STUDY

LABOUR AND SOCIAL JUSTICE

CROSSING THE DIVIDE

Informal Workers and Trade Unions Building Power

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Informal and precarious work is a reality for millions of workers and a defining characteristic of many economies.

Therefore, it is imperative that unions and informal workers cross the divide that often exists between them to strengthen the rights of all workers.

Reflecting on experiences about building relationships between informal worker organisations and the trade union movement shows that working together can increase the power resources of both formal and informal workers.

FRIEDRICH EBERT STIFTUNG

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Content

FOREWORD

Dear colleagues, dear readers, brothers and sisters,

This paper is a direct follow-up to the »Trade Unions in Transformation«[1] project of the FES Global Trade Union Programme. From the project's 26 case studies of successful trade union action, »Crossing the divide between workers in formal and informal employment« emerged as one of the main topics. We understood that, finally, FES' promotion of trade unions and workers´ rights needed to respond more seriously and systematically to a reality that has long been emerging in the Global South, but is increasingly taking roots in the Global North as well: non-standard forms of work are becoming the new normal – precarisation and informalisation are on the rise! In order to remain relevant, effective and powerful, FES needs to understand more deeply how to build the power of workers in informal and precarious work arrangements and contribute to this power-building in many more practical ways.

This study, requested by and written primarily for FES colleagues, intends to complement experiences some of you have already had when engaging in strategic collaboration with workers´ organisations in the informal economy. We shall consider our efforts to be successful if the study provides an impetus to start engaging, or to furthering your engagement, with informal workers´ organisations or established trade unions aiming to include informal workers' concerns as their own.

We do not pretend to have all the answers to a complex phenomenon. Nor do we want to prescribe a particular way of conducting an FES project. Based on the experience of many labour activists and unionists who at one point may have asked similar questions, we instead would like to make one significant point: crossing the divide, if one indeed exists, is without alternative if the labour movement intends to remain relevant and workers are to mobilise all the power resources at their disposal.

We would like to thank Dave Spooner and his team from the Global Labour Institute (GLI) as well as all their interviewees for sharing their experience and putting it all down in a readily understandable language. We are not exaggerating when we say that these dedicated labour activists count on FES being part of the team which is constructing the bridge. Let's not disappoint them!

Mirko Herberg and Bastian Schulz

1 https://www.fes.de/en/themenportal-gewerkschaften-und-gute-arbeit/international-trade-union-policy/trade-unions-in-transformation

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We are indebted to the staff and contributors to Women in Informal Employment: Globalizing & Organizing (WIEGO), particularly to those who have contributed to WIEGO's Organisation and Representation Programme (ORP) since its inception in 1997, led by Jane Barrett and her predecessors Chris Bonner and Dan Gallin.

WIEGO has published a wealth of material on the organisation of informal workers, with particular reference to street vendors and market traders, domestic workers, waste-pickers and home-based workers.

We are also indebted to the staff and affiliates of the International Transport Workers Federation (ITF), with whom we have worked since 2010 in developing programmes supporting the organisation and representation of informal transport workers.

The paper reflects experiences and policies from examples of organisations across the spectrum of those with an interest in relationships between informal worker organisations and the trade union movement. This includes both international and national organisations, and national trade union centres and national sector-based unions and associations. The major focus is on informal worker organisation in Asia, Africa and Latin America, but includes some perspectives from organisations in the global North representing precarious and informal workers.

Desk research reviewed some of the available literature on relationships between trade unions and organisations of informal economy workers, drawing on the literature produced by WIEGO and WIEGO-affiliated membership-based organisations, the ILO, ITUC and relevant GUFs and affiliates.

Interviews were conducted by phone, Skype, email, and face-to-face meetings, interviews and discussions during related meetings and conferences in South Africa, Uganda and Senegal.

1

INFORMAL WORK AND THE LABOUR MOVEMENT

Millions of people throughout the world work in the informal economy. In many countries, most workers are obliged to work informally, particularly in the global South – although a growing number are to be found in advanced industrial – or post-industrial – economies. This is not a choice for most informal workers, but the only means of survival in the absence of formal jobs.

Whether working in manufacturing, transport, food and agriculture, retail or services, informal workers typically live in poverty, often in dangerous and unhealthy working conditions, with insecure and unpredictable incomes, no social protection, suffering from lack of respect and an absence of basic human rights.

Until relatively recently, the informal economy was thought to be a temporary problem that would disappear with ever-expanding industrialisation and economic development. Globalisation and neo-liberal economic policies had had the opposite effect, however, resulting in an expanding informal workforce. In many countries, local industries have collapsed in the face of cheap imports, privatisation, and decimation of public services. The result has been widespread unemployment. For those living in countries with little or no social protection, survival has depended on making a livelihood in whatever way possible in the informal economy – often through migration to major cities.

> *In Zambia, structural adjustment policies, which began to be implemented in the mid-1980s, sharply reduced the number of people employed in the formal sector. The opening up of the Zambian economy to international competition had a disastrous effect on local industries. Many manufacturing companies were forced to close and employment in manufacturing fell by more than 30,000 in the 1990s. Tens of thousands of miners lost their jobs when the copper mines were privatised or closed. Public sector reforms lost further tens of thousands of jobs. The unemployed workers and, more importantly, their wives and families had little choice other than to attempt to make a living in the markets and streets in whatever way they could. By 2004, 83 percent of all Zambian workers were in the informal economy (War on Want, 2007). By 2015, according to ILO statistics, the figure had reached 88.7 % (Tassot, Pellerano, & La, 2018).*

Over the same period, internationally, the trade union movement experienced a steep decline in membership and power. The same new neo-liberal orthodoxy that encouraged privatisation, cuts in the public sector, removal of trade barriers, etc., led to a major shift in production from the trade union movement's historical heartlands to low-wage countries, coupled with an ideological attack on trade unionism itself and a rise in precarious and unprotected employment.

This report first takes a closer look at what »informal work« really means. Then it sheds some light on the relationship between »traditional« trade unions and informal workers´ organisations. The next part stresses the importance of crossing the divide and shares some ideas and examples of how unions can build bridges and initiate cooperation. Finally, the report makes some concrete suggestions for FES' work in this field.

INFORMAL AND PRECARIOUS EMPLOYMENT

What do we mean by »informal« employment, and how does this differ from »precarious«?

The ILO refers to *informal* employment as »all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements« (International Labour Organization, 2015). While perhaps technically correct, this is not a particularly useful definition.

In practice, we could think of four general indicators which describe informal work. These include lack of a written contract of employment, no job security, poor or non-existent social protection (health insurance, pension, maternity provision, etc.), and denial of fundamental rights.

The informal workforce includes own-account (self-employed) workers, contributing family workers, employees holding informal jobs in formal or informal enterprises, and workers in »unrecognized or unregulated employment relationships«. (International Labour Organization, 2015).

In recent years, there has been growing interest and concern in the rise of *precarious* employment, particularly among

trade unions in the global North. IndustriALL, the global union federation representing workers in the mining, energy and manufacturing sectors, describes precarious employment as »Casual, temporary, indirect, zero-hours contracts… This type of work is increasingly being used to replace direct, permanent jobs, allowing employers to reduce or even abandon their responsibility to workers« (IndustriALL, 2018). Precarious work is particularly highlighted in the growth of the so-called ›gig economy‹. Precarious work is not necessarily informal. Informal work– arguably with some exceptions – is always precarious.

It is perhaps best to think of a spectrum of employment conditions and relationships that has, at one end, what the ILO terms the ›Standard Employment Relationship‹, »a job that is continuous, full-time, with a direct relationship between employer and employee« (International Labour Organization, 2017) or ›decent work‹: decent and productive employment, access to social protection, respect for the fundamental labour standards and strong dialogue between workers and employers (›social partners‹). In global terms, these conditions of employment have only ever been enjoyed by a small proportion of workers, in a limited number of countries, and only in recent years – essentially in the post-Second World War era – and mostly by males.

At the other end of the spectrum we find the worst forms of informal employment: extremely low income and bad working conditions, no security of income from one day to another, no access to social protection, and denial of basic labour (and human) rights.

In between, there is a range of conditions of work that are, to a varying extent, precarious. It has been the trade union movement's historic purpose to push working conditions and rights away from informality, against political and economic forces pushing in the opposite direction.

Importantly, the informal workforce is not a homogenous group – there is wide diversity in conditions of work, level of earnings, occupation types and working relationships. Within the many occupational groups there are many different power relations, interests, and characteristics.

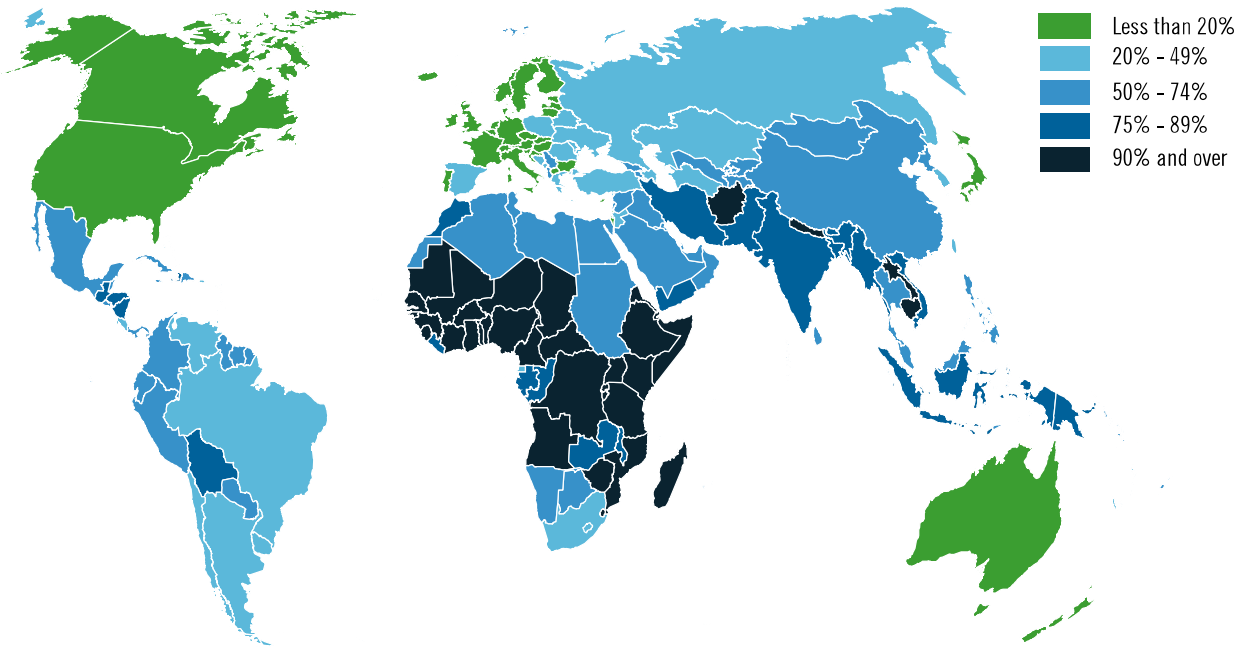
The emergence of digital technology, and the growth of ›platform‹ and gig economies have blurred boundaries, creating irregular employment relationships. This has contributed to a weakening of the power of the labour movement. Informality remains a major challenge. For the time being at least, it is here to stay.

THE SCALE OF THE PROBLEM

According to the ILO, two billion of the world's adult employed population work informally – 61.2 % of global employment, starkly distributed between global North and South (International Labour Office, 2018b).

Globally, a greater proportion of men than women are in informal work, but there are more women in informal employment in low and lower-middle income countries. In Africa, for example, 89.7 % of employed women are in the in-

Figure 1
Share of informal employment in total employment, including agriculture (2016)



Source: International Labour Office, 2018b

formal economy, in contrast to 82.7 % of men. Moreover, women are more often found in the most vulnerable and precarious conditions (International Labour Office, 2018b).

More workers are migrating internationally to find work. Globally, there are an estimated 164 million migrant workers (International Labour Office, 2018a). Migrant workers make up a huge proportion of the informal workforce. Vulnerable and often undocumented, migrants cannot access decent work opportunities and end up in low-skilled, low-paid informal jobs with little in the way of protection.

2

IS THERE A DIVIDE BETWEEN INFORMAL WORKERS AND TRADE UNIONS?

TRADE UNION POLICIES ON WORKERS' ORGANISATIONS IN THE INFORMAL ECONOMY

All workers were originally in an informal economy, and trade unions were originally created by informal workers since the entire economy was informal at the time. The history of the trade union movement is driven by the struggle for democratic rights, good livelihoods, social protection and secure employment – to formalise an informal situation (Gallin & Horn, 2005).

Many of the early unions in Europe were first established to provide basic social protection in the absence of any form of state support. Like many other present-day unions, the origins of the GMB union in the UK, for example, can be traced to early friendly societies of informal economy workers:

> *»That this Society shall be called 'The Friendly Boiler Makers' Society' and is instituted for the purpose of mutual relief in cases of sickness, old age and infirmities, and for the burial of their dead« (Friendly Boiler Makers Society, 1834).*

Despite such origins, there has been some reluctance or even hostility by some unions to accept that *all* workers are workers, including those in the informal economy, and therefore have trade union rights.

Until relatively recently, perhaps the 1990s, attitudes in some sections of the labour movement towards the organisation of informal workers were largely indifferent or even hostile. The informal ›sector‹ was thought to be the pre-industrial traditional economy that would inevitably wither away and die with ever-growing industrialisation; marginal or separate from the modern formal economy; composed of petty entrepreneurs, rather than workers; an illegal ›black‹ economy and so on. Hostility was underpinned by some of the intellectual discourse of the development community, along with more orthodox Marxist arguments that informal workers were a reserve army used by capitalism to undermine the bargaining power of formal workers (Webster, Britwum, & Bhowmik, 2017), and therefore intrinsically dangerous to the trade union movement.

> *»Not everyone in unions have accepted the need to engage with informal workers. There can still be internal opposition from both members and leadership who see them as a threat. This is most common among unions in the global North, although still present in the global South. In some countries, informal workers are not covered by labour law which makes things difficult by not recognising the right to collectively organise for example. Organising informal workers requires a cultural shift, particularly in understanding collective bargaining in the context of self-employed workers« (Dave, 2019).*

COMMON RESERVATIONS ABOUT INFORMAL WORKERS

Some trade unionists feared that recognition of workers' rights for informal workers – including informal migrant workers – can be used by employers and hostile governments to **undermine the labour standards** for formal economy workers, established through a century of struggle.

COLLECTIVE BARGAINING

There has been some resistance to the extension of union rights to the self-employed, of whom there are many in the informal economy (street vendors, waste-pickers, etc.). This was based on the view that the purpose and role of trade unions is only concerned with collective bargaining between employees and employers in a formal employment relationship. If there is no employer, how can unions engage in collective bargaining?

Clearly, most informal workers do not have an identifiable employer, or they are in some form of disguised employment relationship. A *matatu* (minibus) driver in Nairobi, for example, is not a formal employee of the *matatu* owner and may even regard himself (and it is almost certainly a ›him‹) as self-employed, but is clearly dependant on the vehicle owner for his livelihood, conditions at work and security of employment (Manga & Spooner, 2019). Similarly, a waste recycler in Pune may be technically self-employed (or operating as part of a collective), but is dependent on the wholesale recycled materials dealer to set prices and determine livelihoods. In the new digital ride-hailing industries (Uber, Taxify, etc.), the em-

ployers refuse to accept responsibility for their ›employees‹, hiding behind the fiction that they are only providing the app, and that the riders and drivers are all self-employed.

For many informal workers, the main collective bargaining counterparts are not employers, but the national or local state. For most *boda-boda* (motorcycle taxi) riders in Kampala, for example, the main issues affecting their livelihoods include police corruption and harassment, crime, access to affordable loans, and lack of effective traffic regulation and road maintenance. Their association's[2] main collective bargaining counterparts are therefore the police, the banks and lending institutions, and the city government agencies (Spooner, Mwanika, Natamba, & Manga, forthcoming). The same would be true for transport workers, street vendors, markets traders and many others. The priority issues for other informal workers may also require negotiation with the state as the foremost form of collective bargaining: home-based workers demanding better housing that could improve their working conditions, or domestic workers demanding legal protection from exploitative employers and agents, for example.

> *»Trade unions need to recognise informal workers as workers and broaden the concept from that of ›employee‹. Trade unions sometimes find it difficult to extend preconceptions of employment relationship into informal economy, considering the importance of local governments, policy, development agencies, bargaining counterparts and other relationships upon which the workers depend on their livelihoods« (Barrett, 2019).*

Although many trade unions negotiate with state authorities, their structures, procedures, culture, and finances are built around recognition and formal collective agreements with employers. This also forms the basis of trade union and labour laws by the state, often inherited (and often barely amended) from labour laws imposed by former colonial powers.

POWER AND STATUS

Despite the decline of structural and associational power of trade unions in most countries, many still retain some institutional power and status, perhaps originally developed in the post-Second World War and post-colonial periods, when the inclusion of unions in tripartite processes was strongly encouraged by governments and inter-governmental institutions.[3] Trade union leaders today may still have the ability to meet government ministers, gain media attention, participate in national and international tripartite conferences with governments and employers, and in national and international trade union events, etc. Despite dwindling resources, they may also still be able to have an expense account or draw salaries from the union.

Clearly, large numbers of informal workers joining the union with democratic rights equal to those of formal economy workers may lead to the election of new leaders from the informal economy, threatening the loss of personal status and livelihoods of the incumbent leadership. Though a sensitive issue and rarely explicitly stated, this is frequently a major obstacle in the willingness of unions to organise and represent informal workers.

> *»Even if informal workers are included in the union or in national structures, it is the General Secretary who gets the place in tripartite forums … So, the big question is how to ›un-entrench‹ this power … In Zambia, informal workers have an agreement with the Zambian Trade Union Centre, but they are not really represented in tripartite negotiations. There is a clear need to address internal politics of trade unions and challenge entrenched power within unions« (Alfers, 2019).*

FINANCE

Others, even though perhaps sympathetic to the principle of inclusion of informal workers in the trade union movement, believed that it was impossible to build financially sustainable trade unions of informal workers. It was argued by some that the extremes of poverty found in the informal economy make it impossible for workers to pay enough union dues to make the organisation financially viable without external assistance – from workers in the formal economy, NGOs or from donor organisations. This scepticism was especially true in unions whose income is overwhelmingly derived from check-off arrangements[4] with employers, who perhaps could not imagine how to survive on micro-payments collected individually from large numbers of workers.

> *»There was a case in Zimbabwe where the Zimbabwe Congress of Trade Unions (ZCTU) formed the Zimbabwe Chamber of Informal Economy Associations. They decided that they would be associate members, not full members. From this there was an active discussion about membership fees. As informal economy workers are not regulated, the ZCTU did not know how to deduct or collect membership fees. There is also a problem because informal economy associations often want to be able to pay a reduced percentage of the membership fee. This is often not well accepted and leads to other challenges« (Abboud, 2019).*

2 Kampala Metropolitan Boda-Boda Entrepreneurs (KAMBE), affiliated to the Amalgamated Transport and General Workers Union (ATGWU) in Uganda

3 The different power resources referred to here will be discussed more extensively on page 12. Schmalz et al (2018) offer an introduction into the Power Resources Approach (PRA) that has been applied in a series of case studies in the FES project »Trade Unions in Transformation«; https://www.fes.de/themenportal-gewerkschaften-und-gute-arbeit/gewerkschaften-international/trade-unions-in-transformation

4 Where the union reaches agreement with an employer to regularly deduct union dues directly from workers' wages that are then passed on to the union. Some unions only receive dues through this method, and do not have the capacity to collect dues directly from their members, either in cash or through bank transfers.

> *»Unions are understandably having to concentrate on where they can get immediate results such as in organising in formal enterprises, gaining bargaining recognition where check off dues payments are possible, especially when organisers are under pressure from the leadership to expand membership. New demands to organise among informal workers can appear very daunting in these circumstances, requiring dedicated resources« (Barrett, 2019).*

MEMBERSHIP SERVICES

In the absence of adequate social protection and enterprise development services from the state, many informal workers' organisations provide mutual support in housing, health services, childcare, business development, micro-finance, and other services. Self-help associations often serve as the basis for formation of informal workers' organisations. SEWA in India was a pioneer in this, playing a major role in social insurance, cooperative development, banking, etc. However, many unions see it as unsustainable to expect workers' organisations to assume this role, and simply do not have the capacity or willingness to provide such services. Many think that this should be the role of government, through taxation, not unions.

> *»Organisations in the informal economy that have been successful have embraced the social trade unionism model – house-building, mutual support. Formal unions not doing this are going in the wrong direction. There can also be barriers in the culture of organisations. For example, going into COSATU and saying let's have our own health services would be seen as ›letting the state off the hook‹« (Alfers, 2019).*

LEGAL CONSTRAINTS

The divide is often exacerbated by the framework of labour and employment law. Many informal workers are not recognised under labour law as workers with the same rights as those in the formal economy, despite ILO statements and recommendations to the contrary. In some countries the labour laws forbid workers from joining unions. Informal migrant workers are especially excluded. In the domestic workers' sector, for example, almost all of the migrant domestic workers' organisations – apart from those in Hong Kong, and some in Europe – are not legally recognised due to government policies.

> *»In Belarus there are many membership-based organisations of market vendors, but the government will not recognise them as workers because they don't have regular arrangements. They are not legally allowed to be registered as a union. This means that they have to register as associations instead. Once they are registered as an association, trade unions stop seeing them as potential trade union members« (Abboud, 2019).*

CLASS, IDENTITY, AND POLITICS

Fundamentally, unions are based on their common understanding that the world can be understood to be divided between bosses and workers. The bosses have the power and money, and workers have to organise collectively to gain concessions from the bosses to improve their livelihoods.

Many informal workers, especially those that are self-employed, may believe themselves to be entrepreneurs or small businesses rather than workers. In small enterprises, class boundaries may be blurred, with owners working alongside workers and family-like relationships playing a major role. Some informal economy organisations include both workers and small-scale employers. A market stallholder, for example, may informally employ assistants, a taxi driver may own two or three taxis, a waste-recycling dealer may informally employ waste-collectors. The world of digital work, constantly evolving, has also revealed an even more complex set of unrecognised employment relationships: technology, digitalisation and the new ›sharing‹ economy, where there is no clearly defined employment relationship or employer. Basically, many workers in this sector do not see the world in binary terms with workers and bosses – and in effect reject a class analysis of society.

This blurring of class interests can be replicated within informal workers' organisations. In the informal transport industry, for example, the Kampala Operational Taxi Stages Association (KOTSA), *jeepney* workers in the Philippines (PISTON) and other unions and associations include informally employed drivers, owner-drivers and small fleet-owners in their membership and leadership. While there is a clear structural antagonism between owner and worker over livelihoods and working conditions, there is consensus that they share more in common than divides them, not least the need for solidarity in the industry against attempts by the state to remove informal transport from the streets.

The complexity of class identity and class consciousness in the informal economy encourages suspicion among some trade unionists that the inclusion of informal workers leads to the weakening of trade unionism as a working-class movement and a threat to livelihoods.

> *»In Mexico, the trade union does not want waste pickers to be organised because their members are the drivers of the rubbish trucks where the pickers work for free (i. e. cash in hand) while drivers are public employees. So, the organisation of waste pickers is seen as a threat to income« (Parra, 2019).*

At the same time, many informal workers believe that trade unions are there to protect the interests of a privileged few with better jobs and more security. This is especially the case where workers in the formal economy rely on the cheap labour of informal workers.

> *»We've had cases in which trade unions are reluctant to support a minimum wage for domestic workers because this will negatively affect their members who themselves employ domestic workers and will have to personally pay more for their labour. And this isn't just a question of middle-class workers employing domestic workers, this can be working class people earning a minimum wage« (Tang, 2019).*

> *»In Indonesia, the formal trade union factory worker members have opposed the minimum wage for domestic workers because their members, who work on minimum wage, employ domestic workers to allow them to work the overtime hours necessary for them to survive (because wages are so low). They are reliant on domestic workers and raising the minimum wage for domestic workers in this context seems to them untenable. It is a vicious circle« (Parra, 2019).*

More generally, but difficult to support with hard evidence, is the feeling gained from many discussions that some trade unionists regard informal workers as not sufficiently *respectable* to be members of a trade union, let alone to be elected into trade union leadership. People working on the streets, wearing rough clothes, using coarse language, in obvious poverty – these are not the people that some leaders wish to see in their union. Their poverty is regarded as eternal and external, not something that should or could be challenged through trade union organisation and representation.[5]

> *»The attitude towards informal economy workers is that they avoid and don't pay taxes. That is why many workers see them negatively because of this. But it is not their choice, and they are not that rich to pay very high and unaffordable taxes. Most of them are barely surviving« (Abboud, 2019).*

> *»They were regarded by the formal workforce as ›not 100 % workers‹ who were avoiding paying taxes, were illiterate or uneducated and not worth organising. The informal dock workers themselves complained of being ill-treated and regarded as second-class citizens« (Kuzu, 2019).*

NATIONALITY AND RACE

Nationality and race add another layer to the divide. This is particularly true for migrant workers. Informal work may be the only work they are able to access. They are often isolated from wider society, unable to access the legal and social protection available to other workers and facing discriminatory treatment. Often undocumented, informal migrant workers may not trust union organisers or traditional union structures. Discrimination based on nationality, race or ethnicity means that those in marginalised communities also tend to take up informal jobs, with few other options for work.

GENDER RELATIONS

Despite great efforts by women union activists, most unions continue to be controlled by men. Some women may argue that the formal trade union movement is inherently male-dominated and unreformable. Yet women are the majority of workers in some sectors of the informal economy, as reflected in the policies and leadership of their organisations, and may be reluctant to cede power to male-dominated unions. In some cases, male union leaders are apprehensive at the prospect of strong women entering their organisations.

> *»Some of the members of the Ghana TUC's affiliated unions feared market women because they are traditionally powerful in West African matriarchal cultures. In such cultures, women were typically in charge of the markets, with powerful women in tribal royalty being in control of products from the level of production to the point of sale. In the markets they're called ›item heads‹ or ›market queens‹. Their power still scares some members of the Ghana TUC and politicians. The remnants of this culture can still be found in many West Africa markets. When capitalism came in the post-colonial independence period, the patriarchal culture which comes with industrial capitalism undermined the matriarchal social basis. The market is now one of the few remaining spaces where women still rule – men have made inroads in some products, but don't dominate the markets overall« (Horn, 2019).*

Many unions have close relationships with political parties. Indeed, some would-be politicians become union leaders in the expectation that this will improve their electoral chances. Informal workers (and some formal economy workers) may believe that the unions are too close to government or too close to opposition parties, which could get them into trouble with the government. Conversely, there are many informal workers' organisation leaders that are deeply compromised with politicians who recognise, and are willing to pay for, the potential power of their mass membership in elections.

DEMOCRACY

As Celia Mather pointed out in the context of the ILO debates on domestic workers' rights, there can be much »finger-pointing« between unions and organisations of informal workers on who are the most undemocratic, which can be a major obstacle in crossing the divide. Many unions are indeed slow, bureaucratic, organisationally and administratively very weak, and vulnerable to corruption. It may be

5 Such views have a long history. In the early years of trade unionism in Europe and elsewhere, leaders frequently refused to organise unskilled workers. If they were included in their unions, they would dilute the workforce, reduce their bargaining power, and undermine trade union respectability in the eyes of employers and authorities.

tempting for some to think that this is a purely trade union phenomenon, but it is also true for many informal workers' organisations. At the same time, trade unionists may point to the undemocratic nature of many informal organisations, but there are also many such organisations which have stronger and more transparent systems of democratic oversight than much of the trade union movement.

NEVERTHELESS …

Despite all the potential causes for division between formal and informal workers, and between their respective organisations, there is now an increasing understanding about the necessity to work together and to »cross the divide«. Factors that facilitate this understanding and implications for trade unions will be discussed in the next chapter.

3

WHY CROSS THE DIVIDE?

> *»In the context of the global capitalist economy, informal and formal workers are confronted by exploitative systemic conditions. Trade unions need to move beyond the old conversation about ›organising informal workers‹ and recognise the organisations of workers in the informal economy in cases where they are already organised! Instead all workers should unite against the common systemic problems of an inherently exploitative system« (Pillay, 2019).*

There are numerous reasons why unions may decide to include informal workers or why informal workers' organisations may wish to cooperate with unions, but in many cases the willingness from both sides to cross the divide stems from a realisation that **working together can increase the power resources** for both formal and informal workers. By drawing on their differing sources of power – *structural*, *associational*, *institutional,* and *societal* – formal and informal economy workers can combine their power resources and strengthen them.

THERE IS STRUCTURAL POWER IN THE INFORMAL ECONOMY!

The *structural* power of workers comes from their capacity to withhold labour and cause disruption. However, in recent years many trade unions worldwide have experienced a major decline in the structural power of their membership, through changes in the workplace, the growth of precarious and informal work and the impact of government policy. As work has been informalized, trade unions have lost power.

However, many informal workers have considerable *structural power* with the ability to cause major disruption in towns and cities – particularly street vendors, market traders, waste collectors and recyclers and transport workers. Informal workers can and frequently do take industrial action and withdraw their labour, but not against employers, but rather against government and other public bodies that influence or control their day-to-day livelihoods and working conditions. Some informal workers, notably in the transport industry, have the ability to cause major disruption by simply bringing traffic to a standstill through mass mobilisation of thousands of workers (and owners) and their vehicles (Manga & Spooner, 2019). This can be a huge source of power for trade unions. [6]

THE POWER OF COLLECTIVE ACTION

Associational power is derived from the collective action of workers, the will and capacity of a group of workers or, better, an organisation of workers with membership that can be mobilised to confront capital or the state.

Increasing informalisation of work means that traditional forms of trade union organisation are falling short in meeting the needs of the changing workforce. Hence, formal trade unions have seen a huge decline in membership numbers. The decline in the *structural* power of trade unions in some countries, for example in much of sub-Saharan Africa, has been associated with a substantial loss of *associational* power as membership outside of the public sector (teachers, civil servants etc) has dwindled to such an extent that many unions are barely functioning. Hence, trade unions nowadays often have difficulties to effectively harness workers' structural power by organising.

However, »forms of organisation are shaped by the changing nature of work« (Webster E., 2019). As capitalism and the nature of the economy changes, it opens news opportunities to organise. Just as mass industrial production led to the shift from craft unions to industrial unions in the nineteenth century, so the shift towards an expanded informal economy and precarious work requires workers to find new organisational forms.

Informal workers are organised in many ways and have developed considerable *associational* power – through associations or other informal organisations with large membership. In some sectors and countries, unions are in a small minority

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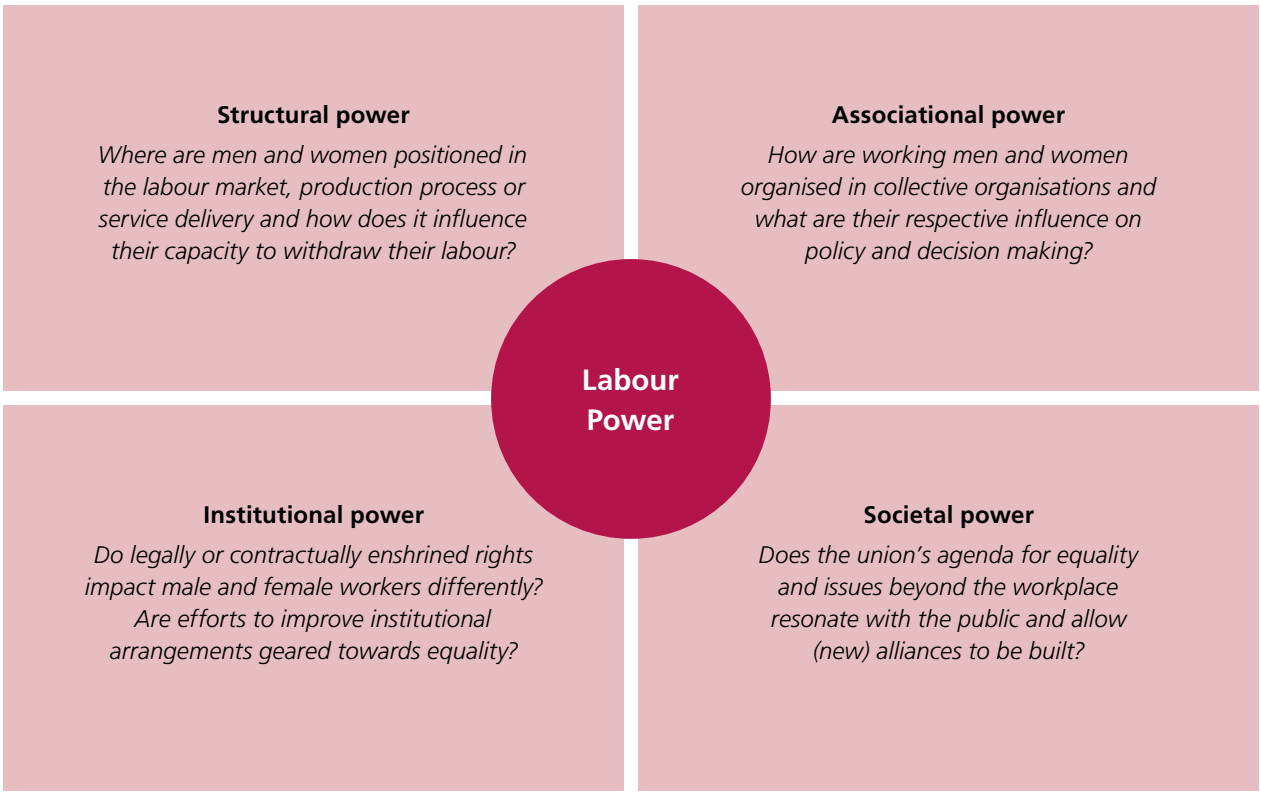
6 There are of course many informal workers who have considerably less obvious structural power, such as domestic workers or home-based workers. Even so, there are some exceptional examples. In the town of Petrich and surrounding villages in Bulgaria, for example, the association of women home-based workers held successful strikes over pay after patient and sustained door-to-door organising. Out-sourced workers hand-stitching shoes for Italian companies managed to resist attempts by company agents to undercut the rates (Spooner D. , 2013).

Figure 2
Sources of Labour Power



Source: developed by Herberg 2020

of the organisations of informal workers, such as the waste-recyclers in Latin America, where most organisations are cooperatives, or among home-based workers in Asia, where most organisations are NGOs at various stages of becoming democratic workers' associations. The new nature of work is leading to new forms of organisation, not least in cases where workers have been rejected by the formal trade union movement.

> *»In recent years trade unions have lost membership – it has dropped dramatically. But what the unions don't note is that unemployment causes many workers to go into the informal economy. It is of huge potential for trade unions. They can rebuild their power from this workers' power« (Abboud, 2019).*

In turn, informal workers' associational power can help to renew the formal trade union movement. As we have shown, informal workers have long been organising in unions, associations, cooperatives and so on. They have provided services and have become relevant to workers, something that trade unions can learn from. In some countries, the membership of informal workers organisations is greater than the membership of formal trade unions. By expanding membership scope and collective bargaining coverage, and building links with informal workers and their organisations, formal trade unions can strengthen the collective voice of workers and have increase other power resources in the process.

– ATGWU in Uganda, for example, was an old, respected yet declining transport union that was able to increase its membership from less than 5,000 members to more than 100,000 within five years through the inclusion of informal workers, and had a major impact on the ITF's perception of informal workers (Mwanika & Spooner, 2017).

– In Tanzania, the **Tanzania Union of Industrial and Commercial Workers (TUICO)** has long been organising market vendors but were initially resistant to organising street vendors ›machingas‹. However, after huge membership losses, the union recognised the need to extend the scope of their organising strategy and began organising street vendors.

> *»There was recognition on both sides that the other party had something they didn't have. This created a level playing field between both sides. VIBINDO is doing this because they recognize their lack of capacity for negotiating with government. TUICO recognises VIBINDO has this big organic membership … TUICO in Tanzania is not yet majority informal, but it is moving towards this« (Horn, 2019).*

Associational power also relies on material resources. The nature of informal work means that workers are often extremely poor. However, formal trade unions often have significant financial and material resources which can fill in this gap.

DRAW ON UNIONS' CAPACITY TO CREATE AND USE INSTITUTIONAL POWER

Institutional power is usually the result of struggle and compromise coming from social dialogue, policy negotiation or collective bargaining, resulting in the creation of institutions and legislation.

The *institutional* power of informal economy workers is in many instances weak. They are often not covered by labour law or formally recognised by the state as legitimate workers. Hence, their and their organisations' status is often precarious, and informal workers are hence often excluded from tripartite negotiations or policy-making processes. In turn, many unions (and the national centres to which they affiliate) retain some *institutional power.* They still represent workers in consultations and negotiations with government; they have seats on a range of tripartite bodies with governments and employers. They often know how to work the legal system, offer legal assistance and protect workers in courts. Where regulatory frameworks are limited/do not cover workers, trade unions have the power to try and modify them, in turn producing new sources of power.

Formal unions can also use this position to help to promote formalisation of informal work, to help raise standards and provide social protection. They may draw on lobbying and political skills or their access to international institutions and processes (such as the ILO, which has developed international standards and guidance on, for example, »Transitioning from the Informal to the Formal Economy«, Social Policy or Violence at Work) and use these to set new standards.

In short, when the structural and associational power of informal workers and the institutional power of unions are combined, it can benefit both formal and informal workers interests. Contrary to concerns that the recognition of rights for informal workers could undermine labour standards for formal economy workers, organising amongst informal economy workers can have the opposite effects. By setting minimum standards of workers' rights, it will help to prevent the ›race to the bottom‹ of terms and conditions and protect the jobs of formal economy workers from being informalised.

CREATE ALLIANCES, BECOME RELEVANT IN THE COMMUNITY

Societal power comes from building support for workers actions and mobilising communities through social networks. Trade unions can draw on their global networks in the labour movement for support. Many informal workers´ organisations also have significant societal power. They have been able to organise around issues wider than the workplace, and including struggles for human rights and social justice, particularly in the Global South.

If unions were to engage more strongly on issues that concern the wider community, they may be seen as relevant to a broader section of the population and increase their societal power. Again, informal workers' organisations may be opening doors and sharing experiences in building alliances.

Beyond the potential immediate gains in power resources, there are more general political or ideological reasons why unions and informal workers' organisations may seek alliances, cooperation or organisational integration based on the principle of **solidarity**.

WHAT IS SOLIDARITY?

Trade unionism, along with other forms of workers' organisation, is built on solidarity: »based on reciprocity, the expectation of mutual support and assistance and on the premise that all members of a particular group recognise and accept each other as equals with joint interests, which enables them to overcome differences and divisions«.

Solidarity is of course motivated by immediate collective self-interest for material gain (income, working conditions etc), but also by broader ethical or political convictions. This may be understood to be ›exclusive‹ and ›inclusive‹ forms of solidarity, where *exclusive solidarity* »seeks to enhance the advantages of a particular group (possibly at the expense of others)«, and *inclusive solidarity*, which »aims at integrating diverse constituencies and advocates a broad understanding of class politics« (Ludwig, 2019).

These two forms of solidarity will often co-exist within workers´ organisations, and the relationship between the two can be complex and contradictory. Nevertheless, the chemistry of exclusive and inclusive solidarity is the crucial factor in determining whether it is possible, or desirable, to cross the divide between formal and informal workers and their respective organisations.

At the core of inclusive solidarity is a »sense of shared identity, based on a perceived or experienced community as workers« (Lindberg, 2014). How this can be established is subject of discussion in the next chapter »Building the Bridge«.

4

BUILDING THE BRIDGE: RECOMMENDATIONS FOR TRADE UNIONS

It cannot be assumed that trade unionists who want to build a bridge know how to construct it, may actually arrive at the right place and will be welcomed with open arms when they reach the other side of the bridge. We have seen that there are conflicting interests, traditions and organisational modes between formal trade unions and informal economy workers´ organisations. In some situations, informal workers may be very wary, if not potentially hostile. They may have had bad experience of them in the past; they may know them to be undemocratic or dominated by party politics; they may know them to be male-dominated, etc. It is essential to recognise that this may be based on good reasons, sometimes requiring the union to take a long hard look at itself.

Nevertheless, it is crucial that trade unions engage in building bridges. We offer some critical steps towards what we see a successful building, crossing and cooperating on the (other side of) the bridge.

BUILDING AN UNDERSTANDING OF THE INFORMAL ECONOMY

What may initially appear to be chaotic is often a highly organised micro-economy with complex informal transactions, hierarchies and employment relationships. To the untrained eye, informal workplaces such as markets, bus terminals and waste dumps can appear to be completely chaotic, but generally they are highly organised with complex organic systems of management, governance, and employment relationships[7]. Informal workplaces are often made up of a wide diversity of jobs, often dispersed, but deeply connected in a far-reaching network. Research undertaken by the International Transport Workers' Federation (ITF) on the workplaces of informal transport workers has revealed wide networks of informal workers which are deeply connected (including those selling food and trading goods).

For trade unions in the formal economy, the first step is to understand the informal economy specific to the group of workers in mind. This requires *listening* to the workers themselves, and ideally some sustained participatory research, whether simply undertaken by union officials and activists, or with the support of others.[8]

It is important to understand **the detail of livelihoods**. Making a living in the informal economy in a specific industry can be complex. The amount of money a worker can take home to her or his family is the result of daily transactions with informal (and formal) employers, customers, suppliers, formal or informal taxation, informal employees, officials demanding bribes, criminal gangs and other essential expenses. It is sometimes difficult to get a full picture, as workers may be reluctant to reveal the detail of their own micro-economy, thus essential to build sufficient trust and confidence, which may take time and patience, and preferably with the active participation of the informal workers themselves.

The first step is to know **what the informal workers actually do for a living**. What are their occupations? In many informal workplaces, there are people who find that they can make a living by developing skills or services that are unique to the particular industry. Our study of the Nairobi ›matatu‹ minibus sector, for example, identified forty-two different occupations, some of which were entirely unknown to the world of formal employment (Manga & Spooner, 2019).

A key aspect of building an understanding of the informal economy also requires formal trade unions to reassess ›who is a worker?‹ and ›what constitutes a workplace‹?

Informal workers may struggle to be recognised as workers, street vendors or waste-pickers may be labelled as businessmen/entrepreneurs, domestic workers and home-based workers are too often seen as simply ›doing what women do‹, playing into gender stereotypes. Sometimes informal workers do not even recognise themselves as workers. In many cases the lines may be blurred, with unpaid family members working.

7 See, for example, analysis of the Nairobi ›matatu‹ minibus industry (Manga & Spooner, 2019)

8 There is a growing community of academic scholars and research organisations – such as Women in Informal Employment Globalizing and Organizing (WIEGO) - sympathetic to the trade union movement, who may be willing to work alongside unions in exploring the internal dynamics of informal economies.

In the informal economy workplaces are scattered and individualised – it may be the home, the employers' home, the street, the road or dump. Other workplaces are mobile, seasonal or insecure.

The informal economy frequently involves an intricate web of **employment relationships**. These are very rarely bound by a formal contract, but many workers have some form of employer, whether market stallholder, vehicle-owner, waste-dealer, out-sourcing agent or sub-contractor. This is essential to understand, as these employment relationships are fundamental to livelihoods, may form the basis of collective bargaining, and are often also part of the self-organisation of informal economy workers.

An absence of formal employment relationships does not exclude the many people and institutions who have a direct impact on workers' livelihoods, even among the self-employed. It is therefore important to identify who are the **bargaining counterparts** with whom workers must negotiate to improve livelihoods, solve major issues and secure rights. These may be employers, suppliers or, more likely, the public authorities responsible for economic and industrial policy, informal workplaces, regulations or local by-laws, law enforcement and urban planning and development.

> *»All the strategies that emerged were built around an overarching framework to build collective power to produce the capacity to bargain with somebody. To address this, we took the industry approach. Representing independent contractors, we chose to fight the battle with the state. We put the government in the middle and it became a battle for regulation. We managed to achieve something akin to collective bargaining with the City Council for independent drivers« (Mathew, 2019).*

UNDERSTANDING INFORMAL WORKERS' ORGANISATIONS

it is rare for informal workers to have no form of organisation whatsoever, no matter how small or fragile. There is a wide variety of informal workers' organisations, including trade unions, cooperatives, voluntary associations, self-help groups and other completely informal and unregistered associations, with many hybrid variants and transitional arrangements between one form and another. Some are sophisticated, sustainable and highly effective. They are not necessarily democratic. There are also criminal gangs and cartels, as well as organisations controlled by NGOs, politicians, or business interests.

The forms of organisation in the informal economy depend on a variety of factors – the employment and social relationships in the specific sector, national laws and policies which may include or exclude the rights of informal workers to organise, the attitudes and policies of the trade union movement, gender relations within the group of workers, and interventions by NGOs, politicians and political parties, development agencies, faith organisations, etc.

Informal workers are organised on three broad levels – **primary organisations** (unions, cooperatives, voluntary associations and self-help groups), **federations** (local, national and international) and **networks**. Their organisational forms are dependent on their immediate environment and the space in which they operate (see Appendix).

HYBRID ORGANISATIONS

There are also many forms of informal workers' organisation that do not easily fit with our traditional definitions of trade union, cooperative, NGO or voluntary association. These are sometimes called ›hybrid‹ organisations or ›proto-unions‹. These have characteristics and members of both membership-based organisation (MBO) and non-governmental organisation (NGO) often undertaking more than one activity and undertaking negotiation, representation and advocacy alongside development (Carré, 2013).

There are various reasons for that and many variations of these, including organisations that are, for example:

- an NGO – that has developed an organising agenda, members and the aim to grow into a more representative organisation – that is transitioning into a truly democratic workers' organisation, where there is a shift of power in process from the (self-appointed) leadership of the NGO to an elected body of worker representatives. HomeNet South Asia, for example, was originally a hybrid structure, but it has perhaps now developed a more democratic and representative structure of an MBO.

- in circumstances which prevent the legal registration of a trade union, leading to the development of an organisation that looks, sounds, and behaves like a trade union, but remains unrecognised and unregistered. This depends on the character of the national labour movement and the political and institutional context. Workers may be organised in a union-type structure, but whether they can register as a union depends on labour regulation.

  > *In some countries – such as South Africa – workers must have an employer in order to register as a union. In other countries, restrictions exist on the rights of migrants to form and register a trade union. For example, where unions of migrant domestic workers are not formally recognised as unions, domestic workers have formed associations. Despite a different label, these organisations have structures similar to that of a trade union (Tang, 2019).*

  > *»In Belarus, Market Vendors, who have a registered status of individual entrepreneurs, have established membership-based organisations. However, because their work arrangements are ›irregular‹ the government does not recognise them as workers but rather small businesspeople. When market ven-*

> *dor organisations register as unions, they are often rejected and unrecognised. As a result, many of these MBOs prefer to be registered as associations rather than trade unions« (Abboud, 2019).*

> *»In Qatar, no unions exist to represent informal workers, but the BWI has helped to develop structures called ›Workers Welfare Committees‹ to allow the organisation of workers« (Lee, 2019).*

– cooperatives that have taken on the organising functions of a membership-based organisation.

– associations which are rooted in other social movements, whether they be community-based, from the women's movement, or perhaps a faith community, where the members do not self-identify as workers or as part of the labour movement.

– networks that are ›spontaneously‹ developed by workers using social media – particularly those in the platform economy (taxis, food delivery, etc.).

> *»Drivers are using a lot of technology to get organised. In India, for example, they used a ›missed call‹ system to sign people up and developed an elaborate signalling system through missed calls (which, in the context of extremes of drivers' low pay, costs nothing to use). The NYTWA is now running a pilot scheme with Uber drivers where they call a number and then hang up (a ›missed call‹) which registers their membership, then followed up with calls from the union – this is a base of a system that can be built up into an elaborate system«. (Mathew, 2019)*

THE COMPLEXITY AND THE POTENTIAL OF HYBRID ORGANISATIONS

There is a wide diversity of such ›hybrids‹ – they largely represent informal workers and share many common goals, but take different forms and strategies. They evolve over time in line with worker needs and institutional environment. Such ›hybrids‹ may have features that don't comply with normative definitions of MBO – where members democratically control the organisation's structure and process, are representative, with elected leaders and fee-paying members – making them difficult to identify. Due to difficult institutional frameworks within different contexts, the legal status adopted may often not necessarily be in line with the actual form of the organisation (Carré, 2013). However, their development presents an opportunity to encourage the shift towards more democratic and representative membership-based organisations (see Box 1).

Nevertheless, it is very important to avoid encouraging some ›hybrid organisations‹ that are, in effect, substituting for trade unions or other genuinely workers-controlled organisations (Webster E., 2019). There are numerous NGOs, self-defined »MBOs« and other largely middle-class-led initiatives which are not accountable to the workers they seek to support or organise. Some are led by those who may wish to

Box 1
The Self-Employed Women's Association (SEWA)

Perhaps the most celebrated and well-documented organisation of workers in the informal economy, the **Self-Employed Women's Association (SEWA)** in India, has been of central importance in challenging the idea that informal workers should not or cannot be organised within the trade union movement.

Since its launch in 1972, SEWA became one of the world's largest unions, claiming over two million members (Self-Employed Women's Association, 2017), and recognised at the highest level of international trade union institutions, yet it had to struggle for years against considerable resistance and hostility from others in the (male-dominated) trade union movement.

SEWA is perhaps an early example of what have been called »hybrid« organisations of informal workers. It is a trade union, registered with the state and recognised by the international trade union movement. As a union, it organises and represents both rural and urban informal women workers in dozens of occupations and undertakes collective bargaining for improved livelihoods and working conditions. But it also performs many functions that are not normally found within a present-day trade union, such as cooperative development, (including cooperatives for banking, savings and credit, childcare, agricultural products, and many others), and the provision of social protection through forms of cooperative insurance, covering funeral costs, maternity, sickness and ›calamities‹, such as floods, riots and accidents. (Jhabvala & Subrahmanya, 2000)

SEWA was the inspiration and leadership behind much of the rethinking in the labour movement about the informal economy, and the subsequent recognition and development of organised informal labour – whether within the trade union movement, in other forms of workers' association, or in new ›hybrid‹ forms of organisation.

support the workers, but believe them to be incapable of sustainable self-organisation. Others may have financial, personal or political reasons for not wishing to relinquish authority over the organisation. In Mexico, entrepreneurs have established »cooperatives« to bypass labour laws (Carré, 2013). The principles that are outlined in the box below can help us to differentiate and to identify truly democratic workers' organisations.

With all these different forms and shapes of informal workers' organisations, the union needs to understand these organisational structure and dynamics: Who are the leadership? Are they democratically accountable? Do they represent all workers in the industry or is the leadership dominated by certain interest groups (informal employers, ethnic groups, political parties, criminal gangs, etc.)? Are they already organised (which makes building the bridge easier)? Do women have a strong voice? Do they have resources? Do they collect membership dues? Do they have a democratic mandate?

Then unions will have to ask some strategic questions: Do these organisations have *power*? If so, what power resources and capabilities do they have at their disposal? Do they have significant membership and/or support among the workers (associational power)? Do they have the ability to take effective industrial action (structural power)? Do they command respect and support from other social movements or the general public (societal power)? Do they already have some recognition from and negotiate with local or national authorities (institutional power)? Would it be useful to build the bridge?

Importantly, to cross the divide and start to build the bridge with informal workers´ organisations, we must judge which organisations are independent, truly democratically accountable to the workers they represent and capable of long-term sustainability? What are the criteria that are applied by the trade union movement (even though many unions may fall short themselves)?

MANDATE FROM UNION MEMBERS

The second, more action-oriented step after the analytical parts above starts with ensuring **that the union leadership has the support of their membership** in exploring cooperation with informal workers. Is there support for change? Is there capacity to change? As discussed above, the most fundamental question is whether the union members have a sense of *inclusive* solidarity, whether they recognise informal workers to be workers with the same needs and rights as workers in the formal economy, or whether they believe that solidarity should be *exclusive* to those in the formal economy.

There may be more direct reasons why members may be cautious or hostile to cooperate with informal workers: that it could jeopardise union finances, could undermine their terms and conditions, could generate a demand for support beyond the capacity of the union, for example. Leaders could feel that their elected positions could be under threat if a large group of workers may wish to elect their own leaders into the union. On the other hand, members may appreciate that a potential large growth in membership could strengthen their industrial power and influence in their sector or increase respect for the union from government or the general population.

Support from the membership is crucial, and there are few short-cuts. It can be disastrous for union leaders to embark on the path towards ›crossing the divide‹ if the membership is not behind them.

This requires **education**, either through educational events that bring together formal and informal workers (seminars, workshops etc), or through a less formal process of discussion and exposure. It would also be wrong to assume that informal workers have any knowledge or understanding of trade unionism. They may feel that unions are exclusively there to protect the interests of already (relatively) privileged workers. Thus, the education may have to be two-way, with both sides of the divide learning and appreciating one another's issues and organisations.

If the union leadership is confident that their activists and members are at least willing to explore cooperation, then a more **formal democratic process** can be initiated to determine agreement on objectives, organising strategy, and common vision.

In the 1980s the structure of the commission-based employment in the New York taxi industry changed. There was a change to the leasing model in the industry. Taxi drivers who were previously commission-based employees became ›independent‹ contractors. The taxi sector, previously ›formal‹ was made into an informal sector. This meant that previously commission-based employees who could be unionised under the National Labour Relations Act were no longer protected. In response, the New York Taxi Workers Alliance went about creating an association of these workers (Mathew, 2019).

> *»In 2015, the New York Taxi Workers Alliance (NYTWA) made a strategic decision that as long as drivers were divided up, we were going to fail. As long as divisions existed among drivers, we would continue to have problems and wouldn't achieve any victories. In 2017, NYTWA made a historic decision to unite the drivers. A Unity Platform emerged which was a unified set of demands that all drivers were asking for – no matter who they worked for – this ranged from debt forgiveness, to creating one base rate across the whole sector… and the need for a minimum wage structure« (Mathew, 2019).*

> *In the South Korean construction industry, the initiative to organise among informal workers came from the trade union movement itself. The IMF crisis in 1997 led to a major restructuring of industrial relations – and a*

Box 2
Principles of democratic workers' organisation

To differentiate those organisations that are truly democratically accountable and representative of informal workers themselves from those that are not, WIEGO promotes the concept of ***membership-based organisations*** (MBOs). Ela Bhatt described an MBO as an organisation where the members are »the users of the services of the organisation, the managers and its owners«; Marty Chen, former International Coordinator of WIEGO, defined MBOs to be »those in which the members elect their leaders and which operate on democratic principles that hold the elected officers accountable to the general membership« (Bonner & Spooner, 2012).

While democratic workers' organisations and their federations and networks are varied in scope, size, structure and characteristics, they share a number of key principles: democratic ownership, transparency, solidarity, collective benefit, political and financial independence. These principles can help to identify which organisations to work with.

Most fundamentally, **democratic control** by the members – the workers. Each and every member should have an equal voice in electing the leadership, determining policy, and setting priorities for activity: in other words, the workers own the organisation, not just through exercising their rights to vote regularly, but through participatory democracy. The organisation should be led by a committee or a board drawn from representatives of the workers themselves. It can be an informal local group of a few dozen members, or a complex organisation of many thousands, but the principle remains the same.

Transparency to their members. Every member should have the right to see and understand the workings of the organisation – its constitution and rules, accounts, budgets and sources of income, decision-making processes (e.g. minutes of meetings), recruitment processes for staff and major contractors, and other key records. Apart from strengthening the democratic processes of the organisation, transparency also ensures the accountability and honesty of the leadership.

Solidarity – unity between the members and between workers' organisations; collective rights (an injury to one is an injury to all) and equality – of gender, race, caste and religion. As women form a large part of the informal workforce, there is a responsibility to pay particular attention to gender equality and the promotion of women in leadership, such as constitutional arrangements that guarantee a proportion of governing bodies to women representatives.

Collective benefits for the membership – serving the interests of its members, not of its leadership.

Independence from governments, employers, politicians, or religious organisations. This is not to imply a lack of respect for the law or the decisions of (democratically elected) governments. Nor does it imply the rejection of negotiation and collective bargaining with governments, employers or other agencies. Workers' organisations and their members are perfectly entitled to provide support for political parties, where it is in the interests of the members to do so, and they are at liberty to hold whatever religious beliefs they wish. But none of these institutions should have control over the organisation or override the members' democratic rights.

Relations with political parties can be particularly difficult, and many organisations determine that they must remain completely independent. In some cases – particularly in countries with repressive governments – it may be illegal to support or affiliate to political parties. The principle is liberty to express their political demands and opinions without interference.

Financial contribution of members. In traditional (i.e. formal economy) trade unions and workers' associations, one's membership is dependent on making regular financial contributions at a rate set by the governing body. This ensures a steady supply of income to cover at least the basic running costs of the organisation. It also ensures that there is a degree of financial independence.

However, most informal economy workers' organisations are poor. For many it is difficult to collect dues regularly – workplaces are frequently scattered and transitory. Faced with these problems, some argue that their members cannot afford to pay any dues, or that it is impossible to collect them on a regular basis. These organisations are then dependent on external support from development agencies, NGOs and others, facing threats to their independence and democratic accountability to members. They are also unstable: with the arrival of a substantial grant they can expand dramatically, only to undergo collapse when the donor loses interest or changes priorities.

Many workers' organisations in the informal economy recognise that a regular financial contribution is not just a precondition of organisational sustainability, but – no matter how small the amounts collected and how difficult it is to collect – that it binds the membership to the organisation, and the leadership to the members. This does not preclude seeking and accepting external support, but ensures that the members stay in control of direction and priorities.

shift from direct formal employment to ›independent‹ contractors and false self-employment and disguised employment. This led to the creation of the Korean Federation of Construction Industry Trade Unions (KFCITU), which organised from site to site to establish sector-wide agreements based on trade or occupation. This was ground-breaking, as Korean labour law had excluded the self-employed from its definition of ›worker‹ (Lee, 2019).

There is huge diversity in the types of work being undertaken. Organising strategies may heavily depend on where workers sit on the spectrum of work e.g. contract work/ self-employed. By redefining the boundaries, unions and informal workers' organisations can build more inclusive organising strategies which consider those who have long been excluded from union coverage – women and migrant workers.

IMPLICATIONS FOR THE UNION

There may be differences between what informal workers want and what the union can offer can present a serious barrier. The unions must address whether it has the appropriate institutions for the organisation and representation of informal workers. There may be major implications for the union in crossing the divide. The union may have to make some major concessions and be flexible, allowing coverage beyond traditional union boundaries.

Essentially it involves the adoption of specific strategies, rethinking traditional union organisational structures, objectives and policies, as well as services.

If the union decides to recruit members of associations from the informal economy, the union's **constitution** may have to be amended if, for example, membership is currently reserved for those in a formal workplace or employment relationship. In some countries, labour laws restrict union membership to those with a formal employment relationship, in which case the union would have to confront the government to demand reform of labour law.

Union structures should be amended, or new structures established to enable informal workers to fully participate in democratic planning and decision-making processes. On top of this, fresh elections may be needed to ensure that new informal members are fully represented in union democracy.

In Ghana, the Trades Union Congress revised its constitution to provide associate membership to informal workers through the Union of Informal Economy Association (UNIWA), newly formed in 2013 with the support of Ghana FES. This provided UNIWA with a fixed number of observers during the TUC congresses, General Council, and the Steering Committee, but withheld full democratic rights within the TUC for workers organised within UNIWA.

In Uganda, a new constitution of the National Organisation of Trade Unions adopted a differentiated voting system for the informal economy members, with a proportional representation according to numbers of paid-up members, and allocated some seats for informal economy representation on its Executive Board, and another two seats in the General Council. The Sierra Leone Labour Congress decided to allocate one delegate per 3,000 paid-up members from the informal economy while one delegate each per 1,000 members is allocated to formal sector trade unions at the congresses of the SLLC (ILO-ACTRAV, 2019).

Others have gone much further. In the General Federation of Nepalese Trade Unions (GEFONT), for example, formal and informal economy workers´ pay the same level of dues, and representation is equal and fair to all affiliated unions in both the formal and informal economy. The Ugandan Amalgamated Transport and General Workers Union (ATGWU) initially affiliated informal economy associations on an ›associate‹ basis, but after a long, patient and sensitive process of dialogue between informal and formal economy members, the constitution was changed to ensure more equality (Mwanika & Spooner, 2017). Today, the ATGWU Executive Board has equal formal and informal representation.

The union may have to review the **services and benefits** it offers to members and change how they might be delivered. Many informal associations are based on services such as savings and credit schemes, social protection funds, support for micro-business development, or protection of members from criminal gangs or corrupt law-enforcement. Unions may not have the willingness or capacity to do this, but they could embrace and support the association's capacity to do so *within* the union. Trade unions can develop inclusive strategies to appeal to informal workers. For example, by providing legal assistance, information, helping obtain residence, work permits/visas, support in appeals to labour courts, lobbying for particular laws (e. g. Voice of Domestic Workers).

»We had to recognise that what domestic workers wanted from the union would not necessarily be all the usual union things. They wanted a membership card – this was the only piece of identification that they had because their employers often took away their passports, a recognition that they were workers and a loud voice in the political sphere.

We had to be flexible as a union and recognise that things do not fit neatly. From the union side, we had to recognise that some domestic workers had to put down their organisations´ address rather than their personal address, because of their vulnerability. We wouldn't normally have accepted this.

We had to decide where they belonged in the union and how they could have a discrete identity in a union branch. We created a separate section for them with a separate allowance and a level of autonomy« (Holland, 2019)

It is essential that unions check their own labour laws and analyse whether these may present obstacles to organising among informal workers. If so, it may be necessary for unions to challenge this, and demand legal reform or new interpretation of the laws.

Many unions may have to fundamentally rethink **union dues** and how they are collected. It may mean the introduction of a sliding scale of dues, dependant on the ability to pay, which could be resented by some paying a higher rate but receiving the same (or greater) level of service and attention. Some unions simply do not have any experience or capacity of collecting, managing and accounting for dues individually from members but exist solely on the *check-off* system. Again, many associations have developed the means to collect dues directly from their members and have evolved innovative ways of managing and accounting for their income which could be incorporated into trade union systems.

Overall, the serious engagement of unions with informal workers may mean a shift in **organisational culture**.

> *»It led to and required a complete sea-change in our union's culture. The way things are done. Informal workers have pushed formal workers to become engaged in their own union. It led to greater transparency and democracy, and the active participation by formal workers who had sunk into apathy« (Mwanika, 2020).*

Within all of this, it is essential to understand **gender relationships**. Women are generally over-represented in the most precarious and low-paid of occupations and are often overlooked or ignored. This requires a conscious effort to identify the role of women in the informal workforce, particularly in male-dominated industries, and enable them to be visible and heard.

> *»Formal trade unions are dominated by men. This is true of the leadership in the formal economy, but there is a female majority in some parts of the informal economy. In these collaborative informal/formal spaces, there is need for women caucuses to discuss these issues and identify strategies for women both informal/formal« (Alfers, 2019).*

Most formal trade unions are dominated by men – both in leadership and membership. Issues related to, for example, childcare or violence at work, are often not equally represented in the union agenda or in collective bargaining. This gender dimension can affect the affiliation (divide – causes the divide/may make it harder to cross the divide) of informal workers' organisations to formal trade unions.

> *»Informal workers' organisations that have found it easiest to affiliate to trade union structures have been in the male dominated sectors such as transport« (Alfers, 2019).*

Creation of new structures and new ways to affiliate. Sector particularities often require the need to develop targeted organising strategies, rather than all workers being integrated under the same organisational structures as other workers. Unions may create new structures to represent the specific needs of informal workers. Unions can also build links with independent organisations and cooperate around particular policy issues. For example, where informal associations lack the resources or knowledge base, but wish to maintain their autonomy and independent structure, there are instances where national unions form alliances with, or give support to, associations on specific issues.

> *»As a domestic worker, coming straight into a trade union is far too big a leap. What we found was that there were already mutual support groups that existed that had the links with all the workers on the ground on a day to day basis. It was those groups that we knew we had to link up with in terms of organising people into the union« (Holland, 2019).*

Hence, a variety of approaches is possible, including:

- Direct recruitment of individual informal workers into sectoral unions
- Affiliation of informal associations into unions or national centres
- Union support to informal associations to make a transition into a new union
- Development of alliances or ›memoranda of understanding‹ between unions and informal associations

BEST PRACTICE: ORGANISING STRATEGIES

There are several ways that informal workers have been successfully organised with or alongside the trade union movement.

Many national trade union centres play a very active role in helping to form and develop primary organisations of informal economy workers. The Hong Kong Confederation of Trade Unions, for example, played a central role in organising formal and informal migrant workers and especially domestic workers. The International Trade Union Confederation (ITUC), is increasingly supportive of informal worker organising initiatives among its affiliates.

> *»It is about working out how to work together, and there is no single way to do it. It is about creating a movement, not necessarily within trade unions as formally understood« (Bonner C., 2019).*

DOMESTIC WORK

In the domestic work sector, many domestic workers have already established associations. Trade unions have been working with them to provide practical support.

The Congress of South African Trade Unions (COSATU) has provided support to affiliated associations of the IDWF the use of their offices.

In the UK, Unite the Union has built strong links with the Voice of Domestic Workers – an organisation largely organised by and consisting of migrant domestic workers. The union initially provided support to and built strong links with the organisation. The migrant domestic workers are now union members.

> *»In the 1990s, there were already a number of organisations providing support to migrant domestic workers. There was an organisation of undocumented domestic workers … they wanted to link up with the organised workforce because they wanted to be recognised as workers … We provide them with a place for emergency meetings … support with publications and fringe meetings with politicians and ensuring the case is put for regaining their rights … but we have to recognise that domestic workers will lead the way« (Holland, 2019).*

TRANSPORT

In the early 2000s in Uganda, the **Amalgamated Transport and General Workers Union (ATGWU)** was experiencing widespread membership decline due to the collapse of state-owned passenger road transport and the informalisation of the transport sector. By 2006, the union had a combined membership of only 2,000. The union changed its strategy and built links with and organised informal economy associations in the transport industry. It now has 100,000 members.

The International Transport Workers' Federation (ITF) has been working with transport unions representing informal economy workers to strengthen the voice of informal workers in the development of Bus Rapid Transit (BRT) systems and enable a fair negotiation in the transition and to help give informal workers some institutional power.

> *»Ten years ago, the ITF adopted a resolution which made a commitment to organising all workers, regardless of their labour status. The second resolution was adopted at Congress last year, which focuses on the transition from informal to formal and organising strategies. We are working with unions to help them negotiate the transition…the overall strategy is about winning rights for informal workers and influencing models of urban transport.« (Dave, 2019)*

STREET VENDORS

In Kenya, unions have given support to the Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT) when negotiating with municipalities for access to better infrastructure in the markets where they trade (Pillay, 2019).

In Tanzania, the **Tanzania Union of Industrial and Commercial Workers (TUICO)** has long been organising market vendors, but were initially resistant to organising street vendors ›machingas‹. However, in 2013 the union faced huge membership losses after the municipality dismantled the market shelters that the union had built at Kariakoo Market in Dar Es Salaam. The workplaces of the market vendors were dismantled, forcing them into more precarious work as street vendors. After this, the union recognised the need to extend the scope of their organising strategy and began organising street vendors. However, they were only able to organise around 5000 market vendors and machinga members. TUICO then signed a memorandum of understanding with VIBINDO – an association of street vendors with 65,000 members – meaning that all VIBINDO members become TUICO members. The memorandum of understanding with VIBINDO saw TUICO's membership grow to 140,000 in 2019.

AGRICULTURE

In the farming sector in Africa, IMF and World Bank policy in the late 1970s was having a negative impact on the farm sector. There were mass job losses, particularly in Ghana. The agricultural unions were also losing members. At the same time, the ILO adopted a resolution on rural workers which redefined ›farm hands‹ or ›rural labourers‹ as ›real workers‹. The Ghanaian TUC was encouraged by this and broadened their definition of ›worker‹. This encouraged unions to associate informal workers and led to a huge growth in the membership. For example, under the structural adjustment programmes, agricultural union membership went from 130,000 to 30,000. Facing a crisis in membership from formal economy workers, they turned to informal workers' associations. They recovered through the inclusion of associations of informal workers and changing the constitution so associations could sit within their structure. (Horn, 2019)

> *»It's really not that difficult to cross the divide – its less of a chasm than one might think!« (Barrett, 2019)*

5

RECOMMENDATIONS FOR FES TRADE UNION WORK

FES national offices can be significantly helpful to unions and informal workers to ›cross the divide‹, where and when requested. There are already examples of this in several countries. Experience and evidence from interviews suggest several means of support.

PARTICIPATORY RESEARCH

Organisations such as WIEGO and the ITF recognise that the development of partnership between researchers and workers' organisations have been crucial in supporting the development of organisation and representation of informal workers. This approach recognises the crucial value of *participatory* research, where workers' organisations have democratic oversight from the outset, are centrally involved in the formulation of research questions, are directly involved in surveys and other field research activities and have a sense of ownership of the conclusions.

This is partly out of democratic principle, but also because of recognition that the workers themselves are the most important source of information and knowledge of their own industry, and that it would become a purely academic exercise if the results of the research are not directly related to their experience and ability to organise and represent their interests.

This is not to understate the importance of academic rigour and credibility. Quite the opposite. Validation of the resulting research reports by credible academic institutions and scholars can make a crucial difference in the impact on policymakers, authorities and institutions.

FES has strong links with both academic institutions and the trade union movement, and the capacity to build these partnerships.

Key research questions include (not exclusively):

Understanding the informal workplace and informal economy

1. How does the industry actually work on the ground? How does the informal micro-economy function in practice?
2. What are the occupations?
3. What are the workers´ livelihoods?
4. What are the employment relationships?
5. What are the gender relationships?
6. What are the issues facing the workers?
7. Who are the bargaining counterparts needed to address these issues?
8. What is the *political* economy of the industry or sector?

Understanding informal worker organisation

1. What is the legal framework? Are there legal constraints to the organisation of informal workers (in trade unions, cooperatives, associations)?
2. How are informal workers organised?
3. To what extent are they democratic?
4. What are their attitudes towards trade unions?
5. Do they include both workers and informal employers? What is the relationship between the two? What is their relative power in the organisation?
6. What are their financial resources?
7. Do they collect membership fees?

Analysing power resources (of both unions and informal economy organisations)

1. Do the workers have structural power?
2. Do they have associational power?
3. Do they have institutional power?
4. Do they have societal power?
5. What are their capabilities?

DIALOGUE AND POLICY DEVELOPMENT

As discussed above, crossing the divide requires considerable **dialogue and negotiation** between unions and informal economy worker organisations, needing grassroots conversation, seminars, conferences and workshops. FES is well-placed to provide support for this, both because of its institutional independence from both unions and informal organisations, and its ability to provide modest financial support.

> *»A positive thing would be to help facilitate consistent engagement – so that workers start to find spaces as equals fighting a collective enemy. We need to overcome hierarchies. There is potentially a complementarity between unions and informal worker organisations.*

> *Unions have experience of organising in a particular way while informal workers understand the complex world of their work« (Pillay, 2019).*
>
> *»There is potential to fund more dialogue space to identify common problems. This doesn't necessarily mean that they all come together in one organisation, it can potentially just mean building alliances for example on social protection. There are issues that can bring everyone together« (Alfers, 2019).*

In Togo, for example, a Danish-funded trade union project was established to facilitate bridge-building between trade unions informal associations (Alfers, 2019).

Dialogue can help to bridge potential ideological differences. Unions may need to challenge their traditional definitions of ›worker‹. They may also need to overcome internal prejudice as to the threat of informal workers on formal trade union organisation.

> *»Tensions can be reduced or overcome through dialogue and listening. Perhaps FES could provide support for exposure programmes for unionists, miniature surveys / mapping exercises, taking union leaders to informal workplaces« (Bonner C. , 2019) .*

It is also important to assist the engagement of informal workers with national trade union centres, which of course are the main actors in tripartite structures with governments and employers, and can play a major role – if willing to do so - in helping to assist associations engage with individual national unions.

> *»It is much easier if national trade union centres have the will to organise informal workers as well. National trade union centres may be willing to organise informal workers due to the fact that formal employment is shrinking. For some TUCs it is a question of survival to find alternative ways of organising workers outside of their ›comfort zone‹. FES could help the trade union centres to* ***facilitate a strategic process of how to organise informal workers****. If (they) are not willing to organise informal workers, FES could still contact progressive informal workers associations in the respective countries« (Kuzu, 2015).*

There is also a need to support the **development of policy**. Do unions support the inclusion of informal workers? Is there a mandate from the membership? What are the implications for constitutional and organisational reform? What are the implications for the culture of the organisation?

At the same time, informal workers' organisations may need an opportunity to learn about trade unions – what are their objectives and principles? How and why are they (or should be!) democratically accountable? Are they relevant to the needs of informal workers? What could they gain or lose by affiliating or allying with the trade union movement?

The setting, framing and methodology of such (in effect) workers' education activity is important. It is crucial that workers (both formal and informal) are comfortable, confident and responsive. The all-too familiar standards of four-star hotels, big lunches and over-generous expenses or ›allowances‹ are entirely counter-productive. Grand openings with speeches from government ministers and general secretaries are more likely to lead to passivity rather than real engagement.

FES can work alongside ›hybrid‹ organisations and ›proto-unions‹ to identify those with the potential to transition for more democratic and representative membership-based organisations. FES can help to explore potential barriers and identify the potential of organisations to make the shift.

SUPPORT FOR ENGAGEMENT WITH INSTITUTIONS

FES can play an important role in facilitating meetings between unions and informal workers' organisations with the institutions that influence the livelihoods, working conditions and respect for rights of workers, including employers' organisations, national and local government, law-enforcement agencies, social protection agencies, planning authorities, development agencies, financial institutions and others.

This could include the establishment and formalisation of collective bargaining platforms between workers and institutions, inclusion of informal workers in tripartite structures, and providing the institutions themselves with awareness-development, training and information.

> *»It is vital to build inclusive social dialogue and involve representatives of the informal economy in all negotiations including tripartite negotiations and national structures. Although some trade unions don't welcome this approach, it enables representation of different categories of workers. But it cannot be replicated in many countries, as many trade unions, employers, governments cannot get on board with the ›plus‹. But it is important for trade unions to make efforts to allow the space for informal economy workers to have a voice. This is particularly important when national discussions are related to the transition of the informal economy to formal« (Abboud, 2019)*

FES could also assist with workers' engagement with media organisations. Many groups of informal workers are badly misrepresented in the media, which frequently portrays them as criminal, feckless, dangerous and uncivilised.

There is another important potential role in encouraging alliances within broader civil society. Many of the issues faced by informal workers are shared with a range of NGO's and community organisations advocating reform and action on the environment, denial of women's rights, corruption, housing, welfare reform and other key issues.

FES has some capacity to strengthen the **international voice and representation of informal workers**. Most, if not all, international trade union organisations recognise that informal workers' organisations should be represented at important conferences and seminars that are discussing issues that have an impact on their livelihoods and rights. But very few national informal organisations have the resources to enable their members to participate, and the international trade union federations have limited budgets with competing priorities.

Support for the direct engagement of informal workers in international forums (by WIEGO, for example) has proved its substantial impact in producing paradigm policy shifts, whether in International Labour Conferences, UN Climate Change Conferences or elsewhere. Modest financial support for informal workers' representatives from national organisations to participate in trade union delegations to such events can yield considerable results, both internationally and in their home countries.

Finally, to cross the divide at an international level requires the participation of informal workers' representatives in the meetings and conferences of the international trade union movement itself. While global and regional union federations may welcome their participation, they also face competing priorities for resources. FES already provides some support for this through its partnerships with international union federations at a global level but, as suggested above, support at a national level can have very positive impact on policies and perceptions at home.

FINANCIAL SUPPORT AND SUSTAINABILITY

Associations and unions of informal workers (and many formal economy-based unions) are obviously very often financially fragile and precarious, and many seek direct financial support for their core infrastructure and operations. This is a major fear of many trade unionists – that their union will sink under the financial demands of informal worker organisation.

It is stating the obvious to reinforce the principle that insensitive or inappropriate external financial support can destroy democratic organisation. Despite arguments to the contrary, many organisations of even the poorest of workers have proved that they can be sustainable through regular micro-financial contributions from its members. The real underlying problems are more likely to be political and organisational, rather than financial.

Nevertheless, there are important possibilities of practical support that can make a major difference in financial sustainability: training and technical assistance in building systems of membership administration, for example, or exploring the use of mobile phone technology to improve membership fee collection.

There is a need for a sustainable strategy that provides long-term positive results. Support should not be a one-off. There is a need to be sensitive about what happens after crossing the divide, and to not emphasise a ›programme‹-driven and token approach. At the same time, there is a need to avoid dependency and to focus on building up institutions and actors.

> *»In the 90s we were encouraging Trade Union Centres to set up Informal Economy Desks in order to open the doors of the trade unions to organizing informal workers – but with the passage of time, these Desks have become double-edged swords. Some Desks deteriorated into conduits for trade union funding, and sometimes Desk Officers became gatekeepers who have not been able to step aside for new leadership in the informal economy to emerge and take over as the rightful representatives of workers in the informal economy« (Horn, 2019).*

As we have demonstrated, the informal sector is complex and surely also a challenging environment for FES work. But this should not be used as an excuse to keep away from it. Informal work is not a transitional phenomenon, but a reality for millions of workers and a defining characteristic of many economies. Therefore, we think it is imperative to support unions and informal workers to cross the divide and to strengthen the rights of all workers.

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FURTHER READING AND RESOURCES

Domestic Workers	International Domestic Workers Federation https://idwfed.org/en
Street Vendors and Market Traders	StreetNet International http://streetnet.org.za/
Waste-Pickers / Recyclers	Global Alliance of Waste Pickers www.globalrec.org
Home-Based Workers	HomeNet South Asia: https://hnsa.org.in/ HomeNet South-East Asia: https://homenetsea.org/
Construction Workers	Building & Woodworkers International (BWI): www.bwint.org
Transport Workers	International Transport Workers Federation www.informalworkersblog.org/ www.itfglobal.org/en
Women in Informal Employment:	Globalizing & Organizing (WIEGO) www.wiego.org

APPENDIX 1:
ORGANISATIONAL MODELS OF INFORMAL ECONOMY WORKERS

PRIMARY ORGANISATIONS

Where the law allows the registration and collective bargaining of trade unions of informal workers, some informal workers are organised into **local or national trade unions**. Some are registered unions; some are unregistered. Membership of some unions is exclusively informal – this would include, for example, the Federation of Petty Traders and Informal Workers' Union of Liberation (FEPTIWUL), which represents traders in many different work sectors, or the Self-Employed Women's Association (SEWA) in India.

In others, where the culture and constitutions of the trade union movement allows it, informal workers are included in a wider membership that includes formal workers, such as domestic workers in the Kenya Union of Domestic, Hotel, Education Institutions, Hospitals and Allied Workers Union (KUDHEIHA), informal transport workers in the Amalgamated Transport and General Workers Union (ATGWU) in Uganda, or market vendors in the Tanzania Union of Industrial and Commercial Workers Union (TUICO).

Informal economy trade unions or associations may be formed where formal jobs have become informalised (e. g. where there has been a change in regulatory/legal frameworks changing the structure of a sector).

In the South Korean construction industry, the initiative to organise among informal workers came from the trade union movement itself. The IMF crisis in 1997 led to a major restructuring of industrial relations – and a shift from direct formal employment to ›independent‹ contractors and false self-employment and disguised employment. This led to the creation of the Korean Federation of Construction Industry Trade Unions (KFCITU), which organised from site to site to establish sector-wide agreements based on trade or occupation. This was ground-breaking, as Korean labour law had excluded the self-employed from its definition of ›worker‹. (Lee, 2019)

In the farming sector in Africa, IMF and World Bank policy in the late 1970s was having a negative impact on the farm sector. There were mass job losses, particularly in Ghana. The agricultural unions were also losing members. At the same time, the ILO adopted a resolution on rural workers which redefined ›farm hands‹ or ›rural labourers‹ as ›real workers.‹ The Ghanaian TUC was encouraged by this and broadened their definition of ›worker‹. This encouraged unions to associate informal workers and led to a huge growth in the membership. For example, under the structural adjustment programmes, the agricultural union membership went from 130,000 to 30,000. Facing a crisis in membership from formal economy workers, they turned to informal workers' associations. They recovered through the inclusion of associations informal workers and changing the constitution so associations could sit within their structure. (Horn, 2019)

In the 1980s the structure of the commission-based employment in the New York taxi industry changed. There was a change to the leasing model in the industry. Taxi drivers who were previously commission-based employees became ›independent‹ contractors. The taxi sector, previously ›formal‹, was made into an informal sector. This meant that previously commission-based employees who could be unionised under the National Labour Relations Act were no longer protected. In response, the New York Taxi Workers Alliance went about creating an association of these workers (Mathew, 2019).

Where informal associations lack the resources or knowledge base, but wish to maintain their autonomy and independent structure, there are instances where national unions form alliances with, or give support to, associations on specific issues, such as Kenyan unions giving support to the Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT) when negotiating with municipalities for access to better infrastructure in the markets where they trade (Pillay, 2019). This is sometimes achieved through a formal memorandum of understanding between unions and associations.

In the domestic work sector, many domestic workers have already established associations. Trade unions have been working with them to provide practical support. The Congress of South African Trade Unions (COSATU), for example, provided affiliated associations of the IDWF the use of their offices.

Some workers may be excluded from trade union coverage, e. g. the sector may not be covered by labour law, informal migrant workers – both documented and undocumented - are often excluded from labour protections due to discriminatory policies.

Justice for Domestic Workers in the UK – an organisation largely organised by and consisting of migrant domestic workers is supported by a national union – Unite the Union.

> *»In the 1990s, there were already a number of organisations providing support to migrant domestic workers. There was an organisation of undocumented domestic workers … they wanted to link up with the organised workforce because they wanted to be recognised as workers … We provide them with a place for emergency meetings … support with publications and fringe meetings with politicians and ensuring the case is put for regaining their rights … but we have to recognise that domestic workers will lead the way« (Holland, 2019).*

Women often form organisations which provide health services and childcare, while organisations formed in male-dominated sectors more often focus on improving wages and

Table 1
Organisational models of informal economy workers

Organisation	Definition / Characteristics	Example
Primary Organisations		
Local/National Trade Unions	Registered/unregistered. Where the law allows, trade unions of informal workers may be formed. Can be informal or informal workers included in wider membership where the culture/ constitutions of the trade union allow it. National unions may form alliances with/give support to associations.	– Self-Employed Women's Association (SEWA) – Kenya Union of Domestic, Hotel, Education Institutions, Hospitals and Allied Workers Union (KUDHEIHA)
Worker cooperatives	Production or marketing cooperatives owned by the workers.	– La Cooperativa El Ceibo (waste recyclers), Buenos Aires
Consumer cooperatives	Cooperatives owned by consumers, or own-account workers to buy better quality or lower-priced materials	– Cooperativa de Pequeños Comerciantes del Valle del Cauca (COOPEVA), (Street Vendors) Colombia
Savings cooperatives and credit unions	Community or workplace cooperatives to provide access to credit and savings filling the demand for social protection and services.	– KOTSA SACCO (taxi workers), Kampala
Voluntary associations, self-help groups and unregulated organisations	Informally organised local groups, often providing savings and credit or basic social protection e. g. community-based organisations, women's groups, NGOs.	– *Merry-go-round* - micro-savings group (Kenya)
Federations		
Local trade union federations/centres	Include primary organisations of informal economy workers	– Manual Labourers' Association in Pune, India – Federation of Petty Traders and Informal Workers' Union of Liberation (FEPTIWUL)
National trade union federations/centre	Informal workers' unions may affiliate directly or have 'associate' membership.	– Ghana Trades Union Congress
Federations of informal economy organisations	Include primary MBOs of informal economy workers. This includes national federations of cooperatives.	– SEWA in India has its own federation of over 100 workers' cooperatives – Primary cooperatives of waste-pickers (recicladores) in Brazil, Colombia, Chile and Peru have their own national federations or movements. – The Federation of Informal Workers Organisations of Nigeria (FIWON) with member organisations across 28 sectors. – Informal and Rural Workers' Federation (FETRI) – Senegal – Senegalese Confederation of Informal Economy Workers (CGTIS)
Global Union Federations	Unions with membership among informal workers, formally organised and represented through appropriate GUF (sectoral global unions). This is affected by the extent to which GUFs actively encourage and support the inclusion of informal worker unions within their organisation.	– Unions with informal workers in the International Transport Workers Federation (ITF) – Domestic workers' unions in International Domestic Workers Federation (IDWF) and the International Union of Foodworkers (IUF) – Street vendor and market trader unions affiliated to UNI Global Union Federation – Construction workers' unions in the Building & Woodworkers International (BWI) (where nearly all employment is precarious or informal)
Networks		
Institutions have no capacity to deliver	Institutions have no capacity to deliver	– StreetNet International (street vendors and market traders) – HomeNet South Asia, HomeNet South East Asia and HomeNet Eastern Europe and Central Asia (home-based workers) – Latin America and Caribbean Waste Picker Network (LAWPN) – Global Alliance of Waste Pickers

conditions through collective bargaining – seen as the traditional role of trade unions. At the same time, most formal trade unions are dominated by men – both in leadership and membership. Issues related to childcare are often not equally represented in the union agenda or in collective bargaining. This gender dimension can affect the affiliation (divide – causes the divide/may make it harder to cross the divide) of informal workers' organisations to formal trade unions.

> *»Informal workers' organisations that have found it easiest to affiliate to trade union structures have been in the male-dominated sectors such as transport« (Alfers, 2019).*

Informal workers also create a wide variety of **cooperatives**. Some are worker cooperatives. Waste-pickers may form a cooperative to process and sell recyclable materials collectively and bid for contracts from local governments. Own-account home-based workers may form cooperatives in seeking to reach new markets for their goods. Others are consumer cooperatives. Street vendors, for example, may form a cooperative to buy in bulk from wholesalers, or artisans may pool their resources to buy raw materials or tools. Motorcycle taxi riders may form a cooperative to bulk-purchase spare parts or import bikes. There are many savings cooperatives and credit unions operated by informal workers, and a wide variety of cooperatives trying to meet the demand for social protection and services – health insurance, funeral benefits, child-care, housing, etc.

There are also large numbers of **voluntary associations and self-help groups** – community-based organisations, women's groups, and even NGOs, where they are structured to be democratically accountable to workers. Sometimes it can be more appropriate for workers to form voluntary associations, rather than more formally structured unions or cooperatives. In some countries, informal workers are legally banned from forming unions. In others, the formal registration of a cooperative can be a difficult bureaucratic process. There may also be hostility from local union or cooperative movements towards membership of informal workers in general (or women informal workers in particular). Some informal workers may be reluctant to form unions or cooperatives where they are de facto under the control of local politicians, political parties or the state.

Finally, less-clearly defined, are the very many **unregistered organisations** – which may include associations, unions, clubs, societies and cooperatives, that may have no legal or formal constitutional basis, but are nonetheless democratic and accountable. Even where the law (or anyone else) does not recognise them, they may represent informal workers and can have considerable power.

FEDERATIONS

Nationally, many trade unions of informal workers are affiliated to their **national trade union federations** (»national centres«). In some cases, they may affiliate directly, with the same status as traditional unions in the formal economy. In some countries, such as Ghana and Zambia, informal workers' associations are encouraged to have »associate« membership in the national union centre, where they are entitled to participate in union activities, but with restricted membership rights. Many national trade union centres play a very active role in helping to form and develop primary organisations of informal economy workers. The Hong Kong Confederation of Trade Unions, for example, played a central role in organising formal and informal migrant workers and especially domestic workers. The International Trade Union Confederation (ITUC), the international federation of national union centres, is increasingly supportive of informal worker organising initiatives among its affiliates.

There are also examples of local city-wide trade union federations which include primary organisations of informal economy workers. In India, for example, unions in Pune from all informal economy sectors form the city-wide Manual Labourers' Association.

Internationally, unions with membership among informal workers are formally organised and represented through the appropriate **Global Union Federations (GUFs)**.

In the construction industry, for example, where nearly all employment is precarious or informal, construction workers' unions are members of the Building & Woodworkers' International (BWI) –responsible for organising and representing construction workers. Garment workers' unions representing home-based workers may affiliate to IndustriALL[9]. Trade unions organising domestic workers may be members of both the International Domestic Workers Federation (IDWF) and International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers (IUF). Unions of informal transport workers may be affiliated to the International Transport Workers Federation (ITF). Street vendor and market trader unions may be affiliated to Union Network International (UNI), which covers private sector services – including retail workers.

The extent to which these GUFs actively encourage and support the inclusion of informal worker unions within their organisation can vary considerably and depends on specific sector characteristics, available resources, organising priorities and political will. There are major concerns about the organisational sustainability of international organisation among large numbers of small and fragile unions and associations unable to pay more than a small token affiliation fee, yet potentially generate enormous demand for support – not least the financial assistance required to participate in the regional and global GUF activities and democratic processes.

On the other hand, there is recognition that in some sectors and regions the workforce is overwhelmingly informal, in-

9 IndustriALL is the global union federation covering manufacturing, mining and other sectors, including garments and textiles. The former International Textiles, Garment and Leatherworkers Federation (ITGWF) merged with other GUFs to form IndustriALL in 2012.

volving thousands or millions of workers who, if successfully organised, could transform the power of the trade union movement. ATGWU in Uganda, for example, was an old and respected, yet declining transport union that was able to increase its membership from less than 5,000 members to more than 100,000 within five years through the inclusion of informal workers, and has had a major impact on the ITF's perception of informal workers (Mwanika & Spooner, 2017).

There are also **national federations of informal economy organisations** which include primary MBOs of informal economy workers. SEWA in India has its own federation of over 100 workers' cooperatives, and in Latin America, primary cooperatives of waste-pickers (*recicladores*) have their own national federations or movements, for example in Brazil, Colombia, Chile and Peru. The Federation of Informal Workers Organisations of Nigeria (FIWON) has informal workers as members across 28 sectors.

NETWORKS

There are also national, regional and global **networks of informal economy workers' organisations**. Networks tend to be less formally constituted and more flexible than federations in the trade union and cooperative movements.

The major international networks are those of the street vendors and market traders (StreetNet International), home-based workers (HomeNet South Asia and HomeNet South East Asia), waste-pickers (the Latin American and Caribbean Waste Picker Network), and the newly-formed, still developing International Network of Domestic Workers (IDWN) – supported by the IUF and WIEGO.

- **StreetNet**, the international federation of street vendors and market traders, founded in 2002, of which SEWA was a founding member along with the Self-Employed Women's Union (SEWU) in Durban, South Africa;
- **International Domestic Workers Federation (IDWF)** emerged as a formally recognised global union federation in 2013 out of the former International Domestic Workers Network;
- **HomeNet South Asia**, **HomeNet South-East Asia** and **HomeNet South East Europe & Central Asia,** the regional networks of home-based workers;
- **Global Alliance of Waste Pickers**, the loose international network of organisations of informal waste-pickers and waste recyclers, including the **Latin American Waste Pickers Network (LAWPN)**.

Each of these networks has a distinct organisational and political culture. StreetNet and IDWF are both closely modelled on the formal structures of the global union federations, including strict criteria on the eligibility of applicants for affiliation. The IDWF constitution, for example, clearly states:

> *»Organisations wishing to affiliate to IDWF should have a minimum of 50 members, a written constitution, based on democratic and legal principles, and regular financial reports, approved by members« (IDWF, 2019)*

The Global Alliance of Waste Pickers and the regional HomeNet networks are much less formal and include a broader mixture of organisations. It has some 106 member organisations, of whom 60 are in Latin America, 21 in Asia and 12 in Africa. With the exception of two trade unions (in Chile and Honduras), all of the Latin American organisations are cooperatives or federations of cooperatives. The Asian organisations are a mixture of NGOs, community-based organisations, unions, associations and self-help groups. All the African members are associations (WIEGO, 2019).

HomeNet South Asia has approximately 50 member organisations in Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Of these, perhaps only four or five could be regarded as democratic workers organisations (unions or cooperatives). The rest are NGOs, »business associations« and a small number of semi-academic institutions. (HomeNet South Asia, 2019). Despite considerable investment into the development of democratic membership-based organisations among Asian home-based workers by WIEGO and others in the 1990s, there remains a culture among some of the NGOs that supports the view that home-based workers lack the competence or capacity to govern or manage their own organisations, a situation which is not helped by considerable legal obstacles to the official registration of trade unions and/or cooperatives.

HomeNet South-East Asia, composed of national networks (national HomeNets) of home-based workers in Cambodia, Indonesia Laos, Philippines and Thailand, is more focused on membership-based organisations, but most remain organisationally very weak. HomeNet Eastern Europe and Central Asia, registered in 2013, is the least represented and newest of the regional networks, based with the Association of Home-Based Workers (AHBW) in Bulgaria. It has member organisations from 12 countries across 2 continents. Although relatively small, these regional networks are built on democratic principles, with participation and representation of membership-based organisations of home-based workers.

APPENDIX 2:
HISTORY - THE STRUGGLE FOR RECOGNITION

Informal workers in the ILO

In the 1990s, there was a major shift in thinking in the labour movement about the informal economy and recognition for organisations representing informal workers. Much of this was focused on policy development, discussion, and conferences of the International Labour Organisation (ILO). Organisations representing informal workers, led by women, and supported by WIEGO and SEWA, argued for the rights and livelihoods of informal workers, and developed alliances with sympathetic unions and union federations.

There were some major victories, notably the ILO adoption of the **Home Work Convention (C177)** in 1996, the **Domestic Workers Convention (C189)** in 2011 and more generally the adoption of a ***Resolution Concerning Decent Work and the Informal Economy*** in 2002 (International Labour Organization, 2002), This resolution was the formal outcome of a formal ILO tripartite discussion and marked an important turning point for the international trade union movement. Up to then, the ICFTU (forerunner to the ITUC) had resisted the inclusion of informal workers within the ILO standard-setting framework and moreover had been opposed to it even being discussed, on the basis that the acceptance of informal workers being recognised to be workers could undermine hard-fought labour standards.

Nevertheless, after much debate, both within the workers' group discussions and in full tripartite plenary, the resolution clearly confirmed the principle that informal workers were entitled to the same rights as any other worker, including the right to form or join a trade union and engage in collective bargaining.

In 2015, this was followed by the adoption of ***Recommendation No. 204 concerning the Transition from the Informal to the Formal Economy*** (International Labour Organization, 2015).

Recommendation 204 restated that informal workers have the same fundamental rights as workers in the formal economy, covered by ILO Conventions, but went further with important recommendations to governments on transition from the informal to formal economy. It urges governments to:

> *»Take urgent and appropriate measures to enable the transition of workers and economic units from the informal to the formal economy, while ensuring the preservation and improvement of existing livelihoods … and respecting workers' fundamental rights, and ensuring opportunities for income security, livelihoods and entrepreneurship during the transition« (International Labour Organization, 2015).*

It recommends that when introducing policies or programmes relevant to the informal economy, governments should »consult with and promote active participation« of representatives of membership-based representative organisations of workers in the informal economy; take immediate measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy; extend social security, maternity protection, decent working conditions and a minimum wage to all workers in the informal economy; and encourage the provision of and access to affordable quality childcare and other care services to promote gender equality.

ILO Recommendations are of course purely advisory, and their impact on government policies and programmes may be marginal at best, but they do provide an important reference point for unions and associations when negotiating or bargaining with governments in support of informal workers.

> *»The union in Tajikistan, after the ratification of Convention 177 and following ILO Recommendation 204, immediately amended the Labour Code to include home and domestic workers. The union's leadership is also working hard to adopt a law for self-employed domestic workers« (Zlateva, 2019).*

Perhaps more importantly, discussions at the International Labour Conferences provide an important platform for informal workers to engage in policy debates and build alliances with the international trade union movement and the workers' group in the ILO. Most trade union delegates to ILO meetings are full-time officials representing workers in the formal economy and some have little knowledge about the realities of being an infor

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CROSSING THE DIVIDE

Informal Workers and Trade Unions Building Power

Millions of people throughout the world work in the informal economy. This is not a choice for most informal workers, but the only means of survival in the absence of formal jobs. Informal workers typically live in poverty, often in dangerous and unhealthy working conditions, with insecure and unpredictable incomes, no social protection, suffering from lack of respect and the violation of their basic human rights.

Informal workers, however, are neither passive nor helpless. They do organise– in different shapes and forms and often distinct from traditional trade unions. Recently, more efforts have been undertaken to build stronger relationships between informal workers' organisations and trade unions. Based on the realisation that working together can increase the power resources of both workers in informal and formal employment, such building of relationships combines the use of different types of workers' power.

This paper shares experiences how the divide, if it indeed exists, has been and can be overcome. It presents reflections on necessary strategic decisions to be taken and practices to be adopted by workers organisations, especially trade unions. Finally, it presents recommendations how FES can contribute to building the power of all workers.

Further information on the topic can be found here:
www.fes.de/gewerkschaften

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