

## Position Paper on the Elimination of Violence and Harassment in the World of Work



June 2019

*This document is based on the recommendations of the Parallel Commission on “Elimination of Violence and Harassment in the World of Work”, which convened during the 6<sup>th</sup> StreetNet International Congress on 11 April 2019 in Kyrgyzstan.*

### **Taking into account the reflection of the Parallel Commission on “Elimination of Violence and Harassment in the World of Work”, it was noted that:**

Informal economy consists of various sectors of workers who are outside the traditional definitions of a “worker”. So-called employer-employee relationships are not applicable to these sectors. Many are self-employed and also operate independent economic units. Identity and representation of this category of workers is complex in the value chain concept.

Tripartite collective bargaining processes also try to disregard the nuances in various sectors. Street vendors are the best example of a category of workers who are omitted from the general category of workers. The State itself has the responsibility to protect the rights of those workers who contribute significantly to the income of cities and municipalities. Public spaces have to be accepted as places of work, stipulated by the ILO Recommendation 204 (2015) “On Transition from the Informal to Formal Economy”.

Informal economy traders and street vendors are the victims of all types and forms of violence and harassment in the world of work. They suffer from physical, moral and sexual violence and harassment, including: brutal evictions from their working places (which are public space and streets); confiscation of goods; arrest of leaders and members of informal economy associations; multiple and/or burdensome tax levies; extortion or bribes; arranged raids for the interest of big capital; planned fires of markets; “beautification” policies of local governments that do not contain any proposed alternatives for the street and market vendors; persecution by the police and local authorities; lack of proper sanitation or day-care centres for informal economy traders.



*Since joining SYTIECI, StreetNet Affiliate in Rwanda, Nathalie Iamubonyne has created a handicrafts business so she can take care of her family when vending is slow. Photo, H. Jean de Dieu. Read more: [streetnet.org.za/impact](http://streetnet.org.za/impact)*

Many times, the state machineries, such as police and the local government authorities, act as **the perpetrators of violence**. So, in the upcoming standard-setting process on violence, the role of the State must be acknowledged properly as responsible for street vendors and also perpetrators of violence.



### Government authorities perpetrate violence and harassment towards the informal economy traders due to:

- Lack of inclusive public policies to protect street vendors against violence and harassment in the world of work;
- Lack of the laws recognizing informal economy workers as workers and protecting their rights at the national level;
- Lack of designated areas of operation, which lead to informal workers being harassed wherever they are found;
- Negative effect of colonial legacy, such as eruption of violence, the weakness of democracy, the pervasiveness of corruption in postcolonial countries;
- Lack of access of informal economy workers to social protection system arrangements at national level;
- Lack of access of informal economy workers to organize and/or affiliate to the associations and/or trade unions;
- Lack of support of trade unions for informal workers organisations;
- Pressure from businesses;
- The reality that money talks and makes political/social persuasions influencing Governmental actions;
- Harassment actions that favour mortar shops and big businesses;
- The attitude that women are considered second class citizens because of family responsibilities.



Measures to combat violence and harassment in the informal economy should be developed with consideration of the salient features of this sphere. Self-employed workers and small traders and entrepreneurs tend to be more independent and self-regulating, and are more willing to take on responsibility and risks than hired workers of the formal economy. Therefore, the measures should be fitting – encouraging the deliberate action against undesirable phenomena. This encompasses:

- *awareness-raising and sharing experiences for workers, especially for the actual (formal or informal) community leaders;*
- *facilitation to self-organizing;*
- *development of communications between workers' communities and activists' groups;*
- *development of interaction with the national and local authorities, and with non-governmental and human rights advocacy organizations;*
- *provision to associations (trade unions / professional associations) of workers in the informal economy, and to small business in general, the legislative guarantees of activity, similar to ones granted to traditional trade unions in the formal economy;*
- *facilitation of workers' and enterprises' transition from the informal to the formal economy.*

The majority of street vendors are women. The vulnerability of women street vendors in the public spaces, which are their working places, needs to be addressed. Women cross-border traders are particularly vulnerable and subject to violence and abuse. The measures of effective protection have to be worked out. Violence against women is an issue of priority for street vendors.

Domestic violence is also a determining factor in many of these women's day to day lives. When in the formal workspaces, these issues can be addressed through legal or policy interventions; in the informal space, it is further difficult.

**Redressal and Monitoring Mechanisms** are important to tackle issues of violence in the workplace. The respective authorities have to develop systems especially for the informal economy and also workers in the public places. The role of the State is important. The approach should be rights-based and not only through a victim angle.



*Women leaders from the Self-Employed Women's Association Madhya Pradesh (SEWA MP). Read more: [streetnet.org.za/impact](http://streetnet.org.za/impact)*

Considering the above-mentioned statements and concerns of the StreetNet affiliates, the latter recommended that **in order to prevent violence and harassment towards informal economy traders, the following demands are put forward to governments and trade unions:**

### 1. Representation:

- Inclusion of organizations of informal economy workers in policy-making processes;
- Inclusion of organizations of informal economy workers in social dialogue and initiatives of negotiations with local authorities;
- Inclusion of informal workers' demands in laws and policy regulation.

### 2. Education:

- Accessible information about workers' rights for informal traders;
- Accessible leadership training for informal women traders;
- Trade union support to access the media.

### 3. Campaigning/Recording Incidents:

- Provision of mechanisms of reporting of violence at work incidents, which are accessible for informal workers and taking into account that the perpetrator can be the State;
- Provision of mechanism to access courts and tribunals, which are accessible for informal workers;
- Provision of compensation for material and non-material damages for informal traders in cases of violence, taking into consideration that the perpetrator can be the State;
- Adopting and implementing the ILO Convention supported by the Recommendation on "Ending Violence and Harassment in the World of Work".

After analysing the proposed text of the upcoming Convention and Recommendation on "Ending Violence and Harassment in the World of Work", set out in the [Blue Report V \(2B\)](#), StreetNet has considered the lack of essential points, which should be added to the Convention text, as follows:

#### **Article 4**

*For the purposes of this Convention, victims and perpetrators of violence and harassment in the world of work can be:*

- (a) employers and workers, and their respective representatives, **to add: public authorities and enforcement agents** and other persons referred to in Article 2; and*
- (b) in accordance with national law and practice, third parties, including clients, customers, service providers, users, patients and members of the public.*

#### **Article 9:**

*Each Member shall take appropriate measures to prevent violence and harassment in the world of work, including:*

- (a) identifying, in consultation with the employers' and workers' organizations, **to add: public authorities and enforcement agents** concerned and through other means, the sectors, occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment; and*
- (b) taking measures to effectively protect such persons.*

Responsibilities of government authorities in combating violence and harassment also should be included in the text of the new labour instruments.