialogues, at city or national level	Regular negotiations	Statutory negotiations
Who instigates or triggers	- Any side	- Triggered by conflict or a legal requirement (municipality, planning agency) - Triggered by new MBO seeking to resolve members' problems - Public event: (e. g. sports event)	- Local/regional government - National government - Consultants seeking development contracts	- IW organizations or network of organizations - Can be in partnership with NGOs	- Triggered by MBO with strategic plan to introduce regular negotiating practice - May be triggered by specific conflict	- All sides, by statute (MBOs that struggled to establish right to collective bargaining)
Bilateral/ multilateral/ tripartite	- Bilateral	- Bilateral (but different levels of government) - Multilateral (different agreed stakeholders)	- Bilateral or multilateral - Some government unit usually involved	- Multilateral or bilateral (with several government agencies)	- Bilateral (but different levels of government) - Multilateral (different agreed stakeholders)	- Sector-specific laws - e.g. tripartite (in Gujarat for HBWs bidi workers and for kite workers; DfWs in Uruguay) - e. g. bilateral (government and street vendor groups)
Over what?	- Access to space - Pay for output (HBWs, WPs) - Infrastructure (HBWs)	- Punitive policies: relocations/ fines/ confiscations - Access to amenities (denied) - Ending harassment - Pay (sometimes)	- Use of space - Infrastructure - Social protection - Introduction/ implementation of new policies, regulations - Harassment, corruption	- To affect policy agenda/put IW issues on the table (e. g. recognition, etc.)	- When genuine, any issue put on the table according to agreed procedures with negotiating counterpart - Punitive policies: relocations/ fines/confiscations - Access to amenities (denied) - Policies implementation - End harassment, corruption	- Economic, health and safety, social protection (may be set in legal statute) - Laws, policies - Dispute procedures
Direct representation? Advocacy?	- Varies: particularly hard to know - Traditional leadership may/ may not be accountable	- Varies: Delegations of workers, activists and advocates	- Leadership of groups - NCS/policy groups	- Advocacy, direct representation possible but not mandated or facilitated	- Varies: Delegations of workers, activists (may have advocates as expert advisors)	- Direct representation

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About WIEGO: Women in Informal Employment: Globalizing and Organizing is a global research-policy-action network that seeks to improve the status of the working poor, especially women, in the informal economy. WIEGO builds alliances with, and draws its membership from, three constituencies: membership-based organizations of informal workers, researchers and statisticians working on the informal economy, and professionals from development agencies interested in the informal economy. WIEGO pursues its objectives by helping to build and strengthen networks of informal worker organizations; undertaking policy analysis, statistical research and data analysis on the informal economy; providing policy advice and convening policy dialogues on the informal economy; and documenting and disseminating good practice in support of the informal workforce. For more information visit: www.wiego.org.

