

Traders in Collective Bargaining: Lessons from a Market in Kyrgyzstan

By Kateryna Yarmolyuk-Kröck

Key Points

- 1 An estimated 60,000 people, including traders from neighbouring states, work at Kyrgyzstan's Dordoi Market in more than 20 types of trades. Despite the scale of informality in the country – Kyrgyzstan's trade and services sector is almost entirely composed of informal-economy workers – and difficulties in organizing, a trade union was established at the market in 1997 to address the traders' needs.
- 2 The trade union at the Dordoi Market – the largest market in Central Asia – signed a Cooperation Agreement in 2022
- 3 with the market administration, the Dordoi Association, with the aim of safeguarding the rights and improving the working conditions of its members.
- 3 Even though it does not establish binding duties on the parties, the Agreement negotiated between the Dordoi trade union and the Dordoi Association serves as an example of how unions of self-employed workers can benefit from establishing common goals for cooperation with actors that shape their working conditions.



Memorials to vendors at the entrance to the Dordoi Market. Photo credit: Dmitrii Konov

Introduction

The Kyrgyz Republic is considered one of the least developed countries in Central Asia with around 33% of the population living below the poverty line.¹ In 2019, it was estimated that nearly 72% of the working population in the country was involved in informal economy activities (Tilekeyev 2021: 8). Trade and services is one of the largest sectors in the informal economy.

While informal trading existed in many Soviet states before the collapse of the Soviet Union in 1991, such activities were prosecuted as illegal. Following the transition from communism, millions of people started to trade in *ad hoc* markets or bazaars, which later developed into export hubs in Central Asia and the Caucasus and even extended into large trading networks among China, Russia, Türkiye and Ukraine (Humphrey 2002; Alff 2015; Karrar 2017; Fehlings 2017). As in many other former Soviet states, in Kyrgyzstan citizens could suddenly engage in independent commercial activities (Mandel and Humphrey 2002; Rekhviashvili 2015; Fehlings and Karrar 2016) and trading in the country's bazaars became one of the most important sources of income for many households.

Established on the outskirts of Bishkek, the capital of the Kyrgyz Republic, in late 1991, the Dordoi Market provides work for thousands of Kyrgyz

citizens, as well as traders from neighbouring states. Despite the scale of informality in the country and the difficulties of organizing workers in the informal economy, particularly in the trade and services sector, a trade union was established at the Dordoi Market in 1997 to address the needs of the market traders. In 2022, the Dordoi trade union managed to conclude a Cooperation Agreement between the market administration and the union to safeguard the rights and decent working conditions of its members.

This brief provides insights into trade union activities at the Dordoi Market. It highlights the issues that traders want to bargain about, how the traders go about securing recognition as bargaining agents, and the Cooperation Agreement's effects on traders' relationships with those who control their workplace. It illustrates what collective bargaining can look like outside of a standard employment relationship. The brief is based on a review of secondary literature, as well as interviews with two of the leaders of the Dordoi trade union.²

The brief firstly positions the creation of the Dordoi Market in the country's political context. It explains how freedom of association, collective bargaining and social dialogue are protected in national legislation, and then discusses how the Dordoi trade union is constituted. This is followed by a discussion of how the Cooperation

Agreement came about and an analysis of its provisions. The brief concludes with a reflection on the lessons from this study.

Informal Economy in Kyrgyzstan and the Creation of the Dordoi Market

Kyrgyzstan's economy and labour market is small and highly fragmented (Tilekeyev 2021: 16). One of the most significant sectors in the country's informal economy is trade and services, which contributes over 15% of GDP and accounts for 68% of all informal economy activities (Tilekeyev 2021: 16). Kyrgyzstan's trade and services sector is almost entirely made up of informal-economy workers (93%), of which just over half are waged workers (51.9%, mostly hired by individuals) and 45.7% are self-employed. The trade and services sector is dominated by men (at 59.6%). However, it is also the second most important sector for women after agriculture; 17% of working women in Kyrgyzstan are engaged in trade and services (Tilekeyev 2021: 11).

The majority of traders in the informal economy in Kyrgyzstan operate at the country's markets, of which the Dordoi Market is the largest and most popular. Shortly before the official collapse of the Soviet Union, the market's owner, Askar

¹ As of 2022, National Statistical Committee of the Kyrgyz Republic. At <https://www.stat.kg/en/opendata/category/120/>

² Over the past few years, trade unions in Kyrgyzstan have experienced increased pressure from government authorities, including interrogations, criminal cases against trade union leaders, detentions and seizures of bank accounts. In this political climate, it was not feasible to interview more trade unionists.

Salymbekov, obtained permission from the local municipality to formalize and expand it.

Nowadays, the Dordoi Market is the largest wholesale market in the country and also the biggest market in Central Asia. While Salymbekov still owns the Dordoi Market, most of the marketplace is run by a company called Dordoi Bazari (Kyrgyz: *ОсОО “Дордой базары”*), which is a member of a group of companies called the Dordoi Association.

The Dordoi Market is constructed almost entirely of shipping containers. The estimated 30,000 containers are placed next to each other and divided by passages. Each unit serves as a shop, a warehouse, a restaurant, a greenhouse, an auto garage or a toilet, among others. There is even a mosque and a graveyard at the market.

The Dordoi Market has become one of the main entry points for local consumer goods, as well as those from China, Türkiye, the United States and countries in Southeast Asia and Europe, to enter the markets of Kazakhstan, Uzbekistan and Russia. Clothing, shoes, toys, furniture, groceries, supplies for the automotive industry, electronic equipment and many other consumer products are sold in the Dordoi Market. Buyers and sellers

come from Uzbekistan, Kyrgyzstan, Kazakhstan, Russia and China. Of the total number of traders, 5% are citizens of China, 2.5% are from India, another 2.5% from Pakistan, and 1% from Türkiye.³ A journalist described the Dordoi Market as “a modern monument to the power of raw commerce” (Sershen 2007).

An estimated 60,000 people work at the Dordoi Market and between 20 and 30 types of traders depend on it (Engvall 2017). These include porters, mobile street vendors and hawkers who sell drinks and food, taxi drivers and drivers of local private buses (*marshrutkas*). While several sources agree on these estimates, with the market’s continuous development, there is no certainty on the current number of traders at the Dordoi Market (Nasritdinov 2006; Özcan 2010; Spector 2017).⁴

The legal status of market traders and vendors who work at the Dordoi Market is distinctive. Before January 2024, market traders in Kyrgyzstan could work on the basis of a “patent” – a document that allows an individual to pursue a specific kind of economic activity, e.g. trade in goods or provision of services. This was a special tax regime for microbusinesses that offered favourable tax rates and minimal compliance requirements (Sahovic 2019). Obtaining a patent gave a trader

the legal status of an “individual entrepreneur” in Kyrgyzstan. From January 2024, the State Tax Service stopped allowing trading on the basis of a patent and individuals trading under a patent have to switch to other taxation regimes.⁵

In addition, an individual could purchase a social insurance policy.⁶ According to the Dordoi trade union, the majority of traders at the market have obtained this status; however, hired labourers at the market work without any agreement or registration and do not enjoy labour rights or social protection.

National Labour Legislation: Freedom of Association, Collective Bargaining and Social Dialogue

According to the Constitution of the Kyrgyz Republic, “Everyone has the right to freedom of labour, the right to dispose of their abilities to work, to choose a profession and occupation, the right to protection and working conditions that meet health and safety requirements, and the right to receive wages not lower than the subsistence minimum established by law” (para. 1, Art. 42). Article 36 stipulates the right to freedom of association.

³ According to the information provided by the leadership of the Dordoi trade union, interviewed by the author in the preparation of this brief (March 14, 2024).

⁴ It is also a question of methodology and whether the numbers come from the market administration, the trade union or city officials. Another challenge is counting hawkers and mobile workers who are active around the market.

⁵ They can opt in to the general tax regime or a single tax – a simplified taxation system designed for small and medium-sized businesses. Under the single tax, rates are 0% for annual revenues up to 8 million soms, 0.5% for up to 30 million soms and 1% for up to 50 million soms. Those working on a single tax basis are required to use a cash register and comply with the requirements for payment of insurance premiums, as well as a number of other obligations. At: <https://sti.gov.kg/news/details/19ec2cd6-3fe0-490e-a0b0-c07076f2c9f6>

⁶ Although the purchase of a patent was voluntary, it was difficult to trade without one as this led to administrative fines.

After the Constitution, the main act regulating labour relations is the Labour Code of the Kyrgyz Republic, 2004.⁷ The Code, inter alia, defines the purposes and objectives of labour law, sets out basic principles for the legal regulation of labour and directly related arrangements, determines the parties to social dialogue and its main principles, and defines workers' and employers' rights and obligations. There are other acts that regulate different aspects of labour relations. The most relevant for this study include:

- **The Law on Trade Unions, No. 130, 1998.** Trade unions are voluntary public associations of citizens, created to protect the labour, social and economic rights and interests of the members (Art. 1). Any citizen older than 14 who works, studies or is retired has the right to establish or join a trade union. Unions' legal capacity begins at registration (Art. 3) and they can be established at companies, in organizations and institutions, irrespective of the forms of ownership, by three or more people (para 2, Art. 2). Trade unions are independent, submit only to national legislation, and any intervention capable of limiting their rights is forbidden (Art. 4). The Law on Trade Unions 1998 has been subject to heated debates as there have been frequent attempts by the government to change it. The new draft of the law severely restricts trade unions' rights and has been criticized

by global trade union federations and the International Labour Organization (ILO) for violating ILO Conventions 87 and 98. Despite a presidential veto in 2021, the contested draft has reappeared in a new form and is currently under review by the Parliament.⁸

- **The Law on Social Partnership, No. 154, 2003.** This law defines "social partnership" (social dialogue) as the interaction of government authorities, associations of employers, and trade unions in defining and implementing agreed-on socioeconomic policies, including in the field of labour relations, as well as bilateral relations between employers and trade unions where the state determines the parameters of interaction between the parties (Art. 1). Social dialogue at the national level is carried out within the framework of the Republican Tripartite Commission for the Regulation of Social and Labour Relations. Under this law, representatives of workers, as a party to social partnership, are defined as trade unions, their authorized associations, as well as individuals and organizations authorized by employees. Depending on the scope of regulated social and labour relations, general, sectoral, territorial and other agreements can be concluded (Art. 16).

Any of the parties to the social partnership has the right to initiate negotiations on the development, content, conclusion, amendment or addition of the agreement. If there are several representatives authorized by workers and employers at the national, sectoral and territorial levels, each has the right to negotiate on behalf of workers and employers (Art. 17).

- **The Law on Collective Agreements, No. 164, 2004.** This law establishes the legal basis for negotiations, development, conclusion and implementation of collective agreements to promote the regulation of labour relations and coordination of the interests of workers and employers. Trade unions and other representative individuals or groups of workers have the right to negotiate and sign collective agreements for workers. Employers, executive authorities and local governments are required to negotiate labour and socio-economic issues proposed for consideration by a trade union or other worker representatives (Art. 5).⁹ Neither party has the right to refuse collective negotiations that have as their purpose concluding a collective bargaining agreement (Art. 9). If the workplace has several trade unions or other representative bodies, parties to a collective agreement may be an authorized

⁷ Labour Code of the Kyrgyz Republic of August 4, 2004, No. 106 (as amended on August 7, 2023).

⁸ See, for example, ITUC, 2021. 'Kyrgyzstan: ITUC welcomes veto of anti-worker bill', News. At: <https://www.ituc-csi.org/kyrgyzstan-ituc-welcomes-veto>

⁹ As amended by the Law of the Kyrgyz Republic, December 28, 2022, No. 128.

trade union or representative body acting on behalf of at least 20% of the employees, or a joint body agreed to by several trade unions and other representative bodies that unites at least 20% of the employees (Art. 10).

If disputes arise during negotiations, the parties form a “conciliation commission” with an equal number of representatives of the parties. The commission makes recommendations within seven days. If there is no agreement between the parties regarding its recommendations, trade unions or other worker representative bodies have the right to use meetings and strikes in accordance with national legislation (Art. 7). If the commission is unable to facilitate a settlement between the parties, it must conduct a hearing of the case, which can be taken on appeal to a district court.¹⁰

In this context, representation of workers in the informal economy, including the self-employed, is ambiguous (Musabaeva et al. 2009). While the Trade Union Act recognizes unions of self-employed workers, according to definitions in national legislation these workers are not employees, nor are they subordinated to an employer, which makes their role in social dialogue and collective bargaining unclear. Misinterpretations and uncertainty about the interests represented by the parties has been

identified as a key challenge for social dialogue in Kyrgyzstan (Musabaeva et al. 2009: 17).

Trade Union Activities and Collective Bargaining at the Dordoi Market

The organizing of traders did not take place immediately after the establishment of the Dordoi Market. In Central Asia and the Caucasus, markets are still largely informal. This can be explained by their location within patrimonial states, which embed clientelism (Collins 2006; Cooley and Heathershaw 2017; McGlinchey 2011). In the early years of post-Soviet transition, hierarchically structured criminal gangs took control of many marketplaces in the region, leading to violent competition, especially during the early years of transition (Collins 2006; Holzlehner 2014).

In the aftermath of the Soviet Union’s collapse, market traders in countries of the former USSR experienced many difficulties in their daily work. These included interruptions in the flow of goods through customs, high taxes, police harassment, subleasing difficulties, land taxes, and security issues. Tax authorities and law enforcement officials significantly disrupted activities at the Dordoi Market. Corruption was a common

concern, with traders forced to pay bribes to continue their work.

The turmoil that the Dordoi Market traders experienced during this political and economic transition led them to seek collective solutions. After more than five years of the Dordoi Market’s existence, traders had accumulated certain problems with the distribution of trading places, and with racketeering and insecurity that operated in the market. Therefore, the market traders united and established the trade union in 1997 to address these problems and protect their rights. To date, there are 6,000 union members at the market.

The establishment of the union thus represented a bottom-up response to vendors’ demands for order and stability at the market, based on a relationship of trust and cooperation (Musabaeva et al. 2009).

The Dordoi trade union defined its mission as protecting the interests of small entrepreneurs in relation to the government and dealing with internal market conflicts. For this reason, some researchers do not regard it as a trade union in the classical sense, but rather as an association of small businesses. However, this form of organizing has become popular in the post-Soviet states, where a large share of the economy is composed of small retail businesses (Musabaeva et al. 2009).

¹⁰ Labour disputes are resolved through a two-tiered system: Labour Dispute Commissions and specialized labour courts. Labour Dispute Commissions are tripartite bodies established at the enterprise level, consisting of equal representation of employees, the employer, and the relevant trade union. Normally, the commissions deal with individual labour disputes arising between an employer and an employee (e.g. disputes over working conditions, wages and benefits, disciplinary actions, dismissals).

The Dordoi trade union was established in accordance with the country's Trade Union Act and registered by the Ministry of Justice of the Kyrgyz Republic, the authority responsible for the registration of legal entities. The Dordoi trade union members fall under the term "traders" or "vendors" without specific reference to self-employment or the legal status of "small entrepreneurs". Again, these omissions are fairly common in the Eastern European and Central Asian region. As a member organization of StreetNet International, the Dordoi trade union's members are regarded as workers entitled to labour rights and social protection.

The Dordoi trade union manages its activities on the basis of its statutory document – a constitution. A member can be any person who has reached working age; is self-employed or working under an employment or civil contract, both with the employer and with other organizations with which the employer has contractual relations for the performance of work or provision of services; recognizes the trade union's constitution; and pays the membership fees (para. 3.2.).

The constitution establishes a general meeting of members. This is the union's most important governing body and its functions include approving constitutional amendments; determining priorities, activities and membership fees; electing the chairperson; and overseeing the union's connections with other organizations. The general meeting is convened at least once a year

and is considered legitimate if at least half of its members are present. The trade union committee is a five-member executive body elected for a five-year term by the general meeting and has broad competencies across all areas. The audit commission controls and keeps records of the union's spending and other financial activities.

How the Agreement Between the Dordoi Trade Union and the Market Administration Came About

Notably, the administration of the market was in favour of founding the trade union and did not create any obstacles. On the contrary, the market's owner, Askar Salymbekov, largely supported the activities of the union that removed the administration's burdens, such as having to consult traders on tax regimes and address the improvement of working conditions at the market. Hence, step by step, the trade union started to cooperate with the administration on improving infrastructure, resolving conflicts between traders and the administration, restricting extortion by tax officials, and other issues. As a result of the union's work at the market, there was a decline in the state's interference in the market activities in the early 2000s. Gradually, an increasingly orderly institutional environment took effect (Spector 2017).

However, the Dordoi Market's governance cannot be separated from the politics of the state and its stability and order should be seen in the larger political context (Spector 2017). In particular, it is important to note the role of the market's owner and his network of influence in securing strategic positions inside the state and at the market. Salymbekov is not only a successful businessman but also a politician – from 1999 to 2005, he headed the administration of the Naryn region, and in 2005 he became a member of the Kyrgyz parliament. His political weight allowed him to fight off the criminal structures that were trying to become co-owners of the Dordoi Market or collect bribes from the market traders.

During the turbulent 1990s, following the collapse of the Soviet Union, many Kyrgyz citizens, including teachers, doctors, engineers and other professionals, started to trade at markets in order to survive. For example, Damira Dolotalieva, a medical doctor, had to turn to market vending at Dordoi to support her four children. She became an active trade union member and in 2010 was elected chair of the Dordoi union. Under her leadership, the union became a member of StreetNet International and involved in trade union activities at national and international levels. The union actively promotes social protection for vendors and is engaged in safeguarding their interests, both in the market and within various ministries. It participates in the development of laws relating to business activities; issues certificates of employment for entrepreneurs; does charity work such as

distributing food in emergencies; promotes occupational health and safety; provides financial assistance to members; and conducts education and training, for example, on how to use cash registers.

In 2022, the Dordoi trade union concluded a Cooperation Agreement with the Dordoi Association to reiterate its role as defender of the rights and interests of those working in the market. According to the leadership of the trade union, the reason for signing the Cooperation Agreement was to retain members and attract others to join the union, which experienced a decline in numbers, especially after the COVID-19 pandemic.¹¹ The union's leaders characterize its relationship with the Dordoi Association as a strategic partnership and the agreement is meant to strengthen cooperation.

Analysis of the Cooperation Agreement

The Cooperation Agreement was signed by the Dordoi trade union and Dordoi Association on 1 January 2022 and is renewable annually on the mutual agreement of the parties. Terms of the agreement include:

- The cooperation between the Dordoi trade union and the Dordoi Association is based on principles of equality and non-interference in each other's affairs (para. 1).

- The trade union is recognized as a single organization negotiating on behalf of market entrepreneurs (para. 2).
- The Dordoi Association and the trade union undertake to preserve healthy and safe working conditions for market entrepreneurs (para. 3).
- Targeted financial assistance is provided by the union to its members in the events of childbirth, marriage, death of a union member or a close relative, to the parents of children with disabilities or those who have three or more children (para. 6.1).
- The union provides partial compensation for the expenses of children's school holidays, and ad hoc compensation in emergencies (para. 6.1).
- The union ensures the social protection of its members, improves their working conditions and organizes recreation (para. 6.2).
- The union protects the social and labour rights and economic interests of its members (para. 6.3).

The most distinctive provisions of the Cooperation Agreement relate to social support and targeted financial assistance provided by the union, from its own budget, to its members in various challenging life situations. When trade union members submit an application for assistance, the union decides on the amount and type of assistance in each case.

From a legal perspective, the Agreement does not stipulate obligations on the parties and does not have judicial force in terms of the national legislation on collective bargaining. However, the negotiations with the market administration, and the conclusion of the Cooperation Agreement, constitute a form of social partnership or social dialogue. As such, the Agreement can be compared to a Memorandum of Understanding, which serves as a confirmation of the parties' intentions to cooperate in line with national legislation, international labour standards, and each other's interests.

Because the Agreement is subject to renewal as well as amendments every year, it could gradually evolve into a stronger instrument for the defence of the rights and interests of the market traders.

¹¹ Interview by the author in the preparation of this brief (March 14, 2024).

Conclusion

The Cooperation Agreement is still relatively new at the Dordoi Market and will be implemented gradually. The Chairperson of the Dordoi trade union, Damira Dolotalieva, and the Deputy Chairperson, Irina Likhogray, characterize the Agreement's adoption positively. They claim that, since its conclusion, union membership has increased, albeit slightly, because traders feel more protected. It has also become easier for the union to motivate potential members to join, as the Agreement highlights the benefits the union can provide to its members.

Indeed, many big markets in Kyrgyzstan do not have a union and find it difficult to organize. Therefore, this type of non-binding, "soft" instrument could serve as a good example to other, less organized, markets in the region, as regards maintaining cooperation with the administration and setting common goals for the protection of the rights and wellbeing of traders. It is vital that such cooperation remains sustainable, given Kyrgyzstan's unstable political and economic situation, as well as ongoing tensions between the state authorities and the unions in the country.

More generally, the case study points to the feasibility of – and value in – enabling organizations of self-employed workers to register as trade unions, taking into account the political economy of a particular country or region. There are significant gaps in the legal framework in Kyrgyzstan, which creates ambiguity about the interests that self-employed worker organizations represent and their role in social dialogue and collective bargaining. Nevertheless, the law establishes a duty to bargain that extends beyond employers; to include state authorities and local governments, for example. This helps to mitigate the challenges that organizations of self-employed workers typically face in getting their counterparts to the bargaining table.

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