

WIEGO/IDRC Law and Informality Project
Legal Empowerment of the Working Poor: Consolidating the Gains
PERU

Summary Report

1. Report Summary

- This report summarizes the final report in Spanish.
- This project was a continuation of Phase 1, which started in 2011. The project in Peru experienced delays to the start of Phase 2, given that ISCOD, the project partner in Lima, was severely affected by the financial crisis in Spain. ISCOD is the International Development Cooperation branch of the largest Spanish Trade Union, UGT. ISCOD laid off most of its staff in Latin America, keeping only one Representative who oversees several countries. There were delays in establishing how ISCOD would partner with WIEGO to undertake the initiative. The project started activities in November 2013 and is coordinated by Patricia Balda, who also coordinated the IDRC/WIEGO Peru Law Project for Phase 1. Patricia Balda was hired again by ISCOD to perform in that position, working very closely with the WIEGO team in Lima.
- This second phase had an additional Capacity Building Programme with new participant informal workers from 4 sectors: street vendors, market porters, waste pickers, and domestic workers. The course took place during January and February 2014. A total of 98 workers took the course, which was organized into different schedules for each worker sector.
- A change in the current Government's priorities regarding the Law of the Self Employed Worker forced us to change the planned consultation workshops on the Law and additional Capacity Building sessions were added, including an extra set of sessions for a second street vendor organization. The funds allocated to the consultation of the Law of the Self Employed Worker were also diverted to the implementation of three meetings of a multi-sector government board on waste pickers.
- This board has been very successful in gathering Government authorities from key sectors that are involved in the work of waste pickers, including Ministries of Finance, Environment, Health, Labor, Education, and the Municipality of Metropolitan Lima, among others. The first session gathered the main concerns of each sector and of organized waste pickers. The second session focused on health aspects, labour regulation and labour certification, and occupational health and safety. The third session focused on two presentations: (1) on changes proposed to the General Law of Solid Waste, provided by the Ministry of Environment, and (2) on funding mechanisms for waste pickers' projects, such as collection plants and improved vehicles, by the National Environment Fund. The third session in April also included reports by the three sub-committees on the themes of health campaigns, OHS, and labour certification. Three additional monthly sessions for this Board will be implemented through a supplement WIEGO Law Project funded through the Dutch Fund for the Leadership and Opportunities of Women (FLOW), as the three sessions already implemented carried a much higher cost than expected.
- Work for a similar Board for Domestic Workers has started, along with work on the campaign for registration of domestic workers, for wider compliance with the Domestic

Worker's Law. This work will also be consolidated through the FLOW funded WIEGO Law project in Lima, which will end in September 2014.

- Three case studies that document best practices have been commissioned as part of this second phase: one documents the process of drafting, consultation with street vendor organizations across Lima, and approval by the City Council of the new Ordinance that will regulate street vending in Metropolitan Lima (43 districts of Lima); and two case studies document the work of the Municipalities of the districts of San Luis and Surco, respectively, with regard to engagement of waste pickers in the Solid Waste Management System of the Municipality. The case study on the City Ordinance shares half of its cost with the WIEGO Law project funded through FLOW. The case studies will be disseminated through the WIEGO web tools and network in Spanish, and, through the FLOW funded project, WIEGO will translate and disseminate the case studies also in English.
- The Capacity Building Programme has been a unique activity that has brought "Legal Empowerment" in practice to the organizations. Two sets of participants took the course during Phase 1 and Phase 2. We have learned about the lack of knowledge among worker leaders on legal issues that pertain to their sectors and organizations, and therefore propose that the work be continued by forming "legal promoters" by organization, who could replicate the training received with their fellow workers to make more members legally aware of their situation and opportunities.
- The course has been fruitful in that it has made street vendors very strong participants in the process of issuing a new City Ordinance that will regulate their work. It has also made domestic workers cognizant of where the bottlenecks regarding the lack of widespread registration are, and how greater access to the rights already granted to them by law could benefit them. Market Porters in the New Wholesale Market of Santa Anita are also in a much more stable position now that they can negotiate the terms of their work with the Municipal Markets Enterprise that governs the market. They have been pushed to operate as small enterprises rather than as Trade Unions, recognized by Law, and have achieved victories for the sector, thanks to the work of their Federation. Waste pickers are at present incredible defenders of their Law and are knowledgeable dialogue counterparts regarding gaps in their legislation *vis a vis* the needs of the value chain for solid waste management and recycling and the work of other actors in the chain. It has been wonderful to watch waste picker leaders interact with authorities in the Dialogue Boards of different Government sectors through lunch sessions. In their case, as well as in that of the other workers' sectors, having been part of the process to arrive at their Law has definitely left a strong mark on them and has increased their knowledge of the process.
- The multi-sector Government board on waste pickers is making great progress in involving all the sectors in the work of waste pickers. It has periodically shared the different themes of their progress. We envision a common agenda, built after the first six sessions, that will guarantee the continuation of this work.

2. Objectives of the Project

- a. To conduct a programme of capacity building with young workers from among the MBOs of domestic workers, waste pickers, street vendors and market porters;

- b. To conduct a series of consultation workshops on the draft law on self-employment with MBOs and the Ministry of Labor;
- c. To hold regular meetings with multi-sector government boards on waste pickers and domestic workers;
- d. To document good practice case studies in three municipalities.

3. Report of Activities

a. Capacity Building Programme

The Programme was developed using the model of Phase 1 as the basis. Phase 1 consisted of six thematic modules delivered over five months with 56 hours of training. The groups comprised the same four sectors as in Phase 1: waste pickers, domestic workers, street vendors, and market porters. For Phase 2, organizations were asked to prioritize the participation of young and women workers who had not taken part in Phase 1. The content developed used the lessons learned from Phase 1, had a participatory and interactive approach, and emphasized content for adult education and for developing sector and organization identity.

The Capacity Building Programme of Phase 2 included 18 hours of training, divided into 12 hours of teaching and 6 of practice. Four thematic modules were delivered through weekly sessions over January and February 2014. Sessions for market porters took place on Wednesdays, from 9 a.m. to 1 p.m. Those for street vendors of the organization *Red de Mujeres* took place on Wednesday afternoons, from 4 p.m. to 7 p.m. FEDEVAL, another street---vendor organization had the Thursday afternoon schedule, from 4pm to 7pm. Waste pickers of FENAREP had their sessions on Saturday mornings from 9 a.m. to 1 p.m. Domestic Workers had their sessions delivered over the course of two Sundays, formatted as workshops, from 9 a.m. to 3 p.m.

In November 2013, a first meeting was convened with the leadership of the informal worker organizations invited to participate in the Capacity Building Programme. The details of Phase 1 were reviewed as well as the proposed activities for Phase 2, especially the Capacity Building Programme and its schedules. Materials were developed for leaders to share information with grassroots members, including a brochure about the course, a registration form, and a letter of commitment to participate in the course until its end.

Details of this introductory meeting, which was replicated for FEDEVAL and FENAREP, are presented in the Spanish report under the heading “2.1) REUNION DE PRESENTACION DE LA PROPUESTA”. Materials developed about the upcoming training programme can be found at the following link: <http://goo.gl/EiM3vz>

Three professors delivered the Capacity Building Programme, including Patricia Balda, Coordinator of the Project at ISCOD, who also coordinated the Project in Phase 1. The syllabus can be found here: <http://goo.gl/NlhNRw>

The content of the training modules is as follows:

| Modules | | Duration | Facilitator |
|--------------|---|-------------------------------------|--|
| Módulo N° 1 | Technology for organized action and policy influence – use of computers and on-line tools | 2 sessions of 3 hours each, 6 hours | Patricia Balda, Lawyer |
| Módulo N° 2 | General Concepts about Trade Unionism | 1 session of 3 hours | Luis Mendoza, Lawyer |
| Módulo N° 3 | Informal Employment | 1 session of 3 hours | Alain Zegarra, Political Science |
| Módulo N° 4 | Legislation applicable to each workers sector | 2 sessions of 3 hours, 6 hours | Patricia Balda, Lawyer Luis Mendoza, Lawyer |
| Total | | 18 hours | |

The detailed content of each module is presented in the attached Spanish report, which also details the number of participants at each training session of each sector, and the grades that each participant had for each of the evaluation items in the training programme.

After the description of attendees and grades, the attached report provides a gallery of photos of the training sessions by sector that can be found on Facebook.

We have learned from this Capacity Building Programme that several workers who hold leadership positions lack legal knowledge concerning their sector and, more generally, concerning trade unions. The few efforts by NGOs with informal workers organizations have not focused on building capacities for more detailed legal knowledge and work. There is room for including basic legal training in the formation of new cadres in the workers organizations.

We found 4 worker participants in the course, from the street vendor and waste picker organizations, who could not read and write easily. This was not identified at the beginning of the course because they were managing to perform the required activity with the help of fellow participants. This is a sign of this reality among the working poor in urban contexts. WIEGO will be promoting the Literacy Program run by Central Government PRONAMA among the worker organizations so that the workers can take advantage of this adult education opportunity.

The two initial sessions focused on the use of computers and online tools, which was very popular among course participants. These skills were reinforced in additional sessions for some groups. All participants demanded additional computer training for future occasions.

Detailed information on the Capacity Building Programme:

Introduction of the Capacity Building Programme: <http://goo.gl/dXT1Rk>

Materials to Call for participants to the programme: <http://goo.gl/EiM3vz>

SYLLABUS: <http://goo.gl/NlhNRw>

TRAINING PROGRAMME

[https://drive.google.com/folderview?id=0B5NViBtVbwmLR0tYdUdkV0RGdXM&usp=s
haring](https://drive.google.com/folderview?id=0B5NViBtVbwmLR0tYdUdkV0RGdXM&usp=s
haring)

b. Consultation Workshops on the Law of the Self Employed Worker

When the proposal for work in Peru was submitted to IDRC there were clear signs that the Law of the Self Employed Worker was going to be finalized soon. During Phase 1 of this project a committee that included the Trade Union Confederation (CUT), individual trade unions of informal workers together with NGOs, and the project Coordinator worked on content for the draft version being prepared at the Ministry of Labor.

In 2012, the Ministry of Labor had a consultation meeting with experts to gather feedback for a draft text. Later that year, key experts of the Ministry invited WIEGO to a private session to comment on the final text of the Draft Law. WIEGO offered to conduct consultations among groups of workers in different areas of Lima on the Law, as a joint initiative with the Ministry – just like WIEGO had done in support of the consultation of the regulation for street vending with the Lima City Government.

Early in 2013, the Directorate for the Promotion of Employment and Self-Employment of the Ministry of Labor asked WIEGO to provide a consultant who could work for three months inside the Ministry to help them finalize the text of the Law. WIEGO responded favourably, identified an expert consultant, and submitted the draft Terms of Reference for the consultant to the Ministry for comments. After that, there was a long period of silence and no replies from the Ministry. We learned, later on, that the project had been transferred to the other Vice Ministry at the Ministry of Labor – the Directorate mentioned above falls under the Vice Ministry of Employment Promotion and the Law as a project was passed to the Vice Ministry of Labor.

At the end of 2013, WIEGO conducted an event with authorities and workers on the issue of access to health services for informal workers. At the event, we learned that the Ministry of Production was working on a draft Law for Individual Entrepreneurs, which had similar content to the Law of the Self Employed Worker. The Ministry of Labor and the Ministry of Production (which is in charge of Micro and Small Enterprises) started to coordinate at the event, as they were not aware of the Laws being developed for each sector.

At the beginning of 2014, at the first meeting of the multi-sector Government board on waste pickers, the Ministry of Labor explained that the Law of the Self Employed Worker is on hold for

now, and we later learned that the Law of the Individual Entrepreneur is in the same situation. However, there has been progress in legislation in the sense that by a new regulation, individual or self-employed workers can now register with the Ministry of Production, paying low taxes in a 5-range scale, and have free access to the SIS, the health insurance for the poor, with very comprehensive coverage for the worker and his/her dependents. This has been explained at several events with workers that WIEGO hosts in Lima, and information on this new “RUS” (*registro único simplificado*) will be disseminated at large events by geographic area in Lima.

The consultation workshops with workers about the Law of the Self Employed Worker therefore did not take place, as we could not say that we were even close to a final version because the process of the Law is on hold. The funds were used for more sessions of the Capacity Building Programme, and for a full set of additional sessions in that programme for another street vendor organization (*Red de Mujeres*).

c. Multi-sector Government Board on Waste pickers

This Board, or “Mesa” in Spanish (*Mesa Técnica Multi-sectorial sobre Recicladores de Residuos Sólidos Urbanos*) was conceived as a working group of authorities from all the Government sectors that are involved in the work or regulations concerning waste pickers. They would meet along with organized waste pickers and project staff. To be successful in convening a variety of Government authorities and sustaining their participation through several sessions, the Board was presented as an informal forum where each participant could speak with the knowledge of their sector but not in official representation of the sector, if that was their desire when they offered a particular comment. This gives officials the chance to consult with their supervisors on any contribution they want to make to the Board after the session. The Board would meet in a monthly lunch-meeting format, over the course of six months, for a total of six sessions. The format was very successful in securing the participation of officials from Ministries, Municipalities, and other State entities. Three sessions have taken place already, which included the participation of the Ministries of Environment, Labor, Health, Education, Finance, and of the Municipality of Metropolitan Lima, the Municipality of San Luis, as well as the National Fund for Environment and the Body for Environmental Supervision and Enforcement. The meetings are very structured as they cannot exceed two hours because State officials have to get “permission” from their supervisors to be away from the office for a period of time, and also because the idea is to keep this as a lunch meeting that does not interfere too much with the officials’ agenda for the day. The lunch sessions have been hosted at a hotel each time, which makes the logistics of the lunch meeting much easier.

The first session presented the initiative and had rounds of comments by all participants about the key issues that they believe should be discussed as priorities. The second session made progress on three of the topics raised at the first meeting, which were Health (campaigns of affiliation to SIS and issues for affiliating waste pickers), Labor Certification, and Occupational Health and Safety. The third session focused on the changes planned for the General Law of Solid Waste Management, and on the funding mechanisms available for waste picker projects, especially *Centros de Acopio* and technological improvements to their work tools and vehicles through the National Environment Fund.

The activity carried more costs than expected, and therefore the next three sessions of May, June and July will be funded via FLOW and in partnership with the Friedrich Ebert Foundation.

The Minutes of each session, as well as the Programme and participants list for each session and a photo gallery can be found in the following links in Spanish:

First session:

<https://drive.google.com/file/d/0B5NViBtVbwmLM3hRQzV4bC04cHc/edit?usp=sharing>

Photo Gallery:

<https://www.facebook.com/media/set/?set=a.768434513176071.1073741847.100000285884607&type=1&l=9b6b21e3a3>

Presentación de comparación de la ley y reglamento del reciclador:

<http://www.slideshare.net/comunicacionesiscod/presentacion-mesa-tematica>

Archivos de la primera mesa técnica:

<https://drive.google.com/folderview?id=0B5NViBtVbwmLc1J0amFDQnBpNzQ&usp=sharing>

Second session:

Photo Gallery:

<https://www.facebook.com/media/set/?set=a.790754307610758.1073741852.100000285884607&type=1&l=226a2f6b47>

Archivos de la segunda mesa técnica:

<https://drive.google.com/folderview?id=0B5NViBtVbwmLMXowdTRid3NCcTQ&usp=sharing>

Third session:

<https://drive.google.com/folderview?id=0B5NViBtVbwmLQkhTMOJFNEtMb1k&usp=sharing>

Photo Gallery:

<https://www.facebook.com/media/set/?set=a.815328088486713.1073741853.100000285884607&type=1&l=9a118b4f7d>

Presentación Ing Karla Bolaños – MINAM

http://www.slideshare.net/comunicacionesiscod/3-era-mesa-tecnica-de-recicladores-25-0414-minam?fb_action_ids=815437465142442&fb_action_types=slideshare%3Aupload&fb_source=og_timeline_photo_robotext

Presentación Dra Julia Justo - FONAM

http://www.slideshare.net/comunicacionesiscod/mesa-tnica-recicladores-fonam-25-04?fb_action_ids=815444725141716&fb_action_types=slideshare%3Aupload&fb_source=og_timeline_photo_robotext

d. Case Studies

Three case studies have been commissioned.

Two case studies document best practices in each of the two Municipalities that are part of Metropolitan Lima, Surco and San Luis, regarding the inclusion of organized waste pickers in the selective collection of waste in those districts. These are examples of best practices in following and complying with the Law of the Waste Picker and in being proactive in the social inclusion of this worker group.

The other case study documents the process followed in Metropolitan Lima to arrive at a new City Ordinance that will regulate Street Vending. The process is also considered a best practice because of the wide consultations it performed with street vendor organizations across Lima, and because it took the valuable input of vendors to improve the draft Ordinance. The process also included discussions between the City Government and organized vendors in events of different format and size. This case study has been submitted by the Consultant in charge, and awaits comments by the project team before arriving at a final version. The final version will include the news of the approval by the City Council of the Ordinance, which has encountered several difficulties including drastic changes in the composition of the City Council that had first worked on the Ordinance due to a referendum to recall the current Mayor from office. It is expected that the Ordinance will be approved by the current City Council on its Tuesday session of May 6th.