



COLLECTIVE NEGOTIATIONS & STRATEGY DEVELOPMENT FOR WORKERS IN THE INFORMAL ECONOMY



FIVE-DAY TRAINING WORKSHOP



PARTICIPANT FILE



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Aims of the Workshop

To help us to:

1. Learn the following negotiation skills:
 - o How to negotiate successfully
 - o How to keep all the members involved in the negotiations process
 - o How to follow up on negotiations
2. Understand the steps and procedures that form part of negotiating processes.
3. Draft simple agreements and enforce them.
4. Draw up a negotiating plan to be implemented upon return to work.



Programme

Day 1

- 08.30 Registration
- 09.00 Opening and welcome, including guest speakers if appropriate
- 10.00 Activity 1: Introduction and Expectations
- 12.30 Activity 2: Collective Negotiations
- 13.30 LUNCH
- 14.30 Activity 3: Negotiations we are Already Involved in
- 17.30 Closure for the day

Evening *Reading: Handout 9: StreetNet, Towards a Model Framework for a Local-Level Collective Bargaining System for Street Traders*

Day 2

- 09.00 Participants share what they learnt on day one
- 09.30 Activity 4: Steps in the Negotiating Process
- 10.30 Activity 5: Negotiation Procedures
- 13.00 LUNCH
- 14.00 Activity 6: Skills for Successful Negotiators
- 15.00 Activity 7: Negotiation Strategies and Tactics (1)
- 17.30 Closure for the day

Evening *Completing Handout 4: Skills and Qualities of a Good Negotiator: Self-Assessment Exercise*

Day 3

- 09.00 Participants share what they learnt on day two
- 09.30 Activity 7: Negotiation Strategies and Tactics (2): Roleplays
- 12.00 Activity 8: Preparation for Field Visits
- 13.00 LUNCH
- 14.00 Activity 9: Field Visits

Day 4

- 09.00 Activity 10: Lessons and Observations
- 11.00 Activity 11: Overcoming Obstacles to Collective Negotiations
- 13.00 LUNCH
- 14.00 Activity 12: Establishing Local-Level Collective Negotiation Forums
- 17.30 Closure for the day

Day 5

- 09.00 Participants share what they learnt on day four
- 09.30 Activity 13: Writing Skills – Basic Agreements
- 11.00 Activity 14: Future Negotiations Strategy
- 13.00 LUNCH
- 14.00 Activity 14: Future Negotiations Strategy (continued)
- 16.00 Activity 15: Workshop Evaluation



Activity 1: Introduction and Expectations

Activity Time: 2 hours, 30 mins

Aims to help us to:

- Orientate ourselves for the workshop
- Get to know each other and our organisations
- Create an atmosphere of open interaction
- Share our expectations and concerns

Task 1: Introducing Each Other

With a partner:

1. Choose a partner who you do not know well.
2. Interview your partner, after which s/he will interview you, asking the following:
 - o What is your name, and how were you given your name?
 - o Which organisation are you part of, and how long have you been in it?
 - o What is your position in the organisation?
 - o What kind of informal economy workers are you organising?
 - o What problems do these workers have?
 - o How are you trying to solve their problems?

(1.5 hours)

3. Introduce your partner to the plenary.

Task 2: Expectations and Concerns

Individually:

1. Record your thoughts on the cards provided:
 - o Your expectations for the workshop
 - o Any concerns you have about the workshop
2. Stick your cards up on the wall.

(30 minutes)

The facilitator will summarise expectations and concerns of the group and compare these with the aims and programme of the workshop

(30 minutes)

Activity 2: Collective Negotiations

Activity Time: 1 hour

Aims to help us to:

- Develop a shared understanding of what we mean by collective negotiations

Task 1: Discuss Collective Negotiations

With a partner:

1. Discuss this question:
 - o What do we mean by collective negotiations?

(10mins)

2. Be prepared to discuss your ideas in plenary.

The facilitator will summarise your ideas and share a definition of collective negotiations for workers in the informal economy.

(50mins)

Resource

Handout 1: The Meaning of Negotiations



Handout 1: The Meaning of Negotiations

Negotiations

Negotiation is the process when two or more parties meet to reach an agreement over an issue affecting them, e.g., a right, a resource, or resolving a conflict. The objective is to bring about a change. In a negotiation each party seeks to advance its own interest. They do this using PERSUASION and POWER.

Negotiations can be between individuals or on behalf of a group or many groups. In unions and informal economy workers' associations and organisations, we talk about collective negotiations or collective bargaining, meaning we negotiate for collective rather than individual interests. To negotiate collectively workers need to be organised, and strongly organised in order to exercise their POWER as well as their skills of PERSUASION.

Collective Negotiations or Collective Bargaining

Collective negotiations or bargaining can be on any issue affecting the working lives of informal economy workers. It can take place between organised workers and employers, local or national government, or any other body that has decisionmaking power affecting the lives of workers. It can take place at local, national, regional or international levels.

Organisations elect or choose representatives to speak for them with negotiators on the other side (counterparts). The representatives have to get their mandates from the members and they report back to them.

Collective Negotiations for Informal Economy Workers

For many informal economy workers, the most important and immediate negotiating counterpart is local government. Municipalities are responsible for making the by-laws governing informal trade and ensuring that they are enforced. Informal traders may have to negotiate with different departments about different issues. For example, they may need to negotiate with officials in the disaster management committee to ensure that they are not removed from their places when there is a big event in the city.

Similarly, waste pickers need to negotiate with local government officials on issues such as recognition as part of the solid waste management system, or for space to sort the recyclables they have collected. Home-based workers often lack basic infrastructure such as proper water supply, electricity, and sanitation, which affects their work. They need to negotiate with local government to provide these services.

Informal economy workers may also negotiate with national government on issues affecting them nationally. Their national organisations usually conduct these negotiations, sometimes together with other organisations.



Activity 3: Negotiations we are Already Involved in

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Activity time: 3 hours

Aims to help us to:

- Think about the kinds of collective negotiations we have been involved in so far
- Identify different levels and forums at which our negotiations have been conducted
- Learn to use a log frame as a planning tool, and for reporting and reflection

Task 1: Our experiences

In groups:

1. Share your experiences of negotiations that you have been involved in, or ones that your organisation has been involved in and you know about.
2. Use the log frame on the next page to fill in a flipchart with information about the negotiating activities you have been involved in.
3. Choose someone to report back to the plenary. Prepare your reporter to explain the negotiations on your log frame to the other groups. *(1 hour, 30 mins)*

We will discuss each group's log frame and together we will identify common and interesting features. *(1 hour, 30 mins)*

Resources

Log frame (see next page)

Negotiations: Different Levels and Forums

(Log frame)

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Who? Group negotiating	What? Negotiating demand	With whom? Negotiating counterpart(s)	Where? Forum or level of negotiation	What? What did you achieve (or expect to achieve)

Activity 4: Steps in the Negotiating Process

Activity Time: 1 hour, 30 mins

Aims to help us to:

- Clarify the stages and steps in collective negotiations

Task 1: Negotiation Steps

In groups:

The facilitator will give you a set of cards showing different steps/stages in a collective negotiating process.

1. Order the cards so that they show the sequence of steps to be taken by representatives of an informal economy workers' organisation when representatives negotiate with officials from their municipalities. You may add additional steps on the smaller cards provided.

(45 minutes)

2. Pin up your "steps" and compare them with the other groups.

*We will discuss the steps and processes in plenary.
The facilitator will summarise the stages and steps.*

(45 minutes)

Resources

Handout 2: Steps for a Successful Negotiation

STAGE A: PREPARING THE WAY FOR COLLECTIVE NEGOTIATIONS

Step 1: Identify and prioritise negotiating issues

Your members have many problems and will have many issues they want to negotiate on. What do you want to change or achieve? For example, your members may want to reduce the rent they have to pay for their trading spaces, or demand that the municipality provides toilet facilities. At this stage you will need to do some research: e.g., which departments are responsible and which by-laws apply? Or domestic workers might want to be included in minimum wage laws. Research is again needed.

Step 2: Turn the issues into demands

Don't go to a negotiation to just complain. Develop clear demands based on the mandate of your members backed up by your research and information gathered.

Step 3: Decide who to negotiate with and how (counterpart/s)

Do you know who has the decision-making power or has influence on the issue? If it is government, which government department does the issue fall under? Is it important to include more than one department? Who are the key officials? Are there other unions, associations and other organisations that you need to work with? That is to say, the negotiations will not only involve your organisation on the workers' side.

Step 4: Identify the negotiating level and forum

Is there an established negotiating forum that you could get access to? Is the issue for negotiation on the local, provincial/state, national or even international level?

Do you have to demand a new negotiations forum?

Step 5: Approach the negotiating counterpart

Once you have established whom to approach, put your request for meeting/attending the forum, the issue, and your proposals (demands) in writing. It is important to mobilise members by keeping them informed and ready for action. Identify allies and build support – the public, unions, and non-governmental organisations (NGOs).

STAGE B: PREPARING NEGOTIATING STRATEGY AND TACTICS

Step 6: Plan the details

You will need to choose a negotiating team of strong leaders who can represent you well and should include, or be led by, women. The team will need to be well prepared. The team needs to develop an overall plan (the strategy). This will mean being clear about the objectives; knowing the strengths and weaknesses of the union and the counterpart; and what to expect from the other side. The team needs to develop arguments; plan the tactics (the method) around the table; if and where to compromise; and how to involve the members. It is always a good idea to have a practice session and to ensure the team members know their roles in the meeting.

STAGE C: CONDUCTING NEGOTIATIONS AND REACHING AGREEMENT

Step 7: Sit around the table

Planning well is 80 per cent of the battle won, so you should be ready and confident that you know the roles each team member will play: who will lead and who is responsible for speaking on what; ensuring that women are part of this plan; who will take notes or translate; your motivation and arguments; what to do if you are stuck or contradict each other; and when to compromise and so on.

Step 8: Reach agreement

Make sure that what is agreed upon is absolutely clear, and that everyone around the table has the same understanding. Then insist on a written agreement that is very clear: detailing what, how, and who – as well as time frames. But before final signature, make sure that your members are in agreement as well! Report back!

Step 9: Decide what to do if there is no agreement

If there is no agreement then you have to plan with members what to do. Should you try to **persuade** through further meetings? Should you use publicity and public **pressure**? Should you take **legal** action? Should you use **power** by taking action?

STAGE D:

AFTER THE NEGOTIATIONS

Step 10: Implement and enforce the agreement

Agreements are no good unless they are implemented. Members must know the agreement well. They are in the best position to make sure the agreement is implemented and that it is not broken. If the agreement is not being implemented then you will need to consider publicity, pressure tactics, and even legal action.

Three golden rules for collective negotiators

1. Never negotiate with your counterpart alone.
2. Never make a deal without the agreement of your members.
3. Maintain unity throughout the negotiations.



Activity 5: Negotiation Procedures

Activity Time: 2 hours, 30 mins

Aims to help us to:

- Think about how we should internally organise our negotiations
- Identify the capacity constraints we face in collective negotiations

Task: Prepare for Success

In groups:

1. Read *Handout 2: Steps for a Successful Negotiation (previous)* and *Handout 3: Negotiation Procedures*. (30 minutes)
2. Now answer the following questions:
 - o How should we choose our negotiating team?
 - o How should we collect our mandates from members?
 - o How should we collect information to support our arguments? o How should we report back to our members?
 - o What collective pressure tactics should we use while we are negotiating?
 - o How should we get publicity and media coverage about our negotiations?
 - o What should we do to make sure that our agreements are enforced?
 - o What should we do if we fail to reach agreement?
 - o What internal problems or constraints do we face when we try to enter negotiations?
3. Write your answers on a flipchart and prepare to report to the plenary. (1 hour, 15 minutes)

We will compare and critique our answers

(45 minutes)

Resources

Handout 2: Steps for a Success Negotiation (from Activity 4)

Handout 3: Negotiation Procedures

1. Preparing for Collective Negotiations (Steps 1–6)

Preparation checklist

When preparing for negotiations use the following checklist to make sure you have followed all necessary procedures.

- What is the organisation's mandate?
- Who is the other party in the negotiations?
- Is it a bilateral (between two parties) or multilateral negotiation (between many parties)?
- What is the organisation trying to achieve in the negotiations?
- What is being done to prepare for the negotiations?
- What advice is being sought?
- Where is membership involvement built in?
- How do the negotiations fit in with other activities and campaigns?
- What follow-up and report-back measures have been noted?

2. During Negotiations (Steps 7, 8 and 9)

Procedures

During negotiations there are important procedures to remember:

- After each negotiating meeting review what happened: what you did well/not so well, assess the counterpart strategy, and adjust your strategy.
- Keep members informed regularly of progress and get new mandates.
- Do further research to support your position/develop new proposals and arguments.
- Use pressure tactics where needed: collective action by members; publicity using the press and social media; and mobilising allies.
- Make a written agreement.

3. After Negotiations: Enforcing Negotiated Agreements (Step 10)

Once you have reached an agreement it is most important that it be implemented. How does your organisation enforce the agreement?

Publicity

- Notify your members (if members know what has been agreed, there is pressure to enforce the agreement).
- Write a story for the organisation's newsletter.
- Notify the public (if the public knows what has been agreed, it is difficult for the other party to change the story later).
- Write a story for the newspapers (rather than telling them verbally, which they may distort through misunderstanding).
- Give radio and TV interviews.
- Use a wide range of social media platforms.
- Make sure all members get to know what can be achieved through negotiation. This strengthens participation and commitment to the organisation and helps to bring more members on board.

Training the negotiations team

- Meet the negotiations team (physically or in virtual space) to go through the agreement with them.
- Make sure the team knows the obligations of both the organisation and the other party.
- Make sure that the team monitors implementation.
- Make sure that the team reports if the agreement is not being enforced.
- Make sure that the team submits regular progress reports to the organisation's representative structures.

Pressurising the other party

- Use publicity to pressurise the other party (see above).
- Contact the other party immediately if you receive a report that the agreement is not being properly implemented. Establish the other party's reasons or excuses.
- Give the other party a deadline for implementation.
- Put everything in writing (remember you may have to have to take legal action to bind the other party to the agreement).

Taking legal action

- Take legal advice first on how strong your case is.
- Get a clear idea of what kind of case can be taken up.
- Write to the other party, giving them a final chance to implement the agreement within a specific time period. Warn the other party that if they fail, further action will be taken.
- Report back to members on what is happening.
- Start the legal action, and involve members (e.g., by going to court in numbers whenever there is a hearing).
- Involve the press so as to increase negative publicity about the other party.

Activity 6: Skills for Successful Negotiators

Activity Time: 1 hour

Aims to help us to:

- Identify skills needed to be a good negotiator
- Reflect on the skills and qualities we have/don't have

Task 1: Skills Needed

In groups:

1. Imagine you are all direct negotiators in a negotiating team meeting with local government officials (or other appropriate counterparts). Discuss the answers to these questions:
 - o What skills do you think you need when negotiating with another party?
 - o What skills do you think you need to be a good representative when negotiating on behalf of your members? Mention five.
2. Choose a reporter to share your ideas with the other groups in plenary. *(30 minutes)*

In plenary, we will pool our ideas to list the skills needed to be a successful negotiator and a powerful representative. (30 minutes)

Task 2: Your Skills and Qualities

Individually:

1. Think about which of the identified skills you have.
2. In your own time, complete the Self-Assessment Checklist below. *(Evening activity)*

Handout 4: Skills and Qualities of a Good Negotiator

Self-Assessment Checklist

Skills & Qualities	✓	or	✗
Confident – I have confidence in myself	<input type="checkbox"/>		<input type="checkbox"/>
Listen – I am a good listener	<input type="checkbox"/>		<input type="checkbox"/>
Think – I think before I speak	<input type="checkbox"/>		<input type="checkbox"/>
Speak – I communicate clearly	<input type="checkbox"/>		<input type="checkbox"/>
Mandates – I make sure I follow the mandate of members	<input type="checkbox"/>		<input type="checkbox"/>
Assertive – I know what we want (mandate) and can put this across firmly	<input type="checkbox"/>		<input type="checkbox"/>
Calm – I keep calm even when angry	<input type="checkbox"/>		<input type="checkbox"/>
Presenting – I am able to present a clear argument	<input type="checkbox"/>		<input type="checkbox"/>
Thorough – I am thorough and prepare well	<input type="checkbox"/>		<input type="checkbox"/>
Brave – I am brave and can stand up to the counterpart	<input type="checkbox"/>		<input type="checkbox"/>
Knowledgeable – I make sure I know the issues and arguments	<input type="checkbox"/>		<input type="checkbox"/>
Writing – I am able to take notes of the negotiations	<input type="checkbox"/>		<input type="checkbox"/>
Conflict and compromise – I am good at resolving conflicts and finding compromises	<input type="checkbox"/>		<input type="checkbox"/>
Reporting – I report back clearly and honestly to members	<input type="checkbox"/>		<input type="checkbox"/>
Gender sensitive – I make sure women are included in the negotiating teams and play a leading role	<input type="checkbox"/>		<input type="checkbox"/>

Note:

Activity 7: Negotiation Strategies and Tactics

Activity Time: 5 hours

Aims to help us to:

- Develop negotiation strategies
- Identify tactics that could be used during the negotiations
- Practise our negotiation skills around the table
- Critique our negotiation practices

Task 1: Strategies and Tactics

With a partner:

1. Discuss and define what we mean by:
 - o Strategy; and
 - o Tactics.
2. Be prepared to share your definitions and explain the differences. (10 minutes)

We will agree together on a common definition and look at what it means to map out a strategy.

(20 minutes)

Task 2: Preparing to Negotiate (Steps 1 – 5)

In groups:

1. Read *Handout 5: Strategies and Tactics*, and revisit *Handouts 2 and 3 to remind yourself of how to prepare for negotiations.* (30 minutes)
2. Select an issue/demand that your group would like to negotiate on, for example:
 - o Choose one of the demands you identified in Activity 3; OR
 - o one of the following:

Strategy for negotiating with a municipality:

- o **Street traders:** The amount that street traders should pay as municipal levies/taxes.
- o **Waste pickers:** Access to recyclable materials from municipal offices.
- o **Home-based workers:** Orders to make school uniforms.
- o **Other informal economy workers:** Any demand that would greatly improve your members' work or lives.

3. Map out a strategy that could be used in negotiations with a municipality.

Think about these questions:

- o What do you want to achieve from the negotiations (the demand and outcome wanted)?
- o What are the strengths of your organisation?
- o What are the strengths and power of your counterpart?
- o What information do you need to motivate your case?
- o What pressure tactics might you use?
- o What other groups or organisations can you get support from?

4. Write up your strategy and plans on a flipchart and prepare to report to the plenary.

(1 hour)

Each group will have a chance to share their strategy and receive constructive feedback.

(1 hour)

Resources

Handouts 2 and 3 (from before)

Handout 5: Strategies and Tactics

Task 3: Plan your Negotiation Tactics at the Table (Step 6)

Back in your groups:

1. Read *Handout 6: Around the Table Tactics: A Guide for Negotiators*, and refer back to *Handout 4: Skills and Qualities of a Good Negotiator*. *(15 minutes)*
2. Develop your tactics. Discuss the following:
 - o How will you present and motivate your demand – including what attitude should be adopted?
 - o What arguments do you think the counterpart will use to resist your proposals and how will you counter the arguments?
 - o How will you try to get the counterpart to change their position?
 - o At what point will you be prepared to shift your own position? What is your mandate?
 - o What will you do if there is disagreement amongst yourselves?
 - o What will you do if the counterpart just won't budge?
3. Choose your negotiating team, ensuring that women are included.

4. Decide on the role that each member of the negotiating team will play in the negotiation.

(1 hour)

You will not report back to the plenary, so make sure you are ready to meet your counterpart in a negotiations roleplay.

Resources

Handout 4: Skills and Qualities of a Good Negotiator

Handout 5: Strategies and Tactics

Handout 6: Around the Table Tactics: A Guide for Negotiators

Task 4: Negotiations Roleplay (steps 7–9)

Group roleplays:

1. Your group will now stage a short roleplay showing how you would negotiate for the demands. The facilitator(s) will act as the counterpart/s.
2. Use the strategies and tactics you developed in Tasks 1 and 2 above.
3. The other participants will observe while each group negotiates. Observers should jot down what worked well and what worked less well.

In plenary, we will evaluate the effectiveness of the negotiation strategy and tactics each group used, and draw lessons from this evaluation.

(1 hour, 15 minutes)

1. Differences between strategy and tactics:

A strategy is a **plan** to achieve organisational objectives.

A tactic is a **method** employed to achieve a larger strategy.

2. Mapping a strategy: issues to consider

There are some issues you need to consider when mapping a **strategy** for negotiations:

The organisation internally

- Strengths and weaknesses
- The readiness of members
- The overall objectives of the organisation

The other party

- Strengths and weaknesses
- Attitude towards your organisation
- Ability to meet the organisation's demands

External forces

- The state of the economy
- Any other issues the government (or the other party) is faced with that can undermine negotiations
- Support from other organisations
- International support

A Guide for Negotiators

- **Be prepared:** Know who will speak on what issue, including women.
- **Present a good image:** Appear confident and well organised, and be on time.
- **Take control:** Try to make sure that your counterpart does not dictate the agenda.
- **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 your anger:** Be careful not to make empty threats or to lose your temper.
- **Be assertive:** Be firm and strong in what you say. Don't be aggressive or too passive.
- **Stay united:** Don't argue in front of the other side. Ask for a caucus if this starts to happen.
- **Get something in return:** Don't give away too much too soon.
- **Be flexible:** Look for options and alternatives; know when to change tactics.
- **Take careful notes:** Don't rely on someone else taking minutes.
- **Caucus:** Know when to call for a caucus.
- **Mandate:** Know your mandate, know its limits, and when you need to go back to your members for a fresh mandate.
- **Confirm agreements and put them in writing:** Make sure everyone has a common understanding of agreements and next steps.

Activity 8: Preparation for Field Visits

Activity Time: 1 hour

Aims to help us to:

- Prepare for our engagement with counterparts we will meet during our field visits

The facilitator will give you background information on the counterparts you will be meeting on your field visit.

Task 1: Field Visits

In your field visit groups:

1. Read and discuss the following questions to be asked during your field visit:
 - o What is your experience to date in negotiating with leaders and members of informal economy workers' organisations to resolve members' problems?
 - o Do you believe that you enjoy an effective working relationship with the representative organisations of informal economy workers?
 - o What should improve to make this relationship smoother – and whose responsibility is it, yours or the informal economy workers' organisations?
 - o When you reach deadlocks in your negotiations, how do you normally go about resolving them?
 - o What message do you have for informal economy workers' organisations with regard to making their collective negotiations more effective, to consider and discuss when they go back to their negotiation skills workshop?
2. Prepare your collective approach for an effective engagement, drawing on the skills and tactics you have learnt during this workshop so far.

Activity 9: Field Visits – Understanding your Negotiation Counterparts Better

Activity Time: 4 hours

Aims to help us to:

- Gain a first-hand understanding of how our negotiating counterparts understand the problems faced by informal economy workers
- Understand what our counterparts think about the demands of informal economy workers
- Consider the importance of direct representation in collective negotiations for informal economy workers.

Task 1: Meet with Negotiating Counterparts

In your field visit groups:

1. Meet with the negotiating counterparts, in two/three groups. These meetings have been set up in advance.
2. Implement the tactics you have discussed in your preparation, including who will ask each question.
3. Take notes during the meeting.
4. Upon your return spend some time reflecting on what happened in the meeting in preparation for a discussion at the workshop venue.

Activity 10: Lessons and Observations

Activity Time: 2 hours

Aims to help us to:

- Reflect on what we learnt during the field visits
- Share with each other our experiences during the field visits
- Understand better some of our negotiating counterparts
- Learn more about what to expect when we approach counterparts for negotiations

Task 1: Reflect on Field Visits

In your field visit groups:

1. Refer to your notes, and discuss the results of your field visit meetings and interviews.
 - o Were you surprised by what you heard from the negotiation counterparts you met yesterday, or was it what you expected?
Explain.
 - o What lessons did you learn from the field visit meeting(s)?
Please list at least five lessons learnt.
2. Prepare some points on a flipchart and choose someone to report back to plenary. (1 hour)
3. In plenary, give everyone information on the counterparts you met. Then share your responses on the lessons you learnt.

The facilitator will pull together similarities and differences in our experiences and the lessons learnt.

(1 hour)

Activity 11: Overcoming Obstacles to Collective Negotiations

Activity Time: 2 hours

Aims to help us to:

- Begin to develop an ability to anticipate obstacles
- Start developing strategies to overcome obstacles

Task 1: Discuss Obstacles Encountered

In the same field visit groups:

1. Discuss these questions and write your responses on a flipchart:
 - o What obstacles did you encounter in your field visit meeting?
Were these expected or unexpected?
 - o What obstacles do you expect to face with the negotiating counterparts when you face them in serious negotiations?
 - o How should these obstacles be dealt with?
2. Choose a reporter to report back your responses to the plenary. (1 hour)

The facilitator will draw together similar problems and solutions that can be used back in your organisations. (1 hour)

Activity 12: Establishing Local-Level Collective Negotiation Forums

Activity Time: 3 hours, 30 mins

Aims to help us to:

- Think about what is needed for a well-functioning negotiations forum
- Identify what needs to be done to establish an effective negotiations forum, or reform an existing forum in your city, town or area
- Start to plan the necessary steps to do this

Task:

In groups:

1. Read pages 4–7 (39–44 of this Manual) of *Handout 9: StreetNet, Towards a Model Framework for a Local-Level Collective Bargaining System for Street Traders*. (30 minutes)
2. Discuss and identify the five things that you think are the most important for establishing a new negotiations forum or reforming an existing forum. These should be five things that you think will work for your members.
3. Write the five things on flipchart 1.
4. Discuss and identify three obstacles that you may confront if you try to establish a new negotiations forum or reform an existing forum.
5. Write the three obstacles on flipchart 2.
6. Discuss ways of overcoming the three obstacles, and add them to flipchart 2.
7. Choose a reporter to share your observations in plenary. (2 hours)

Based on your observations, the facilitator will lead a discussion about where we should be pushing for new local government level negotiating forums, and which sectors informal economy work we propose should be covered by these forums.

(1 hour)

Resource

*Handout 9: StreetNet, Towards a Model Framework for a Local-Level Collective Bargaining System for Street Traders
(at the end of the activities)*



Activity 13: Writing Skills – Basic Agreements

Activity Time: 1 hour, 30 mins

Aims to help us to:

- Develop/improve our writing skills
- Prepare written agreements

Task 1: Understand Written Agreements

With a partner:

1. Read the two written agreements below (Handouts 7 and 8).
One person should read the first agreement to their partner, and the partner then reads the second one.
2. Make sure you both understand the agreements. Ask your facilitator if you have any questions.

(30 mins)

Individually:

3. Write up a one-page agreement in a language of your choice. You could write up a verbal agreement you already have with someone in your local area/town/city/country. Or an agreement on something you would like to see.

(40 mins)

With the same partner as before:

4. Check each other's agreements. Provide feedback and suggest changes that could make it clearer or improve it.
5. Hand your final agreements to the facilitator, with the name of the drafter and the person who checked it.

(20 mins)

The facilitator will review the agreements and give you feedback.

Resources

Handout 7: Memorandum of Understanding – Substantive Issues

Handout 8: Agreement – Terms of Reference (TOR) for a Negotiations Forum

Memorandum of Understanding Between

DURBAN CITY COUNCIL (Represented by the Informal Business Unit)

And

SELF-EMPLOYED WOMEN'S UNION (SEWU)

This memorandum records the agreement 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 Theatre Complex has been earmarked for the proposed muti market.

By the end of January 1996 it will be finalised 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 as to 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 areas 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 re-started by the parties themselves.

In addition, further child-care facilities are planned for the proposed Business Service Centre and 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

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 *25th day of January 1996*

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For the City Council

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For SEWU

WITNESSES

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WITNESSES

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AGREEMENT

Between Tshwane Municipality and Organisations of Waste Pickers

Terms of Reference for Collective Negotiations Forum

1. Number and composition of waste picker negotiators

Each waste pickers' organisation which is part of the Forum shall be represented by a minimum of one and maximum of four elected members. The number and names of representatives will be determined according to the organisation's internal processes. The selected representatives should be documented so that the Forum knows who are the regular nominated representatives. However, the waste pickers may reserve the right to bring in technical experts from NGOs.

2. Number and composition of municipal negotiators

The standing representatives of the City shall consist of the following:

- Group Head: Department for Environment & Agriculture Management (E&AM)
- Divisional Head: Waste Management
- Technical team: Waste Management

The total team shall not exceed eight (8) members. However, the City may reserve the right to bring in technical experts from other departments within the City such as TMPD, Legal Services, Human Settlements and others, to attend meetings of forums when required for technical or advisory purposes.

3. Necessary mandate from principals

All the representatives attending meetings shall have the necessary mandate from their principals. Both sides shall have the right to bring in technical support.

4. Meetings and invitations

- 4.1 Regular ordinary meetings shall be convened on a once-a-month basis, on every fourth Wednesday of the month at 9 a.m.
- 4.2 A year planner of meeting dates will be drawn ahead of each year.

- 4.3 Invitations to all participants shall be sent out together with the proposed agenda and the minutes of the previous meeting will be sent out two weeks in advance of each meeting.
- 4.4 Additional special meetings in between the normal monthly meetings may be convened by mutual agreement of the two parties if such a need arises.

5. Secretarial and interpretation services

Secretarial services shall be provided by the Group Legal and Secretariat Department of the City.

6. Chairing of meetings

Two chairpersons will be elected, one from and by each of the two parties. For the first six (6) months the two chairpersons will co-chair the meetings, and thereafter the two chairpersons shall rotate the chairing of the meetings.

7. Meeting procedures

As per Annexure 1.

8. Pre-meeting caucuses

The City will provide space for a one-hour caucus meeting of the waste picker representatives immediately prior to each meeting at or in the immediate vicinity of the agreed meeting venue.

9. Dispute-resolution procedure

As per Annexure 2.

SIGNED at *Tshwane* on this *27th day of November 2019*

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For the Tshwane Municipality

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For Organisations of Waste Pickers

WITNESSES

WITNESSES

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NB Annexures not attached

Activity 14: Future Negotiations Strategy

Activity Time: 4 hours

Aims to help us to:

- Plan for upcoming negotiations with municipalities
- Ensure that membership involvement is maintained
- Devise practical strategies for negotiations processes we are about to embark on

Task:

In groups:

1. Revisit the following handouts:
 - o Handout 2: Steps for a Successful Negotiation
 - o Handout 3: Negotiation Procedures
 - o Handout 5: Strategies and Tactics
 - o Handout 9: StreetNet, Towards a Model Framework for a Local-Level Collective Bargaining System for Street Traders

(1 hour)
2. Refer to the log frame of negotiations you are/have been involved with (Activity 3). Focus on those being done at local government level.
3. List (on cards) practical steps you intend to take to set up a new negotiating forum or reform an existing forum. Please be realistic!
4. Put the cards up on a board/wall. Construct your points into a negotiations plan and write it up on ordinary paper.
5. Now read your negotiations plan again and see what you have left out. Fill in what you have left out and write it up a second time on a flipchart.
6. Choose a reporter to present your negotiations plans to the plenary.

(2 hours)

In plenary, share your negotiations plan with other groups for collective, supportive criticism.

(1 hour)

Don't forget to take your cards and draft negotiations plan back with you to put into practice when you return to work.

Resources

Handouts: 2, 3, 5 and 9

Log frame from Activity 3

Activity 15: Workshop Evaluation

Activity Time: 1 hour

Aims to help us to:

- Identify what has been useful during the workshop, and how it might be improved upon in future
- Assess the relevance of the programme and the way it was structured

Task1: Group Evaluation

In groups:

Revisit your expectations and concerns about the workshop.

1. Were your expectations achieved? Explain.
2. Were your concerns adequately dealt with? Explain.
3. Was the programme relevant and manageable?
4. Has follow-up action been clearly identified and motivated? Explain.
5. How might the programme have been more effective?
6. Please comment on the organisation of the workshop, the administrative arrangements and the facilities.
7. Were there any surprising things that you learnt?
8. Are there any other comments you would like to make? (30 mins)

Please choose a reporter for the last time to report back your evaluation to the plenary!

(30 mins)

Handout 9: StreetNet

Towards a

Model Framework for a Local-Level Collective Bargaining System for Street Traders

2013

StreetNet International



Introduction

In towns and cities across the world, street trading is an important source of work and income for many poor people. In towns and cities, street traders have come together in unions, associations, and other organisations to fight for better working conditions. In doing this, street traders are similar to many other types of workers who join unions to fight for better working conditions and wages.

For other workers, the unions often form part of established collective bargaining systems where worker representatives meet on a regular basis with employers to negotiate about their demands. For many street traders there are no employers with whom to negotiate. Instead street traders usually need to negotiate with local government (municipalities), which have the power to make decisions in respect of issues that affect street traders. These issues include who can trade, where they can trade, whether they must pay a fee, and what services they can expect to get from government.

Some street traders and their organisations have managed to negotiate with local government. However, this bargaining usually happens on a one-off basis – and only when there is a crisis. The local government may agree to negotiate after workers protest or make their voices heard in another way. But once the crisis has passed, the meetings end, and in many cases what was agreed is not implemented. This document sets out ideas on the type of collective bargaining system that street traders and their organisations should fight for. The ideas in the document come from research that was commissioned by StreetNet into collective bargaining experiences of street traders and their organisations in Brazil, Democratic Republic of Congo (DRC), India, Kenya, Malawi, Nicaragua, Senegal, and Spain. The reports on the research can be downloaded from www.streetnet.org.za under “Resources”.

The ideas in the document are ideas rather than rules. The ideas are offered as a set of principles aimed at establishing maximum accountability and transparency.

There are several reasons why you may not follow all the ideas.

- Firstly, a particular idea may not fit the particular situation of street traders in your city or country. Any collective bargaining system needs to fit in with the law, policies, politics, and way things work in a particular place.
- Secondly, the ideas show what you may want to work towards. You will not achieve everything you want immediately. The important thing is to get a bargaining system or forum established. You must decide which of the ideas are non-negotiable as a starting point. Once the forum is in place on the basis of the non-negotiable aspects, you can use it to negotiate further improvements in the way the forum operates.

- Thirdly, the ideas are based on a forum that is set up especially for street traders. In some cases there may be reasons why a separate forum for street traders may not be possible or desirable. For example, in some places there may not be enough street traders for the local government to support a separate forum. In some places, street traders may feel that they will be stronger if they negotiate in the same forum as other informal or formal economy workers.
- Fourth, in some cases the street traders will want to negotiate with other parties instead of, or together with, local government. This will depend, among others, on the responsibilities of local government and other levels of government in your country and city.

These and other reasons mean that the ideas in this document must be adapted to suit your situation.

Before you consider the detailed ideas...

Before you consider the detailed ideas for how the collective bargaining and forum should work, you need to get the local government to agree to discuss either:

- (1) Setting up a forum with your organisation; OR
- (2) Improving an existing forum to make it work more effectively.

For StreetNet affiliates, this can also be done as part of the New Manifesto Campaign, in terms of which street traders are developing lists of demands to present to municipalities and other authorities. Setting up a negotiating forum is one such demand that is relevant in many cases. It will be the responsibility of each StreetNet affiliate to determine how best to fight for the negotiations forum they want.

You will need arguments to persuade the municipality that setting up a forum is a good idea. Some ideas for persuading local government are:

- Present evidence that shows that **street traders are an important constituency**, for example because of their big numbers. In some countries, there are enough traders for them to be an important voting bloc in elections. Evidence can include the number of members. If there is a survey of street traders, you can also show your members as a percentage of the traders.
- Present evidence of the democratic way in which your organisation works: you can use this evidence to show that the organisation speaks with the true **“voice” of street traders**.

- Emphasise that street traders are **hard-working people** who are trying their best to provide for themselves and their families.
- Highlight that street traders deliver an important, convenient, and affordable service to other people living in the city.
- Counter the perception that street traders are a nuisance, or even criminals, and point out that street traders' presence on the streets means that there are many extra eyes to discourage other people from committing crime.
- Emphasise that street traders are **citizens and residents who need services** (such as waste removal, water, and child-care facilities), including services that help them to be successful in earning money.
- Point out that providing for street traders in an organised way that meets their needs will assist with achieving better, more participatory, **urban planning**.
- Note that when street traders' businesses improve, this can increase the **local government's revenue**, for example through fees charged.
- Note that working with street traders and their organisations in a regulated way will **reduce corruption**, because everyone will know what the rules are and how they are meant to operate. This will, among others, free up police to spend time on other tasks rather than harassing street traders. It will also reduce the likelihood of violence among street traders.
- Argue that an established bargaining forum that operates according to good rules will result in local government having a **reliable counterpart that provides an effective channel of communication**. An established bargaining forum will increase **participatory democracy**.

Your case with the local government will be stronger if you have strategic allies.

- The **first** set of allies are other organisations that represent or are working with street traders. This can include unions and other membership organisations as well as non-governmental organisations that assist street traders.
- The **second** set of potential allies are municipal workers and their allies. One argument you can use with municipal workers is that if the municipality agrees to provide more services for street traders, this may create more municipal jobs.
- The **third** set of allies are people who can support you on technical issues. This can include academics, lawyers, and people and organisations that know about human rights.

When you have convinced the municipality...

Once the municipality has agreed to establish a new forum or improve an existing forum, you need to negotiate on what the forum will look like. As discussed above, the following are ideas to consider when drawing up a proposal for the municipality. You do not need to follow all the ideas when you first set up the forum.

- The negotiation forum should have clear, written terms of reference. The scope of the forum's discussions should include laws and by-laws; rules for registration; nature and duration of licenses; location of markets and sites; allocation of sites and duration of tenure; fees and rentals; policing; hygiene; other services and infrastructure to be provided by the local authority; the responsibilities and rights of traders and the local authority; policy in respect of fines and penalties; and elimination of all forms of discrimination against particular categories of traders, such as foreigners, young people, or women. Parties to the forum must also be able to put additional items on the agenda as they arise.
- The forum should, wherever possible, have decision-making and not only advisory powers. Its main purpose should not be confined to information sharing.
- The status, powers, and decisions of the forum must be made known to other relevant actors. In particular, the police must be informed about decisions taken, and police must face penalties if they act in a way that goes against the forum's decisions.
- The forum should be as inclusive as possible of all the street traders who are selling goods and services in the municipality's public space. It is never desirable for such forums to represent an "in-group" (for example, only those with permits, or only those who have official registration) at the expense of those who are more marginalised in the sector. Such practices can create elitism and increase divisions between street traders on the ground. The street traders' representatives in the forum can become compromised if municipalities use divide-and-rule tactics.
- The negotiating forum should have a regular schedule of meetings, with dates and times agreed in advance. Any of the negotiating partners should be able to request additional meetings when urgent issues arise.
- Meetings should be held at a time and venue that are convenient and safe for all categories of street traders, including women with domestic responsibilities.
- If the chairperson of the forum is a representative of the local authority, the deputy chairperson should be a trader representative, and vice versa.
- Forum members should receive a request, at least three weeks in advance of each meeting, for items to be put on the agenda.

- Representatives should receive an agenda and related papers at least two weeks before each meeting so that they have time to consult and discuss the issues with members.
- Written minutes should be recorded for each meeting of the forum and approved at the following meeting. The party responsible for producing the minutes should be required to circulate draft minutes for comment and suggested revisions within one week of the meeting.
- Adequate time must be allowed between meetings to allow for report backs and for representatives to seek mandates from those they represent.
- All agreements reached should be written and signed by all parties to the agreement. Copies of the agreements should be provided to all parties.
- The forum should receive regular written and oral reports on implementation of all agreements.
- The forum should submit regular written reports to the elected municipal councillors.
- Street traders' representatives should be provided with facilities for reporting back to their members. Such facilities could, for example, include a meeting venue or use of public space, loudhailers, and use of noticeboards.
- Membership of the forum should include, at the least, the local authority and the traders. Other relevant parties, such as formal businesses, transport operators, private security firms, and trade unions may also attend particular meetings, depending on the scope of issues discussed in the forum.
- The local authority should be represented by officials who are sufficiently senior to commit the local authority to agreements. These officials should be properly mandated to enter into binding agreements on behalf of the municipality. The local authority should also be represented by officials with the necessary technical expertise and knowledge of the situation and system in respect of traders. The latter could include the police and/or other officials responsible for safety and security; labour department officials; urban planners; and officials who deal with traffic and health.
- Traders should be represented on the negotiation forum by independent organisations that they themselves establish.
- Both parties should have the right to bring along technical advisors when specific issues on which the advisors have knowledge are being discussed. These advisors should have speaking powers, but not voting powers.

- The trader organisations should ideally be registered. However, this should only be required if the registration system for organisations is not unnecessarily onerous in terms of cost, information requirements, other requirements, and duration of the process. The system should not exclude credible representative organisations.
- Trader organisations represented on the forum should be membership-based, have constitutions that are enforced, and have specified geographical areas of operation based on their membership.
- Representation of traders in the forum could take various forms, depending on the nature of trader organisation in the area. If the number of organisations is limited and their membership does not differ substantially, each organisation should be entitled to one representative. If there are many organisations, the system of choosing representatives needs to be democratic. This could be assured through all organisations agreeing to form a coalition in which representatives to the forum are chosen. A similar system of choosing representatives will be needed if some of the organisations focus on union-like issues while others focus primarily on other issues, such as savings schemes, and do not have the necessary skills for negotiation. In designing the system of representation, thought must be given as to whether all groups – especially marginalised ones – will have a voice. Such groups could include women; youth; undocumented traders; foreigners; particular religions; particular ethnicities; particular castes; and people with disabilities.
- Each year, organisations represented on the forum must provide proof of their credentials according to criteria agreed on by the forum.
- Each year the parties to the forum should reconfirm who will represent them in the forum.
- Representatives should not be paid for attending forum meetings, but may recover costs such as transport. Serving as a representative should not bring any personal financial benefit.

Monitoring and enforcing implementation of agreements after establishing the forum. . .

Once you have reached agreement on the form of the forum and how it should work, you need to monitor its functioning to ensure that it works well, according to what was agreed upon.

There are two levels to the monitoring

- **Firstly**, you must monitor whether the agreed operating rules of the forum are being followed. For example, you need to ensure that the forum meets regularly; that representatives of local government and traders all attend regularly; that agendas are prepared and distributed on time; and that minutes are properly kept.
- **Secondly**, you must monitor whether agreements are being reached in the forum (on issues such as licenses; sites; fees; services; and so on) and whether the agreements are being implemented.

For the second level of monitoring, all traders covered by the agreement should be encouraged to be party to the monitoring. To allow this to happen, all stakeholders – including traders – must have copies of the signed agreement. If necessary, the agreement should be translated into the languages spoken by the street traders. If the agreement is very long and in difficult legal language, a shorter, simpler version should be developed that contains all the most important clauses. The municipality should pay for the translation and for making enough copies of the agreement so that all traders can have one.

If all traders have copies of the agreement, they can then monitor whether the agreement is being respected through proper implementation. Anyone who suspects that the agreement is not being properly implemented can report this to the street trader leaders or the street traders' forum representatives. If the problem is not resolved within one or two days, a special meeting of the forum should be called to correct the problem before it worsens. Each regular meeting of the forum should feature an agenda item enabling representatives to report on cases of non-implementation that have been reported since the last meeting.

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Finally...

This document presents ideas on how you can establish or improve a collective bargaining forum for street traders. It's up to you to decide how you use and change these ideas. But in all cases there are likely to be five important steps in achieving a well-functioning collective bargaining forum, namely:

1. Build strong and democratic organisation among street traders.
2. Convince the municipality to establish a forum.
3. Negotiate the rules of how the forum will function.
4. Engage in collective bargaining.
5. Monitor and enforce implementation.

These steps will not follow neatly one after the other. In particular, you are likely to move backwards and forwards between 3, 4 and 5 as you try to improve how the forum functions and as you bargain for new agreements on key issues facing street traders.

Collective bargaining for street traders is relatively new, and it is important that street trader organisations around the world learn from each other. Please keep StreetNet informed about what you and your organisation are doing. Tell us about both the achievements and the challenges by emailing **coordinator.streetnet.org.za**

