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Social Dialogue for Social Protection: A Perspective from the Informal Economy in Southeast Asia

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Abstract

This paper examines the relationship between social dialogue and the extension of social protection to workers in the informal economy in Southeast Asia. Drawing on survey data from six ASEAN member states and case studies from Cambodia, Indonesia and the Philippines, the study explores the extent to which existing social dialogue institutions include or exclude workers in informal employment, especially in the occupational sectors dominated by women. The findings highlight the structural barriers that limit workers' participation in formal tripartite dialogue processes, including restrictive labour law definitions, institutional design and power imbalances within dialogue mechanisms. At the same time, the paper documents the strategies workers use to build alternative forms of power and influence policy outcomes. These include grassroots organizing, alliances with civil society actors, pilot programmes and multi-level advocacy strategies linking local, national and regional engagement. The paper argues that social dialogue for workers in informal employment should be understood as a hybrid process operating both within and beyond formal state institutions. Strengthening inclusive social protection systems therefore requires recognizing and supporting these hybrid dialogue processes that combine institutional engagement with grassroots organizing.

1. Introduction

Informal employment dominates labour markets in Southeast Asia, providing livelihoods for the majority but leaving workers largely excluded from social protection systems. Despite growing recognition of the need to extend coverage, workers in informal employment, particularly the self-employed, continue to face legal, institutional and practical barriers to accessing rights and services. These barriers are deeply gendered, as women informal workers – especially in domestic and home-based work – face compounded constraints linked to unpaid care responsibilities and restrictive gender norms, and remain underrepresented in formal social dialogue processes. At the same time, social dialogue – defined by the International Labour Organization (ILO) as negotiations, consultations or information exchanges between employers, workers and governments – has been promoted as a tool for developing inclusive and resilient social protection systems. However, its relevance and accessibility to workers in informal employment remain limited and under-examined, particularly in the Southeast Asian context.

This paper explores the role of social dialogue in extending social protection to workers in informal employment in Southeast Asia. Existing scholarship on social dialogue largely assumes formal employment relationships and institutionalized worker representation. As a result, workers in the informal economy appear either excluded from social dialogue or only marginally included through reforms to existing tripartite institutions. The authors argue that such a framing overlooks the ways in which workers in informal employment engage with social dialogue through hybrid governance processes.

Drawing on evidence from Southeast Asia, they show that these workers influence social protection policy through strategies that combine formal institutional engagement with informal negotiation, grassroots organizing and multi-level advocacy. Understanding these processes requires reconceptualizing social dialogue as a hybrid and networked form of governance rather than a purely institutional mechanism.

As Anner (2015) argues, institutional labour governance mechanisms are only effective when workers possess sufficient countervailing power. The findings of this study suggest that for workers in the informal economy, such power is often built through strategies that operate outside formal social dialogue institutions. By examining how workers engage with, adapt or bypass formal mechanisms, the paper offers insights into the potential to build more inclusive and context-sensitive approaches to dialogue. In doing so, it contributes to ongoing regional and global debates on labour rights and social protection, by reconceptualizing social dialogue for workers in informal employment as a hybrid governance process combining institutional engagement and grassroots worker power strategies, with important implications for advancing gender-responsive and inclusive social protection systems.

2. Literature Review

In Southeast Asia, where informal employment accounts for almost 80% of the workforce (ILO 2019:11), the extension of social protection to workers in informal employment has gained increasing policy attention. Within this context, social dialogue is widely recognized as a mechanism that can “contribute to developing

effective, high-quality and resource-efficient social protection systems” (ILO 2024:xxi). Social dialogue refers to “all types of negotiations, consultations, or exchange of information between or among representatives of employers and workers on issues of common interest relating to economic and social policy” (ILO n.d.). Traditionally situated within formal employment contexts, social dialogue may take place at the enterprise, sectoral or national level and may be either bipartite or tripartite. This literature review explores the existing gaps in the analysis of social dialogue and social protection through the lens of worker power, with particular attention to workers in informal employment in Southeast Asia.

First, while structural critiques of formal social dialogue, particularly tripartism, and its exclusionary tendencies are well established in global literature, such analyses are limited in the Southeast Asian context. Kuruvilla (2006:180) critiques prevailing definitions of social dialogue for assuming formal employment relationships and institutional representation, thereby excluding self-employed and other workers in informal employment. Kuruvilla (2006:178-179) also notes that many non-European countries have not developed tripartite structures, given that bargaining is decentralized in many nations. Where it exists, Alferts and Moussié (2022:107) and ILO (2020:7) find that existing dialogue structures are often *de facto* or *de jure* exclusionary.

The structural prerequisites to a meaningful dialogue, such as strong and independent worker organizations, freedom of association, political will and commitment, appropriate institutional support and respect for equal recognition, are often limited in countries with high informality and inequality (Vlaminck 2019:7; Papadakis 2021:48;). Bernardis (2017:399) describes this disconnect as a “tripartite fantasy”, where institutional models are misaligned with the fragmented labour market realities in developing countries. Despite these insights, region-specific analyses assessing the structural challenges of including workers in informal employment in tripartite frameworks remain scarce.

While trust in social dialogue institutions is known to be declining (Papadakis 2021:61), little research explores how workers in informal employment experience this in Southeast Asia. Most studies focus on formally employed workers, overlooking the fact that many of their counterparts in informal employment distrust institutional systems (Papadakis 2021:60; Vlaminck 2019:7), often feeling ignored or disrespected by

governments. They are also skeptical about the impact of dialogue, especially since taking time away from work means lost income, making it harder to justify participation without clear results (Vlaminck 2019:7).

Second, literature on trade union outreach to workers in informal employment suggests that such initiatives can influence social protection policy and enhance worker power. However, successful examples are more commonly documented outside Southeast Asia and with a focus on social security. In African countries, such as the Democratic Republic of the Congo, Niger and Morocco, national trade unions have succeeded in integrating these workers and influencing legal reforms that extend social security schemes. Furthermore, Uganda’s National Organization of Trade Unions significantly increased its influence in dialogue processes by expanding membership to include informally employed workers (Maffei 2018:13).

In Southeast Asia, however, documented cases remain limited and focus on waged workers such as the domestic workers in the Philippines (King-Dejardin 2019) and workers in the formal construction and electricity sectors in Indonesia (Polimpung 2018). This leaves large segments of the informal workforce, particularly self-employed workers, and other national contexts unexamined.

Third, research on the effectiveness of formal social dialogue in shaping social protection policies is primarily focused on social security schemes, with limited attention paid to social assistance. As Ghellab and colleagues (2011:41) note, this is because, among all the topics addressed in the world of work, none “better reflects the principle of tripartism than that of social security”. Formal dialogue processes influencing non-contributory social assistance programmes, which are also relevant to workers in informal employment, are less frequently examined. A few exist, such as during the COVID-19 pandemic, when the ILO (2021) analyzed 381 social dialogue outcomes from 102 countries. Notably, while 50 social protection-related outcomes (32 emergency and 18 adjustment measures), mostly social assistance, were reached through social dialogue, very few addressed the needs of workers in informal employment, including the self-employed and migrant workers.

Fourth, the literature is divided on whether the path forward lies in making formal social dialogue mechanisms more inclusive or in creating alternative, informal mechanisms

that better represent workers' voices. The ILO has advanced inclusiveness through both policy initiatives and normative action (Papadakis 2021:48). On the policy front, it includes capacity building and support for organizing hard-to-reach workers, while urging governments to improve labour administration and digital governance. Normatively, it advances coverage of "voiceless" workers through standards like Recommendation No. 204 (2015), which calls on member states to create an "enabling environment" for workers to realize their right to organize and bargain collectively and encourages employers and trade unions to include representatives from informal-economy organizations in their delegations to social dialogue. However, empirical data suggest that actual inclusion remains limited. For example, a National Social Dialogue Institutions (NSDI) Survey¹ found that in 38 countries (including the Philippines and Singapore), the majority of employer and worker organizations reported little to no representation of informal-economy workers in national dialogue processes. Specifically, 40% of employer organizations and 36% of worker organizations reported zero representation (ILO 2024:35).

Several studies document a variety of strategies used by trade unions to include workers in informal employment in their membership and dialogue processes (ILO ACTRAV 2019; Maffei 2018; ITUC 2016; LO/FTF 2015). However, significant challenges remain, as highlighted in a number of papers. Legal barriers prevent certain occupational groups and the self-employed from registering as trade unions (Alfers & Moussié 2022), hindering the creation of an enabling environment. Moreover, many organize through cooperatives, social movements or network-style formations that do not easily conform to the structures of conventional trade unions or employer organizations (Spooner & Bonner 2011:92).

Some scholars view the notion of "inclusive social dialogue" as utopian. Vlaminck (2019:31) and Alfers & Moussié (2022:113) argue that social dialogue is not merely a technical or institutional fix, but a deeply cultural, political and human process shaped by multiple power struggles. For instance, access to tripartite structures reflects power dynamics and hinges in part on whether trade unions are willing to share space with workers in informal

employment (Alfers & Moussié 2022:113). This tension between formal unions and worker organizations is often due to fears of diluting existing gains for formally employed workers or perceptions of divergent interests – despite both groups facing common challenges rooted in economic systems that prioritize capital over labour (Vlaminck 2019:32). Furthermore, given the diversity of workers in informal employment and the actors involved in negotiation, from local authorities to national governments, both Vladimink (2019) and ILO (2020) conclude that there is no universal model for inclusive dialogue and a pressing need for more "out-of-the-box" thinking for diverse social dialogue modalities, beyond traditional bipartite or tripartite formats. Bernards (2017) argues for bottom-up approaches, where inclusive dialogue is built through local organizing and negotiations rather than retrofitting formal structures.

While these studies point to alternative forms of engagement, such as "civil dialogue", "bipartism-plus" or tripartism-plus" involving non-state actors and public authorities, these processes are often flexible and unstructured. Civil dialogue lacks formal bargaining mechanisms and cannot produce legally binding agreements (Papadakis 2021:58), raising questions about its ability to deliver meaningful outcomes where traditional social dialogue falls short.

This tension remains unresolved in the academic and policy discourse, with limited empirical evidence from the Southeast Asian context and social protection policies to guide direction.

Finally, a smaller body of literature explores how workers in informal employment negotiate and bargain through bottom-up strategies. Studies by Carré et al. (2018), Vlaminck (2019), AMRC (2021), Alfers and Moussié (2022) and Schmidt, et al. (2023) document how these workers engage in multi-level negotiations across local, national and international platforms. As Webster (2019) argues, they draw on multiple sources of power – associational, institutional, societal and structural – which, when mobilized strategically, can influence policy outcomes. However, no such power analysis in relation to achieving social protection policy change has been conducted in Southeast Asia.

¹ The survey was prepared during the first half of 2023 and was mainly based on the ILO self-assessment method for social dialogue institutions (SAM-SDI). A total of 71 employers' and workers' organizations responded to the survey, who were familiar with the operations of 42 different NSDIs.

While the literature provides valuable insights into social dialogue and social protection, significant gaps remain – especially in relation to workers in informal employment and worker power in Southeast Asia. The dominant focus on formal mechanisms and social security, coupled with limited regional documentation, leaves crucial questions unanswered about how informally employed workers can meaningfully participate in shaping social protection systems. Further research is needed to explore inclusive and alternative dialogue mechanisms, assess the structural limitations of existing frameworks, and foreground workers’ power and strategies in both policy and practice.

3. Methods and Conceptual Framework

This paper adopts a multi-method approach combining legal and policy analysis and empirical data from regional surveys and in-country case studies to examine the role of social dialogue in the extension of social protection in the region. A key data source is the WIEGO Inclusive Social Dialogue for Social Protection of Informal Economy Workers survey, run in collaboration with the ASEAN Senior Labour Officials Meeting (SLOM) during 2024, covering six ASEAN member states. This is complemented by national legal reviews, key informant interviews and fieldwork-based case studies in Cambodia, Indonesia and the Philippines – all conducted in 2024 – that document workers’ experiences and strategies in engaging with or circumventing formal dialogue mechanisms.

Theoretically, the paper integrates the ILO (2019) framework on effective and inclusive social dialogue with an analysis of worker power, drawn from the Power Resources Framework elaborated by Webster (2019). It expands traditional definitions of social dialogue by foregrounding workers’ associational, institutional, structural, and societal forms of power. This power-focused lens highlights the structural exclusion inherent in many formal dialogue mechanisms and reveals the alternative strategies that workers in informal employment use to assert influence.

4. Formal Social Dialogue and its Limits

Drawing on data from six ASEAN member states, including survey responses from SLOM of Brunei Darussalam, Indonesia, Myanmar, Philippines and Thailand, case studies from Cambodia, Indonesia and Philippines, and an analysis of national labour laws, this section examines the extent to which national legal frameworks uphold freedom of association and collective bargaining, and assesses the inclusivity of national social dialogue institutions, particularly with respect to workers in the informal economy.

Across the region, core ILO Conventions on freedom of association (C87), collective bargaining (C98) and tripartite consultation (C144) have been ratified unevenly. Only Indonesia and the Philippines have ratified all three conventions, while Cambodia has ratified C87 and C98, Malaysia and Vietnam have ratified C98 and C144, Singapore has ratified C87 and C144, Myanmar has ratified C98, Lao PDR and Thailand have ratified C144, and Brunei has not ratified any of the three conventions. Only the Philippines has ratified the convention protecting domestic workers (C189) and none has ratified the convention on home work (C177), which has specific provisions on home-based workers’ rights to organize and collectively bargain. At the regional level, ASEAN’s commitments to tripartite dialogue and rights of workers and employers to organize and collectively bargain are illustrated in the ASEAN Guidelines on Good Industrial Relations Practices (ASEAN 2012).

While specific legislation explicitly promoting social dialogue is absent in the countries under review, their legal systems contain several provisions that support it. Labour law in the ASEAN member states generally follows a hierarchical structure, with constitutional guarantees forming the foundation for industrial relations, followed by enabling legislation and administrative directives. The right to freedom of association is constitutionally guaranteed in all countries except Brunei Darussalam and, in most cases, extends to all citizens regardless of employment status. The Philippines stands out as the only country that guarantees both freedom of association and the right to collective bargaining in its constitution. All six member states have enacted legislation recognizing the right of workers to form unions with complementary provisions that prohibit anti-union discrimination; for instance, the Philippines’ Labor Code and Thailand’s Labour Relations Act provide legal protection against retaliation for union activity.

However, some laws do not protect certain workers, such as those on fixed-duration contracts. In Cambodia, the widespread use of short-term employment contracts creates fear among workers that joining a union may result in their contracts not being renewed.²

Despite national legislation in the member states that upholds the right to freedom of association and collective bargaining, the ability of workers in informal employment to exercise these rights is largely determined by how the term “worker” is legally defined. While constitutions generally provide broad guarantees, labour and trade union laws tend to apply only to those in formal employment relationships. In Cambodia, the Trade Union Law limits its applicability to individuals covered by the labour law, which defines workers as those under a formal employment contract. This deviates from the Constitution’s broader coverage and effectively limits the Trade Union Law’s coverage to workers in formal employment. Similarly, in Brunei Darussalam, the labour law defines workers as having an employment contract, and the absence of a definition for workers in informal employment complicates their inclusion in social dialogue processes (Brunei Darussalam SLOM Survey 2024).

National laws in the ASEAN member states lack provisions enabling workers in informal employment – especially the self-employed – to exercise freedom of association. The Philippines stands out for explicitly allowing self-employed and other workers in informal employment to form associations under Department of Labor and Employment (DOLE) Department Order No. 40 (s. 2003), though they remain excluded from formal bargaining rights. Additional legal measures include DOLE Department Order No. 5 (1992), which affirms the right of industrial homeworkers to self-organize, register their organizations and participate in bipartite or tripartite conferences to determine standard rates. Furthermore, Republic Act No. 10361, or the Domestic Workers Act of 2013, strengthened domestic workers’ rights to organize and engage in collective bargaining.

Other legislative barriers further constrain workers’ rights to freedom of association and collective bargaining. Minimum membership thresholds for union registration – ranging from 7% of employees in Brunei to 10% in Myanmar – pose significant hurdles for workers in micro-enterprises or fragmented sectors. While

these numbers appear low, domestic workers and small enterprises with few employees often fail to meet these minimum requirements, resulting in a *de facto* denial of their right to unionize. Additionally, laws in Cambodia and Thailand require unions to form pyramidal structures based on single employers or business types, making it difficult for workers without fixed workplaces or those working in private settings (such as domestic workers, care workers and industrial outworkers/homeworkers), as well as those with multiple workplaces (such as street vendors, waste pickers and informal transport operators) to organize effectively. More inclusive models, such as sectoral or geographic union structures, are rarely supported in current legislation. As the Philippines submission noted, the very nature of informal work, characterized by non-traditional employment arrangements and mobility, can be a constraint. It can be challenging to reach and organize informal workers given their diverse and often transient work situations (Philippines SLOM Survey 2024).

Legal provisions regarding union leadership and operations further inhibit informal workers’ rights to freedom of association. Requirements such as literacy for union leaders (as in Cambodia), permanent office addresses (required in the Philippines, Brunei and Thailand) and employer-issued ID cards (Cambodia) are particularly burdensome or inapplicable for workers in informal employment. Constraints on union leadership also inhibit participation. Laws disqualifying individuals with criminal records from holding union office (Philippines and Cambodia) disproportionately impact workers such as street vendors, who are often criminalized for their livelihoods. Requirements to specify or collect membership dues in union bylaws (Cambodia and Thailand) also fail to consider the irregular income patterns of workers in informal employment.

Specific groups of workers also face legal and practical barriers to joining trade unions and bargaining collectively. Migrant workers, often excluded from the formal workforce due to immigration barriers, make up a large share of the informal economy in ASEAN countries. However, many face legal restrictions in joining or forming unions. In Thailand, for example, only Thai nationals may join unions. Cambodia and Myanmar permit foreign workers to become union representatives under specific conditions:

² Cambodian and international civil society organizations’ letter to former Prime Minister Hun Sen regarding Cambodia’s Law on Trade Unions and Cases Against Union Leaders (2019): <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA2316042019ENGLISH.pdf>

in Cambodia, they must read and write Khmer, have two years of work experience and legal residency (Article 20 of the TUL); in Myanmar, five years of legal residence are required (Sec. 5 LOR). Women in informal employment in ASEAN countries are heavily represented in vulnerable categories of work such as domestic and home-based work or contributing family workers (ILO 2019:15). The exclusion of workers in informal employment from the right to organize disproportionately affects women, limiting their ability to exercise freedom of association and advocate for better social and economic rights. In the Philippines, while legal frameworks recognize freedom of association for groups like homeworkers and domestic workers, information about these rights remains poorly disseminated (Philippine SLOM Survey 2024).

Several member states allow workers in informal employment to form associations under civil society laws, primarily because existing labour laws are designed for formally employed workers, creating structural barriers for unionizing under traditional frameworks. In Cambodia, for example, the Law on Associations and Non-Governmental Organizations permits the registration of associations of workers in informal employment. However, these associations do not have trade union status and are not afforded the same protections, such as the right to strike or bargain collectively. Moreover, the Law on Associations and Non-Governmental Organizations imposes state oversight mechanisms that are incompatible with ILO Convention No. 87, including requirements for ministerial approval and restrictions on internal governance autonomy.³

National tripartite social dialogue mechanisms are institutionalized in all six countries, though their functionality varies. While legal provisions exist for tripartism within labour policy-making and dispute settlement processes, the impact of these mechanisms is often limited by weak implementation. The Philippines has gone further than its neighbours by legislating national tripartite social dialogue through Republic Act 10395, which mandates worker and employer representation in state decision-making bodies. Myanmar, by contrast, relies on a Terms of Reference agreement for its mechanism and has had no national tripartite social dialogue since 2021 (IRLex n.d), underscoring the fragility of institution-based dialogue without statutory support.

These institutional gaps are especially concerning when viewed through the lens of inclusiveness, particularly for workers who remain largely excluded from formal tripartite mechanisms. The ILO (2021) identifies five key input legitimacy dimensions – membership, decision-making, gender and diversity, agenda-setting, and representativeness – as benchmarks for inclusive social dialogue. The research found that while some institutions in ASEAN exhibit elements of inclusivity, significant gaps remain.

Among the six countries studied, only the Philippines provided comprehensive responses across all five dimensions identified. While social dialogue institutions in ASEAN countries generally have founding documents that define their composition, identifying constituent groups and the number of representatives, they often lack clarity on how workers in informal employment are included in membership or how the representation of social actors is determined. Moreover, limited available data makes it difficult to assess how social dialogue institutions in the region address gender, diversity and inclusion, agenda-setting, and overall representativeness.

The case study research, designed to complement the SLOM survey, further shows the real-life difficulties of building inclusive social dialogue institutions. In the Philippines, the Republic Act 10395 mandates the establishment of multiple Tripartite Industrial Peace Councils (TIPCs) from city to national level. Industrial Tripartite Councils (ITCs) also exist for various industries (clothing, textile, construction) and within several national government agencies dealing with the labour sector, such as the Social Security System, PhilHealth and others.

Membership of the TIPC at any level and in the tripartite spaces within government institutions is based on organizations being the “most representative” of their sectors. The TIPC is essentially structured for workers in formal employment who are represented by trade unions. Workers in the informal economy have limited representation in these spaces, with the trade unions being the main worker representatives in tripartite bodies, especially at the national level. While associations of workers in informal employment may make inputs, they do not take part in the formal decision-making process, which is reserved for the appointed representatives.

³ ILO, Committee of Experts, Observation on Convention 87, Cambodia (2022), available at: https://normlex.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122256,103055

While this lack of direct participation in decision-making is obviously a problem for workers in the informal economy, interviews with key informants from within the trade union movement highlighted wider problems with the functioning of the social dialogue mechanisms for all workers. There is a lack of transparency in the appointment of members to the tripartite bodies. For example, a union leader reported that the tripartite Social Security System Commission has only one member who is clearly a trade unionist recognized by other trade unionists. The other “labour representatives” are unknown, do not appear to be accountable to their constituencies, and have been unresponsive to calls for dialogue. During the Duterte administration, there were no new labour appointees to any of the social protection bodies. Moreover, a lack of financial resources and capacity from trade union representatives means that employer representatives ultimately have a greater influence on decisions (Atty. Sonny Matula, FFW President March 2024).

Reforms are on the horizon for the ITCs, which are undergoing a process of assessment and reorganization so that representation of the constituencies involved is assured. Some ITCs, such as those for fisheries, are by force of circumstance pushed towards including informal worker leaders because trade unions are not visible in this sector. In other industries where workers in informal employment are dominant, the ITCs created or reconstituted may be able to include them.

Whether or not this will result in changes in working conditions for the workers is questionable. During the focus group discussion with construction workers, it was noted that within the construction ITC, there is no representation from the largest employers in the sector. Contractors’ associations – which fall further down the value chain – are represented but cannot be held to account for workers’ demands. In this context, women workers have found it impossible to have their complaints regarding sexual harassment and lack of adequate restrooms effectively addressed (FGD, Construction Workers, December 2023). Although there seems to be no legal barrier for workers’ organizations of any type in the construction industry to enter tripartite spaces, especially at the regional and lower levels, there is a policy gap in that the participation

of informal economy workers is not mandated even though they comprise most workers in the industry. There is a perceived need to strengthen workers’ participation in tripartite mechanisms beyond tokenism and to correct the perception that government representatives always side with the contractors.

It is therefore understandable that workers in informal employment have mixed opinions regarding the usefulness and accessibility of institutionalized social dialogue mechanisms. On the one hand, they appreciate the role these mechanisms have played in the passage of important legislation, but on the other hand, they are critical of the fact that although some of their inputs find their way into official tripartite documents, they are not official participants representing their associations in the labour group negotiating with employers and government.

In sum, while the legal frameworks of ASEAN member states demonstrate varying degrees of support for social dialogue, the effective inclusion of workers in informal employment remains limited – even in the most progressive countries in the region. This is largely due to restricted rights to freedom of association, reflected in narrow legal definitions, complex procedural requirements, and structural biases favoring formal employment. As a result, informal economy workers often lack the institutional power to influence policy decisions.

As noted in the literature review, trade unions can play a pivotal role in inclusive social dialogue and extending social protection to workers in informal employment through services such as paralegal support, legal remedies and advocacy. Promising examples include the Federation of Free Workers in the Philippines, which has built alliances with associations of workers in informal employment and adapted through community-based and sectoral organizing models, providing training and livelihood support. The Federation of Free Workers also works to ensure that worker voices are reflected in policy debates, making social protection more inclusive. Importantly, they advocate for broader reforms that benefit all workers, such as improved pension schemes and comprehensive social security systems.

However, the effectiveness of formal trade unions in representing workers in informal employment remains constrained in the region. While initiatives have been made, most trade unions⁴ that participated in the study lack the

⁴ Trade unions that responded to the survey: Cambodia Labour Confederation (CLC) and Union Network International-Malaysia Labour Centre (UNI-MLC). Interviews were held with the Federation of Free Workers (Philippines) and Konfederasi Serikat Buruh Seluruh Indonesia (Confederation of All Indonesian Labor Unions or KSBSI).

mandate, resources or capacity to organize beyond the formal sector. The legal frameworks in their respective countries often fail to support inclusive union structures, and dispersed work environments make collective organizing difficult.

5. Hybrid Strategies of Worker Power: Where, How, and to What Effect?

The section above reveals the very real limits that workers in the informal economy face in exercising institutional power. In this section, we use two vignettes from in-country case study research to show where and how workers in the informal economy draw on alternative forms of power to make progress in accessing social protection. The aim is to reveal how and to what extent these align with formal institutional power and to draw out the implications for rethinking social dialogue.

Vignette #1 – Using regional-national influence loops to build power

Closed political space in many Southeast Asian nations means that organizations of workers in informal employment and their allies have to be creative in their strategies to dialogue with governments. One tactic has been to engage with the regional body ASEAN, as a way in which to exert pressure on national governments.

ASEAN is an inter-governmental body – there is no formal appointment of labour or civil society representatives within the organization. Sectoral issues such as housing and workers' rights are generally addressed through committee meetings composed of representatives of the member states working on these issues. For example, in relation to labour policy issues, an ASEAN Labour Meeting (ALM) gathers the labour ministers of the 10 member countries. The ALM group meets once a year, but its work programme is fleshed out by the Senior Labour Officials who meet as frequently as needed in the SLOM.

Significant gains have been made through dialogue between ASEAN and labour and civil society organizations – including workers in the informal economy – working in coalition to push for what they called a “Social ASEAN”. During the 2000s and into the 2010s, the result was a series of conferences attended by coalition leaders, known as the ASEAN People’s Assemblies and later the ASEAN Civil Society Conferences (ACSCs). These engagements fed directly into the adoption by ASEAN of a number of Declarations important to

workers, both formal and informal. These include the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (adopted in 2007), the ASEAN Declaration on Strengthening Social Protection (2013), and the Vientiane Declaration on Transition from Informal Employment to Formal Employment towards Decent Work in ASEAN (2016).

The Declarations have been important because they codify the views of the civic and labour groups engaged in the dialogues. For example, the Declaration on the Strengthening of Social Protection (section 1) views social protection in a comprehensive and inclusive manner, that is, as “a basic human right and based on a rights-based/needs-based, life-cycle approach and covering essential services as needed”. They provide a point of leverage for groups working nationally to engage with their governments, and can also be used to establish regional pressure on governments that are not living up to commitments.

At the same time, however, there is growing frustration across civil society that the Declarations remain just that – declarations that are not acted upon in a substantive manner by the member states. Consultations on the progress of implementation or observance of each Declaration have been minimal. In part, this is due to the reality of governance in ASEAN. As pointed out earlier, ASEAN is essentially an inter-governmental institution that prioritizes the needs of member states as articulated by their government representatives. Despite their progressive elements, there are no concrete guidelines on how civil society organizations and trade unions may participate in giving life to the Declarations. Moreover, decisions are only implemented if there is full consensus among the member states. As a result, ASEAN programmes and measures tend to be implemented through the so-called “slow-by-slow” ASEAN processes, which, as the name suggests, are deliberative and slow.

This frustration has been exacerbated by the decline in engagement between ASEAN and civil society in recent years, with leaders of the ACSC no longer given the opportunity to present their conclusions at ASEAN Summits. This shift is linked to the region’s recovery from the 1997/1998 financial crisis, which first occasioned the need for multi-sector dialogue, ASEAN’s growing focus on regional economic integration, and the retirement of leaders such as former Secretary-General Surin Pitsuwan, who actively supported dialogue. And while a limited form

of tripartism⁵ is beginning to emerge between ASEAN, the ASEAN Trade Union Council and the ASEAN Service Trade Union Council, these engagements have provided limited channels for workers in informal employment to engage.

Consequently, civil society groups and workers in the informal economy are having to re-strategize their engagements with ASEAN. Oxfam in Cambodia, which works closely with grassroots worker organizations across the region, has chosen a path that holds some promise in influencing outcomes and provides lessons for regional organizations of workers in informal employment. Reversing the strategy of building power at the regional level to influence the national level, they have instead focused on influencing the national level in key countries (Cambodia, Laos and Vietnam) to gain traction at the regional level. This led to invitations to Oxfam in Cambodia to assist in the shaping of ASEAN's 2021-2025 vision for women and to invitations to input into different meetings under the social welfare and development cluster (interview with Shubert Ciencia, Oxfam Influencing Coordinator, 12 January 2024).

The problem, of course, is that the emphasis on national-level engagement takes worker organizations back to the original question of how to influence national governments under conditions of often limited civic space.

Vignette #2: Bibingka strategy – fire on top meets fire from below

In the Philippines, the “bibingka strategy” refers to a local rice cake cooked with heat from both above and below. It is a symbol for how national institutions (“fire from above”) and grassroots organizations (“fire from below”) can jointly expand access to social security, particularly for workers in informal employment. It also refers to how more informal negotiation, discussions and actions from below can be initiated by workers in informal employment and aligned with more formal engagement at the top with the help of allies.

An example of this strategy involves the Social Security System and the Alliance of Small Transport Associations of the Philippines, which is now part of the K-4 Network of workers in informal employment. For years, workers including tricycle drivers, farmers, fisherfolk and

home-based workers have struggled to access Social Security System benefits, citing inaccessible processes and unsupportive bank environments.

In 2012, the alliance facilitated a dialogue between the Federation of Tricycle Operators and Drivers Associations, local tricycle regulatory offices and Social Security System account officers. The dialogue resulted to the implementation of the Social Security System's AlkanSSSy programme in the federation's terminals in Las Pinas (in 2012) and in San Antonio, Paranaque City (in 2015), allowing tricycle drivers to deposit PHP11 daily to meet the minimum monthly contribution of PHP330 (about USD5.8).⁶ Named after *alkansya* – a Filipino word for piggy bank – the initiative made saving for the premium contribution manageable and community-based. The facility functions like a large filing cabinet of lockboxes, where federation members deposit daily contributions. Each month, federation officers monitored by Social Security System staff open the boxes, tally the savings and remit them via a nearby bank. The system also trained federation officers on proper accounting, form completion and remittance procedures (interview with Encierto, ASAP, 2023).

Factors that contributed to the success of this initiative include continued commitment by the tricycle drivers to the initiative, empowered federation officers who have learned to handle the administrative tasks effectively, local government support through the tricycle regulatory offices, and monitoring support from the local Social Security System office.

In Cambodia, a similar convergence of top-down engagements and grassroots action involving social dialogue has emerged. On 28 August 2023, the Royal Government issued Sub-Decree No. 280, launching a Voluntary Contribution Health Care Social Security Scheme for self-employed workers and their dependants under the National Social Security Fund. For KHR15,600 (about USD3.90) a month, participants receive access to healthcare, maternity support, funeral assistance and a daily allowance during medical leave. Over 200,000 people – 60% of them women – have joined the scheme.

A key driver behind this development is a coalition of NGOs and grassroots worker organizations that drove a pilot project

⁵ Limited in the sense that there are no established rules for these tripartite engagements, no clear listing of names of tripartite representatives, no regular tripartite meetings and no institutionalized tripartite bodies.

⁶ Rate conversion from [xe.com](https://www.xe.com) on 14 June 2025.

partnership with the National Social Security Fund to build evidence on how to extend social security to workers in informal employment.

GRET, a French development NGO active in Cambodia since 1988 has shifted its focus from micro-insurance to state-level engagement. Recognizing the difficulty of registering informally employed workers individually, it partnered with the Independent Democracy of Informal Economy Association (IDEA) and the Association of Domestic Workers in Cambodia. GRET recognized that to extend social security to specific groups, it is essential to understand their realities and supported the National Social Security Fund to launch the SPIN (Innovation for Social Protection in the Informal Sector) project in 2018, focusing on domestic workers and tuk-tuk drivers (interview with GRET programme manager Thibaut Hanquet, June 2024).

Surveys and studies informed the pilot project. In 2019, IDEA and GRET conducted a study on 200 tuk-tuk drivers, building on a 2018 study by Oxfam in Cambodia and IDEA and to assess incomes and spending patterns of both domestic workers and tuk-tuk drivers. The research revealed a preference for a USD2 monthly contribution. Oxfam in Cambodia's long-standing partnership with IDEA helped strengthen worker organizations' advocacy and negotiation skills. Drawing on both the knowledge generated through the research and their negotiation skills, IDEA successfully advocated for the pilot project to adopt the USD2 contribution (interview with Vorn Pao, President of IDEA).

Ultimately, the collaborations underpinning the SPIN project played a crucial role in facilitating understanding between the National Social Security Fund and IDEA. "At first, NSSF didn't understand the role of driver associations and trade unions, and IDEA didn't grasp how NSSF functioned," said Hanquet. Mutual respect was built through small, unstructured meetings and continuous dialogue. Oxfam in Cambodia supported further advocacy, organizing public forums and bringing government stakeholders face-to-face with workers. The outcome was increased recognition and responsiveness from government bodies with representatives attending meetings with workers and other stakeholders that they had previously ignored (FGD with SP4ALL, June 2024).

According to the ILO, sufficient consultation occurred during the drafting of Sub-Decree 280, ensuring that it genuinely reflected the needs of workers in informal employment.

However, significant gaps remain – particularly in consolidating workers' demands and ensuring regular consultations. Advocates have called for institutionalization of a broader engagement platform, such as the biannual dialogue between the government and SP4ALL platform – a coalition of civil society and trade unions working to secure better access to social protection in Cambodia. They also emphasize the need to institutionalize the representation of workers in informal employment *within* the National Social Security Fund. At present, the Cambodian Labour Confederation serves as the main workers' representative, but provides limited scope for informal-economy workers to participate or be heard.

The "bibingka strategy" can also be seen at work in Indonesia. HomeNet Indonesia is an all-women network within Indonesia and is also a member of the regional network HomeNet Southeast Asia. Both networks build the movement of home-based workers in the informal economy. At the local level, HomeNet Indonesia brings together home-based worker organizations in Yogyakarta, Sumatera Utara, Banten, Jakarta, Cirebon, West Java and East Java.

HomeNet Indonesia uses relationship building with key government officials at district and provincial levels, rather than national level, as a strategy to promote change. This differentiates them from many other labour organizations, which tend to focus on the national level. HomeNet Indonesia activists are sensitive to ad hoc local opportunities, such as meeting with the governor, with district and provincial parliamentarians, and district and provincial government officials. They know the personal contact details of the officials and have sufficient information to sense when they may be open to new ideas.

With the extension of social protection in mind, another strategy is to ally with the frontline state bureaucracy that operates in this area. For example, many network members in East Java, Medan and Yogyakarta have signed up to become Indonesian Social Security Activists (Perisai Agents), who are tasked with providing information on and promoting registration with social protection schemes. According to HomeNet Indonesia's President, this invitation to work as a part of the last-mile delivery apparatus came as a result of dialogue between the network and the BPJS Kesehatan and BPJS Ketenagakerjaan. This does not mean it is easy to sustain membership of the social protection schemes on offer, and HomeNet Indonesia members often fail to keep their membership at BPJS Ketenagakerjaan

active. In an interview, the HomeNet Indonesia coordinator from Malang reported that only 30% to 50% of members are able to sustain their contributions to the BPJS Ketenagakerjaan due to affordability constraints. Nevertheless, the engagement with the system strengthens the knowledge of HomeNet Indonesia activists, who in interviews made suggestions on how the social protection system could be more inclusive. These experiences could be critical to building more inclusive social dialogue in the longer term.

Given their limited time and resources, HomeNet Indonesia activists also look to build alliances. In this third strategy, the network engages with labour unions at district and provincial levels so as to learn more about national policies and gain skills for negotiations with governments. They also approach think tanks such as the Trade Union Rights Congress for support.

Major challenges remain in building this power, however, particularly in sectors dominated by women. In a paternalistic society, women do not have the same educational opportunities as men, and lack knowledge of social protection, negotiations and collective bargaining. They have less experience, confidence, time and resources to articulate their issues, build strong organizations and gain results. As one research participant from HomeNet Indonesia noted, “We need longer experience to manage our insecure feelings facing the government.” Their reliance on personal connections with government officials drains their time and resources, especially as many meetings are often required to negotiate and follow-up on agreements. This is particularly so if there is difficult terrain, such as bad roads, rivers and large distances, to overcome to reach members and government offices. Similar problems may be encountered in building relations with labour unions and civil society groups – developing these alliances requires human and financial resources that are not readily available.

6. Discussion and Conclusions

This paper shows that across the six ASEAN countries studied, workers in informal employment continue to face barriers to meaningful participation in formal social dialogue processes. These include restrictive legal definitions, bureaucratic hurdles and an entrenched prioritization of formal-sector interests within tripartite structures. While trade union structures across the region offer a potential avenue for representation, this study found few examples where they are effectively serving the interests of self-employed workers in

the informal economy. And even where relatively significant advances towards inclusion have been made, as in the Philippines, less tangible yet equally significant limitations, such as the erosion of trust in dialogue institutions, further diminish the effectiveness of social dialogue mechanisms and have left workers skeptical of the benefits of participation. These exclusions are not gender-neutral, as women in informal employment are more likely to be concentrated in precarious sectors and face structural barriers to both social protection and representation.

It leaves one wondering – as the debates in the reviewed literature suggest – whether the answer is to continue to reform existing social dialogue institutions, or to imagine an alternative that is better suited to the reality of how work is performed by the majority of workers in the region. As is often the case, the answer may not be one thing or the other, but rather both.

While seeing social dialogue as important for input into policy reform, Corkery & von Broembsen (2025) argue that a truly transformative approach to improving the working conditions of self-employed workers in the informal economy would mean placing greater emphasis on collective bargaining. They note that “collective bargaining follows a formal process, set out in law. Its aim is an agreement (for a set period of time). The terms of the agreement can be enforced in a court...it also provides a dispute resolution process should a party breach the terms of the agreement.” This provides legal force behind agreements and would certainly go some way to addressing the feelings of tokenism reported by workers in this study.

Conceptually, this is a critical argument. Ensuring that collective bargaining extends to self-employed workers in the informal economy would require a wholesale reform of labour law and its attendant institutions to move beyond workers in formal employment relationships. Such reforms would also need to address gendered patterns of work and representation, ensuring that sectors dominated by women and the constraints they face – particularly unpaid care responsibilities – are explicitly recognized. A reformed labour regime in the Philippines, for example, may mean that the construction worker ITCs could function more effectively with their gender needs supported; labour laws would compel lead firms to participate in the bargaining forum and the construction workers would have the force of the law behind them, moving away from the frustrating and tokenistic dynamic that currently exists.

However, in the realm of social protection – which is both an issue of working conditions and labour regulation, but also moves beyond them and into the wider public sphere – social dialogue mechanisms continue to be important. And here, the lesson from this study is that if we are to transform social dialogue into a tool for inclusive social protection, we must begin to see it as something that exists beyond the state as well as within it – as both a formal and an informal process. Our research highlights how social dialogue operates through hybrid governance arrangements that combine institutional engagement with grassroots strategies of worker power – in particular, associational, coalitional and societal power. These forms of power are often gendered in practice, with women workers more likely to rely on collective, community-based and networked strategies to navigate exclusion from formal institutions. This is even more relevant when working in non-democratic contexts, where the space to manoeuvre through formal channels may be particularly limited.

Despite the limitations of formal social dialogue institutions, collaboration has occurred between government actors and workers in informal employment. In many cases, this collaboration has been facilitated by external actors, particularly NGOs that support workers' organization, build

capacity and enable engagement from below. As a result, there have been some notable advances. Workers' participation in alternative channels to produce dialogue – such as Indonesia's Social Security Activist programme, the Philippines' AlkanSSSy savings schemes led by the Federation of Tricycle Operators and Drivers Associations, the informal "friendly dialogues" as seen in Cambodia and in Oxfam's approach to ASEAN – have all contributed to change. These examples reinforce the value of a "bibingka strategy": policy change driven by combined pressure from above and below, and highlight the fact that power does not only reside in state institutions; it is also built through networks and collective action. As Anner (2015) argues, labour governance systems are shaped by ongoing struggles between labour control regimes and worker resistance strategies.

The challenge is to ensure that the work being done from below is matched by and aligned with effort from above – highlighting the importance of multi-level strategies. With dialogue mechanisms integrated into the fabric of the local communities that keep the economy functioning, workers – particularly women – operating at the grassroots level are able to engage effectively. Through leveraging this, trust in the state may have a chance of being re(built) from the bottom up.

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