



WIEGO Women in Informal Employment Globalizing and Organizing

WIEGO Organizing Brief N° 9

October 2013

Informal Workers and Collective Bargaining: Five Case Studies

Debbie Budlender¹

This paper presents the findings of a set of case studies of collective bargaining by informal workers in five different countries. The research was conceived by Women in the Informal Economy: Globalizing and Organizing (WIEGO) and supported by the Solidarity Centre.

The research had these specific objectives:

- to explore and make a contribution to an understanding of if, where, how, and on what issues informal workers engage in collective negotiations (broadly defined) in different sectors of the informal economy and at different levels and where the successes have been, where not, and why.
- to produce readable case studies that can be used in negotiating skills training and workshops for informal workers.

Each of the case studies covered a different category of informal workers. Four of these groups – waste pickers, domestic workers, street traders, and bidi workers (as an example of home-based workers) – are regular focus areas for WIEGO. The fourth case study, on minibus drivers in Georgia, took WIEGO into new territory and, in particular, a male-dominated group of workers.

The research papers were written by Vera Alice Cardoso Silva (waste pickers in Brazil), the Indian Academy for Self Employed Women, SEWA's research arm (bidi workers in India), Elza Jgerenaia (minibus drivers in Georgia), Milton A. Weeks (street traders in Liberia), and Mary R Goldsmith (domestic workers in Uruguay). Four of the researchers – all but Mary Goldsmith – live in the countries in which the research was conducted. In two cases – India and Georgia – the researchers are employed officials of the worker organizations.

¹ Debbie Budlender is a South African, based in Cape Town, and works as an independent social policy researcher. She can be contacted at debbie.budlender@gmail.com.



Waste pickers march to protest incineration projects and to bring attention to their environmental contribution.

Contents



Use clickable contents to navigate through this brief on-screen

Summaries of Case Studies	2
Abbreviations and Acronyms	2
Waste Pickers in Minas Gerais State, Brazil	2
Bidi Workers in India	4
Minibus Taxi Workers in Georgia.....	5
Street Vendors in Monrovia, Liberia	7
Domestic Workers in Uruguay	9
Discussion of Themes	10
Defining Informal	10
Defining Collective Bargaining.....	12
Organization of Informal Workers	13
Types of Organization	13
Bargaining Counterparts.....	17
Issues to be Negotiated.....	19
From Informal to Formal.....	20
Strategies	21
Outside Assistance	22
Gender	23
Forums Established	23
Accountability.....	24
Politics	24
Learning from Others	25
References.....	26

Each of the researchers was provided with a similar outline specifying the key questions to be discussed in the research report. The core of the researcher’s task was to tell the “story” of one or more collective bargaining engagements by the specified set of informal workers. In addition to the story, the researchers were asked to provide background information about the country, the economy and the informal workers within it, and the worker organization.

The next part of this paper contains summaries of each of the five cases. These are included to provide the context for the thematic discussion that follows. The full research papers are available on the WIEGO website – www.wiego.org – as well as on the Solidarity Centre website – www.solidaritycenter.org.

These five case studies cannot in any way claim to be representative of collective bargaining by informal workers. Nevertheless, the thematic discussion reveals that there are themes that recur across the case studies. References in the thematic discussion to the very limited literature that exists on bargaining of informal workers reveal further echoes of themes. In part, the references in the literature are limited because strong organization of informal workers is still uncommon. WIEGO and the Solidarity Centre hope that this research project will make a small contribution to expanding and strengthening such initiatives.

Summaries of Case Studies

This section of the paper summarizes key points from the five case studies.

Waste Pickers in Minas Gerais State, Brazil

In 2011, bargaining conducted in the Brazilian state of Minas Gerais resulted in the passing of the Recycling Bonus Law. This law established a monetary incentive to be paid by the state government to waste pickers

Abbreviations and Acronyms

CMRR	Centro Mineiro de Referência em Resíduos
GTUC	Georgia Trade Union Confederation
ILO	International Labour Organization
INSEA	Instituto Nenuca para o Desenvolvimento Sustentável
MCC	Monrovia City Corporation
MNCR	Movimento Nacional de Catadores de Recicláveis
MOU	Memorandum of understanding
MTMWETU	Trade Union of Georgian Motor Transport and Motorway Workers
NAPETUL	National Petty Traders Union of Liberia
NGO	Non-governmental organization
PIT-CNT	Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores
SBA	Small Business Alliance
SEWA	Self Employed Women’s Association
SEWU	Self Employed Women’s Union
SUTD	Sindicato Unico de Trabajadoras Domésticas
WIEGO	Women in the Informal Economy: Globalizing and Organizing

who are members of a cooperative or workers' association. It is the first law in the country that authorizes the use of public money for ongoing payments for work done by waste pickers. Provision of a monetary incentive aims to reduce loss of reusable materials.

There are at least 119 waste picker cooperatives and workers' associations in the 34 municipalities of the metropolitan area of Belo Horizonte. However, the majority of waste pickers choose to work as independent workers rather than joining cooperatives or associations. Their main motivation seems to be economic – that individuals get more money if they sell recyclables directly to organized businesses. The unwritten terms of such agreements with businesses include the lending of carts and provision of space for sorting the recyclables. The payment is always in cash and immediate. One purpose of the Recycling Bonus Law is to encourage individual waste pickers to join cooperatives and workers' associations.

The leaders of waste pickers' movements who led the bargaining come from the associations. The waste pickers in Minas Gerais are part of a national movement, the Movimento Nacional de Catadores de Recicláveis (MNCR), which has been active since 2001. The Minas Gerais movement has played a lead role in the organization of the national movement and in presenting demands at the federal and state level.

In the late 1990s and early 2000s, some municipal governments in Minas Gerais began making agreements with waste pickers' cooperatives to provide a service within the local management system of solid waste. In these cities, waste picker cooperatives became responsible for part of the management of the city waste. Their responsibilities were detailed in agreements. They were allowed to use the collected solid waste for recycling and selling in the private recyclable market.

The waste pickers had the support of the Workers Party and, in particular, of President Lula. From 2002 onwards, the federal government authorized the use of large amounts of public revenue for improving working conditions of waste pickers. Funds were allocated for buying trucks and machinery for compressing waste and for the preparation of recyclables for the market, provision of loans for the construction or leasing of warehouses, and financing training of waste pickers in the use of new technologies.

The leaders in Minas Gerais took the opportunity created by a friendly political coalition that had existed in the state government since 2008 to introduce into the legislative agenda the debate over waste management policies, including waste picking as a job providing this service. This proposition was extensively advocated for during the Waste and Citizenship Festivals in 2008, 2009, and 2010. The strongest support for the bill came from two sources: the non-governmental organization (NGO), the Instituto Nenuca para o Desenvolvimento Sustentável (INSEA) and the Centro Mineiro de Referência em Resíduos (CMRR). The latter is an office created in 2008 by the government of Minas Gerais with the mission to support waste pickers.

In the House of Representatives, the waste pickers relied on the support of two representatives and their advisory staff, one belonging to the governor's party and the other belonging to the party of the President of the Republic. The full legislative process took only six months. It did not require any protests or demonstrations aimed at creating public support and pressure on the representatives.

In 2010, the governor asked his party to present the proposal in the House of Representatives. The party accepted his proposal. Debates and consultations took place in meetings called by the Director of the CMRR during the first half of 2011. The participants were waste pickers' representatives, representatives of INSEA, government officials responsible for environment regulation, and the CMRR.



Waste picker leaders in Minas Gerais, Brazil took the opportunity created by a friendly political coalition to introduce into the legislative agenda the debate over waste management policies.



Bidi laws were passed as the result of worker actions, most of which were conducted with leadership and support from the Self Employed Women's Association (SEWA).

The main issue in the debate was the nature of the recognition to be given to waste pickers as providers of a service to the state. There were two contrasting positions. The one favoured by the waste pickers' representatives and their supporters from INSEA called for mandatory permanent contracts between local governments and waste pickers' associations. The second view, favoured by government, accepted that waste pickers must receive payment for their work. However, they argued that since the waste pickers already received payment in their commercial transactions government should provide only an additional incentive or bonus. This interpretation prevailed in the negotiations.

A permanent Coordinating Committee was established to regulate the introduction and administration of the bonus. The committee's responsibilities included validation of registration of the cooperatives and associations as eligible recipients of the incentive. Waste pickers were represented on the committee but were in the minority. Waste pickers were comfortable with this arrangement because the Public Office for the Defence of Individual and Collective Rights, which also had a representative, usually supported their position.

Bidi Workers in India

In 2001, about 441,100 people were employed in bidi making in India. Although many bidi manufacturers are large enterprises, 90 per cent of bidi workers work from private homes. About 95 per cent of bidi workers are women, and their earnings generally account for 45-50 per cent of their total family income.

The bidi industry is unusual in the "unorganized" (informal) sector because it is regulated by law. The Bidi and Cigar Workers Welfare Fund Act and the Bidi and Cigar Workers Act aim to protect the interests of bidi workers. Each state of India sets a minimum wage for bidi workers as a piece rate per thousand bidis.

The bidi laws were passed as the result of worker actions, most of which were conducted with leadership and support from the Self Employed Women's Association (SEWA). SEWA was established in 1972 and in 2012 had about 1.3 million members in over 14 districts in ten states of India. It is the largest member-based organization of women in the country. In 2012, its membership included 71,335 bidi workers.

SEWA's interventions in the bidi industry date back to 1978, and in 1981, the Bidi Workers' Organization was established in Ahmedabad. In 1982, SEWA organized a general meeting of 5,000 bidi workers, with the then Finance Minister of Gujarat State attending. In 1983, SEWA submitted a report of this meeting to the state government. As a result, the government increased the price paid by factory owners to workers for bidis.

SEWA workers then established a cooperative society. The members of the cooperative submitted a memorandum to the Labour Commissioner of Gujarat State detailing their problems. After the State Labour Department had inspected the workplaces of the workers, the members' demands were accepted. Identity cards were issued. A factory owner who had retrenched 200 bidi workers took them back and compensated the workers. He also agreed to give them provident fund benefits.

In 1985, SEWA was invited to be a member of the Gujarat State Advisory Committee on Bidi Workers. The administrative office and health centre provided for in bidi welfare legislation were then established in Ahmedabad. From this year on, workers and their children could access the services of a range of welfare schemes.

In 1987, the central government approved a project on housing for bidi workers in Ahmedabad. The Housing and Urban Development Corporation provided financial assistance, Ahmedabad Urban Development Authority provided land, and the Bidi Workers' Welfare Cooperative provided a

subsidy. As a result, 110 women bidi workers received houses in 1993.

In 1988, the Gujarat High Court ordered the State Provident Fund Commissioner to carry out an assessment of the provident fund amount payable to the bidi workers. The commissioner arranged a meeting of 37 bidi factory owners and contractors to discuss implementation of the order. SEWA organizers assisted the bidi workers throughout the discussions. After the joint meeting, provident fund payments of 497,790 rupees were made to 191 bidi workers.

Based on these achievements, organization of bidi workers spread to other cities in Gujarat. In 1996, interventions spread beyond Gujarat after SEWA submitted a memorandum to the Labour Minister, Welfare Minister, and Finance Minister at the central government level. As a result, the central government fixed minimum wages and announced welfare schemes for bidi workers around the country.

In subsequent years, further similar achievements were won in respect of, among others, increased pay for bidi workers, provident fund payments, housing, access to welfare schemes such as health and bursaries for children, and access to identity cards that allowed access to the various benefits. SEWA also organized savings and credit programmes and health camps for bidi workers.

In many of the activities, SEWA collaborated with both government and employers. The activities undertaken by SEWA when it started organizing bidi workers in West Bengal in 2004 illustrate many aspects of its approach. In West Bengal, together with the Labour Department of the state government and the Indian Tobacco Corporation, SEWA undertook research into the socio-economic and work conditions of workers from 13 villages. The research resulted in regularization of working

hours, uniform wage rates, and clarity about the provident fund and benefits under various welfare schemes. More importantly, a local team was formed, and SEWA members were provided with training on the significance of organization, membership, understanding members' problems, their solutions, and planning and monitoring. Three workers from Ahmedabad went to West Bengal to assist with awareness raising and training.

Throughout this time, SEWA guided the workers in bringing an end to the sale-purchase system in which factory owners bought bidis from the workers and no employer-employee relationship existed. In many cases, workers succeeded in achieving an employer-employee relationship, with identity cards issued to workers and service conditions formalized. On this basis, workers then won higher wages, access to a provident fund, and maternity benefits, among others.

In Madhya Pradesh, SEWA's work also resulted in improvements in the situation of the contractors who work as intermediaries between bidi workers and bidi factory owners. Contractors provide raw material to bidi workers in their areas and then collect rolled bidis from bidi workers. It is their role to ensure that bidis received from the workers are of acceptable quality, make the bidis into bundles, and then give the bundles to the bidi factory owner, who pays the contractors commission for their services. Since 2005, contractors have formed their own unions and have presented their demands to the bidi factory owners. The most common demand is for regular annual increases in the rate of the commission.

SEWA perceives government agencies and government schemes as providing a good base for collective bargaining. The strategy for negotiations is framed within the government rules and regulations. Similarly, projects and schemes announced by the government for workers are used to back up workers' demands.

Minibus Taxi Workers in Georgia

The Trade Union of Georgian Motor Transport and Motorway Workers (MTMWETU) is an affiliate of the Georgia Trade Union Confederation (GTUC). The union organizes workers who are self-employed (with the status of "individual entrepreneur") and workers with informal jobs within formal enterprises as well as formal sector employees.

In Georgia, employees account for only 47 per cent of employed people. Transport is one of the sectors where informality is widespread, with high rates of self-employment, tax evasion, and informality of labour relations over the last two decades. By 2010, between 18,000 and 20,000 people were employed in Tbilisi in the transport sector, of whom approximately 5,000 people were employed in the minibus sub-sector. Minibus drivers thus account for a major part of public transport in most Georgian cities.

During the Soviet period, transport, like most other areas, was a government-run public service in Georgia. With the collapse of the Soviet Union, the municipal transport system also collapsed. The gap was filled by a self-employed sector that developed in an unorganized manner. The three cities covered in the Georgian case study illustrate bargaining over conditions for drivers when these cities tried to formalize the way municipal transport worked. The Tbilisi and Rustavi cases concern privatization of the minibus sector of public transport. The Batumi case concerns the municipality's attempt to nationalize (or municipalize) the municipal transport sector by replacing the minibuses with normal-size buses, thereby cutting jobs.

The "vicious scheme" that existed prior to the reforms had a complicated multi-layered organization as follows:

1. The transport system within the cities was divided into several minibus routes.



Georgia’s Labour Code says that an employer is not obliged to bargain collectively even when this is demanded by a trade union. However, the Law on Trade Unions states that an employer is obliged to bargain with trade unions.

2. The official “route operators” operated one or more routes for a specified period of time through winning formal tenders. In Tbilisi, the route operators claimed that in the 1990s, they (unofficially) paid for the permanent right to manage the routes, making them de facto “owners” of the respective routes.
3. The real “route operators” were the individuals who *de facto* managed minibus traffic under unofficial lease agreements with the route owners.
4. The route operators selected minibuses and their owners to work on the various routes. They informally collected monthly fees from the minibus owners and paid part of the money to the route owners.
5. In many instances, the minibus owners were also drivers, while in other cases the owners employed drivers to drive their vehicles.
6. In many instances, the route operators used their own minibuses on the routes managed by them.
7. No services (such as safety inspection, car repairing, spare parts) were provided to the minibus drivers by the other actors.

The drivers were left very vulnerable in this system “feeding” all others above them, and exploited through semi-legal methods. In the above scheme, local authorities did not have a direct relationship with drivers although indirectly authorities influenced the employment conditions of the drivers. Because the minibus system’s users are primarily poor people who cannot afford high prices, it was difficult to pass the exploitation further down the chain.

In Georgia, a self-employed worker who has the status of an individual entrepreneur has the right to freedom of association. Georgia’s Labour Code says that an employer is not

obliged to bargain collectively even when this is demanded by a trade union. However, the Law on Trade Unions states that an employer is obliged to bargain with trade unions. The law refers only to those with “labour contracts” as counterparts for collective bargaining. However, in practice, employers have never refused to bargain with others based on this phrasing. The Georgia workers are unusual in this respect as Bonner (2009) observes that informal workers generally do not have a recognized right to bargain.

In Tbilisi, the capital city of Georgia, the first memorandum of cooperation was concluded in July 2009 between the Unified Transport Administration of the Ministry of Regional Development and Infrastructure, MTMWETU, and the League of Passenger Transport Operators. The main focus of the memorandum was safe, timely, and quality transport of passengers, but it also covered regulation of work conditions and social dialogue. The three bodies established a permanent council as a platform for discussions of ways to address problems and challenges. A permanent board consisting of the heads of the three bodies was also established. The board meets twice a year unless there is need for an urgent meeting and can make recommendations on important issues such as labour disputes.

In September 2010, Tbilisi municipality issued a tender for the routes. This triggered initiation of collective bargaining and the formation of a local trade union of minibus drivers under the umbrella of the MTMWETU. The workers had previously resisted organization, but quickly approached MTMWETU because they feared that the reform would result in their losing their jobs. Union activists from the municipal bus company, who were standard “employees”, assisted in organizing the minibus drivers. The union was established within a single week and gave MTMWETU the mandate to represent it in the negotiations with the municipal government.

MTMWETU acted in alliance with the Christian democratic faction of the Tbilisi City Council, which was the party of the

deputy speaker. Meetings held in the council, joint press conferences, and participation in TV talk-shows strengthened the alliance and forced the municipal government to include the MTMWETU representatives in the Tender Commission.

The route owners and operators encouraged the drivers to go on strike. However, the drivers – led by the union – understood that the reform could result in more decent work and greater employment security. Nevertheless, MTMWETU did organize a protest rally in front of the mayor's office in Tbilisi to secure the drivers' rights and interests. After the rally, the municipal government invited MTMWETU's leader and the ad hoc committee of the drivers to negotiations. After a series of negotiations, all the demands of the drivers were accommodated, including retention of jobs, medical insurance, working hours, paid annual leave, and safety conditions. It was also agreed that no matter which companies won the tender, they would conclude a collective agreement with MTMWETU as the workers' representative organization.

Despite relatively successful subsequent negotiations with the four companies, at a certain stage, drivers again had to threaten to strike over who would bear the responsibility for routine maintenance and repair of minibuses as well as over wages. Through mediation that involved the GTUC and some senior government representatives, consensus was reached.

Ultimately, the trade union concluded memoranda of cooperation with the four companies, which later resulted in the signing of collective agreements. Subsequently, MTMWETU succeeded in recruiting approximately 500 members (out of a total of 1,000 drivers) who then paid union dues and actively participated in union activities.

The Tbilisi reform eliminated route operators and minibus owners from the system and substituted companies that had won a tender obliging them to bring in new minibuses, select and employ the drivers, provide insurance (car accident, health care), operate and/or manage the routes, and provide

safety inspections for a period of 20 years. The only legacy from the previous approach was that all drivers were formally registered as individual entrepreneurs (with commercial rather than labour contracts) and were responsible for taking care of the vehicle themselves.

Removal of the route owners and route operators resulted in many protests against the municipal government. The Tbilisi city council was also accused of encouraging monopolization of city transport as there were rumours that all four tender-winning companies had the same owners registered off-shore. Route owners and route operators (who are small entrepreneurs and thus unable to engage in major investment) claimed that they had been deliberately side-lined. Nevertheless, the union supported the new scheme because of the advantages it provided for drivers.

Street Vendors in Monrovia, Liberia

The Monrovia City Corporation (MCC) is the Liberian capital city's governing body and is responsible for running many of Monrovia's services. This is an especially daunting task as Liberia has emerged from many years of brutal war that left a legacy, among others, of poor infrastructure and education and of poor development more generally. The MCC is headed by a mayor supported by a city council. Both the mayor and council are appointed by the president. When the president appointed the mayor in place at the time of the negotiations with street vendors, she was given an explicit mandate to "clean up" the city and the city administration.

In 2009, traders were suffering from repeated raids by the City Police and the Liberia National Police. The police justified the raids on the grounds that traders were obstructing the free flow of vehicle and pedestrian traffic. They used a city ordinance from 1975 that outlawed selling of foodstuff on the street and also restricted hours for city markets. The police did this despite the traders' argument that they were selling non-perishables and the ordinance therefore did not apply to



In 2009, traders were suffering from repeated raids by the police who justified the raids on the grounds that traders were obstructing the free flow of vehicle and pedestrian traffic. They used a city ordinance from 1975 that outlawed selling of foodstuff on the street and also restricted hours for city markets.



Traders were told that for an annual fee, a license to operate on the street, would be issued. Many traders paid the registration fee but no licenses were issued, and after a short lull, the police again started harassing the traders.

them. The MCC and police also used a 1979 city ordinance that made it unlawful to trade without a permit, which cost \$20. The second ordinance also said that the MCC had the power to determine where traders could sell their goods.

About 1,000 traders decided to march to the Monrovia City Hall to protest against the police raids. They presented a petition to the mayor suggesting that the parties should meet to see how the matter could be resolved. The mayor promised to work with them for an amicable solution and joined the traders in a solidarity march to central Monrovia.

The mayor and MCC then met with representatives of the traders. The trader team's mandate was verbally agreed to during an informal meeting of approximately 1,000 members after the march. The main objective was to get the MCC to stop raiding the street vendors and seizing their goods.

At the meeting, the MCC informed the traders that it would introduce a system where each trader would pay a US \$10 annual fee and be issued a license to operate on the street. The traders agreed to work with the MCC to implement this system. However, there was no written and signed agreement.

In a short period of time, more than 450 traders had paid the registration fee. Each trader was given an official receipt. However, no licenses were issued, and after a short lull, the police again started harassing the traders.

The traders protested, and – because of the huge publicity – the president's office organized a meeting in which the president could hear the grievances. At the end of the meeting, the president suggested that the traders form a legal entity to negotiate with the city government. She made a personal donation to assist them to do so. The traders then established and registered the Petty Traders Association.

The previous year, another trader organization, the Small Business Alliance (SBA), had been formed. The SBA was

supported by an international non-governmental organization (NGO), a local business consultant who provided pro bono advice, and the former Mayor of Monrovia. The MCC told the SBA that the City could not speak to two different groups. SBA's advisor therefore suggested that the SBA and Petty Traders Association merge. After extended negotiations, the associations merged to form the National Petty Traders Union of Liberia (NAPETUL). The new organization then registered with government.

The mayor's office informed NAPETUL that the MCC had identified a temporary site in central Monrovia where the vendors could trade. The MCC did not own the land but had negotiated with the land owner to allow the street vendors to use the site until a permanent location could be identified. NAPETUL initially expressed reservations about moving to a single location, but the MCC insisted it do so.

NAPETUL wrote to the mayor suggesting that the MCC and union enter into a memorandum of understanding (MOU) that would address all issues related to street selling, including licenses. When there was no response to the letter, NAPETUL submitted a draft MOU. The MCC called several meetings to discuss the draft, but no agreement was reached.

NAPETUL again wrote to the mayor requesting that money from registration fees be used for the construction of market tables and for renting a site. It also asked the MCC to provide the promised toilet and storage facilities at the temporary site. After further delays, NAPETUL informed the mayor that its members would not move to the new site without an MOU being signed. The mayor responded that if the vendors did not move, she would instruct the police to raid and seize the traders' goods. The raid occurred, and eventually the NAPETUL leadership was forced to encourage their members to move.

Three months after the move, NAPETUL was informed that its members would have to move again because the presi-

dent's office had instructed the MCC to move the traders off the main thoroughfare. When the vendors resisted, the City Police forcefully evicted them. The MCC identified two alternative sites, but they were on the outskirts of the city and the traders rejected them.

NAPETUL then wrote to the president requesting her intervention. In response, the NAPETUL leadership and the mayor were invited to join the president for a meeting. By the end of the meeting, the president told the mayor to pay the vendors for the market tables that the police had broken and to work out an amicable solution. The mayor then invited NAPETUL to further discussions in which the City Planning Director presented an updated plan on where street vendors would be allowed to trade. However, the negotiations again did not result in an agreement.

As the busy holiday season was approaching, the MCC then arranged a series of meetings involving the police, NAPETUL, and itself. A temporary arrangement was reached, and the traders were given specific areas to sell their goods. It was agreed that the parties would meet again immediately after the holidays.

In January, NAPETUL met with the mayor and her team to discuss the deadline that had been given for them to move off the streets. The meeting discussed the plan that NAPETUL had previously submitted. The mayor was not happy with the plan or with the fact that some of the petty traders had contacted the president's older sister to intervene on their behalf. In a newspaper article, she was quoted as threatening to sue them.

The Liberia National Police subsequently took the lead in negotiating with the NAPETUL through ad hoc meetings. No minutes were kept of these meetings, but the relationship remained cordial. The petty traders remained on the streets in specified areas of the city. However, the

MCC did not pay the vendors for the destroyed market tables, and the licensing scheme was not reintroduced. The MCC said that the funds collected from the petty traders were being held in a special account and, once negotiations resumed, the MCC and the traders would agree on how the money would be used.

Domestic Workers in Uruguay

The Sindicato Unico de Trabajadoras Domésticas (SUTD) was established in 1985 when democracy returned to Uruguay and the ban on union activity was lifted. However, the SUTD was not very strong in the first 20 years.

In 2004, the Frente Amplio won the presidential and congressional elections. The party's election campaign emphasized economic growth, decent employment, and social justice. When the new president took office, he announced in his inaugural address that his government aimed to create a wage council for domestic service.

In November 2006, Law 18.065 was adopted by the Uruguayan legislature. The law gave domestic workers the same basic labour rights as other workers. The law also said that there must be a wage council for domestic service.

The wage council for domestic service was eventually created in July 2008. The government had three representatives, and the workers and employers each chose two representatives and two substitutes.

The SUTD chose the worker representatives. The union was growing strongly over this period. Between 2005 and 2011, union membership more or less doubled, and branches were created in 11 of Uruguay's 19 departments. Employers were represented on the wage council by

the Liga de Amas de Casa, Consumidores y Usuarios de la República Oriental del Uruguay – the housewives league, which had been established in 1995. When the Liga accepted the government's invitation to represent employers of domestic workers, it said: "We accept this challenge with a view to constructing something new. We propose to act with openness, eliminating hierarchies, and promoting agreements that protect the legitimate interests of all parties". The Liga requested technical assistance and training from the Ministry of Labour and Social Security. The SUTD, meanwhile, received assistance from the national labour federation, the Plenario Intersindical de Trabajadores-Convención Nacional de Trabajadores (PIT-CNT), with which they were affiliated.

The domestic work wage council met for the first time in August 2008. The SUTD presented a list of 13 demands that had been formulated after consultation with workers from different parts of the country and discussed in the union assembly. The SUTD proposed a minimum wage of UYU 8,500 pesos (US \$410) per month, which was an increase of almost 150 per cent on the existing wage. The Liga proposed a minimum wage of UYU 4,260 – a 7 per cent wage increase for the lowest-paid workers. This was similar to the government's recommendations.

There were about ten bargaining sessions over two and a half months of negotiations. The delegates from the SUTD were sometimes accompanied by other union members who provided moral and political support from outside the sessions. Throughout this period, the SUTD delegates also discussed the negotiations in the weekly commission meetings and broader assemblies. At the end of the negotiations, many of the SUTD demands were included in the collective agreement but most were amended in some way. The monthly minimum wage for the rest of 2008 was fixed at UYU 4,260.

On November 10, 2008, the government, employer, and worker delegates signed the first collective agreement for domestic service in Uruguay. It was also the first such agreement in Latin America. The agreement applied to all domestic workers and their employers throughout the country.

In line with the agreement, the wage council met during 2009 and 2010 to sign periodic wage adjustments and to discuss other issues. One of the most contentious issues was the SUTD proposal that domestic workers get paid when taking time off to do union work. This was important for the SUTD because workers in other industries get paid union leave. It was especially important because the SUTD does not have any full-time staff. Instead, a core group of members, all of whom continue to work as domestic workers, plan and carry out activities through three commissions or secretariats.

Eventually, government suggested that a fund be set up through the Banco de Previsión Social (Social Security Institute) to which all employers of domestic workers would contribute so that workers who did union work could be paid. The SUTD and Liga agreed to the proposal, but the Liga did not respond when the SUTD submitted a draft law providing for this.

Negotiations for the second agreement began in August 2010. The negotiations lasted for four months, in which time 14 meetings were held. The SUTD presented 14 demands, some of which were new, while others were from the 2008 list. The Liga eventually only accepted (at least in part) four of the demands. There was serious conflict over the issues of union leave, wage categories, and wage increases.

After nearly three months of negotiation, the SUTD distributed leaflets in the residential neighbourhoods, criticizing the President of the Liga for “starving” domestic workers.

The employers demanded an apology and that the government present a proposal that would be voted on. After discussing the situation in its national assembly, the SUTD decided not to attend the next bargaining session. It sent a formal protest and demanded an interview with the President, the Minister of Economy and Finance, and the Minister of Labour and Social Security. The Liga then submitted an offer that exceeded the SUTD’s expectations, including a 37.6 per cent wage increase for workers at the lowest pay level. The SUTD accepted the offer immediately, but there was still some disagreement regarding the duration of the agreement. In the end, the agreement covered a period of two years, as demanded by workers. In December 2010, the second collective agreement was signed.

Discussion of Themes

This section of the report discusses themes that emerge from the case studies. In addition to the research papers, the discussion draws on the limited literature that exists on collective bargaining of informal workers.

Defining Informal

The main focus of the research was collective bargaining by informal workers. It is thus important to have a common understanding of the terms “collective bargaining” and “informal workers”.

Discussions on informal workers often use the terms “informal sector” and “informal worker” interchangeably. The two terms do not, however, have the same meaning. The informal sector is defined on the basis of the nature of the enterprise in which a worker works. The enterprise – and the work done in the enterprise – is defined as formal sector if the enterprise is registered for tax, incorporation, or other purposes with the national government.

In contrast, informal work is defined on the basis of the nature of an individual worker’s job, including their status in employment. All own-account workers (self-employed who work alone) are automatically categorized as informal as are employers who own and manage informal sector enterprises and people who work as unpaid family members. In addition, employees are classified as informal workers if they are not registered with government, do not have secure jobs, and are not covered by social protection benefits. This definition means that an employee working in a formal sector company may be an informal worker.

The definitions of both informal sector and informal work do not have neat boundaries. In particular, the degree of informality of work can be seen as a continuum from a worker who is unregistered, works on a casual basis, and has no benefits and protection, through one who may be registered but does not have the full set of basic benefits and protection, to one who is registered and has full protection. As will be seen below, several of the case studies covered in this research involved workers bargaining to decrease the informality of their work.

Many people immediately think of self-employed people, and in particular own-account workers, when the term “informal” is used. This is in part a hangover from the definition of the informal sector. However, this conception does not fit all the case studies well:

- Most street traders fit neatly into this conception of informal work, although some traders may have employees or unpaid family members working alongside them.
- Most waste pickers are self-employed, working on their own or working as a member of a cooperative. Many may have unpaid family members working alongside them who are also informal waste pickers.

- The overwhelming majority of bidi workers are home-based workers who make bidi cigarettes in their own homes or homes of others and then sell the bidis to contractors who, in turn, sell them to the factory owners. This description makes them seem like independent contractors. However, in reality, bidi workers are in a very similar position to factory workers except that they have to provide their own premises. One focus of bidi workers' struggles has been to gain recognition as employees of the large formal sector bidi factories.
- The minibuses drivers in Georgia have commercial contracts and, in this sense, are independent contractors. However, in Tbilisi their collective bargaining resulted in their achieving conditions of work and status that are closer to that of employees.
- Domestic workers in Uruguay have been entitled to disability, old age and survivor pensions since 1942, maternity benefits and family allowance since 1980, and medical coverage and sick pay since 1984. However, it was only in 2006 that a specific law was passed which specified hours of pay, leave and the like for domestic workers. After this law was passed, the number of domestic workers for whom social security payments were made increased by close to 50 per cent. However, some employers continue to avoid compliance with the law by telling labour inspectors that the workers are relatives rather than employees.

The Georgia case merits particular attention as it illustrates the complex relationships that can exist and how these affect workers' rights and situation. The summary of the case study above describes the "vicious" system with its many layers and intermediaries. This type of situation not only means that each layer of the system extracts "rent", reducing the share of the earnings that go to drivers. It also means that bargaining and negotiation is more complicated as there are so many different actors with whom to bargain. The important achievement in Tbilisi was

that the union assisted the minibus drivers in being able to negotiate directly with the large companies, with the municipality as an overseer, but excluding the route owners and operators.

In Batumi, a smaller town, most of the operators owned only one vehicle and were owner-operators. In this situation, the demands of the workers and union were different and the union's demands on behalf of workers paid more attention to ensuring that vehicles would be approved and routes allocated. The difference between Batumi and Tbilisi illustrates the fact that the nature of work relationships cannot be assumed even within a single occupation in a single country. The Batumi example is similar to that described by Bonner in respect of pedicab and jeepney drivers in the Philippines. Bonner observes that while the Philippines setup means that the driver bears all the risk, for example, if there are fewer trips, in general drivers and operators see themselves as having similar interests as they are "in fact ... both victims of the larger economic system" (Bonner, 2006: 19). The solidarity of drivers and operators is strengthened by the fact that most operators own only one or two vehicles, and most have a working or lower-class background.

Several of the case studies took place in countries with very high degrees of informality. In India, for example, the research paper notes that 93 per cent of the country's workers are "unorganized" (the Indian term used for informality). However, the paper also describes various forms of benefit and protection that have been won for bidi workers over the years as well as legislation covering bidi workers that has been in place for several decades. The industry cannot thus be classified as 100 per cent informal or unregulated.

In Liberia, out of a total workforce of about 1.1 million people, only 170,000 (17 per cent) are employed in the formal sector. In Georgia, employees account for just under half (47 per cent) of employed people. Even if all the employees are formal, this leaves large numbers of people working informally. The paper identifies the transport sector as one of the sectors where informality is es-



The Georgia case merits particular attention as it illustrates the complex relationships that can exist and how these affect workers' rights and situation.



The fact that a worker is informal does not mean that the worker should have lesser rights.

pecially widespread, with high rates of self-employment, tax evasion, and informality of labour relations over the last two decades.

The fact that a worker is informal does not mean that the worker should have lesser rights. The 2002 International Labour Conference resolution on Decent Work and the Informal Economy includes the following points:

- The ILO Declaration on Fundamental Principles and Rights at Work and the core labour standards are fully applicable to informal workers.
- The term “worker” is not restricted to those in an employer-employee relationship.
- Governments, worker and employer organizations, and the ILO need to extend the organization and representation of informal workers (and employers).

Defining Collective Bargaining

Bonner (2009: 2) defines negotiation and collective negotiations or bargaining as follows:

Negotiation is the process when two or more parties meet each other to get agreement over the use or distribution of a particular resource, the granting of a right etc. In a negotiation each party seeks to advance their own interest. Negotiations can be between individuals or on behalf of a group. In workers’ organizations we talk about collective negotiations or collective bargaining, meaning we negotiate for collective rather than individual interests.

The ILO defines “collective bargaining” as including “all negotiations which take place between an employer, a group of employers or one or more employers’ organizations, on the one hand, and one or more workers’ organizations, on the other, for: (a) determining working conditions and terms

of employment; (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organizations and a workers’ organization or workers’ organizations (ILO Convention No. 154)” (Minawa 2012).

The ILO definition explicitly refers to “employers” on the one hand and “workers” on the other. The fact that the term “worker” rather than “employee” is used potentially widens the scope to include informal workers with other forms of status in employment, such as those defined as individual contractors. However, the term “employer” seems to narrow the interpretation. This definition, if strictly applied, would exclude many of the examples of collective bargaining covered in this paper. It would do so because in some cases, the worker counterpart was not an employer. In particular, in some cases, the counterpart was government.

The ILO definition implies that there are two parties to the negotiations although it allows for each of the parties to comprise multiple components. In the case of domestic workers in Uruguay, bargaining took place within a tripartite wage council that included employers, workers, and government. Such tripartite wage councils are found in many other sectors in Uruguay, but it was only when the domestic worker wage council was established in 2008 that real negotiations began. The government’s role in negotiations includes provision of general guidelines and criteria for wage increases and adjustments. In reality, the employers serve as the primary counterpart of the union with government in a support role to both parties.

Horn (2005) suggests that informal workers need to identify “the entity or authority most responsible for the issues over which they wish to negotiate” and that the identified entity then become the negotiating partner. Implicit in her formulation is that the negotiating partner may differ for different issues even for a single group of workers. She notes that

in the case of street traders, they may well be required to negotiate with different departments of a municipality on different issues. In the Liberian case study of street traders, negotiation involved the municipality (primarily led by the mayor), the president, who appoints the mayor, and the municipal and national police.

The ILO defines the term “social dialogue” to include “all types of negotiation, consultation or information sharing either among the bipartite parties in the workplace or industrial sector, or by tripartite partners at the national level, on issues of common interest” (Minawa 2012: 4). Collective bargaining is seen as one form, but not the only form, of social dialogue. To some extent, the term social dialogue better encompasses the case studies than does the term “collective bargaining”. Indeed, the Georgia report explicitly sees the case study as reflecting the labour movement’s attempts to strengthen social dialogue in the country. However, the case studies themselves focus primarily on collective bargaining rather than on other forms of social dialogue.

Organization of Informal Workers

In order for workers to engage in collective bargaining, there needs to be a “collective” on their side. Workers thus need to be organized in some way.

The 1998 ILO Declaration on Fundamental Principles and Rights at Work recognizes both freedom of association and the right to organize as fundamental rights and principles. All ILO member states are required to respect, promote, and realize such rights and principles regardless of whether they have ratified the relevant conventions. The rights apply to all workers except those in the armed forces and police and public servants engaged in government administration.

All the countries in these case studies are member states of the ILO. All workers in these countries are thus entitled to freedom of association and the right to organize. This entitlement exists – at least in theory – whether they are employees, self-employed, or have some other status in employment.

There are, however, often differences between theory and reality. Several of the case study countries have labour laws – including laws relating to organizational rights – that are problematic. For example, Liberia is still emerging from a protracted civil war, and a long-debated Decent Work Bill has still not been passed by the national legislature. Even when this bill is in place, it will apply only to employees in its present form.

In Uruguay, domestic workers started organizing as early as the mid-1960s. However, the organizations disbanded when the military government took power in 1973 and prohibited union activity. In the years that followed, domestic workers and their supporters used other forms of organization such as service-oriented organizations and associations. It was only in 1985 that the ban on union activity was lifted and the SUTD was established. The union was strengthened as a result of the 1998-2002 crisis when women who lost their jobs as garment workers found work as domestic workers and brought their union experience into the SUTD.

In Georgia, the collapse of the Soviet Union resulted in a reduction of protection for workers. What the case study report terms the “ultra-liberal” labour code contradicts both international conventions and the requirements of the European Union. The code also in some respects contradicts the earlier Law on Trade Unions. One particular impediment for collective bargaining is that the code prevents groups that consist of fewer than 50 workers from engaging in collective

bargaining. This presents difficulty for the common form of organizing in Georgia in which workers organize in smaller work-placed groups that come together into regional and national unions and, ultimately, into the national federation.

In contrast to the Georgian example, Bonner (2006) notes that in Canada, labour law explicitly accords “dependent contractors” with the right to collective bargaining on the same terms as employees. In line with this, the National Automobile, Aerospace Transportation and General Workers’ Union of Canada organizes owner-drivers of trucks and includes them in bargaining units.

Beyond the legal context, Bonner (2009) points to a range of internal challenges that informal workers might face in organizing and collective bargaining. These include the difficulty of sustaining both organizing and paid-up membership. Problems with paid-up membership in turn mean that the organization will have limited resources on which to draw. In Georgia, the agreement with the transport companies stipulated that the company would deduct union dues and transfer these to the union. This arrangement is likely only possible when there is a recognized employer-employee type relationship.

Types of Organization

In the case studies, most of the worker organizations described themselves either in name or self-description as unions. The exception is the Brazilian waste pickers, who are organized in cooperatives and associations. In terms of size, the organizations range from SEWA, with 1.3 million members and hundreds of employees, to NAPETUL in Liberia, which has no paid officials.

Horn (2005) observes that while it is often easier for informal workers to join an association rather than a

union, associations do not usually have experience with collective bargaining. In addition, they may not have a strong tradition of member control. In such cases, leaders may negotiate on behalf of members without proper mandates and report back. Associations may also not have the “fighting spirit” needed to defend their achievements. She suggests that alliances with trade unions and access to trade union education and training on collective bargaining and negotiation can assist in filling these gaps. In most of the case studies, the unions established by the informal workers are affiliated to larger union bodies. Affiliation offers the potential for access to both education and training and to solidarity and support.

In terms of cooperatives, Horn argues that while these organizations generally do not have a strong tradition or experience of collective bargaining, the principle of mutual accountability that underlies cooperatives forms a good basis for democratic and accountable collective bargaining. Cooperatives are also usually better developed administratively and institutionally. This places them in a better position to monitor agreements than the less formal associations.

The question of the type of grouping emerges clearly in the Brazil case study. This case study involves waste pickers, who are generally seen as self-employed. Two types of organizations exist – associations and cooperatives. The latter can only be established where ten or more workers come together. The result is that associations are more common than cooperatives among waste pickers who, in general, prefer to work alone rather than coming together in groups. Indeed, the majority of waste pickers have, to date, chosen to remain outside of either of the two types of organization. The bonus payment won in the collective bargaining process examined in the case study will be paid

only to workers who are organized in associations and cooperatives. Those in favour of organization hope that the introduction of the bonus will encourage more workers to form or join associations or cooperatives. More generally, the waste pickers’ impact is strengthened by the fact that they are part of a national movement of waste pickers with the resultant opportunities for solidarity, experience sharing, and national presence.

SEWA is a particularly interesting example in a discussion of type of organization because it defies placement in a single category. SEWA’s name categorizes it as an association, but it describes itself as a “union” of workers from the “unorganized sector” – the case study illustrates how SEWA spans the two categories of “association” and “union”. As an association, it brings together a very large number of different types of smaller groupings, ranging from self-help groups to associations, unions, cooperatives, corporate entities and even a federation of cooperatives, among others. SEWA sees education and training of members as among its core strategies, with the intention that it “phase out” its own role over time as the smaller organizations become more self-reliant. Bonner (2006: 38) writes that SEWA has “pioneered creative approaches to unionism, challenging the conception of what a union should be and do”. This is seen, in particular, in its two-pronged approach of “struggle and development”. The case study illustrates how it engages with both government and employers in respect of both these strands.

The full Indian case study confirms that SEWA and the workers it organizes engage in the full range of trade union activities, including strikes. Its activities can be broadly categorized in two streams (a) related to membership and (b) related to services to members. Membership-related activities include membership campaigns, awareness creation, per-

spective building (on benefits of membership and rights and duties of members), and capacity building. Service-related activities include support and facilitation in income generation, savings, wealth creation, and social security.

The hybrid nature of SEWA and its sheer size mean that it is much better placed than smaller organizations to provide services and benefits to workers. The full case study presented here includes several examples of where benefits related to housing, health, and education were provided to workers through SEWA combining its resources with those of government and/or the employers. The SEWA example suggests that names might be misleading, and it is – instead – practices that are important.

In Georgia, the main actor on the side of the workers is the MTMWETU, an affiliate of the Georgia Trade Union Confederation (GTUC). The union bargains for and organizes workers who are self-employed (with the status of “individual entrepreneur”), workers with informal jobs within formal enterprises, and formal sector employees. This is possible because the MTMWETU’s constitution and structure are flexible enough to allow for membership of any employee irrespective of the degree of the formality of his/her labour relations with the employer. Furthermore, the policy of the GTUC is to encourage its member sectoral unions to make it easy for informal workers, including those who are self-employed, to join the unions and enjoy representation and protection equal to that of those workers who have formal employment relations with their employers. A similar openness to different types of workers allowed for NAPETUL, a union of self-employed traders, to affiliate to Liberia’s Labour Congress.

The potential benefits from organizing across status in employment were illustrated in Georgia when union ac-

tivists from the municipal bus company, who were standard “employees”, assisted in organizing minibus drivers. The workers in Batumi also benefited from the threat of a sympathy strike by minibus drivers in Tbilisi.

As seen above, most waste pickers resist organization, and only a small proportion are organized. In the past, minibus drivers in Georgia in Tbilisi and Batumi also resisted joining a union. They joined only when their jobs were under severe threat and they recognized that a union could assist them. One could argue that workers who are seen and partly see themselves as independent contractors rather than employees are less likely to organize. However, this is a simplistic argument – street traders are for the most part independent contractors, but organization of street traders is relatively common. A weakness of much street trader organization is its splintered nature, with many small groups that struggle to unite. This could have created problems in the Liberia case where two organizations were formed to represent traders of non-perishables. However, with pressure from both the city (which wanted a single negotiating partner) and the advisor to one of the organizations, the organizations managed to negotiate a merger.

Despite the relatively small proportion of waste pickers who are members of associations or cooperatives, organization among waste pickers in Brazil has been strong and sustained enough to make successful material gains as well as gains in terms of how waste pickers are seen. However, as in Liberia, where it is mainly workers who perform union work, there is a tension for worker leaders between doing the union work and earning an income for themselves and their families. With employees, this tension can be solved by winning the right from employees for worker representatives to do union work during paid working hours. In some cases, unions also win the right to have full-time paid shop stewards. These options are not easily available for organizations of self-employed

workers as there is no employer. The tension between time spent on union work and time spent earning an income increases when there are protracted negotiations.

In Minas Gerais in Brazil, this tension has been addressed by government agencies and NGOs, who provide a monthly salary for the “professional” leader through his/her participation in capacity building and other programmes financed by the government or NGO. The worker leader is required to complete some tasks related to the programme but also has time to perform duties related to the organization. This system can only work well if the leaders continue to enjoy the trust of their fellow workers.

In Uruguay, the SUTD focuses only on domestic workers and requires that any member who stops work as a domestic worker must withdraw from the union. The SUTD has also had a strong rule that union leaders must continue with their jobs rather than becoming full-time trade unionists. For the years 2005-2012, the union also had a flat structure, without a general secretary or president. However, in November 2011, this was changed to allow for a general secretariat. The union continues, however, to place great emphasis on a democratic structure.

Where a union is chosen as the appropriate form of organization for informal workers, the question arises as to whether the informal workers should establish their own union or whether they should join a union that organizes both formal and informal workers.

In terms of the second option, Bonner (2009) notes as an “external” challenge that formal sector unions are often not interested in informal workers and do not provide consistent support. However, ongoing substantial reductions in union membership among “standard” workers as the numbers of the latter decline constitute an important reason why the global unions and their affiliates should organize informal workers. A further reason to include in-



© 2012 REUTERS/ Enrique Castro-Mendivil

Where a union is chosen as the appropriate form of organization for informal workers, the question arises as to whether the informal workers should establish their own union or whether they should join a union that organizes both formal and informal workers.



Some global unions – especially those covering sectors where informal work is common – have recognized the need to organize informal workers and encourage their affiliates to do so.

formal workers is to avoid employers and other authorities playing one group against another. Elsewhere, Bonner (2006) suggests reasons why unions might, nevertheless, resist organizing informal workers such as the arguments that they are not proper workers because they are not employees as well as the real, practical difficulties in organizing them.

However, Bonner (2006) highlights that some of the global unions – and especially those covering sectors where informal work is common – have recognized the need to organize informal workers and encourage their affiliates to do so. She points, in particular, to the Union Network International (covering workers in skills and services), the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association, and the International Transport Federation. The Georgia case study is one example of what is reportedly a growing trend of unionization among taxi and minibus drivers in Central and Eastern Europe, at least some of which occurs under the auspices of unions that were established to organize formal workers.

In the other case studies, workers were organized separately from formal workers. Thus bidi workers were organized under the umbrella of SEWA, which explicitly describes itself as a union for workers in the “unorganized” sector. In this case, then, the workers were part of a larger entity that organized other types of workers virtually all of whom were informal. In other case studies, the organizations were specific to the sub-category of informal workers. Thus street traders in Liberia had their own organization, NAPETUL, and waste pickers belonged to a large number of associations and cooperatives. In the waste picker case, these organizations work together at state and national level as the MNCR. In the case of Liberia, the small-ish trader organization has affiliated to the national federation that brings together workers – many of whom will be formal workers

– across many sectors.

Where – as with the transport union in Georgia – a union opens up membership to workers beyond the category of employee, the question can arise as to whether class interests might differ across members. This is especially the case if membership is opened to self-employed people who might employ others. Thus in Benin, the associations and federations that organize transport workers include both drivers who rent or lease vehicles and owner-drivers. Membership includes a small number of owners of larger fleets who are closer to employers. The Ghana Private Road Transport Union has a similar membership mix (Bonner, 2006).

Bonner (2006) points to the Self Employed Women's Union (SEWU) of South Africa to provide an example of how unions might avoid major class-based tensions between the interests of different members while not excluding small entrepreneurs. SEWU, which had a strong base among street vendors, allowed membership only to vendors with fewer than three employees. SEWU further insisted that both these “owners” and those working with or for her, including people working as unpaid family members, should join the union.

In the transport arena, Bonner observes that when unions focus on drivers, as they generally do, they may leave the most marginalized workers unorganized. In many cases, the latter workers, who typically do jobs such as cleaning and directing vehicles, are “employed” (or paid) by the drivers, often on a casual and very informal basis. Bonner reports that both the Zambian and South African unions that organized drivers attempted to organize at least some categories of these more marginalized workers.

Bargaining Counterparts

For every negotiation, there needs to be one or more bargaining counterparts. For formal workers, the obvious counterpart is the employer. The situation is more complicated for informal workers as many of them do not have an employer. Further, even where there is an employer, sub-contracting or other arrangements may mean that the legal employer does not have effective power to change what workers want changed.

To a large extent, the counterpart is determined by the issues to be negotiated (see next section). In the case studies, the main counterparts were the following:

- Brazil: the state government;
- Georgia: the municipality and the large companies;
- India: state and central government and bidi companies;
- Liberia: the mayor and municipality, the national and municipal police, and the president; and
- Uruguay: employers.

In some cases, the negotiations happened with several counterparts simultaneously. In other cases, worker organizations needed to negotiate aspects separately with the different parties. For example, in Georgia, initial negotiations were conducted with the municipality, but subsequently the union signed separate agreements with each of the four companies. In India, SEWA and the workers it organizes have had to engage with a large number of different employers, state governments, and government agencies. In some cases, both government and companies have collaborated with SEWA on an issue such as provision of housing.

The SEWA and Georgia cases illustrate how the fact that workers are dispersed in terms of location, of who their

employer is, and by other factors means that similar negotiations need to be repeated many times before all workers are covered. Where the worker organization is affiliated to a national body and/or where national government has the power to determine how sub-national governments act on a particular issue, then there is much to be gained by engaging at the national level to ensure victories that cover a larger number of workers. However, the Georgia case study, which covers three cities, illustrates how a single solution might not be appropriate in all cases.

With domestic workers, a serious challenge in identifying a bargaining counterpart arises from the fact that in most cases there is a single domestic worker working for a single employer. Rizio et al. (2011) discuss four examples of what they term collective bargaining for domestic workers. The case studies are from Germany, Switzerland, France, and Uruguay, the latter being the WIEGO case study presented here. In reality, at least one of the case studies – Switzerland – does not represent collective bargaining but rather a system in which a government-established body proposes minimum wages and conditions.

In Uruguay, the Liga, which represents the employers, was initially established in 1995 to promote the dignity of housewives and defend consumer rights. Only in 2008, after being asked to do so by the Minister of Labour, did the Liga take on the role of representing employers of domestic workers. The Chamber of Commerce had previously been asked to act as the employer body but had declined on the basis that it did not represent employers of domestic workers.

One of the criteria for Rizio et al.'s case studies was that there was an employer bargaining group. The report notes that the Uruguayan employer group – like the German group – probably had a more favourable

attitude to workers than would be the case in other sectors. It further notes that some observers think that government and employer concerns about the welfare of workers probably played a greater role in achieving an agreement than did the strength and activities of the union. Similarly, the WIEGO research report notes that the domestic worker wage council is less conflict-ridden than the councils for other sectors. It attributes this, in part, to the fact that the employer party is made of women who are home-based and care-oriented rather than concerned primarily about profit.

To a much smaller extent, a similar point might be made in respect of the bidi workers in India in that it seems SEWA placed emphasis on workers' vulnerability and appalling conditions to gain support from government for protection. The appendix to the Indian report details a case in which an employer attended the celebrations of victory (for the workers) after a multi-year court battle.

In Germany, collective bargaining for domestic workers dates back to 1955, and the bargaining partner at both the federal and state level is the German Association of Homemakers. A report on a European trade union conference (Mather 2005) observes that this association is not a "normal" employer body. However, the main weakness of the German system is that only about one per cent of all domestic workers in the country are covered.

In France, the collective agreement covers domestic workers who are employed by non-profit organizations and placed in private homes. For-profit domestic worker agencies, which in 2011 accounted for only five per cent of the market, are covered by the French Labour Code. While for-profit coverage is small, these agencies are seen as targeting migrant workers, who tend to be more vulnerable. The Uruguayan agreement explicitly gives foreign workers the same legal protections as Uruguayan citizens (Rizio et al. 2011).



Table 1 Issues and Challenges in Organizing and Negotiation by Informal Sector

Sector/group	Priority issues	Organizing challenges
Street, market vendors and hawkers	<ul style="list-style-type: none"> • Right and space to vend • Facilities: storage, shelter, toilets, water • Protection against police harassment • Safety and security • Competition: protection against bad effects • Access to credit 	<ul style="list-style-type: none"> • Not regarded as workers by selves and others • Controlled by politicians, “mafia” • Fear of harassment by authorities, police • Competition amongst selves and formal sector • Time spent on organizing means loss of income • No forums for bargaining
Home-based workers	<ul style="list-style-type: none"> • Equal income, benefits as factory workers • Identifying employer • End to exploitation by intermediaries • Access to regular work • Access to markets (own account) • Access to credit (own account) 	<ul style="list-style-type: none"> • Isolated in homes, invisible • Time-double burden of work and home care • Fear of losing work • Restrictions imposed by religion, culture • Children working • Unprotected by labour law or disguised status
Waste pickers and recyclers	<ul style="list-style-type: none"> • Access/right to recyclable waste • Integration into municipal systems • Work higher up the recycling chain • Fair prices for recyclables • Recognition and improved status • Health and safety • End to exploitation by intermediaries 	<ul style="list-style-type: none"> • Low status and self esteem • Fear of losing work • Fear/dependency on middlemen • Competition amongst selves • Time to meet means loss of income • Child labour • Not protected by labour law
Domestic workers	<ul style="list-style-type: none"> • Recognition as workers • Protection against dismissal, abuse • Freedom of movement • Freedom to change jobs (migrant) • Less hours, more rest • Better living conditions 	<ul style="list-style-type: none"> • Isolated and invisible in homes • Fear of employers and losing jobs • Dependency on employer for housing, etc. • Not protected by labour law • Lack of time: long hours • Fear of authorities (migrant)
Transport workers (urban passenger)	<ul style="list-style-type: none"> • Access to routes and passengers • Protection against harassment • Health and safety/accident protection • Parking and facilities • Petrol and spares prices and fares • Competition: protection against bad effects 	<ul style="list-style-type: none"> • Mobility • Competition between selves and formal sector • Control by politicians, “mafia” • Threats by employers • Fear of harassment by police/authorities • Time for organizing means loss of income
Women workers: all sectors	<ul style="list-style-type: none"> • Safe and affordable child care • Income protection during/after childbirth • Physical security • Sexual harassment protection • Equal income for equal value work • Access to higher income earning work 	<ul style="list-style-type: none"> • Fear and lack of confidence • Cultural and religious barriers • Often in scattered locations • Dominated by men in sector • Lack of time • Child care and home care

The report on the European trade union conference (Mather 2005) discusses the different union approaches that would be appropriate for domestic workers in different situations. Where care services are provided by government, local authorities are likely to be an appropriate partner for negotiations. Where domestic workers are employed through agencies, these agencies could be the bargaining counterpart. Collective bargaining becomes particularly challenging where domestic workers are employed by individual employers. In this situation, the report suggests that unions should use existing laws to defend workers and promote contracts.

However, the report also points to the examples of France, Belgium, and Italy where bargaining of some sort with private household employers was possible. In the case of France, the report cites the *Fédération Nationale des Particuliers Employeurs*, which represents about two million private employers. This organization is not mentioned by Rizio et al. (2011). In Belgium, there was no employers' body, but negotiations took place within the parity commission for building caretakers. In Italy, the union "invented" (Mather 2005: 29) a partner when it found no employer body by persuading the federation of professional women housekeepers to act as the employers' association.

Issues to be Negotiated

Horn (2005) observes that informal workers face the challenge of organizing and fighting not only for improvements in their working (and living) conditions but also for laws that recognize and protect them. Both elements are found in the case studies.

Bonner (2009) identifies the most common priority issues and organizing challenges for different types of informal workers, drawing heavily on a workshop or-

ganized by StreetNet (an international network of street trader organizations) in Senegal to discuss collective bargaining and litigation strategies for informal workers. Table 1 extracts the issues and challenges noted in respect of street vendors (relevant for Liberia), home-based workers (bidi workers in India), waste pickers and recyclers (Brazil), transport workers (Georgia) and women informal workers more generally. The table also details the issues and challenges in respect of domestic workers given that these workers are one of the focus areas for WIEGO's work.

Between them, the case studies illustrate the large number of issues that may be the subject of collective bargaining by informal workers. The key issues for the different cases include the following:

- Brazilian waste pickers: access to work, compensation;
- Georgian transport workers: wages, benefits, health and safety, security of employment;
- Indian bidi workers: status as employee, pay, provident fund, welfare; and
- Liberian street vendors: right and location to vend, vending fees.

The issues covered in the case studies do not encompass all the priority issues tabulated by Bonner. Further, some of the case studies describe negotiations over a single issue or set of issues at a particular time, whereas in other cases, a broader range of negotiations is covered.

The Brazil and India case studies present an interesting contrast. Both case studies deal with a group of workers that has a long history of negotiations. In the case of India, in particular, bidi workers have organized for several decades, and the India case study tracks the progress of organization and negotiations for bidi workers from when it started to date. In contrast, the

Brazil case study describes only one recent aspect of the struggle of waste pickers in Belo Horizonte and the country more generally. This focus was chosen because other aspects of the struggles of waste pickers in Brazil have already been well documented (Dias, 2006; Dias and Cidrin, 2008).

The Brazil case study highlights a situation in which the waste picker organizations put relatively little effort and the initiative was not fully supported by all who see themselves on the side of the waste pickers. Ultimately, the organizations did not feel it necessary to participate in or attend the debates in parliament because they knew there was no chance of achieving their preferred option, and they were confident that the second-best option would go through smoothly. The Brazil case study points out that this was one of several demands being pursued even over this single period. Separate teams working on each demand remained in contact with each other but worked separately.

In table 1, one of the recurring themes across all types of worker except transport workers is the desire to gain recognition of their status as workers.

In two cases – Georgia (where it did, in fact, involve transport workers) and India – a key issue for workers was to gain recognition as employees. By being recognized as employees, these workers would be eligible for protection and benefits of various kinds. However, victories here did not necessarily definitively change how the workers were formally defined. In Tbilisi, workers continued to have commercial rather than labour contracts. Still, to the extent that the victories gained recognition of the "fuzzy" boundaries between employees and other workers, they could be regarded as advancing recognition of informal workers. This is especially so given that the workers in these cases continued to work in the same way as before.

One of the most common topics for collective bargaining of employees is the issue of wages. This was also an issue for bidi workers where it concerned the piece rate. For workers who are nearer the category of independent contractors, instead of negotiating over wages, they may have to negotiate over the fees that they pay to the authorities for the “right” to work. This was the case for the street vendors in Liberia and in Georgia where intermediaries paid fees for routes. In the case of the waste pickers in Brazil, the heart of their victory lay in the agreement that they would be paid a bonus based on the amount of waste collected. The introduction of a bonus represented recognition that the waste pickers deliver a service to the city. However, for some waste pickers the victory was inadequate as their ultimate objective is that they should be contracted and paid by the city.

In Uruguay, wage increases constitute an ongoing theme for negotiations but are by no means the only negotiated issue. In the first negotiations of 2008, the SUTD presented a list of 13 demands in addition to the demand regarding the level of the minimum wage. The demands related but were not restricted to paid leave for various purposes, protection against victimization and harassment, seniority leave, work clothing, task-related pay scales, compensation for reduction in hours of work, and equal opportunity and treatment. In 2010, the SUTD presented 14 demands, some of which were new while others were demands not won in the previous negotiations.

One of the unresolved issues in Uruguay has been a demand for paid leave for union work for union officials. Employers have resisted this on the grounds that it is unfair that the few employers who employ such officials should bear the cost. In 2008, The Ministry of Labour and Social Security offered to come up with a proposed solution but by 2012 had not yet done so.

While informal workers are often considered as being outside of the tax net, this does not mean that they do not make payments to government associated with their work. In particular, as noted above, workers are often required to pay various forms of fees to government for the right to work legally. This is often the case for street traders who are, for example, required to pay for their trading site. In the Georgia case, operators were also required to pay for access to a route. For taxi drivers, there are payments such as license fees and fines as well as a question as to who – driver or operator – pays for registration of the vehicle. Where, as is often the case, government imposes special taxes or other duties on fuel, the driver generally bears this cost. The fact that such taxes and duties exist is not something that drivers are in a good position to tackle on their own through bargaining. Instead, they can try to bargain as to who – they themselves, the operators, or companies – should cover the cost of fuel. In one city in Georgia, where government introduced new tests for vehicles, some of the demands related to the stringency of these tests as well as a demand that the drivers and/or operators have representation on the overseeing body.

Bonner (2006) discusses organization of informal transport workers in various countries. Many of the issues highlighted strongly resemble those found in the Georgia case. In the Philippines, for example, pedicab workers are not covered by the Labour Code because there is no clear employer-employee relationship. Instead, the drivers generally rent the vehicle from the operator (owner) on a daily basis and are responsible for covering the cost of fuel and any fines or penalties incurred. This situation has similarities to that of Georgia’s minibus taxi drivers. One of the Georgia agreements benefited workers by specifying more clearly who was responsible for which expenses.

In Brazil, the bargaining demand was that waste picking be recognized as a service provided to government thus entitling the providers (waste pickers) to regular

payment. This has been MNCR’s main demand since 2001. In the case study, the waste pickers are not seen even as independent contractors as there is no individual contract with the municipality. However, the fact that the municipality has agreed to pay a bonus constitutes recognition that the workers provide a useful service.

Bonner (2006) highlights that one of the common problems facing informal workers is that they are excluded from social security. The India case study records how access to and payouts from the provident fund were the basis of repeated demands – and also victories – for the bidi workers. In this case, the provident fund was established by government and bidi workers were thus legally entitled to membership and benefit. However, many workers were denied access to or cheated of full payouts. The India case study also illustrates access to other benefits, such as health care, housing and bursaries for workers’ children. SEWA’s size and its financial and other forms of strength enabled it to contribute, alongside government or the employer, to providing some of these benefits. For smaller, less established organizations, this would generally not be possible.

From Informal to Formal

Some of the demands that are raised by informal workers in collective bargaining are, in essence, demands that their status be formalized.

The demand that workers be recognized as employees is an example of a demand that relates to formalizing informal workers as, once they are recognized as employees, workers are likely to be covered by standard laws and protections including, in many cases, social security. With street traders, a strategy that aims to have workers registered is, in essence,

aimed at formalization, but it will not automatically give workers access to social security and other benefits. Further, it is likely to impose costs such as registration fees on workers as well as, perhaps, costs related to meeting minimum standards. For the Brazilian waste pickers, the contracts with the cooperatives and associations providing for bonuses provide a form of formalization but again require that specified standards are met.

The Brazil case study explains that the bonus represents one but not the only option for formal inclusion of waste picking in the government's policy on management of solid waste. Another option already in practice in Brazil is the signing of limited duration contracts through which municipal governments include waste pickers' cooperatives and associations in the local system of waste management. With this option, waste pickers become responsible for specified activities detailed in contracts binding cooperatives or associations directly to the municipal agency. These contracts must be respected by the provider of the overall service, a private firm, or a consortium of firms. These firms also sign limited duration contracts with the local government for provision of the service. Whenever this arrangement prevails, waste picker cooperatives and associations are guaranteed access to recyclables.

Several of the negotiations described in the case studies resulted in greater regulation of workers and/or the industry. This is another aspect of formalization. In Liberia, for example, agreement was reached that traders should register so as to secure licenses to trade in particular areas. The trader organization offered to take responsibility for registering workers and maintaining the associated database.

In Brazil, waste pickers must join registered organizations to benefit from the bonus. In addition, the organizations must have a reliable system of recording the quantity and nature of the waste collected by each picker as this determines the bonus. The Brazil system places a new burden on the associations and cooperatives. The rules for the bonus stipulate that 90 per cent

of the amount received from the municipality must be paid to waste pickers, but it allows for the remaining ten per cent to be used for other purposes. This money has often been used to strengthen the administrative systems within the associations and cooperatives. During 2012 alone, at least 59 cooperatives and workers' associations made changes in their administrative and management practices so as to meet the requirements for receiving the monetary incentive. The report suggests that these changes in themselves constitute an important gain for workers.

Strategies

Between them, the worker organizations in the case studies utilized a wide range of different strategies as part of or to support their collective bargaining efforts.

SEWA is the oldest of the organizations, and the India case study covers a longer time and more engagements than any of the other papers. It is therefore not surprising that this case study shows the widest range of strategies. The case study emphasizes that research is a recognized part of SEWA's strategy, especially when engaging in a new geographical area, with a new group of workers or on a new issue. The India case study is also the only one in which litigation features. Unless informal workers have access to affordable state courts or donor support, this strategy will usually only be available to organizations with the necessary financial and other resources

The types of strategies available depend, in part, on the characteristics of the sector and the type of worker. For example, a strike is not as readily available as a weapon for self-employed workers as for employees. Indeed, in the case of the Liberian street traders, the MCC and police wanted the traders to stop working.

The India and Brazil case studies point to the importance of how issues are framed so as to elicit support from decision-makers. In India, the demands of workers often



Several of the negotiations described in the case studies resulted in greater regulation of workers and/or the industry.



At the individual level, as with other employees, written individual contracts provide informal workers with greater understanding and certainty as to their entitlements and stronger legs to stand on to demand their rights.

appear to have been framed as welfare issues of poor women. This might have greater appeal to government and employers than do more militant-sounding worker demands. In Brazil, the waste pickers' demands were linked with two political causes emerging from the sustainable development debate. The first cause is promoting the social and economic inclusion of street dwellers and other categories of very poor people. The second cause is the struggle against use of incineration for solid waste management. The waste picker movement publicizes these causes through the annual Waste and Citizenship Festivals.

The waste pickers also position their demand as one of recognizing waste pickers as full citizens. In using various government systems as the basis for organizing collective bargaining, SEWA also implicitly or explicitly positions bidi and other informal workers as citizens with rights. Thus the India case study refers several times to how different groups of bidi workers got access to identity cards that, in turn, entitled them to various benefits.

A common strategy across the case studies is to demand written and signed agreements, whether at the individual or organizational level. Sometimes, as in Liberia, this strategy is developed only after organizations have learnt the hard way that unwritten agreements reached during a crisis may be ignored by the authorities once the crisis has passed.

At the individual level, as with other employees, written individual contracts provide informal workers with greater understanding and certainty as to their entitlements and stronger legs to stand on to demand their rights. However, contracts can also impose heavy burdens on informal workers. Thus, Bonner (2006) cites the example of transport workers in Benin whose contracts state that they must pay a regular fee, cover the costs of fuel and oil, and themselves take responsibility for minor repairs to the vehicle.

Outside Assistance

Several of the case studies describe how the workers received assistance from various sources. This is especially necessary in cases where organization is new, leaders and members have limited experience of organizing, and workers with relatively low education are engaging on issues that are highly technical and complicated. The need is heightened when the organization has few, or no, paid officials.

In Liberia, a foreign NGO provided assistance to street traders in establishing the SBA, which, despite its name (Small Business Alliance), had only street traders as members. Capacity building and other support was provided through this NGO and, at an earlier stage, by WIEGO. However, it was another grouping of street traders, the Petty Traders' Association, which led the march that set off the negotiations described in the case study. When the foreign NGO saw that government was engaging with the traders, it advised the SBA to join them. This resulted in the establishment of NAPETUL.

The case study emphasizes the overall lack of legal and other advice available to NAPETUL, and that they needed to rely on their own limited negotiating skills and skills to develop a plan in respect to location of sites. However, the case study provides evidence of growing sophistication over time. In particular, after early unwritten agreements were not respected, the organization started communicating in written letters and pushing for a written and signed memorandum of agreement.

Horn (2005) observes that very often agreements reached during a crisis are disregarded once the crisis has passed. The Liberian case study bears this out. The likelihood of this happening is heightened when the agreement is not recorded in writing and signed.

The Brazil case study provides evidence of strong support from a relatively wide range of actors, including the church, environmental NGOs and academics. WIEGO has also supported waste pickers over the years. One of the early supporters from the Catholic Church later became the lead official of the government agency that dealt with waste picking in Belo Horizonte, providing a strong internal ally.

In the India, Georgia, and Uruguay case studies, the workers and their organizations could draw on assistance from the larger groupings to which they were affiliated – SEWA in India, GTUC in Georgia, and the PIT-CNT in Uruguay. In Uruguay, in particular, the Gender Department of the PIT-CNT provided support in re-energizing the SUTD after the economic crisis of 1998-2002 and has provided ongoing support ranging from use of premises and facilities to assistance during negotiations. The assistance with negotiations extends to having PIT-CNT leaders participate in the negotiations. Nevertheless, the relationship between SUTD and the PIT-CNT has not been good at all times as some members of SUTD who are employed by PIT-CNT members have lodged grievances against their employers.

In Georgia, various NGOs provided (mainly legal) advice. In Batumi, when workers were included in a committee that evaluated vehicles, the union requested that a professor be brought into the committee. This external expertise was seen as ensuring that the process would be more objective.

Horn (2005) observes that workers may turn to government or big business for assistance. However, this could undermine their independence and their ability to represent the interests of their members. In Tbilisi, Georgia, actors higher up in the “vicious scheme” attempted to get the transport drivers on their side and against the municipality. However, the drivers decided that their primary interest – to protect their jobs – was better served by working with the municipality.

Gender

WIEGO, as its name implies, is particularly interested in women informal workers. The sectors for the case study were chosen with this in mind. Nevertheless, the case studies range from India, where the union is explicitly a union of women workers and the bidi industry is extremely female-dominated, and Uruguay, where nearly 99 per cent of domestic workers are women, to Georgia, where virtually all minibuses drivers are men. In the latter case, women account for 62 per cent of all members of GTUC affiliates and a lower 11 per cent of members of the MTMWETU. However, most of the women members of the MTMWETU are employed in the formal sector.

Among Brazilian waste pickers there are more or less equal numbers of women and men both among the workers as a whole and among members of associations and cooperatives. In the negotiations covered by the case study, there were usually five women and four men representatives of the waste pickers. In this case, at least, the observation of the woman leader quoted by Bonner (2009: 5) – stating that men tend to become more active and push themselves forward when there are meetings with government leaders – was not borne out.

Women are estimated to account for approximately 60 per cent of NAPETUL’s membership, and the organization consciously strives for gender equality. This is evidenced in the leadership of the organization at the time of the case study in which the national chairperson, treasurer and field coordinator were women while the co-chairperson, secretary general and assistant secretary general were men. A large percentage of street traders in Monrovia are single young women, most of whom are also single mothers.

Forums Established

Collective bargaining often happens in an ad hoc manner, with meetings called as and when issues arise. In at least some cases – with Liberia as one example – public protests are necessary before the other party comes to the table. In other cases, bargaining happens on a more regular basis through established forums. Bonner (2009) notes that informal workers usually do not have permanent established negotiating forums. Nevertheless, the case studies provide several examples of relatively permanent bodies being established.

Horn (2005) observes that informal worker organizations can choose either to attempt to get existing labour regulation systems (such as forums) extended to cover them, or to have new systems established for informal workers. In Uruguay, an existing forum – the wage council – was used for domestic workers. However, the remaining four case studies involved creation of new forums rather than, as Horn discusses, cases where ways needed to be found for having informal workers properly represented as well as ensuring that their concerns are discussed and addressed in existing forums. Even in the Uruguay case, domestic workers were not incorporated in existing forums. Instead, a new forum – but using an established format – was created.

The Georgia case study provides examples of the establishment of several different forums. In Tbilisi, very early in the engagement, the municipality, union, and large companies agreed to establish a permanent council that would be responsible for developing regulations and also serve as a platform for discussions of ways of addressing problems. A permanent board consisting of the heads of the three parties was also established. The board meets twice a year unless there is need for an urgent meeting, and its scope includes discussion of labour disputes.

At a later stage, the municipal government was persuaded to include the MTMWETU representatives in the Tbilisi Tender Commission. Here the worker representatives were fulfilling a more technical role, but one important for transparency purposes. Similarly, in Rustavi, two union representatives (both drivers) became members of the commission which was responsible, among others, for assessing whether existing vehicles could become part of the new scheme.

In Brazil, worker representatives were included in the committee responsible for ongoing administration of the bonus rather than a once-off role such as that of a tender committee. Worker representatives do not constitute the majority of the members on the committee, but are comfortable with the composition as one of the government-related agencies that is represented usually supports them. The worker representatives also operate according to the general principle that they are not free to agree with proposals discussed in the committee without formal approval of the base members. The committee meets three times a month, placing a relatively heavy burden on representatives.

Accountability

All researchers were asked to describe how the worker representatives who engaged directly in the bargaining communicated with ordinary members – to get their mandates, for example, and to report back on progress (or lack of it). Such communication is especially difficult when workers are dispersed across scattered workplaces, with each workplace having a relatively small number of workers.

In Brazil, because of the variety of bargaining arenas, there are challenges even in communicating between those directly involved in negotiations as the leaders are seldom together in every negotiation.

The challenge is exacerbated by the large number of associations and cooperatives. The strategy the worker leaders use to exchange information is, first, weekly meetings for themselves and, second, periodic meetings with individual waste pickers' cooperatives and workers' associations. They also make use of the internet to share relevant information, to ask for opinions, and to call assemblies. The only regular mass meeting of all waste pickers – both organized and independent – is the annual Waste and Citizenship Festival.

In Liberia, the worker representatives received their first mandate through a verbal agreement in an informal meeting of approximately 1,000 members after the march. NAPETUL subsequently provided regular feedback to its members through calling meetings. However, the absence of clearly identifiable success in negotiations has resulted in some members questioning the ability of the union to represent their interests. The NAPETUL leaders recognize this risk and have tried their best to help members understand both what they have done and the challenges faced.

In Uruguay, the SUTD negotiators discussed development with the SUTD commissions that meet on a weekly basis and also convened broader assemblies of workers when needed.

Politics

Bonner (2009) refers to the challenges of corruption and political manipulation of informal workers. Elsewhere (Bonner 2006), she suggests that political manipulation and interference is especially likely when the workers are a relatively large and visible group, as is often the case for transport workers and street vendors. Opportunities for manipulation

and bribery increase at election time when the positions for which politicians are competing are ones that give power to influence conditions and rights of workers. In Liberia, the (elected) president was open to the demands of street traders around election time, while the (appointed) mayor was sometimes less open.

Several other case studies illustrate how politics often plays a strong role in determining the nature and outcomes of collective bargaining of informal workers.

In Uruguay, the victory of the leftist Frente Amplio in the presidential and congressional elections in 2004 opened up opportunities for stronger organization and recognition of domestic worker rights as well as of the rights and needs of other workers and of poor people more generally.

In Georgia, the collapse of the Soviet Union resulted in the collapse of municipal systems, and then decentralization provided municipalities with municipal budgets. This provided the context in which the three cities initiated their attempts at privatization or re-municipalization of public transport. Meanwhile, the government's desire to become part of the European Union provided opportunities as government and employers were likely to be more attentive to the requirements of international agreements and pressure from the European Union including requirements in respect of labour law.

Bonner (2009) also points to the challenge of sustaining gains and agreements when there are political or structural changes. The situation is especially complicated where the engagement is with local government as is often the case for informal workers. Complications can arise because of political ten-

sions and differences between national and local governments. The Georgian case study took place during a period in which the United National Movement dominated the federal government, parliament, and judiciary. With recent political changes, this is no longer the case.

Batumi in Georgia serves as an interesting example of the interplay between the local and national. In Batumi, the drivers' strike ended within five hours as the initial stubbornness expressed by the deputy-mayor of Batumi and head of the government commission for implementation of the reform disappeared after the strong public statements of the Tbilisi minibus drivers about a possible sympathy strike. The sensitivity of the Batumi municipal government towards what might happen in Tbilisi reflected the fact that both these cities were under the control of the ruling party at the federal level. So the decision to soften the stance vis-à-vis the drivers' union was made in the party head office in Tbilisi by the federal government.

As noted above, the case studies illustrate how, in the absence of national-level collective bargaining, demands need to be bargained for city by city and state by state. For both Georgia and Brazil, the case studies highlight that worker organizations try to take advantage of opportunities for national government to set framework provisions that favour progress agreements at the sub-national level. In Brazil, for example, the aim is to have a federal law that makes it mandatory for state and municipal governments to recognize waste picking as part of municipal systems of solid waste management.

The Brazil case study also illustrates how worker organizations can take advantage of national debates. In Brazil, the waste pickers took advantage of the debates about citizenship rights. In this context, the struggle for the recognition of waste pickers as workers who perform a specialized service within the public system of waste man-

agement acquired strong political legitimacy. The waste pickers were seen as demanding to be recognized as full citizens including in the economic realm. Their public claim was – and is – to be recognized as workers and not as social outsiders or a source of disturbance in the routine of urban life.

Learning from Others

The case studies in themselves provide evidence of how workers and worker organizations learn from each other. This is seen, for example, in Georgia, where both other municipalities and workers in other cities learnt from what had happened in Tbilisi. In India, SEWA consciously encourages workers to learn from each other. In particular, when starting to organize in new areas, SEWA took bidi workers from those areas where it had already organized to raise awareness and help organize among the unorganized workers in the new area. In Brazil, the waste pickers at the federal level have, over the years, built on the Belo Horizonte example. Further, while in 2012, the bonus was paid to waste pickers' cooperatives and associations in the metropolitan area of Belo Horizonte, in the second phase of implementation, it will be paid to cooperatives and associations in the remaining municipalities in Minas Gerais, thus potentially covering a total of 853 municipalities.



In the absence of national-level collective bargaining, demands need to be bargained for city by city and state by state.

References

- Bonner, Chris. 2006. Organizing Informal Transport Workers: Global Research Project. Overview Report. London: International Transport Workers Federation.
- Bonner, Chris. 2009. Collective Negotiations For Informal Workers. Organizing In The Informal Economy: Resource Books For Organisers Number 4. Johannesburg: WIEGO and Streetnet.
- Dias, Sonia M. 2006. "Waste & Citizenship Forum – Achievements and Limitations" in Solid Waste, Health and the Millennium Development Goals, CWG-WASH Workshop Proceedings, 1-6 February 2006, Kolkata, India.
- Dias, Sonia Maria and Fábio Cidrin. 2008. Integration of the Informal Recycling Sector in Solid Waste Management in Brazil. Study Prepared for the Sector Project Promotion of Concepts for Pro-poor and Environmentally Friendly Closed-loop Approaches in Solid Waste Management. PN 03.2144.8. GTZ. <http://www.gtz.de/de/dokumente/gtz2008-informal-recycling-brazil.pdf>.
- Ebisui, Minawa. April 2012. Non-standard workers: Good practices of social dialogue and collective bargaining. Working Paper No. 36. Industrial and Employment Relations Department. International Labour Office: Geneva.
- Horn Pat. 2005. "New forms of Collective Bargaining: Adapting to the informal economy and new forms of work" in TRAVAIL, Capital and Society 38:1&2.
- Mather Celia (ed). 2005. Out of the Shadows: Organizing and protecting domestic workers in Europe: the role of trade unions. Report based on conference organised by the European Trade Union Confederation, in collaboration with the International Restructuring Education Network Europe and the Platform for International Cooperation on Undocumented Migrants, Brussels, 14-15 April 2005.

Rizio Alexandra, Alice Chu, Diana E Marin & Maria Marulanda. April 2011. Domestic Workers Worldwide: Four collective bargaining models. Report prepared for the National Domestic workers Alliance.

Acknowledgements:

This Case Study was made possible through funding by the Solidarity Center and its USAID-funded Global Labor Program, which supports the efforts of the Solidarity Center and its consortium partners—the Rutgers University School of Management and Labor Relations and Women in Informal Employment: Globalizing and Organizing (WIEGO)—to study and document challenges to decent work, and the strategies workers and their organizations engage to overcome those challenges.

Support was provided by the Office of Democracy and Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development, under the terms of Award No. AID-OAA-L-11-00001. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Agency for International Development. Any errors found in the research are the author's own.

Edited by: Brenda Leifso

Photographs by: Olga Abizaid, Deia de Brito, Martha Chen.

Layout by: Anna Gaylard of *Develop*.

WIEGO ORGANIZING BRIEFS contain information on organizing strategies and practices in the informal economy. This series aims to support organizing efforts and disseminate better practices.

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 draws its membership from membership-based organizations of informal workers, researchers and statisticians working on the informal economy. For more information see www.wiego.org.



USAID
FROM THE AMERICAN PEOPLE