

May 19, 07

## **IDENTITY AS WORKERS OR SELF-EMPLOYED: HOW AND WHY**

The working poor in the informal economy need an identity as workers or self-employed – not just as citizens or property holders - in order to gain access to markets, gain access to public goods and services, negotiate fair employment or commercial contracts, and protect themselves against unfair treatment of various kinds. Ideally, they would want full legal recognition and protection as workers and producers – as guaranteed to formal workers and formal enterprises. But short of full legal recognition and protection, they would also welcome a semi-legal identity. This can be achieved by issuing them ID cards that indicate their occupation and, if any, their membership in or affiliation with an organization. For instance, micro-finance institutions (MFIs) could issue ID cards to their clients indicating their affiliation to the MFI and their occupation. Better still, if the working poor are organized into membership-based organizations, those organizations could issue them ID cards and, in other ways, promote their legal recognition and protections.

As a prime example of what is possible, consider the case of the Self-Employed Women's Association of India. In addition to organizing workers around their identity as workers or self-employed in particular trades and issuing them membership ID cards, SEWA has taken up advocacy, bargaining, and development services to each category of membership. What follows is a summary of the common problems facing key categories of SEWA's urban membership and what SEWA has done for them:

### **Street Vendors**

The common problems faced by street vendors around the world include:

- insecure place of work: due to competition for urban space
- capital on unfair terms: due to dependence on wholesale traders
- uncertain quantity, quality, and price of goods: due to dependence on wholesale traders
- lack of infrastructure: shelter, water, sanitation
- ambiguous legal status: leading to harassment, evictions, and bribes
- negative public image

What do street vendors want in exchange for registering their businesses and paying taxes?

- secure vending sites
- access to capital on fair terms: a loan product tailored to their daily need for working capital
- bargaining power with wholesale traders
- infrastructure services at vending sites: shelter, water, sanitation

- license to sell and identity cards
- freedom from harassment, evictions, and bribes
- positive public image

#### SEWA Interventions –

All of SEWA's members have ID cards. In the case of street vendors, this helps them resist harassment, evictions, and bribes by the police and municipal officials. The municipality knows that the street vendors in SEWA's membership have lawyers that will protect their rights.

SEWA's struggles with street vendors to secure their right to vend – and, more specifically, their right to a secure vending site - have paved the way for subsequent struggles by other trade groups: by illustrating the power and effectiveness of different strategies ranging from street rallies to resolutions in Parliament to High Court and Supreme Court judgments to a national policy. In 1982, SEWA successfully submitted a petition to the Supreme Court of India against the police and local government in Ahmedabad City. The petition claimed that by denying licenses to the vendors, the local authorities were denying the vendors their fundamental constitutional right to work (in this case, the right to trade).. In 1988, Ela Bhatt, the founder of SEWA and (then) Member of the Rajya Sabha (Upper House) of the Parliament of India, moved a resolution in the Parliament calling for the formulation of a national policy on street trade. In 1998, SEWA co-founded the National Association of Street Vendors in India (NASVI). In May 2001, in collaboration with the Urban Development Ministry of the Government of India, SEWA and NASVI convened a national policy dialogue on street trade at which a National Task Force on street trade was formed. This Task Force drafted a national policy on street trade that was officially adopted in early 2004. This national policy calls for a supportive policy environment to promote the livelihoods of street vendors.

#### **Waste Collectors**

It is estimated that one per cent of the world's urban population lives off collecting and recycling waste. Waste collectors commonly suffer:

- very low average earnings
- fluctuations in quantity, quality, and price of waste
- harsh working conditions and related occupational hazards
- negative public image

In communities where both women and men (and children) collect waste, women (and children) often sort the waste – thus adding to their exposure to the waste and associated health risks - while the men sell the waste. Since they have to move around different neighbourhoods to collect waste, women (and girls) face teasing, touching, and other forms of sexual harassment (Paula Kantor, personal communication 2005).

Given these conditions, many waste collectors would like to find alternative employment opportunities. This can be done within the waste recycling sector by training them in

waste-recycling skills or by organising them into cooperatives and negotiating contracts for these cooperatives to provide cleaning services to or collect waste from government and private offices or institutions.

What would formalization mean for those who continue to work as waste collectors?

- legal recognition and positive public image as waste collectors (who contribute to the upkeep and cleanliness of the cities they work in)
- ID cards to protect them
- bargaining mechanisms to negotiate with a) those to whom they sell the waste they collect and b) municipal officials and police
- organization and bargaining power
- appropriate implements and protective gear (gloves and aprons) to help them avoid dangerous and toxic waste

**SEWA Interventions -**

Because they represent one of the poorest and most disadvantaged groups among its members, SEWA has tried to help interested waste pickers find alternative employment opportunities: primarily by organising them into service cooperatives and negotiating contracts for these cooperatives to provide cleaning services to and/or collect waste from government and private offices or institutions; but also by reviving their traditional skills as weavers (as many waste pickers come from traditional weaving communities that migrated to the city in search of work in the textile mills) or training them in waste-recycling skills (such as making file-boxes from waste paper and cardboard).

An early effort to establish a waste marketing cooperative with its own warehouse (*godown*) failed but SEWA has found other ways to help those who continue in waste picking: helping to develop an appropriate tool (a device with a hook that allows the woman to pick paper or other desired materials without having to touch other waste); providing waste pickers with aprons and bags; and negotiating with the municipality to recognize the contribution of waste recyclers by issuing them ID cards. Most fundamentally, perhaps, SEWA has been able to improve the self-image as well as the public image of the paper pickers, who are primarily from the lowest castes, by promoting the notion that they are 'health promoters' (*arogya bhaginis*) of Ahmedabad City.

**Garment Workers -**

Industrial outworkers, whether in the garment, shoe, or electronic sectors, face a number of common problems:

- low piece-rates and earnings
- irregularity of work
- irregular and (often) delayed payments
- costs of providing/maintaining workspace, utilities, and equipment

In addition, some endure harsh or dangerous working conditions: for example, shoe makers are exposed to toxic glues. Many also suffer sore backs and deteriorating eye sight from working in badly-equipped and poorly-lit workplaces (often their own homes).

What would formalization mean for industrial outworkers?

- regular, secure, and enforceable work orders
- regular and timely payments
- piece rates that are equivalent to minimum wages
- occupational health and safety measures
- capital to improve their workspace (often their home) and upgrade their equipment

SEWA Interventions –

SEWA has a long history of working with garment workers. In organising garment workers, SEWA has focused primarily on negotiating higher piece-rates and fairer working conditions for garment *industrial outworkers* – many of whom are Muslim. This has involved negotiations with the Labour Commissioner - as well as rallies in front of his office - to demand minimum wage, identify cards, and welfare schemes (childcare, health care, and school scholarships) for sub-contracted garment workers. In 1986, SEWA was able to get a minimum wage for garment stitching (89.60 rupees per day) included in the official Gujarat state Schedule of minimum wages under the Minimum Wages Act.<sup>1</sup> Over the years, SEWA has also helped *own account* garment makers to acquire new skills, improved equipment, and market information to try to compete in the fast-changing local garment market. This has included loans for improved sewing machines and related gadgets, training at the National Institute of Fashion Technology (NIFT), and installing electricity in the homes of SEWA members (to avoid the high costs of tapping electricity illegally). In recent years, as export-oriented factory-based garment production has expanded in Ahmedabad City, SEWA has begun to organise *waged workers* in garment factories as well. After the riots of 1985 and the communal violence in 2002, when Muslim homes were burned and looted, SEWA has helped rehabilitate its Muslim members – many of whom are home-based garment makers.

### **Construction Workers**

In many developing countries, where the industry has not been mechanized, the construction workforce is comprised largely of casual day labourers, often migrants. Many such construction workers are unskilled and engaged in lifting and carrying loads of cement, bricks, and concrete. In some countries, depending on local social norms, women represent a significant share of the unskilled construction workforce.

What are the common problems of unskilled construction workers?

- irregular days of work

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<sup>1</sup> As in other minimum wage negotiations, SEWA seeks to have the minimum wage fixed in a tripartite negotiation with the Labour Commissioner's Office, the employer, and the workers so it will be acceptable to all concerned. Also, SEWA does not expect that the minimum wage will be enforced but uses it as a benchmark or target in on-going negotiations.

- low and erratic earnings
- arduous and hazardous work: frequent accidents and occasional deaths
- lack of occupational health and safety measures
- lack of accident or disability insurance

What would formalization mean to construction workers?

- more regular work
- higher wages
- skills training: masonry, carpentry, and other construction skills
- safety regulations
- accident insurance and workers' compensation
- ID cards
- registers or other proof of days of work

Although SEWA did not begin organising construction workers until the late 1990s, construction workers (numbering 11,230) now represent 2 per cent of SEWA's *total* membership and 8 per cent of SEWA's *urban* membership. SEWA's advocacy campaigns, often in solidarity with other unions, have led to several policy changes at the state level in recent years, including: issuing of ID cards for construction workers and a bill in support of construction workers. In Gujarat, organised construction workers – including SEWA members - have recently pressured the Government of Gujarat to adopt and implement a recent piece of national legislation, the Construction Workers Protection and Welfare Act (1996). Under this Act, there is provision for a cess or tax on the construction industry to create a welfare fund for construction workers. Also, the SEWA Union has been able to join the recently-formed national Construction Industry Development Council (CIDS) to represent the concerns of construction workers. Since 1999, the SEWA Mahila Housing Trust has provided training to women construction workers in masonry, carpentry, tile work, and allied skills. And, in 2002, Bimo SEWA (SEWA Insurance) started a special Accident Insurance Scheme for construction workers.