

Collective Negotiations For Informal Workers



Organising In The Informal Economy:
Resource Books For Organisers

Number 4

This series of resource books on Organising in the Informal Economy was written in response to requests from unions and associations for practical ideas on how to go about organising workers in the informal economy. It is an attempt to share more widely the experiences of those already organising informal workers.

The project was initiated by the International Coordinating Committee on Organising in the Informal Economy (ICC) composed of representatives from the Self-Employed Women's Association (SEWA) of India, StreetNet International, Ghana Trades Union Congress (GTUC), Nigeria Labour Congress (NLC), HomeNet South East Asia, Confederacion Revolucionario de Obreros y Campesinos of Mexico (CROC) and the General Federation of Nepal Trade Unions (GEFONT).

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1. AZIEA (Alliance of Zambian Informal Economy Associations): Vendors meet with government officials, Zambia
2. NASVI (National Association of Street Vendors of India): Mass meeting, India
4. LEARN, Taxi drivers' workshop, Philippines
5. KKPKP (Trade Union of Waste pickers): Addressing authorities, India
6. SADSAWU (South African Domestic, Service and Allied Workers' Union): March to Government offices, South Africa.



Overview

Organising in the Informal Economy: Resource Books for Organisers

The Books

There are six books in the series:

1. Recruiting Informal Workers into Democratic Workers' Organisations
2. Building and Maintaining a Democratic Organisation of Informal Workers
3. Handling the Day-To-Day Problems of Informal Workers
- 4. Collective Negotiations for Informal Workers**
5. Handling Disputes between Informal Workers and those in Power
6. Collective Action for Informal Workers

The Aims

This series of resource books aims to assist anyone who has the task of organising workers in the informal economy. It hopes to give organisers practical ideas on what needs to be done and how to do it.

Using the Books

The resource books provide ideas, guidelines and examples that you can draw upon when organising informal workers.

Use them:

- **as an organising guide:** draw on the ideas, checklists and experiences
- **for information:** read, and share your knowledge with others
- **to generate ideas:** create new ways of doing things
- **as a planning tool:** use the steps and strategies to help you plan
- **to educate and empower:** in informal discussions, workshops or training sessions.

Three key organising principles

- Win real, immediate concrete improvements in workers' lives
- Give workers a sense of their own power
- Alter power relationships

"Be passionate, committed, innovative and creative in your efforts toward the organisation and mobilisation of workers in the informal economy".

*(Kwasi Adu-Amankwah, Secretary-General of Ghana Trades Union Congress,
September 2006, addressing the ICC Conference on Organising in the Informal Economy)*

Issues and Challenges:

Informal Workers in Different Sectors

Sector / group	Priority issues	Organising challenges
Street, market vendors and hawkers	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	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	Equal income, benefits as factory workers Identifying employer End to exploitation by middlemen Access to regular work Access to markets (own account) Access to credit (own account)	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
Garment workers	Living wage Right to Organise Excessive overtime Security of employment	Women workers are seen as ‘seasonal’, ‘supplementary’ wage earners Harassment of trade unions Often small workshops

Waste pickers and recyclers	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 middlemen	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
Agricultural, forestry and fish workers	Right to land and land use Right to natural resources Regular work Access to resources and equipment Access to credit and markets	Scattered locations Isolated and far distances Child labour Not protected by labour law Seasonal or intermittent work
Domestic workers	Recognition as workers Protection against dismissal, abuse Freedom of movement Freedom to change jobs (migrant) Less hours, more rest Better living conditions	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)	Access to routes and passengers Protection against harassment Health & safety/ accident protection Parking and facilities Petrol and spares prices and fares Competition-protection against bad effects	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	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	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
All sectors	Better and more secure income Improved working conditions Social protection	



1. Introduction

In this book

You will find information about how informal workers can, through their organisations, put forward and collectively negotiate demands with those in authority. Drawing on the experiences of unions and informal workers' organisations, it sets out the phases and steps in the negotiation process. It provides ideas, guidelines, examples and tips that you can adapt to fit your own circumstances. At the end of the book there are activities you can use to help prepare for negotiations or to educate leaders and members about negotiating.

Collective negotiations-a key strategy

When they are organised, informal workers can win rights and improve their work and social conditions through collective negotiations.

Unlike unionised formal workers, informal workers generally do not have permanent and recognised negotiating forums. However, this does not stop them finding ways of overcoming such challenges and negotiating their demands with authorities, or other bodies responsible

for taking decisions on a particular issue. Collective negotiations, known also as collective bargaining, is a key strategy for organisations to advance and defend the rights and position of informal workers. It can help empower workers. It can start to change power relationships. Struggles around collective negotiations, and negotiating successes, will build and strengthen the power of workers and your organisation.

As an organiser you will almost certainly be involved in collective negotiations. This might take place at a very localised level, such as negotiating vegetable prices with someone who supplies a local group of vendors. Or you could be part of a team negotiating vending rights with municipal managers and councillors. At some stage in the life of your organisation you might find yourself negotiating policy changes with national government to allow informal workers access to social security or financial services.



Definition Negotiation

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' organisations we talk about collective negotiations or collective bargaining, meaning we negotiate for collective rather than individual interests.



2. Democracy And Collective Negotiations

Negotiating collectively means negotiating democratically.

Principles

Our negotiations are based on the following principles:

- Worker mandates
- Honest report backs
- Full participation
- Gender equality
- Collective interests
- Collective leadership
- Majority decisions



Definition Democracy

Governance by the people (members), through a system of elected representatives

Mandate

A democratic decision taken by workers that binds representatives to a course of action

The democratic negotiator

Negotiating democratically requires you to have attitudes, approaches and skills consistent with the principles above. The following check list will help you assess yourself-to highlight your strengths and where you may need to improve.



Check List 1: Self assessment: the good negotiator

I?	<input checked="" type="checkbox"/>
Listen to what members say	
Get clear mandates from workers and remain true to them	
Never put my interests above those of the members	
Am a team player. I always consult and work collectively	
Never meet with my counterpart (employer, local official) alone	
Try to empower informal negotiators, especially women	
Ensure the full participation of informal worker negotiators	
Let informal workers speak for themselves, rather than always speaking for them	
Make sure women workers are fully represented, and speak out, in negotiations	
Make sure the issues of concern to women are not lost during negotiations	
Am firm but flexible within my mandate	
Always look for possibilities and options	
Put across points clearly and simply, but powerfully	
Ask probing questions	
Know how to sum up and get to agreement	
Report back to members simply, clearly and honestly	
Am not afraid to report bad news	
Am not afraid to show leadership and give members advice	
Will not dominate workers or take decisions for them	
Am always honest and will not be bought off with bribes	

Negotiating Challenges

When you are dealing with a new issue, and where you do not have an established negotiating forum or negotiating counterpart such as an employer, then you will face challenges when you set out to negotiate. If you and your organisation have little experience in negotiating, you may find challenges arising from within your organisation.

"One of the difficulties of bargaining both at local and central level is also the informality of negotiations, a lot of these negotiation sessions are not recorded, because the forum was not taken as formal". (*Lameek Kashiwa, AZIEA, Senegal, 2007*)

"Negotiations took place but there were no formal decisions and no formal documents of agreement. Nothing was implemented. Instead the municipality unilaterally declared that it would demolish the market and set up a park and design centre complex". (*Choi In-Gi, KOSC, Senegal, 2007*)

"Men suddenly become very active when there is a chance to meet with government leaders. You find they push themselves into the negotiating committee and leave us women out". (*Woman leader*)



Experiences: Negotiating for informal workers: organiser challenges

External

- No employer-employee relationship
- Lack of legal recognition, protection and bargaining rights in law
- Difficult to gain access to authorities/employers
- Public authorities undermine informal workers' organisations
- Negative social attitudes towards women and informal economy workers
- Formal sector unions appear not interested in, and do not consistently support, informal workers
- Corruption and political manipulation of informal workers
- Lack of continuity in local government after political or structural changes

Internal

- Difficult to sustain organisations and paid-up membership
- Workers are ignorant of their rights and responsibilities
- Illiteracy is widespread and workers lack information
- Lack of unity amongst workers
- Weak organisational structures
- Lack of democratic practice in organisations
- Lack of communication between leaders and members of organisations
- Communication difficulties when workers are isolated
- Difficulties in holding meetings
- Lack of transparency and accountability on part of leaders
- Self-interest and lack of commitment of leaders
- Organisations have short-term strategies

(Streetnet International meeting on collective bargaining in the informal economy and laws and litigation strategies in street vending sector, Senegal, March 2007)

3. Preparing The Way For Collective Negotiations

A Route Map for Collective Negotiations in the Informal Economy

1. Prepare the way for negotiations

Get the mandate

Identify negotiating issues

Turn issues into demands

Identify negotiating counterpart and level

Do research

Set up the negotiating team

Prepare written demands/proposal

Submit to negotiating counterpart

Agrees to negotiate

Refuses to negotiate

2. Plan Negotiating Strategy and Tactics

Work out strategy

Prepare arguments

Prepare tactics

Build alliances

Prepare public

Plan struggle strategy

Build alliances

Prepare public

Agree to negotiate

Refuse

3. Conduct negotiations

Motivate your position

Listen to the counter position

Explore positions/argue

Find common ground

Identify differences

Get a fresh mandate (?)

Get movement (?)

Report to workers, mandate

Reach agreement

Written agreement

Time frames

Implementation plans

No agreement

Dispute

4. After negotiations

Educate, mobilise, organise around victory

Ensure implementation

Monitor and enforce implementation

Step 1: Identify and prioritise negotiating issues

The first step in any negotiation is to identify the issues members want/need to negotiate on. This is not usually difficult as there are many things that workers want to change. Selecting which issues to take up and when to do so is less easy. Often workers have a burning issue that has to be dealt with immediately. This automatically sets your priority for the negotiating agenda. Sometimes workers have several issues they want to take up all at the same time. You have to collectively prioritise and select the issue(s) you want to start with. This might be the biggest issue, the most important for workers, or it might be best to select something that you have a good chance of winning. A quick victory will give workers confidence and motivation to take on more. As an organiser you will have to advise workers about strategic prioritising!

Step 2: Turn the issues into demands

Problems and issues are easy to identify, but can these be turned into negotiating proposals and demands? Negotiations are not about complaining, but about having a clear idea of what you want and formulating it as a winnable demand.



Experiences: How problems become demands

Complaint/problem

“I have no-one to look after my children when I am collecting waste. I have to take them with me.”

Demand

Provide crèche facilities for the young children of waste pickers in the districts where they live. Each crèche should be staffed with qualified caregivers. It should provide educational activities, healthy food and have well-kept, clean facilities.

Complaint/problem

“Municipal police come around and chase us off the streets. They confiscate our goods. They completely ignore the agreed national policy on street vending”.

Demand

Comply with the agreed national policy that states that vendors have a right to sell their goods on the street, providing that they do not block the pathways.

Complaint/problem

“The person supplying us with materials to make the garments in our homes, refuses to provide us with the sewing thread”.

Demand

Provide home-based garment workers with all the materials necessary to produce the goods. This includes fabric, buttons, zips and thread.

Step 3: Decide on who to negotiate with and how

Deciding on issues and formulating demands is important, but who will you present your demands to, and how will you do so? Before you can finalise your demands and mandate, you will have to agree on this. Your first struggle will probably be to get the other side to agree to negotiate with you. A later struggle will be to formalise a negotiating forum.

Often the negotiating counterpart for a particular issue is obvious. Sometimes you have to search for the person or body that will have the authority to make decisions on the issue. Sometimes you will have to actively create such a body!

With your members, ask the following questions:

- Which person or body is directly responsible for this issue?
- Who has the authority to agree changes?
- At what level are decisions taken? By a local individual? By a local government official or department head? By the elected council members? By provincial or state government officials or departments heads? Or by national government?
- Who has the political will and the power to make sure changes are implemented?
- Is there more than one possible negotiating counterpart? If so, which is the softer target?
- Do we have influential friends and sympathisers in the institution?
- Do we have any allies or potential allies already in a negotiating relationship with a possible negotiating counterpart?

Experiences: finding the right negotiating counterpart

Street Vendors in Zambia: multiple negotiating counterparts

"We negotiate with councillors, town clerks, state police commandants, the Zambia Revenue Authority (an agent of government whose responsibility is to collect Pay as You Earn from employees including informal workers) etc. Issues of collective bargaining on the local level are around levies, services such as garbage collection, security and harassment".

*(Lameck Kashiwa, General Secretary, AZJEA's Collective Bargaining Strategy,
presented at the StreetNet meeting, Senegal, 2007)*

Taxi drivers in Cambodia negotiate with municipal authorities

In Phnom Penh, Cambodia, tri-motor taxis were barred by the municipality from entering the city. After 120 tri-vehicle operators asked their union to intervene, it managed to hold negotiations with the municipality and convinced it to reverse its decision. In a similar negotiation, the municipality reversed a decision to ban motor-doups from carrying passengers at Phnom Penh Airport.

(International Transport Worker's Federation, ITF, 2006, Organising Informal Transport Workers. Global Research Project. Overview Report)

Rural craft workers in South Africa negotiate with the village Chief

An association of women producing arts and crafts in a rural village in South Africa decided to set up their own tourism village so they could sell their goods directly. The village chief controlled the allocation of land. They approached him with a proposal that he allocate land to the project. After lengthy negotiations with the chief, he allocated them a piece of land.

(IFWEA, 2005, unpublished draft manual)

Small farmers in Fiji negotiate with factory owners

Sugar cane small farmers in Fiji are family based units with one or two workers at the most. They were selling their sugar cane to one factory that controlled the price, the cost of fertilizer, and the time of payment. With the help of a trade union, the farmers came together into an association. The association was then able to negotiate with the factory owners to pay a better price for their sugar, and to buy fertilizer collectively at a reduced price.

(IFWEA, 2005)

Women vendors in India negotiate with traffic police

In Jamalpur area more than 1000 street vendors sit on a very busy stretch of road leading to the bus terminal. Traffic police, shopkeepers and businesses were against the vendors. One day they were all removed. SEWA (Self-Employed Women's Association) leaders started to negotiate with traffic police, business owners, and shopkeepers to allow the vendors to earn a living. After many rounds of negotiation the Municipal Commissioner agreed to listen to the vendors' side of the story. He requested SEWA to help find a solution so that vendors and traffic could co-exist and the situation could be well managed.

(StreetNet Meeting, 2007, Senegal)

 **TIP:** Always be on the look out for negotiating opportunities. They come up in surprising places and in surprising ways. Don't always wait to react. Be proactive. Negotiating is a great mobilising tool.

Step 4: Identify the negotiating level and forum

Your negotiations should take place at the level most appropriate to the issue at hand i.e. local, city, province/state, national. This goes along with identifying the bargaining counterpart and the forum where bargaining can take place. You will most often face a situation where there is no established forum and certainly no negotiating rights or forums in terms of the law. You and your members will have fight to create them! Sometimes you might find an existing forum that your informal worker members can become part of. If your organisation is a trade union with bargaining rights, then you could investigate how to bring informal workers into negotiating structures. Or you might be able to build an alliance with a formal trade union and get access to authorities through an existing forum.

The table below gives examples of some issues and the appropriate negotiating counterpart, forum and level(s), drawn from the experiences of street vendor organisations.



Definition **Bilateral**

Consisting of two parties

Multilateral

Consisting of many parties

Experiences:

Negotiating Counterparts, Levels and Forums

Issue/problem	Negotiating counterpart	Forum/level of negotiation
Recognition by government and by formal trade unions	National government and trade union centres	Forums involving government and trade unions
Registration	City government	Local forums

Space for vending in the inner city	Urban development department Planning authority City/traffic police	Local/state/national forums involving different stakeholders
Access to markets	Municipal and market owners	Multilateral forums involving council officials, market owners, vendors
Taxes	Local government	Bilateral with local government policy-makers and councillors
	National government	National government bilateral negotiations
Stop harassment	National and local government	Forums involving national and local government officials and police
	Local authorities and police	Local forums involving police (local officers and police chiefs) and municipal officers
Taxes	Local government	Bilateral with local government policy-makers and councillors
	National government	National government bilateral negotiations
Stop harassment	National and local government	Forums involving national and local government officials and police
	Local authorities and police	Local forums involving police (local officers and police chiefs) and municipal officers
Bribes	Own members (internal negotiation)	Meetings with members to persuade them to demand their rights instead of paying bribes
Fines and a demand for receipts	Police	Bilateral negotiation with local police
Social security and social protection	Ministries concerned such as Department of Welfare	Meetings with national or state (depending on country) departments
Income-generation training	Government and NGOs	Multilateral forums involving government, trade union educators and NGOs involved in training
Economic empowerment	Government, banks, micro-finance institutions	Government ministry concerned (government) Managerial level (banks and micro-finance)
Cleanliness and security	Council and national Government	Security/police and cleaning services of council or Government

(Adapted from Streetnet meeting, Senegal 2007)

How to do it? Putting the steps into practice

The most common way to identify issues, formulate demands and decide where to present them is in a general meeting of the members. With a local issue workers will be able to give a direct mandate. Getting a mandate in a national organisation is more complicated. It will require a series of meetings in different locations and a process to bring together a national mandate.

#The local general meeting

Before the meeting

- Gather the issues informally. Interact with workers and leaders. Listen and discuss their issues and concerns.
- Do some basic research. Find out what the law says and what other workers have won. Look at possible options.
- Collectively prepare for the meeting. With the leadership agree what is to be discussed, and prepare an agenda.
- Decide who will lead discussion on each item, who will chair, who will take notes. Be proactive and prepare suggestions, options and possible strategies. Prepare documents.
- Inform workers in good time about the meeting. Choose a suitable time and place, remembering to accommodate the needs of your women members.

During the meeting

- Lead but listen. Have ideas but be prepared to change them.
- Encourage participation by many and not a few.
- Encourage women to speak out.
- Be firm in sticking to the agenda and to time (or help the chair to do so).
- Be firm with workers who talk too long or repeat what someone else has said.
- Summarise, and make sure that decisions and agreements are clear. Don't assume that what the last speaker said is the decision.
- Agree a plan of action, with time frames.



TIP: Beware of listening only to those who speak longest and loudest in meetings. Try and encourage the silent ones to give their opinion or you may misjudge the true mandate of the workers.

#When meetings are not possible

When you cannot get a direct mandate from workers, then organisers and leaders have to take a more pro-active role. They have to take responsibility as leaders. Be guided by the democratic principles and approaches discussed above.

- Work with a leadership team that is as representative as possible.
- Get the team to work on the ground. Talk to workers, hear their concerns, and find out their priorities.
- Share and sift the information.
- Collectively decide on priority issues, and formulate the demands.
- Spread the word using the team, and through informal channels. Be creative.
- Give workers a deadline to respond to your proposed demands.
- Revise the demands if necessary.

#Educate and mobilise workers

Education and mobilisation go hand in hand with all negotiating activities. The very processes of preparing for, and engaging in, democratic negotiations are themselves an education and a mobilising tool. Always be aware of the potential to educate and empower workers informally. Education through action, rather than the classroom, is usually the most powerful education of all, and may be more appropriate for informal workers! And no extra resources are needed.

You can also educate and mobilise members around negotiations through more formal methods such as holding education sessions at meetings; running workshops; preparing and distributing newsletters and pamphlets. The negotiating teams for example may need special sessions to build their skills and confidence.

Set up and empower the negotiating team

It is useful to set up the team of negotiators at an early stage. This will give them an opportunity to learn by doing through their full involvement in all activities around the planned negotiations. Set up a strong and representative negotiating team. Check that women are fully represented and that you have a range of skills and expertise amongst team members. Make sure that the team has the confidence and trust of members. Where possible, avoid having members in your team who are known to be corrupt or have a tendency to promote themselves and their own interests.

Step 5: Approach the negotiating counterpart

Now you are ready to approach the targeted negotiating counterpart and test whether s/he/it will agree to negotiate with you. If this is a new situation, and where there is no employer or no statutory bargaining forum, then your first struggle will be to get the other side to agree to meet and negotiate with you. Where you have met before, it may (or may not) be easier. Where you have the right to negotiate in law or by agreement, then the path should be much smoother.

In all of these circumstances, with your team:

- Put your demands in writing.
- Write your demands in the form of a proposal. State them clearly, politely and formally.
- Write a covering letter requesting a meeting to negotiate on your demands. Propose an agenda, date and time and a deadline for a response.
- Keep members informed.

If the other side ignores your proposal or refuses to meet with you, then prepare for struggle! If they agree to meet, move on to the next stage. Prepare your detailed strategy and tactics.

Experiences: struggling for the right to negotiate

Nicaragua Street Vendors force municipality to negotiate

In Nicaragua, vendors were being evicted from the Metro Central stop area. 2500 workers marched against the evictions and to demand a meeting with the municipal authorities. The authorities refused to look for a negotiated solution. The union leadership used the press to denounce this violation of workers' rights. This forced the mayor to meet with worker leaders. They negotiated and signed an agreement that came into force the same day.

(*StreetNet News, November 2004*)

Domestic workers in India find ways to put forward their demands

Domestic workers formed the Pune City Domestic Workers' Organisation. In India, Labour law does not apply to domestic workers. They have no bargaining partner. They drew up collective demands on wage rates for different jobs, time off, holidays, bonus etc. They put forward these demands through strikes, newspaper publicity, marches, and submissions to individual employers and to the municipality that sets by-laws. Over the past twenty years they have managed to get many employers to implement their demands.

(*Sujata Gothoskar, 2006, New initiatives in organizing strategy in the informal economy- Case study of domestic workers' organizing*)



TIP: Always spend the necessary time in preparation and planning- even where things are urgent, stop, think and plan. A well-known principle, the PARETO principle, states 20% of time spent in preparing will achieve 80% of the result!



Experiences: Example of a negotiating proposal (demands)

PLATFORM OF STREET VENDORS' DEMANDS

Substantive demands to the Durban Metro

1. Establish an independent Commission of Enquiry into all Facets of Corruption around the issue of street trade permits – Terms of Reference to be approved by street vendors and their democratically-elected representatives.
2. Develop a data-base of all the street vendors (with and without permits) operating in different areas of Durban, in co-operation with street vendors and their democratically-elected representatives, indicating the following information:
 - i. name and gender of vendor;
 - ii. description of type of work;
 - iii. area of operation;
 - iv. whether the vendor holds a valid permit, until what date;
 - v. any special considerations which may apply.
3. Integrate our organisations in the EThekweni Informal Economy Forum (EMIEF):
 - (i) Send us the minutes of all previous meetings;
 - (ii) Send us a schedule of the dates of the meetings for 2007;
 - (iii) Invite us to all meetings of the Forum.
4. Involve street vendors and their democratically elected representatives in negotiations regarding increases of all fees (including permit fees) payable by street vendors – any unilaterally adopted increases to be suspended until the completion of negotiations.
5. Urgent implementation, with the full participation of street vendors and their democratically elected representatives, of the “Section 4 – Implementation Framework” of the Review of Informal Economy Policy developed by Gabhisa Planning and Investments and Urban-Econ: Development Economists in 2006.
6. Adopt and commit to the WCCA Campaign demands of StreetNet International.

(Presented to Durban Metro on 4 June 2007 by Phoenix Plaza Street Traders Association, Siyagunda Association and The Eye Traders Association)

 **TIP:** The golden rule when organising informal workers is captured in the slogan of the Zimbabwe Chamber of Informal Economy Associations (ZCIEA). “Nothing for us without us”. Apply this at all stages of the negotiating process.



4. Preparing Negotiating Strategy And Tactics

You have spent time doing the groundwork with your members. You have carried out initial research into the negotiating issues, appropriate laws and regulations etc. You have put forward your demands and your opponent has agreed to negotiate with you.

Before you get down to the detailed negotiations planning, don't forget to report to members on progress. You will also need to do more detailed research to support your case in the negotiations, and to help you plan your strategy and tactics.

Check List 2: Research questions

- What facts and figures can help you motivate your demands?
- What experiences can you quote that will support your case?
- Are there laws, regulations, agreements, precedents that might assist?
- What other factors in the environment might affect your case?
- What are the likely reactions of your negotiating counterpart?
- Where is your opponent weak and where strong?
- Where are you weak and where are you strong?
- Where are your opponent's decisions taken?
- Who are your potential allies and supporters?

Step 6: Planning the details

Call your negotiating team and plan together. Bring in other leaders and advisors if needed. Make sure you have your research at hand, and all necessary documents.

Check again

- Are your demands clear?
- Are you clear on your objectives for the negotiation?
- How far you can move away from, or compromise, on the demands before needing a fresh mandate?
- If there is more than one demand, what is the priority?
- How strong are the members and will they, in the end, be prepared to take action?
- Who you can call upon for different kinds of support e.g. information, technical support such as working out figures, good press contacts, mobilising support?
- Do you need any further information?

Prepare the team

- Develop the understanding and confidence of the negotiating team.
- Allocate roles to team members. Who will speak on what; who will

take notes; who will be strong and who will appear soft. Make sure women negotiators are fully included in the plans.

- Work out your arguments and how you will present them.
- Make sure everyone has all necessary information and documents.
- Hold a practice session.
- Agree what signals will be used amongst yourselves, for example, to indicate you would like an adjournment/caucus.
- If you are negotiating jointly with other organisations, build unity with them. Prepare a common approach.

Prepare members, allies and the public

- Make sure members know when negotiations will take place and when and how they will get a report. Keep them interested and excited. Part of your strategy could include a supportive demonstration by members and/or regular negotiation bulletins.
- Inform other workers' organisations and potential allies about the negotiations. Set up channels for technical support.
- Highlight the issues within the community and, where appropriate, to the public at large.



TIP: Plan your strategy to include POWER and PERSUASION.

Negotiations are about POWER. Plan how and when to use the power of your members and allies. Assess the power of your opponent. Negotiations are about PERSUASION. Plan arguments that will convince your opponent to agree to your demands.

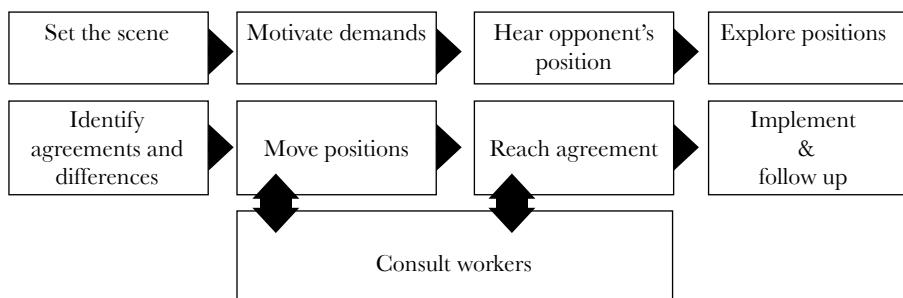


5. Conducting Negotiations

Step 7: Around the table

When negotiating with, and for workers in the informal economy, you can apply the following basic negotiating guidelines applicable to most negotiations. Adapt them to your circumstances.

Negotiating process



Around the table: A negotiator's guideline

- **Present a good image**

Appear confident and well organised, and be on time.

- **Take control**

Avoid your counterpart taking control of the agenda, pace and timing of negotiations.

- **Be clear**

Motivate and present arguments simply, clearly and briefly.

- **Listen**

Actively listen to what the other side says. Hear what they reveal.

- **Ask questions**

Clarify and understand all points made.

- **Translate**

Make sure everyone can understand and can speak.

- **Think**

Before you speak, think!

- **Keep to the point**

Don't allow yourself to be distracted from the issue.

- **Control anger**

Be careful not to make empty threats or lose your temper.

- **Be assertive**

Be firm and strong in what you say. Don't be aggressive.

- **Stay united**

Don't argue in front of the other side. Ask for a caucus if this starts to happen.

- **Be gender sensitive**

Don't allow gender issues and women members of the team to be disregarded.

- **Get something in return**

Don't give away too much too soon.

- **Be flexible**

Look for options and alternatives; know when to change tactic.

- **Take careful notes**

Don't rely on someone else taking minutes.

- **Confirm agreements**

Make sure everyone has a common understanding of agreements and next steps.

- **Know your mandate limits**

Know when you need to go back to your members for a fresh mandate.

When you get stuck

- Know when to take a break and call for a caucus.
- Summarise where both parties are at.
- Get agreement “in principle”.
- Suggest a process for getting agreement e.g. a working party.
- Discuss possible results of getting bogged down.
- Discuss mutual benefits of a settlement.
- Try “what if” statements (options).

If these fail or are not appropriate, call for a break in the negotiations to consult your members

Step 8: Reaching Agreement

With opponent

This can be a difficult step. As negotiators you will be faced with making decisions and possible compromises to reach that final settlement.

There are often small details that need to be tied up. You may not feel confident that you have a clear mandate on some of these.

Your opponent(s) may try lots of “tricks” to get you to agree. They may threaten and manipulate, or offer a bribe! On the other hand they may not want an agreement and find ways of stalling, such as referring to a higher body or ensuring that a key decision maker is absent. They may insist on a verbal rather than a written agreement. They may try to talk to you or one of the leaders alone or on the phone.

- Make sure that what is agreed is absolutely clear, and that everyone around the table has the same understanding
- Insist on a written agreement, with details clearly spelled out. This

will include what is agreed, time frames, how it will be implemented, who is responsible for what.

- Be involved in drafting of the agreement. Drafters have power. Language can be manipulated.
- If you are not in a position to make a final agreement, draw up a recommendation from the negotiations. This can become the basis of an agreement after you have consulted your members.

With members

Reaching agreement with the members can be a difficult step too, especially if you have not won everything they demanded.

- Plan carefully how you will report back to workers.
- Plan collectively. Make sure every member of the negotiating team has the same understanding and agrees to the report back approach.
- Prepare support materials such as pamphlets and charts to help you explain what has been agreed or recommended. This is especially important if you are unable to bring all workers to one meeting.
- Explain to workers what happened and why. Give some life and colour to the explanation.
- Be honest in your explanation.
- Be calm. Use emotion and anger in a controlled way.
- Put forward options for workers to consider.
- Listen to all viewpoints, including those of women, and try not to allow one person or position to dominate.
- If workers are divided, take time to work through the issues and options. Be positive about gains made.
- Try to reach consensus amongst workers – or at least consensus amongst the majority. If not, you may have to vote!

Step Nine: If there is no agreement?

This is a difficult time in any negotiation for organisers, the negotiating team and leaders. You will need to develop options to help guide workers to a decision. You will need to look objectively at the situation. You may have to be very strong with members, and forcefully advise on a course of action. You may have to take unpleasant criticism from them. Here are some possible options.

Use power

Take collective action to force concessions.

Use more persuasion

Go back to the negotiating table, armed with new facts, possible options and revised mandates.

Use outside persuasion

Get support from others in authority, from worker allies and build public support through media and publicity strategies.

Use procedures or legal strategies

Where available you might use dispute procedures or legal strategies.

Back down

Take the best deal you can get and work towards next time.

Experiences: Agreement resulting from negotiations

MEMORANDUM OF UNDERSTANDING between DURBAN CITY COUNCIL and SELF-EMPLOYED WOMEN'S UNION (S.E.W.U.)

This memorandum records agreement which has been reached between the parties on 27 November 1995 on how to progress on substantive issues which have been the subject of negotiation between them since September 1994.

1. Muti Market

The Stable Theater Complex has been earmarked for the proposed muti market. By the end of January 1996 it will be finalized whether this facility will be entirely available for the Muti Market, or whether it will be shared with NAPAC. The City Council will notify SEWU at the end of January of the expected date of completion of the Muti Market.

2. Beachfront Shelters

Work will be starting on shelters around the West Street Mall in late January or early February 1996 in terms of plans submitted to the Council on 7/12/95. The Council is negotiating to take back the area previously leased to Hester Steyn for building further shelters, which negotiations will be completed by the end of February 1996.

3. Proposal to Metropolitan Council

SEWU will prepare a letter to the Metropolitan Council applying for funding for the development of further shelters, storage and crèche facilities for the Beachfront traders. This application will be supported by the Informal Business Unit.

4. Crèche

The stalled preparations for the establishment of a child-care facility for street traders in the Warwick Triangle have been re-started following an approach to Councillor Fourie. Should this not deliver results by the end of January, the process will be restarted by the parties themselves. In addition, further child-care facilities are planned at the new Mansell Road facility currently under construction.

5. Mansell Road

Construction on housing units and the ablution complex will begin on 4/12/95, and be completed in June 1996. Negotiations are due to begin with the Sunkist traders in regard to their re-allocation to Mansell Road.

6. One-stop facilities for overnight accommodation, storage and child care

There is no agreement yet on the means to progress on this item.

7. Democratic consultation and negotiation

It was agreed to prepare a Procedural Agreement which will govern the relationship between the parties. However, in the meantime, the Council will still consult SEWU on any new developments which are likely to affect SEWU members, in any areas where the Council has been notified that SEWU has members.

Signed at DURBAN on this 25 day of JANUARY 1996

.....
For the City Council
WITNESSES

.....
For SEWU
WITNESSES



Experiences: Winning the struggle - some successful negotiations

Improving facilities for market traders

The Association of Informal Sector Operators and Workers, ASSOTSI, in Mozambique, affiliated to the national trade union centre, has negotiated on many issues with local and central government. It managed to improve water and sanitation services in markets and build toilets.

(War on Want, AZIEA, WEAZ, 2006. Forces for Change. Informal Economy Organisations in Africa.)

Buying land for cross-border trader market

One of the first successes of the Cross-Border Trader Association was the establishment of a market in Lusaka, for cross-border traders coming from Zambia and surrounding countries. The Association managed to negotiate to buy land from the Council. The market became a reality and brought most cross-border traders under one roof.

(War on Want)

Micro credit comes with rights and responsibilities

The African Hawkers' Association, based in the Eastern Cape, South Africa has secured a grant of R200 000 from the local government of the King Sabata Dalindyebo Municipality for a micro-credit scheme for street hawkers in the city. At a meeting with the municipality it was agreed that the criteria for hawkers getting the grant was that their license fees were up to date, that they were citizens, willing to pay back the loan, able to repay and membership of the African Hawkers' Association.

(StreetNet News, #5, April 2005)

Homeworkers negotiate with employers and middlemen

Women home based workers bargain with those who "employ" them. They bargain with the middlemen and the employers, often seeking support of the labour department in their struggle. They bargain for their economic rights such as better wages, for better rates in the market, for increases in their minimum wages, for bonus during the festive season and for timely and full payment, and for being recognised as workers. Due to the collective efforts of SEWA MP, minimum wages have been raised for bidi workers.

(Shalini Sinha, 2006, draft UNDP report, Building Visibility and Voice)

Statutory negotiating forum for street vendors in Mexico

A law has been introduced for the regulation of street vending in the state of Nuevo Leon, Mexico. This law covers fixed as well as mobile vending and informal work, defines their rights and obligations, and recognises the associations to which they belong. The law has established a negotiating forum consisting of the vendors' associations as well as other stakeholders – and the Council is obliged to regulate informal trade in consultation with this statutory forum.

(StreetNet International Meeting, Senegal, 2007)



6. Implementing An Agreement

Use the Agreement

You have gained a victory for workers. Their spirits are high and they are positive about what the organisation can do. Build on this!

- Use it as an educational tool. What lessons have we learned?
- Use it to raise awareness of issues, about negotiations and about the organisation
- Get workers to go out and spread the word and bring in new members
- Provide publicity on the agreement
- Celebrate the victory!

Make the Agreement Work

Usually your negotiating counterpart is responsible for implementing the agreement. Members and the organisation may have responsibilities too. Sometimes agreements are not implemented or only partially so. Sometimes agreements are manipulated or deliberately misinterpreted. In the informal economy many of the agreements are with government

and public authorities. This creates an unstable situation as they are often disregarded or changed when new parties, people and policies come in. What can we do?

- The agreement should be very tightly worded and signed by the highest authority, plus those responsible for its implementation.
- Make sure that the agreement binds future political parties, policy makers and bureaucrats.
- Insist that the agreement is made known widely throughout the public authority. Ask for proof that this has been done.
- Work towards formalising the negotiating forum so that it is recognised and respected.
- Carry out your side of the bargain! Don't give the other side a chance to say that you have broken the agreement!
- Be vigilant.

Even if you are negotiating in an informal situation such as with an intermediary or a small businessperson you should still apply the appropriate basic principles above.

Monitor and Enforce the Agreement

All members, organisers and leaders should play their part in watching and reporting on what is happening. They should be ready to challenge if the agreement is not followed. This should be a continuous process, and should not just occur during the initial implementing phase. Work out with your leaders and members how to keep up the pressure. Work out what action you can take to enforce the agreement. Make sure the other party is aware of your vigilance and potential power to act.



Experiences: Enforcing Agreements

Korean Street Vendor's Confederation, KOSC, Collective Bargaining Strategy

The Korean Street Vendors' Confederation, KOSC, has developed a bargaining strategy that includes enforcing of agreements.

First: negotiate the demand that municipalities stop employing crackdown parties or gangsters to crack down on street vendors, and that they should abolish bad laws on eviction.

Second: democratic decision making systems and procedures are necessary. If the negotiating committee is operating against our will, we should decide whether or not to participate.

Third: the committee should not be partial towards governments or municipalities. It should guarantee to hear the opinions of street vendors themselves. And it should have power to make a decision and act.

Fourth: if we make an agreement, municipalities or street vendors should carry it out.

Finally: whenever the municipalities try to avoid carrying out agreements, we should organise struggles and act on the offensive to achieve our demands.

(Presented by KOSC, StreetNet Meeting, Senegal, 2007- edited)



TIP: Three golden rules in any negotiation:

- Never negotiate alone
- Never make a deal without agreement of members.
- Maintain unity while negotiating

A Final Summary- Negotiating Do's And Don'ts



Experiences: Vendors share their negotiating lessons

DO	DON'T
<ol style="list-style-type: none"> 1. Negotiators caucus beforehand. 2. Prepare what you are going to say. 3. Favour dialogue. 4. Remain faithful to mandate. 5. Use peaceful methods. 6. Get agreements in writing. 7. Meet members beforehand to get mandate. 8. Respect meeting procedures. 9. Be firm. 10. Report-back to members. 11. Make sure members take responsibility to be part of decision-making. 12. Ensure members have access to information. 13. Avoid corruption. 14. Organise regular progress report meetings. 15. Involve the members in supportive mass action. 16. Get members involved in supplementary activities such as lobbying councillors. 17. Be transparent with any collection of funds 18. Take advantage of weaknesses of negotiating counterparts. 19. Listen well. 20. Keep time. 21. Revise mandate in case of uncertainty. 	<ol style="list-style-type: none"> 1. Depart from members' mandate. 2. Give false messages. 3. Disrespect authorities. 4. Adopt inflexible stance. 5. Go alone to negotiations. 6. Hoard information. 7. Minimise mandated proposals. 8. Be weak. 9. Use violent methods. 10. Choose who to work with. 11. Impose individual opinions. 12. Go into negotiations without a strategy. 13. Go to negotiations without the agreement of all the members. 14. Sell out the mandate or make deals. 15. Accept corrupt practices. 16. Make false promises. 17. Bargain for own self-interest. 18. Allow the other side to divide you. 19. Change demands without mandate. 20. Threaten the other party. 21. Negotiate under the influence of alcohol. 22. Accept verbal agreements.

(StreetNet Meeting, Senegal, 2007)



Learning Activities

Activity 1: Formulating demands

Aim

To help you formulate priority negotiating demands

Task

In small groups read through Steps 1-4 above

1. List the issues your members need to negotiate on with their employer or authority.
2. Choose three priority issues.
3. Name the negotiating counterpart and the negotiating level.
4. Formulate a short demand for each of the three issues.
5. Prepare to share your demands with the other groups.



Learning Activities

Activity 2: Preparing to negotiate

Aim

To help you prepare negotiating arguments

Task

In small groups:

1. Choose one of the situations below or use a situation from your own experience.

Situation 1:

A street vendor association meets with the municipal authority to negotiate the demand:

“Comply with the agreed national policy that states that vendors have a right to sell their goods on the street, providing that they do not block the pathways”.

Situation 2:

A waste picker coop meets with the municipal authority to negotiate the demand:

“Provide crèche facilities for the young children of waste pickers in the districts where they live”.

2. Prepare the arguments you will make to win the demand.
3. List the information and documents you will need to back up your arguments
4. Identify what you think your negotiating counterpart (opponent) will say to counter your arguments
5. Prepare to share your arguments with the other groups.

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Resource Centre

The Development Institute for Training, Education and Support for Labour, DITSELLA, in South Africa has a large collection of local and international trade union education materials. These were used extensively in preparing the books. For access to these resources contact info@ditsela.org.za

