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WORKERS IN INFORMAL EMPLOYMENT ORGANISING AND ACTING COLLECTIVELY: THE ROLE OF TRADE UNIONS

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Edlira Xhafa and Melisa R. Serrano



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Contact Address

Global Labour University - Freunde und Förderer e.V. - Prof. Dr. Christoph Scherrer; Prenzlauer Allee 186, 10405 Berlin, Germany

E-mail: scherrer@uni-kassel.de

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Abstract

The expansion of informal employment has been associated with increased exploitation and decent work deficits, leading to widespread poverty and growing inequalities. In response, a variety of forms of collective representation and action by and with informal workers have emerged demanding better and more stable incomes, job stability, better working conditions, access to social protection and protection from discrimination and harassment. In many cases, these workers are joining existing unions or forming new ones to press for their demands within the existing institutions of collective bargaining. In some other cases, the forms of worker representation bear many similarities to the early days of the labour movement as do their demands, which often go beyond immediate workplace needs and are framed in broader, more political terms. In particular, some groups of informal workers are pushing for a transformation of collective bargaining, both in terms of involving more actors and broadening the bargaining agenda. Contrary to the perception that unions have been lax in responding to the new challenges posed by the rise of informal employment, the literature suggests a process of union transformation that may be more advanced than it is generally acknowledged in academic debates. Rather than rendering unions obsolete, the diversity of forms of collective representation and action by workers in informal employment is reshaping unions, potentially strengthening them, or pushing them to rediscover their historical social movement identity. The research suggests that the future of worker representation is a bricolage of more inclusive forms of organisation, underpinned by more grassroots mobilisation and action, with the effect of revitalising the labour movement.

Acronyms

AFL-CIO - American Federation of Labour and Congress of Industrial Organisations
ATGWU - Amalgamated Transport and General Workers' Union of Uganda
CLEAN - Community Labour Environmental Action Network
COWUMA - Communication Workers Union of Malawi
FADWU - Hong Kong Federation of Asian Domestic Workers Unions
GMB - General, Municipal, Boilermakers and Allied Trade Union
HISTADRUT - New General Federation of Labour of Israel
HKCTU - Hong Kong Confederation of Trade Unions
IAM - International Association of Machinists and Aerospace Workers
ICAAW - Inter-Call Centre Association of Workers
ICLS - International Conference of Labour Statisticians
IDG - Independent Drivers Guild
IG Metall - German Metalworkers' Union
ITF - International Transportation Federation
IWGB - Independent Workers Union of Great Britain
KKPKP - Kagad Kach Patra Kashtakari Panchayat
KUDHEINA - Kenya Union of Domestic, Hotels, Educational Institutions, Hospitals and Allied Workers
KVSS - Kachra Vahtuk Shramik Sangh
LEARN - Labour Education Research Network
LAO - Legal Aid Ontario
LMKS - Learn Mahila Kaamgar Sanghathana
NASVI - National Association of Street Vendors in India
NGOs - Non-Government Organisations
NUCIW - National Union of Communication and Industrial Workers
NUPENGASSAN - National Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN)
NYTWA - New York Taxi Workers' Alliance
PATAMABA - Pambansang Kalipunan ng Manggagawang Impormal sa Pilipinas
SADSAWU - South African Domestic, Service and Allied Workers' Union
SEP - Society of Energy Professionals
SEWA - Self-Employed Women's Association
SIEMACO-SP - Sindicato das Empresas de Asseio e Conservação no Estado de São Paulo
SINTRAICA - Sugarcane Industry Workers' Union of Costa Rica
TCFUA - Textile, Clothing and Footwear Union of Australia
TVCs - Town Vending Committees
Unions NSW - Unions New South Wales
WIEGO - Women in Informal Employment: Globalising and Organising
ZCIEA - Zimbabwe Chamber of Informal Economy Associations
ZCTU - Zimbabwe Congress of Trade Unions

Introduction

Informal employment, that is, insecure employment contracts, lack of workers' benefits, social protection or workers' representation (ILO, 2018a) has become a distinct characteristic of work in many countries and puts “workers at a higher risk of vulnerability and precariousness” (ILO, n.d.[b]). Although at varying degrees, it affects most workers in the Global South and the Global North, in rural and urban areas, and in the informal and formal sector as well as both men and women, regardless of their employment status.

‘Women and Men in the Informal Economy’ (ILO, 2018a) provides a comprehensive overview of the scale and intensity of informal employment. Two billion workers aged 15 years and above are in informal employment. In 2022, their number remained the same globally (ILO, 2023a: 12). In 2023, informal employment accounted for 86.5% of total employment, almost the same as a decade earlier (87.2% in 2013 (ILO, 2024: 38). More than eight in ten employed people in Africa were in informal employment in 2023, nearly two-thirds in Asia and the Pacific, and more than half in Latin America and the Caribbean (ILO, 2024: 35).

Although agriculture has the highest share of informal employment, such employment is still significant (50.5%) in non-agricultural activities (ILO, 2018a). Majority of workers in industry are also in various forms of informal employment.

Across countries, men have higher rates of informal employment than women. However, in sub-Saharan Africa, Latin American and most low- and lower-middle income countries, informal employment is dominated by women (ILO, 2018a).

The ILO's key indicators on the size and composition of the informal economy per sector identifies informal employment in the informal sector (informal economic units), in the formal sector (including government units and non-profit institutions) and in households (as paid domestic workers or own-account workers producing goods exclusively for own final use by their households).

In terms of composition, the ILO report shows that informal employment is more prevalent in the following categories of workers: own-account workers (45%), employees (36.2%) and contributing family workers (16.1%) (ILO, 2018a). Among employees, those in non-standard employment are more likely to be in informal employment than those in full-time, permanent employment. The same report observes that the “share of employees in total informal employment tends to increase with economic development” (ibid.: 19). The report also notes that while the largest share of informal employment is found in the informal sector, the formal sector is also substantially affected by informal employment (42.6% in the formal sector and 15.2% in households as domestic workers).

As discussed in Part 2 of this research, the expansion of informal employment has been associated with increasing decent work deficits, poverty and inequalities in many parts of the world. Poverty rates are on average at least two times higher among workers in informal employment compared to those in formal employment

(ibid.). Globally, 40% of poor men and 19% of poor women are self-employed (Boudet et al. (2018: 17), thereby forming a substantial portion of informal employment. In Sub-Saharan Africa and South Asia, self-employment is closely associated with poverty for men, and slightly less so for women (ibid.). However, women, “are more often found in the most vulnerable situations”, notably as domestic workers, home-based workers or contributing family workers (ILO, 2018a: 67).

Worsening employment and working conditions encouraged and pushed workers in informal employment to (self-)organise into associations, trade unions, and other worker organisations, in many cases with the support of trade unions and non-government organisations. As cited in the recent ILO report, ‘Work for a Brighter Future - Global Commission on the Future of Work’:

...While much can be gained from forging alliances with other collectives in civil society, this is no substitute for organizing workers, whether self-employed women in the informal economy, rural workers or workers on digital labour platforms. Workers in the informal economy have often improved their situation through organizing, working together with cooperatives and community-based organisations. (Kabeer, Milward & Sudarshan, in ILO, 2019a: 42)

In the 104th Session of the International Labour Conference in 2015, Recommendation 204 concerning the transition from the informal to the formal economy was adopted. This recommendation states that “the competent authority should make use of tripartite mechanisms with the full participation of the most representative employers’ and workers’ organisations, which should include in their rank, according to national practice, representatives of membership-based representative organisations of workers and economic units in the informal economy” (ILO, 2015: 6). In short, the recommendation calls for a broadening of worker representation in national and sectoral tripartite structures and processes as well as a broadening of social issues tackled in these structures to reflect the reality on the ground.

Through literature review, this research identifies and analyses the variety of representation models (i.e., organisational forms) and forms of collective action taken by workers in informal employment in their attempt to improve their working conditions, claim their identity as ‘workers’, and have a voice in the regulation of their employment and livelihood. Though existing literature on the topic is scant, in recent years, there has been a growing interest in the academia and the organised labour movement on the ways these workers attain collective representation. This research aims to contribute to the growing body of literature.

Chapter 1 briefly reviews the concept of and definitional issues around informal employment. Chapter 2 discusses the working conditions of the various categories of workers in informal employment, highlighting their decent work deficits. Chapters 3 and 4 are dedicated to the main objective of this research—collective forms of representation and action (respectively). Both chapters rely on a review of literature (mainly before 2019), which does not claim to be exhaustive. Instead, the aim is to bring together some key insights on the variety of forms of worker organisations and their collective actions and explore some of the factors that influence these forms.

Chapter 5 offers a typology of organisational forms and variations of collective actions. Conclusion and some policy implications of the main findings of the research are provided at the end.

1. Informal employment: conceptualisation and working conditions

1.1 Conceptualisation and definitional issues

The 15th International Conference of Labour Statisticians (ICLS) in 1993 first defined the “informal sector” based on the characteristics of the production unit in which the activities take place (enterprise approach), rather than on the characteristics of the persons involved or of their jobs (labour approach) (Husmanns, 2004: 1). In 2003, the 17th ICLS sought to “relate the enterprise-based concept of employment in the informal sector in a coherent and consistent manner with a broader, job-based concept of informal employment” (ibid: 3-4). The concept of informal employment was defined as “all remunerative work (i.e., both self-employment and wage employment) that is not registered, regulated, or protected by existing legal or regulatory frameworks, as well as non-remunerative work undertaken in an income-producing enterprise. Informal workers do not have secure employment contracts, workers’ benefits, social protection or workers’ representation” (ILO, n.d.[a]). In the guidelines on the statistical definition of informal employment issued by the 17th ICLS, informal employment is defined as “comprising the total number of informal jobs, whether carried out in formal sector enterprises, informal sector enterprises, or households, during a given reference period” (ibid: 5), establishing the presence of informal employment in the informal sector, in the formal sector and in the household sector. With this definition, the 2003 ICLS guidelines listed the following workers in informal employment:

- 1) Own-account workers and employers employed in their own informal sector enterprises;
- 2) Contributing family workers;
- 3) Employees holding informal jobs, whether employed by formal sector enterprises, informal sector enterprises, or as paid domestic workers by households; and
- 4) Members of informal producers’ cooperatives. (Husmanns, 2004: 6)

The concept of **informal economy** encompasses the two distinct, but complementary concepts of informal sector and informal employment (ILO, n.d.[a]). In this way, informal economy “is defined as all economic activities by workers and economic units that are—in law or in practice—not covered or insufficiently covered by formal arrangements” (ibid.). Thus, ‘employment in the informal economy’ is the sum of employment in the informal sector; and informal employment outside of the informal sector, that is, informal employment in the formal sector and informal employment in households (ILO, 2018a). The 21st ICLS, which took place on 11-20 October 2023,

further refined the concept of the informal economy (ILO, 2023b: 6).

13. The “informal economy” comprises all informal productive activities of persons or economic units, whether or not they are carried out for pay or profit.

...

15. “Informal productive activities of persons” include informal tasks and duties carried out by persons in:

(a) informal employment, as defined in paragraph 56 [see definition below from the 21st ICLS in 2023];

(b) formal employment, carrying out partly informal activities, tasks and duties, as defined in paragraph 92¹, and

(c) unpaid trainee work, volunteer work, own-use production work and other work activities, as defined in paragraph 97.²

16. “Informal productive activities of economic units” include informal production carried out by:

(a) economic units in the informal sector, as defined in paragraph 26(b);³ and

(b) households producing for own final use, including direct volunteer work, and production by non-formal non-profit organisations, as defined in paragraph 26(c).⁴

The work on definitions and concepts has been crucial in informing the process of collecting official statistics. The most recent comprehensive statistics on informal employment are included in the ILO’s *Women and Men in the Informal Economy*. With a focus on “the employment relationship and protections associated with the job of

¹ ILO Department of Statistics (2023). Resolution I - Resolution concerning statistics on the informal economy. 21st International Conference of Labour Statisticians. Geneva: ILO, p. 20. According to Paragraph 92: “Depending on the national context and need, countries may identify the number of persons with formal jobs carrying out partly informal productive activities and hours spent on or earnings received from paid informal activities in relation to formal jobs.”

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_901516.pdf.

² Ibid:21. According to Paragraph 97: “Work other than employment is considered informal work if the activities are not effectively covered by formal arrangements. This comprises informal productive activities in relation to own- use production work, volunteer work, unpaid trainee work and other work activities where the unpaid work is not covered by formal arrangements such as regulations and provisions that promote or facilitate the work and protect and regulate the actions and functions of the worker..”

³ Ibid:7. According to Paragraph 26(b): “The informal sector, comprising economic units whose production is mainly intended for the market with the purpose of generating income and profit, but that are not formally recognized as producers of goods and services distinct from the own-use production of the owner-operators’ household (informal household unincorporated market enterprises).”

⁴ Ibid: According to Paragraph 26(c): “Household own-use production and community sector, comprising economic units that are not formally recognized as producers of goods and services for the consumption of others, whose production is either mainly for the household’s own final use, or for the use of other households, without the purpose of generating income and profit for the producing household or households or the members of the non-formal non-profit organisation (households and non-formal non-profit organisations).”

the worker” (ILO, 2018a: 7), this ILO report included the categories of workers in informal employment listed in the 17th ICLS Guidelines.

For three categories of workers in informal employment—contributing family workers, own-account workers and employers in their own informal enterprises, and members of informal producers’ cooperatives, the report (ILO, 2018a) establishes the following criteria:

...Regardless of whether a contributing family worker works in formal or informal sector enterprises, they are all classified as having informal employment. The owner of a household enterprise or private business producing wholly for own or family use is classified as having an informal job.

In the case of an employer, own-account worker or member of a producer’s cooperative, the informal or formal nature of the economic unit determines the formal or informal nature of the job: employers, own-account workers, and members of producers’ cooperative operating in an informal enterprise, are classified as having an informal job.

Meanwhile, in the ‘employee’ category, the formal or informal status of employment is determined by the employment relationship. Thus, an employee is considered to be in informal employment when the employment relationship is:

...in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (advance notice of dismissal, severance pay, paid annual or sick leave, etc.). The underpinning reasons may be the non-declaration of the jobs of the employees, casual jobs or jobs of a short duration, jobs with hours of work or wages below a specified threshold (e.g. for social security contributions) or lack of application of law and regulation in practice.

... In practice, the formal or informal nature of a job held by an employee is determined on the basis of operational criteria such as social security contributions by the employer (on behalf of the employee), and entitlement to paid sick leave and paid annual leave. (ILO, 2018a.: 10)

The 2018 ICLS completely and fundamentally changed the framework for categorising status in employment. It introduced a framework for Status at Work and, within that, two alternative hierarchies for Status in Employment: 1) status according to authority—dependent and independent workers; and 2) status according to economic risk—paid by wages or by profits, including a new classification of ‘dependent contractor’.

The 21st ICLS (2023) defined informal employment as:

...any activity of persons to produce goods or provide services for pay or profit that is—in law or in practice—not covered by formal arrangements such as commercial laws, procedures to report economic activities, income taxation, labour legislation and social security laws and regulations providing protection against economic and personal risks associated with carrying out the activities.⁵

⁵ ILO Department of Statistics (2023). Resolution I - Resolution concerning statistics on the informal economy. 21st International Conference of Labour Statisticians. Geneva: ILO. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_901516.pdf.

The resolution further clarifies that informal jobs may be found in the informal sector, formal sector or household own-use production and informal sector.

Persons holding informal jobs may be categorized in the informal sector, formal sector or household own-use production and community sector, depending on the sector of the economic unit for which the work is carried out or, in the case of dependent contractors, on their formal status in relation to the legal administrative framework of the country.

As shown in Table 1, informal employment consists of the informal jobs in cells 1 to 8.

Table 1. Informal and formal jobs by status in employment and sector

Sector of the economic unit for which the work is carried out	Independent workers ¹			Dependent workers					
	Owner-operators of corporations ²	Independent workers in household (unincorporated) market enterprises ³		Dependent contractors ⁴		Employees		Contributing family workers	
		Formal	Informal	Formal	Informal	Formal	Informal	Formal	Informal
Formal sector				1		2		3	
Informal sector		4		5		6		7	
Household own-use production and community sector						8			

Note: Cells shaded in dark blue refer to jobs, which, by definition, do not exist in economic units located in the specific sector. Cells shaded in light blue refer to formal jobs. Informal employment consists of the informal jobs in cells 1–8.

¹Including employers and independent workers without employees (before ICSE-18 labelled Own-account workers).

²Including the ICSE-18-A categories 11 and 21.

³Including the ICSE-18-A categories 12 and 22.

⁴The sector of dependent contractors does not reflect the sector of the economic unit on which they depend but their formal status in relation to the legal administrative framework of the country.

⁵The existence of formal jobs among contributing family workers carrying out work for an economic unit in the formal sector depends on the national context (see paragraphs 89–91).

Source: Table reproduced from ILO Department of Statistics (2023: 6).

This brief overview, which is not intended to be comprehensive, serves to emphasise the fact that the conceptualisation and definitions are still evolving and in a state of flux. Moreover, the four categories of workers mentioned above are not homogenous. Instead, they cover various groups of workers, some of which may fall in more than one category. This is the case of home-based workers, who may fall under the category of own-account workers or contributing family workers helping the own-account workers. They may also be part of the employees' category as industrial outworkers (WIEGO, Undated). Additionally, the home-based work category may have different implications for the analysis on collective representation and action. For example, for workers who prepare food or handicrafts at home, either personally and/or with the help of family members, and then sell in the market, our discussion on collective representation and action focuses on their role as street vendors.

While recognising the evolving definitions and of the various overlaps between categories of workers in informal employment, the focus of this research is on three

groups of workers, which have some of the highest incidence of informal employment. While these groups are found across the informal sector, formal sector, and households, in terms of the nature of employment they fall into two broad categories.

a) **The category of own-account workers, referred also as self-employed workers,** including street-market vendors, waste-pickers, recyclers and transport workers. Informally employed agricultural workers and fisherfolks, however, are not the focus of this research, even if some examples involving these workers are covered in the literature reviewed.

b) **Employees' category includes workers in non-standard employment and domestic workers.** This category includes many groups and sub-groups.

- **Workers in non-standard employment:** non-standard work is defined in relation to standard employment, “understood as work that is full time, indefinite, as well as part of subordinate and bilateral employment relationship” and at times defined “as occurring at a set place of work outside home” (ILO, 2016: 7). All forms of employment that fall outside the realm of standard employment are encompassed by the term non-standard employment. Based on the contractual form of the employment relationship, the ILO (ibid.: 7-9) distinguishes between:
 - *Temporary employment* covering workers under fixed-term, project- or task-based contracts, seasonal or casual work, including day labour and “on-demand” or “gig” economy.
 - *Part-time work* covering workers working fewer than 35 hours, or 30 hours per week, including those working very short hours or no predictable working hours under arrangements such as “zero-hours contracts” or more commonly referred as “on-call work”.
 - *Temporary agency work and other forms of employment involving multiple parties* in which the agency worker has no employment relationship with the user firm, but with the placement agency which is responsible for paying wages and social benefits to the workers.
 - *Disguised employment relationships and dependent self-employment* which involves “masking the identity of the employer by hiring the workers through a third party or by engaging the worker in civil, commercial or cooperative contract” thus misclassifying the worker “as independent, self-employed worker.”

The latter group also includes home-based workers, who are also often misclassified as self-employed workers. Contracted by individual entrepreneurs, factories or firms, often through an intermediary, they are also known as homeworkers, industrial outworkers or subcontracted home-based workers (WIEGO).⁶

- **Domestic workers**⁷ perform occupations and tasks in or for a household, which vary across countries, such as: cooking, cleaning, taking care of children, the

⁶ For more on this discussion, see WIEGO's website: <https://www.wiego.org/home-based-workers-1>

⁷ According to the Domestic Workers Convention, 2011 (No. 189), “(a) the term **domestic work** means work performed in or for a household or households;

elderly and the disabled, to attending the garden or pets, or driving the family car.

1.2 Working conditions of workers in informal employment

This section does not seek to provide a comprehensive literature review of the working conditions of these workers, but to rather flag some of the key decent work deficits. In this way, the discussion here serves to set the background for the main analysis of this research: collective forms of representation and action.

We start first with a general overview of the main issues facing workers in informal employment to discuss a bit more in depth the specific issues of the groups of workers that are the focus of this report, namely, own-account workers and employees. The latter includes both non-standard workers and domestic workers.

At a general level, employment in the informal economy is characterised by acute decent work deficits, whereby most workers:

... are exposed to inadequate and unsafe working conditions, and have high illiteracy levels, low skill levels and inadequate training opportunities; have less certain, less regular and lower incomes than those in the formal economy, suffer longer working hours, an absence of collective bargaining and representation rights, and, often, an ambiguous or disguised employment status; and are physically and financially more vulnerable because work in the informal economy is either excluded from, or effectively beyond, the reach of social security schemes and safety and health, maternity and other labour protection legislation. (ILO, 2014: 3)

It is important to emphasise, however, that although workers in the informal economy face higher risk of poverty than their counterparts in the formal economy, not all of them are poor. Also, while most workers in informal employment suffer longer working hours, data shows that these workers are exposed to both excessive hours of work and “very short hours of work, often as the sole available option rather than by choice” (ILO, 2018a: 62). Thus, among workers working under 20 hours a week, the share of those in informal employment is more than twice the share of workers in formal employment (10.1% and 4.2% respectively). Women are particularly affected by very short hours of work (ibid.).⁸ Meanwhile, a substantial share (nearly 45%) of workers in informal employment are working more than 48 hours a week. This is more

(b) the term **domestic worker** means any person engaged in domestic work within an employment relationship;

(c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.”

⁸ More than 14% women in informal employment are working less than 20 hours a week as compared to 3.1% women in formal employment. This proportion is as high as 20% in Africa, the Americas and the Arab States, most probably due to the time women spent in unpaid work.

common in Asia and Pacific where more than half (52.2%) of workers in informal employment are exposed to long hours of work (ibid.).

These dynamics point to the importance of various factors—the level of development of the country, industry, sector, categories of workers, the nature of employment arrangements, gender patterns, age and others—on the working conditions of each category and sub-category.

1.1.1 Working conditions of own-account/self-employed workers

Own-account workers, along with contributing family workers, is the biggest group (61.1%) of all workers in informal employment and, according to the ILO's *World Employment and Social Outlook: Trends 2018*, “is likely to increase in the years to come” (ILO, 2018: 1). Both groups of workers are considered to be in ‘vulnerable employment’, which remains particularly high in developing and emerging countries. This is especially so in Africa where it stands at 66% of total employment compared to the average of 42% worldwide (ILO 2018b). The sectors with the highest incidence of vulnerable employment are the traditional sectors such as agriculture (60% to 90%), but also the growing sector of market services, including wholesale and retail trade, accommodation and food services, and transport, storage and communication (ILO, 2018b). Whereas men are overrepresented among own-account workers (68%), women are more likely to be contributing family workers (63%) (ILO, 2018b).

Being in vulnerable employment means that own-account workers, “are typically subject to high levels of precariousness” (ILO 2018c: 6). They are “more prone to have informal work arrangements and less likely to have social security coverage and to benefit from social dialogue” (ILO, 2018c). Workers in this kind of employment are also exposed to “inadequate earnings, low productivity and difficult working conditions that undermine workers’ fundamental rights” (ILO, 2010). There is also evidence that vulnerable workers are exposed to longer working hours than their counterparts in other forms of employment (Fashoyin et al., 2013, in ILO, 2018c).

1.1.2 Working conditions of the employees group

Of the two main groups under this category, non-standard employment and domestic workers, the former is much more diverse, therefore, is discussed more at length.

1.1.2.1 Working conditions of workers in non-standard employment⁹

Given the heterogeneity of this group, we start first with some cross-cutting issues for these workers and then focus a bit more on ‘gig’ or platform workers and sub-contracted home-based workers or industrial outworkers who, although falling under non-standard employment, face a number of challenges which are particular to them. Most of this section draws from the 2016 authoritative report of the ILO *Non-standard employment around the world: Understanding challenges, shaping prospects*.

Job security of non-standard workers is widely accepted to be less favourable than their counterparts in full-time jobs. This holds true for part-time work (OECD, 2010; ILO, 2016), but also for other groups of workers. Thus, according to the ILO (2016), protection from termination of employment accorded to workers in fixed-term contracts is lower mainly because the employer does not need to give a reason to justify the end of the employment relationship beyond the end date of the fixed-term contracts. With very few exceptions, workers in fixed-term contracts are usually not provided with severance pay at the end of their contract. Even in common law countries, where case law recognizes that workers may have reasonable expectations for their fixed-term contracts to be renewed (United Kingdom, Tanzania), in most instances, the employment relationship ends with the termination of the fixed-term contracts. The same holds for casual and day workers in developing countries, as there is usually no guarantee that the firm will continue their employment.

Wage penalties¹⁰ are a common occurrence for non-standard workers. The disadvantage of lacking job security is not rewarded from the market with a higher pay. Quite the contrary, wage penalties for non-standard workers vary to up to 60% of wages of standard workers, leading to higher income insecurity for these workers. Although “worker characteristics matter, most of the difference in earnings is attributable to the characteristics of the job” (ILO, 2016: 190). Wage penalties may be wider among workers with lower salaries (temporary workers in Italy), and among older workers (fixed term workers in Japan), or narrower among workers with a longer engagement in the sector (temporary agency workers in Germany). Reasons for the wage penalties include: (a) unequal treatment of non-standard workers, such as the exclusion from bonuses or overtime payments; (b) lower wages during the probationary period; and (c) shorter tenure of workers in non-standard employment.

Wage penalties for part-time workers, which “are usually smaller than those for temporary work or TAW [temporary agency work]” (ILO, 2016: 192), arise mainly for part-time workers who hold lower-paid and lower-skilled positions. They may also

⁹ This section, except the subsection on the working conditions of platform workers, builds on ILO’s report *Non-standard employment around the world: Understanding challenges, shaping prospects*, 2016.

¹⁰ Although wage premiums for non-standard workers are found in some cases, the evidence shows that these are more of an exception for specific occupations or types of contracts. For example, this is the case of temporary and temporary agency workers in occupations such as engineers and technicians, nurses, IT programmers and highly-paid workers in the US; young workers in temporary agency workers in Portugal; and workers on very long fixed-term contracts in Uganda.

arise due to workers' need to accommodate other activities which forces them to accept lower wages, or due to fixed administrative costs related to hiring, training and managing staff regardless of the time they are working for the firm. Generally speaking, "involuntary part-time work tends to be associated with wage penalties, while voluntary part-time is more likely to result in wage premiums" (ibid.). Wage penalties for part-timers tend to be smaller for women than for men, mainly because women in full-time employment already face substantial penalties due to occupational sex segregation.

Working hours are another major area of labour standards' violations reinforced by patterns of job insecurity and wage penalties. According to the ILO (2016). "non-standard jobs that are associated with insecurity and low pay are often accompanied by three key outcomes with respect to working hours: (a) longer hours and overtime, increased work insecurity and presenteeism¹¹ at the current job; (b) having to hold multiple jobs, which may or may not result in overall longer hours; and (c) irregular, unpredictable and atypical hours or work schedules" (ibid.: 196). While longer working hours among non-standard workers are widespread, this is especially concerning for contract workers in global supply chains who are exposed to the pressure coming from a combination of just-in-time or lean production systems and fluctuations of sourcing contracts and seasonal demands. These workers experience frequent overtime, work during holidays time, refusal of sick leave and denial of adequate daily, weekly and monthly rest periods. Contracted and subcontracted workers in the road transportation sector involved in the logistics of the global supply chains are also affected by the same pressure. Workers employed through temporary work agencies who live in dormitories provided by the agency are also affected by particularly long working hours.

Long working hours, especially, affects workers holding multiple jobs, such as temporary agency workers working for several agencies and part-time workers. The main reasons for holding multiple jobs include low working hours and insufficient and unstable income. Whereas the share of multiple job holding in the developed countries is 4-6% of job holders, in the developed countries this goes up to 20-30% of the working population. Meanwhile, in almost all the countries, women are more likely to hold multiple jobs than men. Finally, the ILO report shows the phenomena of multiple job holding that affects different sectors. They include "both public and private, trade, transport, hotels and restaurants, and information in Germany; arts, recreation, retail, health care, social assistance, education and training, accommodation and food services and agriculture in Australia; management, professional, and related occupations, and services and sales in the United States" (ILO, 2016: 198).

Social security coverage for non-standard workers is typically "inadequate" (ILO, 2016: 203). The ILO report argues that this is mainly because of statutory provisions, which exclude them from entitlements to social security payments or because of the short-term contracts and low earnings or hours of work which provide limited or no

¹¹ Presenteeism is "a situation in which workers work additional unpaid hours because they feel that it is expected of them to do so and they wish to show their seriousness about work, or else they go to work when they are ill" (ILO, 2016: 196).

access to such entitlements. Other reasons for the exclusion from social security entitlements may be application of labour laws only to establishments with more than a minimum number of employees, which in some cases may be quite high, and increase in misclassified self-employment. Thus, many workers in non-standard employment may be denied maternity or sick leave compensation, unemployment and pension benefits.

Fundamental principles and rights at work—the right to unionise, collective bargaining and health and safety at work are denied to many non-standard workers either in law and/or practice. Referring to freedom of association and collective bargaining, the ILO argues that in some jurisdictions, non-standard workers, especially temporary workers, temporary agency workers and dependent self-employed, “may not be able to exercise their fundamental rights, even if in theory they should be able to do so” (ILO, 2016: 212). This is sometimes because: 1) they are excluded from the application of the labour law altogether (small enterprises, domestic work), and occasionally because 2) they are denied full access to workers’ rights due to the nature of their employment (e.g., workers with contracts shorter than six months in Viet Nam cannot join a union; self-employed workers in Poland are excluded from the right to join a union; workers in triangular arrangements in the Philippines are not allowed to constitute a bargaining unit; outsourced or subcontracted workers in Indonesia are not allowed to join unions of regular workers). Another obstacle to collective negotiations is the presence of multiple subcontractors which may make it more difficult for unions to meet the regulatory thresholds to either form a union or gain recognition as bargaining agent. Meanwhile, the fragmentation of workers in small bargaining units of subcontractors and the competitive conditions set by the principal employer on subcontractors put lots of pressure on the collective bargaining negotiations and their outcome.

There are also other important challenges to the exercise of unionisation and collective bargaining rights in practice. Thus, workers in non-standard employment, apart from part-time workers, have limited connection with other workers sharing the same concerns. These workers may also be less willing to organise for fear of employer retaliation, especially given an employer’s full discretion to renew short-term contracts. Sometimes, contract workers are made to believe that they do not have the right to join the union of directly hired workers. The divergence of interests between standard and non-standard workers may hamper efforts to join forces in bargaining with the employer. For example, there may also be negative perceptions towards and indeed tensions with non-standard workers to the point that the latter may be refused membership in the union of standard workers or be excluded from the collective bargaining negotiations and agreement. This is because standard workers may feel that the employer could use the threat to outsource work or revert to hiring non-standard workers as a way of discouraging standard workers to strike or as a way of pressurising the union during negotiations. Indeed, evidence shows that the various forms of non-standard employment “can also undermine the effective exercise of collective bargaining of standard workers” (ILO, 2016: 214).

In terms of the rather recent addition to fundamental principles and rights at work, many non-standard workers suffer from serious violations of occupational safety and

health at work.¹² According to the ILO's *Safety and Health at the heart of the future of work: Building on 100 years of experience* (ILO, 2019b), there are four areas of risk affecting non-standard workers: injury-related risks and accidents, mental health and harassment risks, exposure to poorer working conditions and hazards, and fatigue issues. These affect some categories of workers in non-standard employment more than the others. For example, injury and accident rates among temporary and temporary agency workers are significantly higher than those of permanent workers. The main reasons for this include: companies hiring temporary and temporary agency workers for difficult and hazardous jobs which other workers would refuse to do; and temporary and temporary agency workers feeling constrained to raise safety issues or complain about hazards because many of them are young and inexperienced, have less access to safety training and little knowledge about their rights, as well as less bargaining power. Even within this group, temporary agency workers are potentially more exposed to accidents due to the triangular employment relationship which is likely to result in a fractured occupational safety and health management.

In addition, non-standard employment “is also associated with psychological factors that increase the risk of adverse health outcomes” (ILO, 2016: 202). Thus, aggravated subjective perceptions of job insecurity among workers in involuntary temporary or part-time jobs increase the likelihood of minor psychiatric symptoms and morbidity, “indicating that job insecurity can act as a chronic stressor” (ibid.). Studies in several countries “have linked temporary employment to depressive symptoms, even suicide” (ibid.). In Europe, involuntary part-time jobs are “associated with poorer psychological working conditions” and in the Republic of Korea “with poorer mental health outcomes” (ibid.). Temporary workers and in some countries part-time workers are more likely to be “vulnerable and susceptible to bullying and harassment, including sexual abuse” (ibid.). Finally, “non-standard workers often report higher levels of fatigue” (ibid.).

General working conditions of ‘gig’ economy or platform workers

The issues facing these workers are not dissimilar to other workers in non-standard employment. Johnston and Land-Kazlauskas (2019) point to unpredictable scheduling, inconsistent earnings and unreliable long-term employment prospects, which have a negative impact on workers especially in terms of limited social and labour protections. Due to their (mis)classification as independent contractors, platform workers in general do not receive additional financial benefits or protections beyond pay and many labour rights (including the right to join unions and bargain collectively) and social protections are often removed from them. The ILO (2021: 23) reports that most workers on location-based platforms in the taxi and delivery sectors work for long hours, on average 65 hours per week in the taxi sector and 59 hours per week in the delivery sector. It adds that most workers on digital labour platforms do not have social security coverage.

¹² In 2022, a safe and healthy working environment was included in the ILO's framework of fundamental principles and rights at work. Therefore, Convention 155 and Convention 187 are now considered as Fundamental Conventions.

Heeks (2017) points out that many platform workers, especially those that perform ‘pure’ web-based work (e.g., crowd workers, online freelancers) for online web-based platforms, suffer from delayed payments as well as unfair payments that are not commensurate to the amount of effort and skill expended, poor communication and feedback and opacity of procedures from platforms, and poor treatment by and discriminatory behaviour of clients. The latter is exacerbated by the absence of any appeal or dispute resolution mechanism in most platforms. An ILO survey of 3,500 workers from 75 countries, who are doing crowd work on five English-speaking microtask platforms shows that these workers receive low earnings partly due to time searching for work; are financially dependent on the earnings from the platform work; work atypical hours; experience skill mismatch and lack possibilities for career advancement; lack social protection benefits; and face unfair rejection of their work with no right to appeal, and thus no payment (Berg et al., 2018).

Finally, many platform workers that deal with violent and pornographic content (e.g., screening messages and images uploaded in Facebook) may suffer from psychological stress and poor mental health from this type of work. Valenduc and Vendramin (2016) note that information and communication technology-based mobile workers may suffer from information overload, stress, boredom and the impact of blurred boundaries between work and private life.

Working conditions of industrial outworkers¹³

Women in Informal Employment: Globalizing and Organizing (WIEGO) provides a comprehensive analysis of working conditions of home-based workers. Although invisible, home-based workers are considered vital to both domestic and global value chains. They are found in various types of work ranging from labour-intensive activities such as textile, garment and footwear manufacturing industries as well as skilled artisan production, manufacturing of airline and automobile parts, assembly work in electronics, packaging work in pharmaceuticals, telemarketing and technical consulting. Although these workers are linked to the formal economy, the connection between the homeworkers and the lead firm may be obscured which makes it difficult to negotiate rates or receive the pay for the work done. Similar to self-employed home-based workers, industrial outworkers are exposed “to irregular or cancelled work orders, an unreliable supply of raw materials, payment, and rejected goods” (WIEGO, 2014: 9). Low earnings are typical for industrial outworkers who are paid by the piece and are dependent on contractors or middlemen for work orders and payments. A multi-country study showed that home-based workers in general work long hours which can go up to 15 hours per day (Mehrotra & Biggeri, 2007, in WIEGO, undated).

For industrial outworkers, similar to home-based workers, the home is also the workplace. For example, inadequate space and housing of poor quality may mean insufficient storage space, but it may also mean damaged goods and raw materials when roofs leak or houses flood. In addition, working from home means several

¹³ Most of the information in this section, unless otherwise specified, is extracted from WIEGO’s webpage on home-based workers: <https://www.wiego.org/home-based-workers-1>

interruptions which prolong the working time to late at night, leading to exhaustion and eye strain. For those operations that generate dust and involve the use of hazardous chemicals, there is a risk for both the worker and the family. Finally, women home-based workers feel the double burden of working long hours and carrying out domestic responsibilities (WIEGO, 2010).

1.1.2.2 Working conditions of domestic workers¹⁴

Most (81%) domestic workers work in informal employment. Lacking access to rights and protection, domestic workers face some of the most strenuous working conditions. Their average monthly wages are slightly over half (56%) of the wages of other employees. They are also more likely to work either very long or very short hours than other workers. They are also characterised by higher vulnerability to violence and harassment, and face restrictions on freedom of movement.

This extreme level of exploitation is mainly due to the high levels of non-compliance, due to, among others, high levels of informality, unclear status in migration, as well as low level of collective organising.¹⁵ In the Philippines, although the Domestic Workers' Act (*Batas Kasambahay*) was promulgated in 2013, research¹⁶ found that these workers had no employment contracts and were not enrolled as members of the country's social security, housing, and health insurance programmes (Certeza et al., 2017: 21). Domestic workers remain isolated and invisible in homes. Live-in domestic workers are very much dependent on their employer for housing, health care, and other personal needs. Many believe that due to their low educational attainment, they don't have other work options, aside from being a domestic worker for an employer. This makes them very vulnerable to exploitation by their employer.

2. Collective representation of workers in informal employment

Workers in informal employment have used various forms of collective representation to address their demands and grievances. In this part, we look first at some of the main organising themes for these workers. The rest of the discussion is devoted to patterns of collective representation as well as some insights on the main factors

¹⁴ Unless otherwise specified, this section is based on information from the ILO's webpage on domestic workers: <https://www.ilo.org/topics/domestic-workers/who-are-domestic-workers>

¹⁵ See ILO's webpage on the care economy. Available at: <https://www.ilo.org/global/topics/care-economy/domestic-workers/lang--en/index.htm>.

¹⁶ The research involved focus group discussions with domestic workers in a community in Bacoor, Cavite, Philippines.

influencing the emergence and sustenance of certain forms of collective representation of workers in informal employment.

2.1 Organising themes of workers in informal employment: key insights

The organising themes of workers in informal employment are essentially an articulation of demands to address the priority issues, problems and challenges facing these workers. The literature reviewed suggests the following five main themes of grievances or demands (Table A, [Appendix](#)).

a) Better and more stable income demands are framed in various ways for different groups of workers

- equal pay with regular workers (temporary agency workers)
- recognition as workers/employees for the enforcement of minimum pay rate (on-demand platform-based workers, domestic workers, workers in bogus self-employment classified as independent contractors);
- shift from commission-based pay to wages (workers in bogus self-employment classified as independent contractors)
- fair prices in piece rates and for recyclables (industrial outworkers, waste pickers and recyclers);
- integration into municipal modern waste management systems (waste pickers and recyclers);
- freedom of movement (domestic workers, cross border street vendors and migrant workers generally);
- protection from exploitation by intermediaries who take high fees (street market vendors and hawkers, industrial outworkers, waste pickers and recyclers);
- income protection during/after childbirth and access to higher income-earning work (women across all sub-groups).

b) Job stability, too, is framed in a number of ways:

- more secure work and moving to permanent contracts (non-standard workers in general) and guaranteed working hours (workers in zero hours contracts in particular);
- access to regular work and right to secure, transparent contracts/work orders (industrial outworkers);
- access to routes and passengers (informal transport workers);
- freedom from forced relocations and zoning restrictions (street vendors/hawkers and waste pickers/recyclers)
- access/right to recyclable waste as well as integration into municipal modern waste management systems, and access to equipment and infrastructure for collecting, sorting and storage (waste pickers and recyclers).

c) **Better working conditions** demands are framed mainly around health and safety:

- right and access to basic infrastructure services, such as water, electricity and sanitation (industrial outworkers; street vendors/hawkers);
- occupational health and safety, including training (industrial outworkers);
- decent living conditions and access to recreation and leisure time (domestic workers);
- right and space to vend under fair and reasonable conditions, facilities at vending sites (street, market vendors and hawkers);
- health and safety (waste pickers and recyclers) as well as accident protection (informal transport workers).

d) **Protection from discrimination and harassment** demands take a central stage for these workers and take different forms, such as:

- protection from arbitrary dismissal, equal pay with regular workers and right to training as regular workers (non-standard workers, industrial outworkers);
- protection from arbitrary rejection of goods and cancellation of work orders (industrial outworkers);
- protection against discrimination, harassment and abuse, and entitlement to full and equal rights for migrants (domestic workers);
- equal income for equal value of work (women workers across different groups and subgroups);
- freedom from forced relocations and conning restrictions (own-account home-based workers, street market vendors and hawkers);
- freedom from harassment, bribes and evictions by city authorities and police (street market vendors and hawkers, waste pickers and recyclers).

e) **Better social protection coverage** is expressed almost uniformly across the different subgroups, mainly in terms of enforcement of statutory obligations to have access to social security.

The variety of grievances and demands included in each of the themes above, as well as the analysis of the various examples provided in Table A ([Appendix](#)), suggest the following:

First, the five main themes of the grievances or demands of workers in informal employment fall squarely within the three major interests around which labour organises, as identified by Offe and Wiesenthal (1980). These are: “interest in *wage*, interest in continuing to receive wage (*employment security*), and *interest in working conditions*” (ibid: 82). Thus, at a general level, workers in informal employment have demands which are very similar to other workers.

Second, there are a variety of formulations of demands or grievances under each theme for different groups of workers pointing to the important role of the employment relationship in demand framing and subsequently in the target of demands and the form of collective action. Take for example demands around better working conditions. Industrial outworkers and street vendors/hawkers’ demands are

framed around issues of access to basic infrastructure services, such as water, electricity and sanitation, which are directed to the state or local authorities. In contrast, temporary workers' demands are framed in terms of health and safety and are directed to the respective employer. Demands related to income security show also a great variation. For non-standard workers in a clear employment relationship, such demands are straightforward. In contrast, for other groups (e.g., domestic workers, workers in disguised self-employment, and platform-based workers) such demands are framed around recognition as worker/employee that would allow these workers to be entitled to minimum wages and other benefits. Yet, for other groups (industrial outworkers, street vendors, waste pickers and recyclers), the demands take the form of fair prices in piece rates or for recyclables, and protection from exploitation by intermediaries who take high fees. For some of these workers (e.g., street vendors, waste pickers and recyclers), demands for recognition as workers are complemented with demands to be acknowledged for their contribution to the economy (economic agents) as they refuse to be defined as the poor or vulnerable and thus relegated to the area of social policy alone (WIEGO, 2014). This has important implications in terms of the forms of collective action that these workers engage in, including their claims to collective bargaining rights as discussed later in this research.

Third, some demands appear under more than one theme. These are the types of demands that also have more political weight and implications, often pointing to deeper systemic issues which underpin the desperate state of these workers. Take for example, the demand of waste pickers and recyclers for their integration into municipal modern waste management systems, and access to equipment and infrastructure for collecting, sorting and storage. This is a key demand which affects the level of income, job security and working conditions of these workers as well as helps them to counter discrimination vis-à-vis major private operators (i.e. companies). Addressing such demands requires challenging the logic of private operation of key public services, such as waste collection and recycling. Meanwhile, demands around the employment relationship (e.g., permanent status for industrial outworkers, recognition as workers for industrial outworkers and other workers in bogus self-employment), while framed to obtain better income, job stability and access to social protection are fundamentally demands which point to the devastating impact that the deregulation of labour markets has had on the world of work. In fact, in some cases we observe the emergence of demands which go beyond the specific themes and seek to engage with the political roots of their grievances. Thus, demands to end subcontracting in public and private sectors as an attempt to remove the middleman or the labour intermediary or agency is not only a way to give workers “a greater share of the value added” and provide them with “higher standards than they currently experience”, but also an attempt “to confront the organisation of the market at the moment” (Schurman et al., 2018: 234-235). Similarly, in some countries, freedom of movement for domestic migrant workers is not only about finding jobs with better remuneration and working conditions, but most importantly to challenge systems of forced labour.

Finally, often the demands challenge directly or indirectly the regulatory and policy frameworks pointing to deeper systemic issues, which underpin the desperate state

of these workers. Examples of such demands, which have more political weight and implications, are often found in almost all groups of workers in informal employment. This is the case with industrial outworkers' demands for access to essential public services (discussed above), or the claim of waste pickers and recyclers for their integration into municipal modern waste management systems, and access to equipment and infrastructure for collecting, sorting and storage. Addressing such demands requires challenging the logic of private operation of key public services, such as waste collection and recycling. Meanwhile, demands around the employment relationship (e.g., permanent status for industrial outworkers, recognition as workers for industrial outworkers and other workers in bogus self-employment), while framed to obtain better income, job stability and access to social protection are fundamentally demands, which challenge the deregulation of labour markets. Also, demands to end subcontracting in public and private sectors are an attempt to remove the middleman or the labour intermediary or agency as a way to give workers "a greater share of the value added", thus providing them with "higher standards than they currently experience" (Schurman et al., 2018: 234-235). At the same time, they are an attempt "to confront the organisation of the market at the moment" (ibid.). Similarly, in some countries, freedom of movement for domestic migrant workers is not only about finding jobs with better remuneration and working conditions, but most importantly a way to challenge systems of forced labour. Finally, faced with local government regulations, which often discourage or ban informal activities, the own-account informal workers frame their demands around legal recognition of their contribution to the cities (economic agents), legal protection and their right to have a say in the policies affecting them (WIEGO, 2014). Similar to the early days of the labour movement, the demands of workers in informal employment today go beyond immediate workplace needs; they are articulated in broader, more political terms and are backed by more radical forms of action (discussed in the next section).

2.2 Varieties of collective representation: emerging patterns and key insights

The literature reviewed for this research highlights the wide variety of organisations of workers in informal employment. These include trade unions, associations, guilds, worker cooperatives, worker centres, works councils and others. These organisations may be stand-alone forms of representation, such as enterprise- or community-based unions, worker cooperatives or worker associations, or forms of representation affiliated to higher level organisations at national and international level (mainly trade unions) (Table B.1, [Appendix](#)). In this section, we focus on three main categories of collective representation among workers in informal employment, namely: trade unions, associations and cooperatives.

Union-based forms of representation: Most of the cases reviewed involve a union organising workers in informal employment and/or establishing a union for these

workers. While unions are found commonly among waged workers in a clear employment relationship, there are also many examples of unions being involved in the organising of all other groups of workers in informal employment. Examples of this approach identified by several authors (Aranca, n.d.; Johnston and Land-Kazlauskas, 2019; Schurman and Eaton, 2013; StreetNet International, 2012; Serrano & Xhafa, 2016; Xhafa, 2019) include the following:

- recruitment of temporary and agency workers, and more recently of gig and platform workers, in the IG Metall in Germany;
- recruitment of call centre casual and contract workers in existing trade union structures in Malawi and Nigeria;
- integration of casual/project-based workers in sectoral trade unions in South Korea;
- recruitment of independent contractors or self-employed in the Swedish Unionen;
- specific representational structures for non-standard workers, including workers in the gig economy, in existing labour confederations in Italy;
- specific “platforms of self-organisation” in the retail and hospitality sector in South Africa;
- establishment of unions for informal transport workers in Niger and Guatemala, for self-employed workers, including street vendors in Bangladesh, Colombia, Mexico, Nicaragua, Spain, and for both self-employed and informal wage in Georgia; and
- organisation of non-standard and platform economy workers through minority, grassroots unions in Germany, UK, US, South Africa, some of which affiliate to national unions structures in the US;
- the Australian TCFUA organising industrial outworkers in a sector where the union was already organising;
- the Ugandan ATGWU organising informal minibuss taxi workers and motorcycle by affiliating their mass membership associations into the union organisation;
- the Indian union *Learn Mahila Kaamgar Sanhathana* - LMKS organising and representing informal garment factory workers, domestic workers, waste pickers and street vendors.

Organising into associations: This a form of organisation for various groups of own-account workers, but also for groups of workers in a clear employment relationship. Sometimes such associations are a response to the lack of union interest vis-à-vis underrepresented groups of workers such as migrant workers. For example, despite several organisations, including unions of street vendors in Zaragoza (Spain), the Moroccan Association for Street Vending was formed to represent the Moroccan street vendors who felt that the existing organisations did not represent them (StreetNet International, 2012). Similarly, left unrepresented by the traditional trade unions, the migrant workers in South Africa, the majority of whom are from Zimbabwe, established their own association – the Migrant Workers Union of South Africa (Xhafa, 2019). In other cases, unions themselves have supported the creation of associations, such workers’ associations of street vendors affiliated to national unions (Spain); associations of call centre employees (Philippines); association of

informal workers and operators in Benin, Mozambique, Ghana, Niger and Uganda; association of domestic workers in Uruguay and many others (Arancha, Undated; Eaton et al.2018; Johnston & Land-Kazlauskas, 2019; Rutgers University, 2011; Vandaele, 2018; Xhafa, 2019). In such cases, unions have provided a wide range of support to these organisations, which includes assistance in the registration of associations, financial support, capacity building, inclusion in bargaining, taking up cases of litigation, and others. In some cases, these associations eventually transform into unions, such as the association of domestic workers in Uruguay (Eaton et al., 2018) or join existing unions (Table B.2, [Appendix](#)).

Organising into cooperatives: While cases of organising in cooperatives are found among various groups of workers, they are more likely found in the informal economy (domestic workers and street vendors in the Philippines), among the self-employed such as the case of freelancers (artists and musicians in Belgium and other European countries), or those groups of workers who in some other contexts have contested their classification as independent contractors (taxi drivers in the US and courier services in Belgium and other European countries). In this last case, the cooperative form of representation/action has provided the members with the opportunity to engage in other collective actions such as collective negotiations with platforms for better working conditions and terms of employment for courier services (Belgium), mobilising pressure to influence local regulations affecting on demand platform-based taxi drivers on issues such as meter rates, traffic rules and transportation planning (the US), or to provide social protection to their members (Belgium).

Other forms of collective representation

There are also some other forms, but they appear to be more of an intermediate strategy towards union formation. For example, Johnston and Land-Kazlauskas (2019) discuss the example of International Association of Machinists and Aerospace Workers (IAM), which negotiated with Uber a neutrality and recognition agreement to organise an industry-wide workers' guild. This led to the formation of the Independent Drivers Guild (IDG), which represents 50,000-strong Uber drivers, most of them black immigrant workers, licensed by the New York City Taxi and Limousine Commission. The five-year neutrality and recognition agreement that IAM was able to negotiate with Uber included a regular dialogue between Uber drivers and the corporation, the ability of drivers to appeal deactivation decisions to an independent panel, and discounted legal services, insurance and roadside assistance. The agreement provides IDG with driver contact information, which is important in building contacts and eventually in forming relationships with platform-based workers. Through the Guild, IAM gains “access to the pool of Uber drivers, and access to the company itself—through a ‘works council’—where the drivers represented by the Guild can raise issues with a view to their resolution” (ibid.: 6-7) and provides as well services to these workers.

Similarly, guilds of platform workers, such as *Collectif Livreurs Autonomes de Paris*, the German Deliverunion, the Italian Deliverance Milano, the Dutch Riders Union and guilds for Uber drivers in the US, can be considered union-affiliated or union-

supported as unions are offering them counselling, logistics and other resources (Lieman, 2018, in Vandaele, 2018). Adapting the technology of the digital labour platforms, some of the guilds, such as the union-affiliated guild *Collectif des coursier-e-s/KoeriersKollectief* in Belgium and the *Plataforma Riders X Derechos BCS* in Spain, have set up worker-led platform cooperatives (Heiland, 2020: 51).

Meanwhile, some forms of representation, such as online forums for crowd workers, provide voice to workers in informal employment, but are not meant to address the work-related grievances of these workers. Some of these forms of representation may be *ad hoc* in nature, having just emerged as a result of a pressing issue at a particular moment. Thus, they may lack the institutional durability to effectively engage with relevant actors in improving the working conditions of workers in informal employment.

2.2.1 Key insights on the emerging patterns of collective representation

The literature reviewed suggests several key insights regarding the forms of representation of workers in informal employment.

a. Different forms of collective representations even for the same groups of workers in informal employment: unions remain important

It is often argued that own-account workers need organisational forms different from the unions which may be more appropriate for waged workers in informal employment (Theron, in Schurman et al., 2018). These forms need to respond to “the nature of their work and the entities with whom they have to bargain to make their claims as demands” (ibid.: 225). The cases we reviewed, however, show a more nuanced picture. Although unions are more common among the waged workers in informal employment, unions of own-account workers are far from a rare occurrence. For example, waste pickers and street vendors in three districts of Maharashtra (India) are represented by a state-level trade union (LMKS). Meanwhile, other street vendors in India are represented by an association—the National Association of Street Vendors of India (NASVI). Minibus drivers in Georgia, some of whom are self-employed and some dependent self-employed, have organised as an affiliate of an existing union (Schurman et al., 2018). Part-time self-employed and ‘involuntary’ self-employed workers in the Netherlands, who are not looking for individual services but for minimum standards set through collective bargaining, are more likely to join unions (Vandaele, 2018). Finally, highly skilled crowd workers and on-demand platform workers have joined all sorts of organisations, including grassroots unions, union-affiliated guilds, mainstream or longstanding unions, works councils, labour market intermediaries such as labour mutual or quasi-unions, and worker-led platform cooperatives (Johnston and Land-Kazlauskas, 2019).

Even in the informal economy, where associations appear more common, the collaborations between trade unions and associations of workers in informal

employment are quite common, sometimes in the form of what Schurman and Eaton (2013) have called “an associate relationship”. There seems to be a realisation that “despite constraints, combining self-organisation with a structural relationship to sectoral unions and/or trade union central federations still seems to be a more promising approach than simply relying on benevolent representation on social dialogue level” (Schurman and Eaton, 2013: 22). The most typical examples here are the collaborations of unions with WIEGO and StreetNet in various countries. This wide variety of forms of representation among workers in informal employment in general, and own-account workers in particular, suggests that it would be an oversimplification to argue that some groups of workers may be exclusively represented by specific forms of organisations. Unions continue to be important as shown by their presence among any groups of workers in informal employment.

b. Re-emergence of historical forms of collective representation of workers

We observe certain similarities between the actual forms of collective representation for workers in informal employment and the forms of representation in the early days of unionism (Milkman, 2013, in Vandaele, 2018). This holds true even for platform workers. For example, although still at an embryonic stage, the internet-based communities are evolving towards guilds which are involved in litigation as well as other actions aiming at establishing collective bargaining and social dialogue in the platform economy (Vandaele, 2018).

c. Rather than competing, the NGOs are often supporting unions in organising workers in informal employment

In many cases, non-government organisations (NGOs) often in collaboration with trade unions have played an important role in supporting the organising initiatives and collective actions of workers in informal employment. This has been the case of organising initiatives of the industrial outworkers, migrant workers and domestic workers (Table C.2, [Appendix](#)), such as the collaboration of LMKS and LEARN in Maharashtra, India to organise and represent homeworkers, informal garment factory workers, domestic workers, waste pickers and street vendors; women’s NGO CECAM in Chile supporting the establishment of a union for women homeworkers processing seaweed; migrant workers and domestic workers in South Africa and the US. Finally, in the particular context of China, a labour NGO was instrumental in supporting the collective actions of footwear workers, organised outside the official unions. These actions included three wildcat strikes and eventually collective bargaining (Table C.2, [Appendix](#)).

d. A trend towards cross-sectoral forms of representation for own-account workers as a strategy to strengthen bargaining power

In countries with a large presence of the informal economy, we see the emergence of forms of collective representation with membership that is not occupation-specific but represents various groups of workers in informal employment. For example, in Niger, the membership of the National Federation of Informal Economy organisations comprises informal workers in transport, construction, trade, security, garment,

catering, and mechanics and allied sectors. In India, SEWA's membership is composed of home-based workers (own account and subcontracted), informal garment factory workers, domestic workers, waste pickers, street vendors, agricultural workers, construction workers and others. In Guatemala, the *La Confederacion de Union Sindical* represents cycle taxis, taxi drivers, traders, market vendors and middlemen. The National Network of Informal Network in the Philippines (*Pambansang Kalipunan ng Manggagawang Impormal sa Pilipinas* or PATAMABA) counts among its members home-based workers (own-account and subcontracted), vendors, construction workers, and transport workers. Such forms of representation may be a way for these groups of workers to gain bargaining power through their numbers.

e. The form of collective representation is less influenced by the nature of employment and more by other factors, primarily 'union inclusiveness' and the legal framework

Several factors may influence the form of collective representation of workers in informal employment. Workers' perceptions are one such factor. For example, in the case of the Netherlands, Vandaele argues that the self-employed are more likely to join a union in case of collective demands for better social protection and if these workers have a left-wing ideological orientation (2018). This is particularly so for freelancers, such as part-time self-employed and 'involuntary' self-employed workers who are not looking for individual services, but for minimum standards set through collective bargaining (ibid.). Meanwhile, manual self-employed workers and 'technocratic' professionals may be more likely to join freelancer associations (ibid.). In turn, however, such perceptions and the subsequent (un)willingness of workers to join a specific form of collective representation are shaped by other factors, most significantly 'union inclusiveness' and the legal framework.

Union inclusiveness¹⁷

To the extent that existing unions have sought to enlarge their scope of representation, they have pursued different representation strategies such as organising workers in informal employment within their existing structures, establishing specific unions for these workers, or helping establish structures outside unions, most commonly associations, wherever the legal framework had prevented them from integrating these workers in union structures. In the latter case, they do so while retaining the informal association's capacity for self-organisation and enabling these structures to influence one another, specifically enabling the informal economy associations to influence the agenda of the better placed (economically and politically) national centres to articulate and support the interests of informal economy workers (Schurman and Eaton, 2013: 21).

Various authors point to unions' strategic choice of 'inclusiveness' in terms of: 'expansion' of membership in hitherto unorganised sectors (Heery, 2003); adopting

¹⁷ The term is borrowed from Benassi and Vlandas (2016).

‘field enlarging strategies’, whereby unions attempt to prioritise the organisation of women, minority, younger, contingent, and part-time workers (Wever, 1998); and embracing an ‘inclusion’ strategy that aims to achieve equal treatment for contingent workers (Benassi and Vlandas, 2015). This debate has been framed mainly around the rise of non-standard employment in a context of declining union density rates, which “has posed challenges to trade unions’ structures and their understanding of representation” (Serrano, 2018: 84). For many of them, organising these workers is an important component of their union renewal strategies, that is expanding their mantle of representation to non-standard workers to also reverse membership decline, avert their waning influence and legitimacy in the economic and political sphere, and energise their organisation (Frege and Kelly, 2003; Haiven, 2006; Heery and Adler, 2004; Serrano, 2014). While helping to stem the declining union membership by bringing new workers in the unions, these strategies also seek to push for equal treatment of these workers thus preventing competition between core and peripheral workers. Recognising the eroding pressure of precarious employment in general in the world of work, we argue for the application of ‘union inclusiveness’ beyond its original scope, to workers in informal employment.

Meanwhile, where unions have been unwilling or unable to organise underrepresented groups of workers in informal employment, these workers have taken organising in their own hands in the form of associations (e.g., migrant workers in Spain), or new unions created with the support of NGOs (agricultural migrant workers in South Africa).

The wide variety of forms of representation of informal workers reviewed for this research has two major implications.

The first implication is that we must recognise the continued process of adaptation and transformation of existing trade unions to extend representation and protection to various groups of workers in informal employment. In trying to extend voice and protection to these workers, trade unions are embarking on new organising strategies to unionise these workers, often leading to significant changes in union structures. These new strategies and organisational changes have an impact on unions’ articulated vision and framing processes, potentially strengthening or pushing them to rediscover their historical social movement identity (discussed further in Chapter 5). This is a complex, non-linear process, often tested by the dynamics of cooperation. For example, the strategy of the ‘associate relationship’ of unions with associations of informal workers “has not been entirely successful ... due to the fact that the interests, needs and aspirations of self-employed informal economy workers are often very different or may even collide with the members of existing trade unions and that the structures and modalities of trade unions are ill-equipped to deal with these workers” (Schurman & Eaton, 2013: 21-2). This holds true also for minority unions and union-affiliated guilds. Thus, possibilities of collaboration with union-affiliated guilds may be hindered by membership competition and different logics of action of longstanding unions and grassroots unions (Vandaele, 2018).

Clearly, a successful process of integration needs to go beyond formally attaching these workers in the union structures. Such a process also requires an intense and long process of internal transformation in terms of structures, strategies and framing process—as discussed in chapters 4 and 5. An example of a union’s long-term organisational change and adaptation to represent various groups of underrepresented workers is observed in the construction sector in South Korea (Serrano & Xhafa, 2016). Non-standard workers in the construction industry started to organise themselves as early as 1988. In 1992, the day labourers established their union—the National Association of Construction Day Labourers. In 1999, this union merged with the Korean Federation of Construction Trade Unions to form the Korean Federation of Construction Industry Trade Union and developed a sectoral response to the challenges facing workers. In 2007, the merged trade union was integrated into the Korean Construction Workers Union which represents construction workers, including precarious and independent workers. In yet another union effort to initiate deeper transformations, the union organising part-time and contingent workers in the retail and hospitality sector in South Africa embarked in an educational campaign with its members on the importance of including these workers in their bargaining unit, including accepting concessions, as a way of raising the standards for all workers (Schurman et al., 2018). In addition, the union established alternative structures, that is, semi-autonomous company level councils that report directly to members, expanding the role of shop stewards and granting a high level of autonomy from national union officials or staff (ibid.).

These and many other examples presented here suggest a process of union transformation that may be more advanced than generally recognised in the scholarly debates. In other words, the various groups of workers in informal employment have not made unions obsolete; instead they are influencing the re-shaping of unions. Our findings lend support to Heery’s evolutionary or transformational perspective on trade unionism, which basically assumes that unions are in a continuous process of adaptation to the external conditions, thus making certain forms of unionism more dominant at a particular historical phase (Vandaele, 2018).

The second implication is that when existing unions may be unwilling to represent some groups of workers in informal employment, workers will always find other ways for collective voice and action either outside existing unions (migrant workers in Spain and South Africa).

Both implications reinforce Heery’s important prediction “that if anyone sounds the death-knell of unionism, it will apply solely to a ‘particular unionism’, without questioning the continuing existence of trade unionism as such”(ibid.: 6).

Legal framework and the nature of industrial relations

Most importantly, the legal framework may define the form of organisation for certain categories of workers in informal employment. This is because in many countries labour laws, which are mostly premised on the existence of an employment relationship, deprive many groups of workers from exercising their right to form a union and bargain collectively. In the Philippines, the labour law allows ambulant, intermittent and itinerant workers, self-employed workers, and those without any definite employers to form a workers' association. Such an organisation, however, can only be established for their mutual aid and protection and not for the purpose of collective bargaining. In short, these workers cannot be organised into a union.

In cases where the law confines the unions to a specific workplace, trade unions have opted for worker associations (see the example of ICCAW, Box 2) to organise workers who often change jobs in the same sector.

Meanwhile, labour law provisions in some countries restrict the right of workers hired through third parties to join a union of permanent workers and be included in their bargaining unit (Aye, 2017; Serrano, 2014; Serrano and Xhafa, 2016). In Vietnam, for example, workers with contracts shorter than six months cannot join unions; in Poland, the Trade Union Act of 1991 allowed only employees to join trade unions (this was later on declared unconstitutional by the Constitutional Tribunal in 2015); in the Philippines, project employees in the construction sector can join the relevant industrial union but cannot constitute a collective bargaining unit (ILO, 2016: 209-210). In Indonesia, outsourced or subcontracted workers may not be part of the unions of regular workers (Serrano, 2014); in South Korea, they are only allowed to collectively negotiate with the subcontractor (Rubiano, 2013).

Also, in some countries, there are legal provisions which limit certain rights, such as the right to unionisation, only to employees, which in a context of rising bogus self-employment may limit these workers' right of collective representation only to certain forms. For example, drivers working for Uber have to go through lengthy legal processes just to be recognised as workers. Thus, until the right of (Uber) drivers to bargain collectively is recognised, the International Association of Machinists and Aerospace Workers opted for the guild form of collective representation (Independent Drivers Guild) as "it represents an avenue for unions to form relationships with gig and platform-based workers that positions them, should conditions change and formal recognition become an option, to mobilise members into a formal organizing drive" (Johnston and Land-Kazlauskas, 2019: 6). The representation model was chosen for the possibility it provides in terms of accessing all the driver contact information and developing these contacts into active representatives.

Similarly, legal provisions which set a high threshold for union formation make it difficult for informally employed workers to unionise. For example, workers in micro and small enterprises (MSEs), the majority of whom are in informal employment, find it hard to join unions (Serrano and Xhafa, forthcoming). In some cases, unions'

attempts to extend representation and protection to these workers have resulted in the establishment of territorial structures (Box 1).

Box 1. Extending representation to informal MSEs through territorial structures

Health and safety are increasingly being perceived as a more prominent workplace issue and as a membership recruitment base. Trade unions in a number of EU countries (i.e., Denmark, France, Greece, Italy, Spain, Sweden and the UK) attempted a number of strategies to achieve greater representation and participation of workers in occupational health and safety in small enterprises, including obtaining statutory rights to represent workers in small enterprises through regional or territorial health and safety representatives; adopting schemes in which sectoral joint or tripartite structures are set up to support workers and their employers in small enterprises; and either voluntarily or statutorily collaborating with the labour inspectorate/health and safety authorities.

Source: Walters, 2004.

The system of industrial relations plays a very important role in the form of collective representation and subsequent action. Thus, in countries dominated by enterprise-based unionism, unions have sought to establish structures other than unions to strengthen the representation of precarious workers, such as call centre workers. Thus, unions in the Philippines have established non-enterprise specific workers' associations of call centre employees (ICCAW, Box 2) to allow workers across call centre establishments to join these associations (Xhafa, 2019).

However, some forms of collective representation may be disadvantageous for certain groups of informally employed workers due to their exclusion from the formal system of industrial relations. For example, while minority unions are important for providing a platform for voice for underrepresented workers and for pressuring employers and authorities to improve working conditions of these workers, they cannot engage in collective bargaining or represent these workers in industrial relations institutions in many countries. Thus, the Independent Workers Union of Great Britain represents a fraction of workers across various sectors "without the protections afforded to traditional collective bargaining agents" (Johnston and Land-Kazlauskas, 2019: 10). This is even more so the case for organisations which have not obtained a union status. Thus, the Migrant Workers Union of South Africa could not represent the case of migrant workers in the Commission for Conciliation, Mediation and Arbitration (Xhafa, 2019).

3. Collective action of workers in informal employment

The topic of collective action is discussed extensively in the literature. Bonner defines collective action as "any form of united action taken by a group of workers, which has the intention of pressuring those with authority and decision-making powers to accede to their demands, either immediately, or as part of a longer-term strategy" (2012: 2). In their highly influential article *Two Logics of Collective Action: Theoretical*

Notes on Social Class and Organisational Form, Offe and Wiesen­thal refer to the logics of collective action as the *associational practices* “by which organisations of capital and labour try to improve their respective position vis-à-vis each other” (1980: 76). For labour, collective action involves a ‘willingness to act’ on the part of workers, that is, their “conscious and coordinated active participation” as members of a union or a workers’ association “flows from a notion of shared, collective identities, and mutual obligations of solidarity” (Offe and Wiesen­thal, 1980: 80-81). This willingness to act may be expressed in terms of participation in campaigns, strike assemblies, strike votes, picket lines, and other forms of direct actions.

In seeking to provide an overview of the forms of collective action used by workers in informal employment to address their grievances, this chapter is organised around some key insights on the emerging patterns of forms of collective action considering the factors influencing similarities and differences. However, this is by no means an exhaustive review of the literature. Moreover, we are constrained by the perspectives through which, and the extent to which, the examples of organising strategies we have reviewed have been analysed in the literature. In other words, although a particular publication may describe an organising strategy mainly in terms of recruitment on individual-basis, leafleting, and other such tactics, the specific strategy may involve different forms of collective action. Similarly, the details provided for each story in this research are limited to what the literature has discussed.

3.1 Key insights on emerging patterns

The literature reviewed for this research (Tables C.1 and C.2, [Appendix](#)) points to some emerging patterns as discussed below.

a. A wide variety of forms of collective action used often in combination

The forms of collective action involving workers in informal employment cover a wide variety: from organising and collective bargaining to demonstrations, rallies, marches, strikes, holding community-based meetings, awareness-raising campaigns, collectively mapping the working and living conditions of workers and their location in supply chains (especially in the case of industrial outworkers), strategic research of companies, litigations, legislative deputation, and lobbying public authorities. We also observe the use of digital tools and social media platforms to support collective organising and actions, including building public support for their grievances. This is particularly striking in the case of platform workers (Box 2).

Meanwhile, it is very rare to observe examples where there is only one form of collective action; most cases involve a combination of different forms of collective action. Lodging court cases contesting worker (mis)classification, pushing for new legislation or regulation, and pressuring platform companies to negotiate have been accompanied by direct collective actions, such as demonstrations, rallies, marches, campaigns, lobbying public authorities, and strikes. For example, both the

Independent Workers Union of Great Britain (IWGB), a new union formation for gig workers, which organises non-traditional, low-wage, and immigrant workers in the UK, and the AFL-CIO-affiliated New York Taxi Workers' Alliance (NYTWA), a membership-based organisation of non-standard workers, utilised a variety of collective actions to bring bargaining counterparts to the table. In both cases, legal strategies were complemented with campaigns to raise public awareness, lobbying public authorities, and mobilising community support (Johnston and Land-Kazlauskas, 2019).

Box 2. Collective actions of food delivery workers in Latin America and call centre workers in the Philippines

In the midst of the pandemic, food delivery workers have coordinated three international strikes in Argentina, Chile, Brazil, Perú, Ecuador, Colombia, Costa Rica, Guatemala and Mexico. Workers disconnected from the apps and organised large bike parades to the labour departments in their respective countries, demanding personal protective equipment, paid sick leave, health insurance and a wage increase. Additionally, the workers used social media to ask customers to post negative reviews of food delivery platforms and to disconnect from “apps” for 24 hours to affect the rating and profits of these companies during the day of the strike. In response, platform users helped in amplifying the media outreach of the movement by retweeting the hashtag of the strike. For instance, in Brazil, the hashtag “BrequeDosAPPS” (“Block the Apps”) reached over 4 million viewers, becoming the most popular topic of the day and enhancing the visibility of delivery workers’ demands in national and international mainstream media. While platform companies are using digital tools to control labour, delivery workers are also making use of the digital technologies to facilitate communication within an extremely fragmented workforce that lacks a common workplace to organise. For example, Latin American workers use chat groups and video-conferencing platforms to organise and communicate on a daily basis at a national and transnational level, by exchanging updates and coordinating online meetings with workers in Europe, Asia and North America.

Source: Paolo Marinaro, 2021 (Online course: Global Supply Chains in Times of Covid 19).

In a sector where workers fall victims to fly-by-night call centre companies, the *Partido Manggagawa* (PM or Workers’ Party¹⁸) helped support the establishment of the Inter-Call Centre Association of Workers (ICCAW). The organising occurred as a response to the struggle of 664 call centre employees in Cebu city who suddenly found themselves jobless with unpaid wages and without benefits when their employer (Direct Access) abruptly and illegally closed the company. The PM lodged a formal complaint with the Department of Labor and Employment (DOLE) office in Cebu and organised pickets at the office of Direct Access and the DOLE. The PM used the pickets to educate the workers about their rights and the importance of being organised. After winning this case, some of the workers went on to organise ICCAW with support from the PM. In addressing the grievances of these workers more generally (e.g., graveyard shifts which have a serious impact on workers’ health), the organising had to overcome, among others, the challenge of a union-free sector partly due to employers’ active resistance (non-union policies and practices), the transient nature of employment of most of these workers as well as the thinking that trade unions and union action (e.g. picketing and striking), are something for blue-collar workers whereas them (i.e., call centre employees) are not workers—a perception supported by catchy employee

¹⁸ PM is a labour organisation which draws membership from trade unions.

designations by employers. Due to its status as an association, ICCAW is not confined to a single workplace and as such it structurally fits well with the transient nature of employment in the sector. The strategy pursued by ICCAW involved developing a core team of seven organisers—trainees, which were trained to research a company’s corporate structure, its management style, the accounts it manages and their stability, the existing wages and benefits of workers, key issues at the workplace and the ‘culture’ and concerns of workers. To build contacts with these workers and recruit them, the organisers had to gamify the organising activities as a way of keeping workers’ attention, and to adapt to the way these workers socialise. ICCAW also launched a website to provide valuable information to BPO workers and to reach out to more of them. Through cooperation with the UNI Global Union, ICCAW has tried to use International Framework Agreements in its organising strategy. While providing a range of services (e.g., organising, legal services, livelihood projects, workers’ education, workers’ re-tooling and skills training, and job placement), ICCAW also engages in advocacy for stricter government regulations on setting up call centres to reduce the incidence of fly-by-night companies; a stop to contractualisation of call centre agents; health care above the mandatory membership guaranteeing wide coverage and better benefits; election of employee representatives at the company level to negotiate on grievances regarding working conditions, terms of employment, employee benefits and workloads, including fixing of quotas, metrics and performance indexes; and setting up industry-wide standards for wages, benefits and entitlements above the minimum standards. Tactics of ‘naming and shaming’ call centre companies that violate labour standards and worker rights are also used by ICCAW.

Source: Serrano, in Xhafa, 2019.

b. Collective actions to win enabling rights and build worker power

In many cases, the various forms of collective action are used to access other rights which would enable workers in informal employment to be recognised as actors in the system of industrial relations or in the local economy. Thus, we observed the use of litigation and case law, often accompanied by campaigns, to challenge the misclassification of groups of workers as independent contractors. Such actions aim not only to overcome the denial of protection from employment laws, but also to enable these groups of workers to unionise and bargain collectively. This is the case for groups of non-standard workers such on-demand platform-based taxi drivers and couriers, industrial outworkers and others. Own-account workers, too, have made use of litigation, to win rights which would enable them to work. In fighting evictions, street vendors have pushed to be recognised for their economic contribution to the cities (economic agents) and for their fundamental right to livelihood, thus their right to work. This is the case of the street vendors in Johannesburg, South Africa, who successfully opposed in the Constitutional Court the Mayor’s “Operation Clean Sweep” policy (Horn, 2014) and NASVI in India, which was able to push for a Supreme Court ruling that required the government to pass a law on street vending (Bhowmik, 2014).

Similarly, collective actions may often serve the double purpose of compelling employers or state authorities to address the grievances of these workers, but also as a way of building power to back their demands. For example, protest actions of platform workers such as riders and of street vendors against evictions have also



been used as an opportunity to organise these workers in some form of structure or have made them realise the importance of structures (Box 3). These examples echo the historical argument that the formation of unions and other forms of workers' associations is a form of collective action, too, without which workers simply have no bargaining power that they could use to improve their wages or working conditions (Offe and Wiesenhal, 1980).

Box 3. Organising as a form of collective action

In analysing the organising of platform workers in Latin America (Box 2), Marinaro argues that a critical feature of global labour activism of platform workers is the direct participation and the central role of rank-and-file workers in creating transnational activist networks, facilitating communication and coordinating collective action. However, while grassroots transnational organising allows for democratic and horizontal participations, it poses important limitations for the legal representation of workers or in sustaining power in the long run. Therefore, the platform workers have started considering establishing a formal organisation.

Source: Paolo Marinaro, 2021 (Online course: [Global Supply Chains in Times of Covid 19](#)).

In Brazil, the union (SIEMACO-SP) representing workers providing cleaning, maintenance and urban cleaning services in the city of São Paulo engaged in an unusual effort to build independent power among *invisibilised* contract workers. This was done against a legal and historical context which actively discourages genuine worker organising and limits union activities, i.e., the certification does not depend on any threshold, but on support of friendly politicians; only one union can represent a given category of workers in a given geographic territory. In the absence of a strong history of membership development at the workplace level and enduring bureaucratic legal structures that intentionally disincentivise building union power, the union sought to address the essential problem of near total absence of trade union structures at the workplace level. This project of building worker power included three main strategies. First, an extensive organising programme where organisers and the elected union leaders spent time together in the streets and at workplaces to understand the strategies that would resonate with workers in the different sectors covered by the union. Second, the building and strengthening of workplace representative capacities, which built on the 'listening' phase. The organising staff has improved its capacity to identify, recruit and communicate with workplace leaders. Strategic and targeted leader identification and nurturing had not been common in SIEMACO-SP. Almost none of the leaders had ever done any recruiting or organising. As a result of the programme, workers who had never met anyone from the union before, now know who to approach when they have a problem at the workplace. The establishment of basic trade union structures at the workplace has been accompanied by the implementation of the more basic organising. And third, the professionalisation of the interactions between staff, elected and appointed trade unionists and workers, which has consisted of training the union staff and members on how to hold conversations with workers. More than 80% of trade unionists that have contact with the members have gone through internal training which includes role playing scenarios on how to encourage, train and mentor workers. In holding discussions with workers, union representatives have replaced the focus on service provision with a focus on the importance of the collective agreement and broader working-class issues. In addition to the focus on collective bargaining, the union Youth Secretary has organised several events – 'real concrete conversations' – that bring workers together to talk about issues that directly affect them. This includes collective discussions about proposed labour law reforms. As a result of this project, the number of workers that

voluntarily affiliate to SIEMACO-SP has increased and the membership has gone from 30% to 43%, which is remarkable given the high turnover in the sector and national union density numbers at 16%. During the process of collective negotiations, the street cleaning sector organised 40 workplace meetings all over the city to debate and prioritise bargaining demands. The US-based Service Employees International Union (SEIU) provided various forms of support including sharing experiences with its own model of organising.

Source: Gibb, in Xhafa, 2019.

c. Collective action as a pathway to move from a particular identity to building worker power

Sometimes, collective actions are organised around a common identity, such as nationality, ethnicity, religion and others. Examples include the organising initiatives of migrant workers in Spain and South Africa (discussed in Chapter 2) as well as the Indonesian Migrant Workers' Union of Hong Kong (IMWU). However, organising on the bases of identity is sometimes only an intermediate strategy of building power as workers more generally (Box 4).

Box 4. Moving from identity-based organising to building worker power

Tobacco factories in Gujarat, India have used different production systems to move the rolling of beedis from factories to homes as a way of circumventing employer-employee relationship; 98% of beedi rollers in Ahmedabad (the biggest city in the state of Gujarat) are women who are either migrants, or migrants belonging to a lower class or to the Muslim minority community. This was a deliberate strategy by employers as women working from home and taking care of their families, these workers didn't see themselves as workers. Meanwhile, the Muslim women workers were not being allowed to work outside home and all of them were migrants who moved houses quite often. Finally, as migrants from other states, they faced the challenge of not speaking the local language. All these made it very difficult for trade unions to organise. These women organised as informal groups based on their caste, religious and language groups, which were convenient for employers in terms of finding workers. To organise these workers, SEWA pursued four key strategies: (i) organising at the doorstep of home-based workers; (ii) adopting a decentralised organising model by building grassroots leadership; (iii) encouraging interaction with other informal economy women workers; and (iv) starting all meetings with a prayer calling upon all gods of different religions to bless the workers and their work, which was very important for beedi rollers who came from different caste, religious and language groups, and this prayer brought them together not despite, but along with their diversity. These strategies led to the organisation of 150,000 beedi rollers in Gujarat, and improved their access to labour rights, including pension benefits; visibility in supply chains, including clear employer-employee relationship; and elimination of child labour from supply chains, as children of beedi rollers were able to access many benefits, including scholarships bringing them back to school.

Source: Janhavi Dave. 2023 (Online course: [Subordination and discrimination in global supply chains: recognising diversity, building unity](#)).

In December 2018, Amazon workers at the Shakopee fulfilment//warehouse centres (Minneapolis, Minnesota in the US) began to organise. These centres employ around 3,000 workers from the largely Muslim and immigrant workforce from East Africa. The worker's

centre AWOOD (power in Somali), which supported the organising, used a systemic organising approach of building a step by step organising campaign that took on the forms of petitions to protests and eventually to walkouts to build their collective power. Thus, workers embarked in the following industrial actions: one in June, 2008 against increased workloads during the Muslim holy month of Ramadan, which affected the time needed to take breaks for prayers; in December 2018, where over 100 workers protested outside the Fulfilment centre asking for time to pray and Amazon to show cultural and racial sensitivity; a wild-cat strike on Prime day in summer 2019; and a walk out On May 1st, which fell on the day before the Muslim holiday of Eid marking the end of Ramadan where workers were asked to report to work. These workers' actions have compelled Amazon to create multi-faith prayer rooms, allow breaks for workers to pray, and provide concessions for reducing their quotas during Ramadan.

Source: Mostafa Henaway, 2023 (Online course: [Subordination and discrimination in global supply chains: recognising diversity, building unity](#)).

d. Collective action: space matters

The spatial dimension of work (i.e., where the work takes place), whether in a public or private space plays also an important role. Many workers in informal employment are difficult to organise because they are isolated (e.g., industrial outworkers), geographically dispersed (e.g., casual workers and agency workers who work in multiple workplaces over a short period of time, as well as domestic workers) and thus not identified with a single workplace. Therefore, an inclusive community-based organising, that is, mobilising workers to self-organise or join existing workers' organisations in the communities where they live, work or socialise, appears to be a better organising approach.

This approach involves identifying and developing organisers from the communities where these workers live and organising meetings in these communities. Complementing this approach is the use of a strategy called 'like recruits like' where the identified organisers—who are members themselves and who live in the same community—share similar demographic and work characteristics and experiences (e.g., sex, occupation) with the workers being organised. The snow-ball approach¹⁹ is also practised, especially when organising industrial outworkers and other home-based workers. Organising these groups may also require tedious and patient work to build up a relationship of trust with each worker. This includes repeated home visits, frequenting local markets where these workers go or local government offices where they get particular services and working with local community-based organisations.

Street vendors, waste pickers, and transport workers operate in public spaces where there are lots of opportunities for them to interact. Thus, it is easier for these workers to come together when they face a common threat, such as harassment or eviction from marketplaces, dumpsites, and public roads, and frame their demands around the right for a space to vend under fair and reasonable conditions, right to have

¹⁹ This approach involves union activists asking members where their friends and co-workers live so that they could visit their homes.

natural markets built into urban zoning and land allocation plans, access to markets for their goods and services, and the right to access routes and passengers.

On the other hand, industrial outworkers and domestic workers and many platform workers (e.g., purely web-based workers such as crowd workers, freelancers) work in private spaces (i.e. their own homes or in private households in the case of domestic workers), so that for these workers “it is hard to find the time to come together and form groups that might give them more voice and make them more visible” (WIEGO, 2010: 9). Organising these workers takes place around neighbourhoods or in public places frequented by these workers (e.g., shopping areas, religious congregations). Reaching out and mobilising these workers for collective representation may also require framing organising themes around a broader agenda (e.g., claiming their identity as workers who are entitled to core labour rights and standards, accessing social protection, fair and just treatment).

On-demand platform workers, particularly those engaged in ‘pure’ web platforms (e.g., Amazon Mechanical Turk, Taskrabbit or Upwork) are likewise geographically dispersed and isolated. Their work is done exclusively online. For these workers, the early stages of organising may be done virtually through ‘online communities’ or ‘online forums’, which are websites or social media sites where workers can provide feedback about and rate the apps that they work for. These online forums or communities present a promising tool for worker engagement and skill sharing irrespective of worker location (Johnston and Land-Kazlauskas, 2019). An example is FairCrowd.work developed by IG Metall, on the gig and platform economy (ibid.).

e. Trade unions continue to be important in driving and/or supporting collective organising of workers in informal employment

Many of the cases reviewed involved support from various organisations in pursuing collective actions, including organising. Among these, trade unions, often in partnership with labour-support organisations, appear prominent. While recognising a certain bias in the literature (i.e., limited research on collective actions of groups of workers in the informal economy), the cases we reviewed suggest that trade unions remain among the main actors engaging with these workers over time. In analysing 10 case studies on union strategies and forms of collective action, Serrano and Xhafa (2016) emphasised the critical role of trade unions in providing protection and decent employment to workers in informal employment, a process which they coined as the “positive transitioning effect of trade unions”. In another collection of organising stories of platform workers, the same authors noted the important role played by trade unions in Indonesia, Kenya, Nepal, Nigeria, and Russia in supporting the organising of these workers (Serrano and Xhafa, 2022).

While unions generally prefer dealing with existing institutions, the major transformations in the world of work and the emerging forms of collective action of workers in informal employment are increasingly pushing trade unions to directly engage in organising these workers by using a wide variety of strategies and tactics. These include taking a community-based, grassroots and inclusive approach in organising workers, which is described earlier.

The examples reviewed for this research indicate that union support may include the following: human and financial resources; assistance in fundraising; education, training and leadership development; legal recognition and legitimacy to workers in informal employment and to their organisations; litigation assistance; and access to dialogue and negotiation with authorities. Trade unions have also sought to build support for workers in informal employment from the broader public, building alliances and continuously engaging with other labour organisations, including sister trade unions in other countries, global unions, and innovatively using ‘events’ (e.g., SEP in Canada) and extensively using media and other channels of communication. In particular, sustaining the organising of workers in informal employment necessitates overcoming fragmentations and building solidarity within the unionised workforce as the example of SEP in Canada and SINTRAICA in Costa Rica (Box 5) and IG Metall in Germany (Box 6) illustrate.

Box 5. Forms of union support in organising workers in informal employment

In Canada, the struggle of the Legal Aid Ontario (LAO) lawyers to be recognised as employees and thus to enjoy the rights of unionising and bargaining collectively lasted for four years. LAO lawyers provide legal advice to impoverished and marginalised people, who cannot afford legal representation. In doing their job, they faced lack of transparency in salary and pay scale; lower wages compared to other public-sector lawyers; difficulty protecting professional and ethical obligations due to inappropriate workspaces which challenged client confidentiality; and lack of any employer consultation on main decisions affecting their work. The Society of Energy Professionals (SEP) trade union took up this case and built a campaign, which aimed at building support internally amongst LAO lawyers to unionise as well as targeting the employer and the Ontario government through public pressure and lobbying. The internal organising involved communicating with workers over a geographically wide area and educating them on their worker rights just as blue-collar workers. Given that the lawyers were scattered all across the province of Ontario, the campaign organisers capitalised on events, which brought together large numbers of lawyers, as well as informal, individual conversations with their colleagues over lunch, evening and weekend hours. The peer-to-peer conversations were supported with brochures and a website. Many lawyers chose to sign the petition in the first public event of the campaign, featuring a renowned Canadian civil rights lawyer. In building public pressure, the union added an equity component to the campaign under the banner “Stop the Discrimination at Legal Aid Ontario”. It targeted LAO’s CEO and the LAO Board of Directors via rallies, information pickets, press conferences, etc. A press conference at Ontario’s legislative building, which was attended by a LAO lawyer and three prominent members of the legal and women’s advocacy community, aimed at drawing media attention and increasing public pressure on LAO management. Several media outlets featured the story, including Toronto’s largest newspaper, the Toronto Star. The union also hired consultants to assist them with lobbying the Ontario government to educate politicians, and appeal to their sense of justice pointing to the link between improvements to legal services with voice, representation and collective bargaining rights for LAO lawyers. Media coverage, which was critical to LAO lawyers’ morale, focused on the question of access to justice, as an important Canadian value. The union also supported the filling of pay equity complaints as more than 60% of LAO staff lawyers identified as women. Building coalitions and solidarity involved the Women’s Legal Education and Action Fund (LEAF)—a women’s legal advocacy group dedicated to equality rights through education and litigation, the National Association of Women and the Law, Women’s Health in Women’s Hands, Association of Community Legal

Clinics of Ontario, and Ontario Civil Liberties Association – all of which enhanced the legitimacy and reputation of the campaign by writing letters, sharing information and offering solidarity through social media. The Ontario Nurses Association union brought large numbers of its members to campaign events, disseminated information through its networks and raised awareness about the campaign. The Ontario Federation of Labour (OFL) included a specific demand to remove the exclusion of lawyers from unionisation under the OLRA in its provincial Make It Fair campaign. Similarly, the Fight for \$15 & Fairness campaign to raise the minimum wage participated in actions and helped to organise additional support for LAO lawyers.

Source: Chong et al., 2020.

In Costa Rica, the Sugarcane Industry Workers' Union (SINTRAICA) engaged in an organising campaign to address the extremely precarious conditions of migrant workers in the sector. Following complaints from migrant workers, the union carried out an investigation, which determined the scale of violations. This investigation was followed by a campaign to organise migrant workers and a "movement for dignity" calling for a work stoppage joined by 1,288 workers. The Costa Ricans workers also joined the fight of migrant workers. As a result of this pressure, the company entered in collective negotiations to address the complaints and the Ministry of Labour carried out inspections and issued several measures in favour of migrant workers. As importantly, the migrant workers are now the ones who provide information about violations of their rights and demand the company to respect their rights. The campaign of organising migrant workers has also been critical to building workers' unity, regardless of their employment status—whether permanent or temporary—and whether they are migrants or not.

Source: Saray Lopez Aragon, 2023. (Online course: [Subordination and discrimination in global supply chains: recognising diversity, building unity](#)).

Partnerships with various organisations of workers in informal employment have been instrumental in the success of many organising drives and collective action involving workers in informal employment. At the same time, such partnerships have also impacted trade unions by "(1) presenting or framing each campaign in ways that got broad public support or sympathy, typically around norms of justice and fairness, and (2) building inclusive forms of solidarity that brought together workers and their unions working in formal and informal jobs, as well as unions and NGOs based in different countries" (Doellgast, 2018: 87).

f. Collective bargaining for workers in informal employment: transforming and expanding

Most of the cases reviewed involved some forms of collective negotiations. We observe, however, also some significant points of difference in terms of actors involved and the bargaining agenda.

For some groups of non-standard workers, the bargaining usually occurs within the formal rules specified in the industrial relations system and yet with very different strategies (Box 6). In some cases, trade unions have relied exclusively on their institutional power derived from industrial relations systems to extend protection to non-standard workers without engaging in collective actions of organising these workers (e.g., Histadrut, Israel). This case illustrates what Visser et al. (2015) identify as an approach which relies heavily on the mechanisms provided by a developed

system of industrial relations with a tradition of sectoral bargaining, albeit in a process of erosion. When a regulatory approach fails to deliver the expected outcome or in cases of weak industrial relations systems, unions may opt for collective organising as a way of building pressure on the industrial relations systems to deliver more favourable outcomes (e.g., IG Metall in Germany and NUPENGASSAN in Nigeria).

Box 6²⁰. Using union's bargaining power to win protection for workers in informal employment

To address the alarming trend of non-standard employment in the public sector, in 2008, HISTADRUT included in its wage negotiations with the Ministry of Finance the establishment of a bipartite committee to reduce the use of non-standard work. As the committee was never established, the union called for a strike covering non-standard employment in all sectors, even if the majority of them were not organised. The four-day wide-scale strike action in February 2012 led to two collective bargaining agreements (with the Economic Organisations Coordination Bureau with the government), which contained important provisions for improving the situation of these workers. The implementation of collective agreements, however, was marked by several problems, which led the union to push for sectoral agreements in the cleaning and security sector (both extended in 2014).

Source: Serrano and Xhafa, 2016.

Despite a long tradition of sectoral bargaining and where unions wield significant institutional power, in the case of agency workers, the IG Metall decided to pursue both tightening the regulation and collective organising of these workers. Its 2008 campaign “Same work - Same wage”, which included also a confrontational media campaign, aimed at both mobilising internal support for agency workers and at building public pressure on the employers and the government, who were portrayed as responsible for the deplorable working conditions of these workers. By 2013, 35,000 agency workers joined the union and more than 1,1200 companies have signed collective agreements with better conditions for these workers. By September 2010, equal pay principle was included in the collective agreement for the steel sector.

Source: Benassi, C. and Dorigatti, 2014.

In a system of decentralised collective bargaining and employer repression, the Nigerian unions (the NUPENGASSAN movement formed in 2007) focused on unionising contract workers in the oil sector. Forced by the sustained mobilisation of unions, the labour contractors associated into the “Labour Contractors’ Forum” for the purpose of negotiating. Yet, the contractors continued to drag the start of collective negotiations. Major strikes forced the Federal Government and oil companies into negotiations on casualisation. To counter efforts of multinationals (e.g., Chevron, Shell) to undermine collective bargaining, NUPENGASSAN pushed for legal changes. In 2011, following a tripartite process-driven series of negotiations, the Federal Ministry of Labour and Productivity issued Guidelines on Labour Administration: Issues in Contract Staffing/Outsourcing in the Oil and Gas Sector. Until 2017, the Guidelines have yet to be passed by the National Assembly).

Source: Aye, 2017.

²⁰ An expanded version of these cases is provided in Table 3 of the Appendix

Even if the issues of platform workers were initially thought to be difficult to bring to the bargaining table, mainly owing to their (mis)classification as independent contractors, trade unions have been able to use collective bargaining for these workers too (Box 7).

Box 7. Collective bargaining agreements for platform workers

The Danish union *3F* concluded the world's first-ever collective agreement in the platform economy with *Hilfr.dk*, a platform for cleaning services in private homes. Initially a 12-month pilot project, the agreement introduces a minimum wage, sick pay and holiday allowance and pension contributions for those working regularly for the platform, i.e., more than 100 hours (Vandaele, 2018: 23). After the blocking of the initial agreement by the Danish Competition and Consumer Authority, two categories were introduced: workers and freelancers. The agreement became applicable only to workers.²¹

In 2017, Unions New South Wales (Unions NSW), the peak union organisation in New South Wales, Australia, was able to conclude an agreement with Airtasker, a digital platform offering a range of home repair, general labour and 'odd job' work services, after setting minimum rates of pay, insurance, safety, and dispute resolution system. Importantly, unions in NSW have been engaged in community-based worker rights and social justice campaigns.

Source: Minter, 2017.

For some other groups of workers in informal employment we observe some interesting developments when it comes to forms of negotiations and actors involved. Examples of collective negotiations involving own-account workers in the informal economy that involve more than two parties include the following: street vendors in Liberia engaging in complex negotiations with the municipal government, its police administration, and the national government; waste pickers in Brazil negotiating with the House of Representatives of their State, and the recyclers up the chain and formal recycling companies; farmers, purchasers, and farmworkers engaging in multiparty bargaining to create the Fair Food Program in Central Florida (the US); and the union of minibus drivers negotiating with the municipal authorities to assert their interests in the tendering and rule-setting process and then with the private operators in Georgia. The involvement of multiple actors is also accompanied by an expanded bargaining agenda, which includes security in conducting work, thus the right to livelihood (i.e., protection from eviction or removal from the place where they perform work, protection from harassment by authorities, protection from exploitation by brokers, etc.), as well as the right to participate in municipal and city governance on issues affecting the conduct of their work and livelihood.

An emerging feature of collective bargaining is the prominent role of public authorities in some cases. This goes well beyond the role assigned by the ILO to governments in the process of collective bargaining. Important policy questions are raised. Can the right to collective bargaining be guaranteed for extremely precarious groups of workers without government support? Should public authorities remain

²¹ For more information on the decision of the Danish Competition Authority, see: <https://www.en.kfst.dk/nyheder/kfst/english/decisions/20200826-commitment-decision-on-the-use-of-a-minimum-hourly-fee-hilfr/>

outside the process to allow the parties to bargain freely (the approach of the ILO to collective bargaining) or should they use their position of power to bring some balance in a setting of significant power asymmetries? As some of the examples (Box 8) show, without the support of the public authorities some groups of workers may never be able to enter in collective negotiations, let alone achieve better employment conditions.

Box 8. The critical role of public authorities in collective bargaining

In Uruguay, the collective bargaining agreements (2008 and 2010) for domestic workers were the result of intense tripartite negotiations involving the Domestic Workers Union, the Uruguayan League of Homemakers and Consumers, which represented employers of domestic workers in wage negotiations, and the Ministry for Employment and Social Security Ministry (MTSS). In contradiction to the ILO's official definition of collective bargaining, "the government played and continues to play a lead role in the negotiations". In a powerful account of the context for the collective bargaining negotiations, Goldsmith points to an important declaration of the new Minister of MTSS, who stated publicly: "I am aware that the balance must be inclined one way or the other and I have decided to take the side of the workers".

Source: Goldsmith, 2013: 11 & 7.

In Zambia, the National Union of Communication and Industrial Workers (NUCIW) organised informal casual workers in the retail chain Shoprite by pursuing strategies such as sustained awareness raising, including the radio programme "Workers' Voice", building capacities of labour leaders and strikes, using the global framework agreement of the sister union in South Africa. The management was forced to enter into negotiations, which were facilitated by the government's willingness to step in as part of its pro-poor, youth and informal sector policies. The process resulted in 334 (out of 1,100) casual workers becoming permanent workers, the establishment of a 'flexi-timers' category of workers with working conditions comparable to permanent workers. Although their contracts can be terminated at any time, they are given priority in case of permanent job vacancies.

Source: Silvia Chimpampwe, in Serrano and Xhafa, 2016.

In Bologna, Italy, the *Riders Union Bologna*, the three main trade union confederations, the centre-left city council and the local food delivery platform *Sgnam e MyMenu* signed on 31 May 2018 the Charter of fundamental rights of digital work in an urban context. The charter sets, on a voluntary basis, a framework of minimum standards covering remuneration, working time, and insurance cover, which the signatory platforms are obliged to observe. The mayor of Bologna has called on customers to boycott platforms that fail to sign the charter. In addition, the city adopted a 'naming and shaming' strategy: Both signatory and non-signatory platforms will be listed on the city's website.

Source: Vandaele, 2018: 17.

g. The system of industrial relations and the collective actions of workers in informal employment influence each other

By facilitating or constraining the emergence of certain forms of collective representation, the existing legal framework also shapes to a great extent the form



of their collective actions (Eaton et al., 2017; Grest, 2012a & 2012b; Horn, 2014; Kamara, 2012; Serrano and Xhafa, 2016; StreetNet International, 2012). Where the legal framework recognizes certain informal groups as ‘workers’ with the same employment and social security rights as the permanent workforce, this facilitates the organising of these workers. Where the regulatory framework is not clear or has no specific provision about the employment status and rights of particular groups of workers in informal employment, such as the case of on-demand platform workers and dependent (subcontracted) home-based workers, organising these workers may require more time, resources and creative ways, as some of the initiatives discussed in this paper show. However, unions often in collaboration with other organisations, have also engaged in collective actions which seek to challenge the limitations of existing laws. Examples of this approach are found across different groups of workers as Box 9 shows.

Box 9. The dynamics of collective actions, legal frameworks and industrial relations

In the US, the International Brotherhood of Teamsters pushed for the passage of a city ordinance in Seattle, Washington, in December 2015, that enabled independent contractors working for transportation network companies, such as Uber and Lyft, to form unions with the purpose of engaging in collective bargaining (Johnston and Land-Kazlauskas, 2019). The push for new legislation often follows or is simultaneously pursued together with union-initiated legal challenges to worker classification. Similarly, the Community Labor Environmental Action Network (CLEAN) engaged in collective mobilisation, which led to the enactment of the Car Wash Worker Law in California. According to the Law, the requirement to register with the authorities and post a bond of \$150,000 may be waived for the car washes with a union contract (Singh, 2016). As a result of the Law, the unions have been able to negotiate a framework agreement, which covers all unionised shops. The agreement establishes health and safety protections and sets wages 30% above the minimum wage.

In India, the NASVI mobilised for years to push for laws, which protect the fundamental rights of street vendors to a livelihood. This led to the passage of the Street Vendors’ (Protection) Act in 2014, affecting about 10 million street vendors nationally. The Act 1) recognizes that “every urban area has ‘natural markets’ for street vendors which need to be preserved”; 2) mandates that all existing vendors have to be provided with permits for their business; 3) creates Town Vending Committees (TVCs) comprised of municipal authorities, representatives of vendors, the police, the health department and other stakeholders with vendors’ representatives constituting 40% of a TVC’s membership and women at least 33% of the street vendors’ representatives. The TVCs serve as the main policy-making body on street vending and regulate street vending into hawking and non-hawking zones. Their tasks include supervising the activities of vendors, providing space for existing street vendors, making provisions for accommodating new entrants, and conducting regular programs to educate vendors about the new law and their rights.

Source: Bhowmik, 2014.

Between 2016 and 2017, the Hong Kong Federation of Asian Domestic Workers Unions (FADWU), with the support of the Hong Kong Confederation of Trade Unions (HKCTU), won three court cases against exploitative employment agencies that charged migrant domestic workers excessive agency fees. Although Hong Kong’s Employment Agency Ordinance sets a limit to the agency fees charged by employment agencies, which should not go beyond 10%

of the domestic workers first month's salary, a research conducted by the union in 2016 found that Filipino migrant domestic workers paid on average more than 25 times the legal limit. The FADWU's sustained mobilisations against exploitative agencies pushed the Labour Department to issue the Code of Practice in January 2017, which strengthened the monitoring of employment agencies. This Code was revised in 2018 to include, among others, a provision that allows the Labour Commissioner to refuse to issue or renew, or to revoke an employment agency licence for non-compliance with any code of practice issued by the former. In addition, the Hong Kong Employment (Amendment) Ordinance 2018 was passed, which brings about tougher penalties for employment agencies that over-charge commissions (i.e., maximum penalty of HK\$50,000 to HK\$350,000, with possible imprisonment of up to three years, for overcharging commissions and operating without a valid licence, statutory limit for prosecutions has been extended from six months to one year). FADWU represents domestic workers from the Philippines, Thailand, Indonesia and Nepal.

Source: Hong Kong Federation of Asian Domestic Workers Unions, Undated.

Similarly, when the framework allows for the extension of collective agreements, trade unions can extend their bargaining coverage and indeed protection to these workers, sometimes without even organising them. Here, Bonner's insights on the importance of an approach that empowers workers in the informal economy to represent themselves are applicable to workers in informal employment more generally: "It requires a non-patriarchal, non-patronising approach and a more open and flexible approach to working with informal and other 'difficult to organise' workers currently marginalized by the trade union movement" (2009: 21).

Finally, to the extent that the legal framework excludes some groups of workers in informal employment (e.g., on-demand platform workers, industrial outworkers, contract workers, own-account workers) from exercising their rights, especially enabling rights, these groups of workers may engage in more vibrant, and grassroots-oriented actions, such as mounting protest actions (i.e., demonstrations, rallies, marches, boycotts, and strikes); litigation or legal contestation; petitions; lobbying public authorities for new regulations or law reforms (legislative initiatives) at local and national level, launching campaigns, building community ties and alliances with local residents, building and engaging in collective negotiation with public authorities and private entities. Some examples of this approach are highlighted in the next chapter.

4. Workers in informal employment: a proposed typology of forms of collective representation and action

The key insights emerging from the literature on collective forms of representation and action for workers in informal employment suggest different approaches on each of these dimensions.

With regard to the collective representation dimension, we observe at least two major approaches, that is, on the one hand cases where trade unions as insiders of the

industrial relations systems engage in organising one or more groups of informally employed workers, and on the other hand, cases where actors outside the industrial relations system emerge, at least initially outside existing trade unions.

The other dimension—collective action—may also display two approaches. In organising underrepresented workers, such as groups of workers in informal employment, Serrano argues that trade unions can make the strategic choice of regulation or representation (Serrano 2018). Here, representation is defined “as the variety of organisational structures or forms used by unions to accord collective voice to non-standard workers” (ibid.: 89). These structures or forms may include a union both of regular and non-regular workers, a distinct union only for non-standard workers, a distinct committee for these workers in the union organisation and a workers’ association. Meanwhile, Serrano defines regulation “as the various ways in which, without organising or recruiting non-standard workers, trade unions attempt to accord protection to these workers and curb the use by employers of various forms of non-standard employment arrangements by adopting workplace-based regulations (e.g. extending collective agreement coverage to non-standard workers, special agreements involving these workers, etc.), and pushing for national or government-issued laws and regulations that restrict the use of NSE” (ibid.). Generally speaking, unions may have a preference for regulation over representation for a number of reasons. For example, in describing how mainstream or longstanding trade unions in Europe extend representation to platform workers, Vandaele (2018) notes that these unions generally privilege “social dialogue and collective bargaining institutions, archetypical within their respective industrial relations system” (ibid. 22). As they wield institutional power, these unions are generally accommodating towards employers’ associations and the state (ibid). Another reason for the preference for regulation, according to Serrano, is that in some countries where unionisation and bargaining is decentralised (i.e. enterprise-based), there is a preference for regulation over representation due to the higher difficulties and constraints unions face in pursuing the latter. As Serrano points out,

...Unions fear that these [non-standard] workers risk losing their jobs if they join a union. Moreover, in a context where unionisation is enterprise-based, the transient nature of employment of these workers discourages them from joining a union. This also makes an organising drive tentative and costly. Many employers also restrict the unionisation of these workers. Thus, and corollary of the two previous points, it is difficult to include these workers in a collective agreement. (2018: 90)

We adopt the arguments of Serrano and Vandaele to suggest also two approaches to collective action: at one end of the pole the repertoire of ‘*institutional activation*’ that privileges social dialogue and partnership with employers and/or state authorities in order to secure institutions (e.g. laws, regulations, collective agreements, etc.) that regulate the use of forms of work carried out by workers in informal employment (thus bringing them towards formalisation) and provide protection to these workers. At the other end is ‘*grassroots mobilisation*’ repertoire, which challenges existing institutions with the aim of making them more inclusive and responsive to new realities and actors on the ground. This approach is member-centred (e.g., heavily focused on building the capacities of workers in informal employment to empower them) and radical forms of collective actions (e.g., strikes, boycotts, vigils, pickets and other direct actions). The

aims and forms of collective action display many of the characteristics of social movement unionism, the key characteristics of which are summarised by Lopez (2004, in Fairbrother, 2008). These are: “locally focused and based, referred often as rank-and-file mobilisation, or variants thereof; experimenting with collective action that goes beyond the strike or workplace limited activities; building alliances, coalition building, and extending into the community and beyond; and embracing emancipatory politics, framing demands politically and formulating transformative visions” (ibid.: 214). According to Webster, the essence of social movements is “an appeal to workers that goes beyond the employment relationship to the totality of their lives, as consumers, citizens, family members and women” (ibid.: 219). Rather than “a laundry list of tactics”, social movement unionism involves “a process of change within the labour movement”; it “is a slow, painful, incremental and troublesome process” (Lopez, 2004 in ibid.: 215).

In the light of these approaches to each dimension, we propose a typology of the way these two dimensions may relate.

With these two dimensions and their respective elements, we propose four stylised types of collective representation of workers in informal employment (Figure 1): (Quadrant A) the insider-institutional activation type; (Quadrant B) the insider-grassroots mobilisation type; (Quadrant C) the insider-institutional activation type; and (Quadrant D) the outsider-grassroots mobilisation type.

As noted earlier in this chapter, regardless of the system of collective bargaining in place (centralised or decentralised), in addressing the grievances of workers in informal employment existing trade unions would generally prefer forms of collective action, which activate the existing institutions. To the extent they are able to address the grievances through their institutional power, these actors may still pursue these channels combining it with organising the specific groups of workers in informal employment (IG Metall, NUPENGASSAN), with very few exceptions (HISTADRUT). In such cases, the actors are more likely to be insiders to the regulatory system and the type of collective action they undertake seeks to use the existing system without demanding/affecting major changes. When faced with the difficulties of using the existing system, they may pursue a more grassroots-oriented repertoire of action, most prominently organising workers in informal employment through an extensive process of worker education and involvement with the aim of empowering workers to engage in collective bargaining and other collective actions. This is accompanied with other strategies such as building broad alliances and public support (ICCAW in the Philippines, LAO in Canada) and a more intense use of legal actions in this approach. In the case of LAW in Canada, it is argued that “the campaign and its tactics has further politicised the unions and has had a tremendous impact on the skills of members involved” (Xhafa, 2019: 36). In the special case of SIEMACO-SP in Brazil, we observe how the union intentionally moves its focus from service provision to collective bargaining and broader working-class issues. All three cases display characteristics of social movement unionism, although most pronounced in the case of the organising stories in Canada and Brazil, where

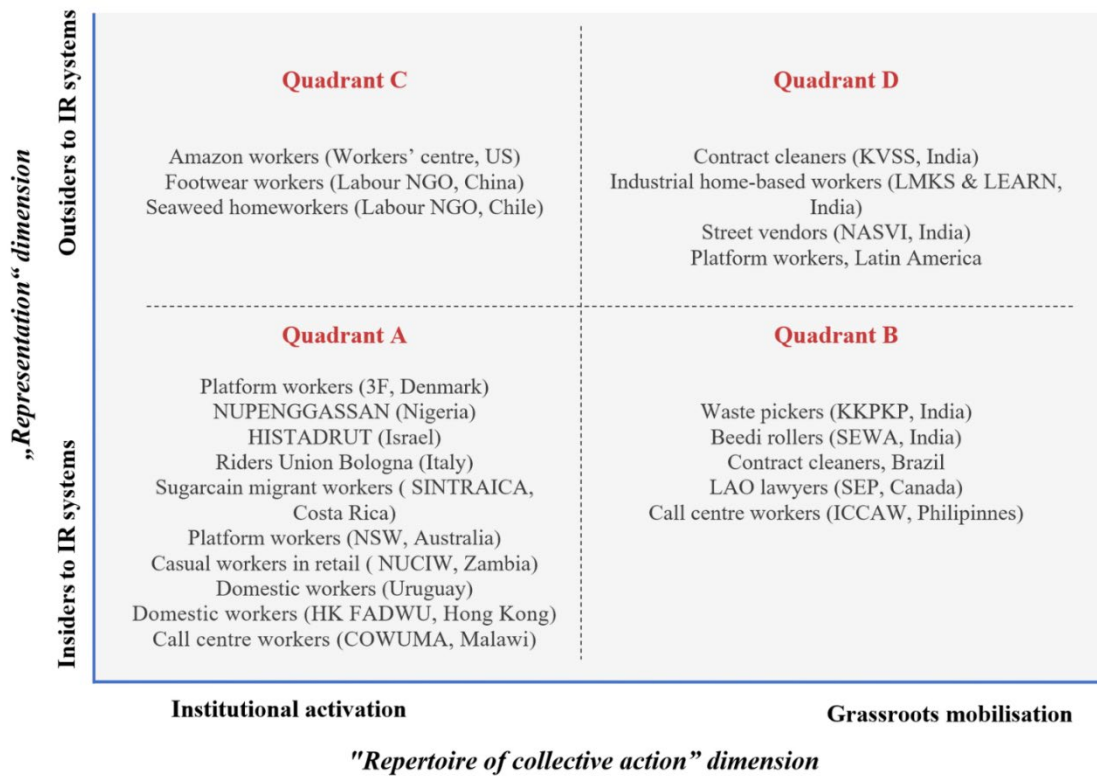
... unions have made intentional efforts to link the particular struggles with broader political developments for union members to understand the impact of politics on their

workplaces. Such a vision has politicised and indeed changed both unions. Thus, by envisioning organising as a political project of building worker power over time, including a long-term allocation of human and financial resources, the union leadership in Brazil has committed to changing the union culture, encouraging the members to be involved in broader working-class issues. In Canada, the framing of the struggle for worker rights in broader societal terms was critical in connecting and uniting various groups of the labour movement. In the same manner, by framing the struggle for worker rights, equity and fairness as a struggle to also improve legal services for the poor and marginalized, the campaign became a fight for social justice for both the LAO lawyers and the communities it served. In particular, the concept of ‘fairness’ emphasised the important role of LAO lawyers in the social production of Canadian identity as being a ‘just’ society. This gave the story line a focus on equity. (Xhafa, 2019: 37)

The actors outside the industrial relations systems, too, may seek to use the channels of the industrial relations system as a first choice. In such cases, the demands are articulated still within the logic of the system and the actions are not too dissimilar from traditional forms of industrial action (Amazon workers). However, often outsiders to the system, these new formations seek to build and mobilise power to change the regulatory system so that protection can be extended to the group(s) of workers in informal employment workers in informal employment. In these cases, we observe articulations of demands in much broader terms than the immediate need, thus pushing for more fundamental changes and more radical forms of action. This is the case of LMKS and LEARN mobilising informal workers to demand access to public services such as affordable housing, building and maintenance of public toilets, access to ration and election cards, social security, and addressing issues of open sewages, irregular cleaning of garbage, and introducing collective bargaining. Similarly, NASVI pushed for the passage of the Street Vendors’ (Protection) Act of 2014 to protect the fundamental rights to a livelihood for 10 million vendors across India. We also observe the intensive use of more radical strategies, such as women waste-pickers putting black bags over their heads as if they were going to the gallows (KKPKP), street vendors not paying levies to pressurise the government (Kenya), and conservancy workers, who are contract/outsourced workers, staging a hunger strike, a ‘dead body protest’, protesting in their underwear at the Municipal Commissioner’s office to ask for raincoats, mask, uniform, etc., ‘begging in the name of BMC Commissioner’, and other symbolic protest actions (India) for water and sanitation facilities, payment of full wages, job security, compensation for accidents and death, and personal protective equipment (e.g., shoes).

Figure 1 illustrates the two approaches for each of the dimensions. We attempt to locate in each quadrant some of the examples, for which there is more information about collective representation and actions involving workers in informal employment (the examples selected are either elaborated in the earlier chapters or included in the [Appendix](#), particularly Tables C.1 and C.2).

Figure 1: Key dimensions of collective representation and action of workers in informal employment



We recommend caution in the location of the examples, however, for a number of reasons. First, our analysis is limited to the information available in the reviewed literature, which may have been written for a purpose different from ours. Second, the models of collective representation are affected by environmental and institutional changes, thus they are also subject to transformation and adaptation. In this regard, the location of a labour organisation in our typology is at best tentative, as outsiders to industrial relations systems may become insiders (e.g., by joining existing trade unions) and any labour organisation may move from one approach of the repertoire of collective action to another at different periods in time and in different contexts.

5. Conclusions

Informal employment has affected workers across the world. Its expansion has been associated with deepening decent work deficits leading to widespread poverty and increasing inequalities. In response, we have seen the emergence of a variety of forms of collective representation and action by and with workers in informal employment.

The analysis of the literature related to the organising of workers in informal employment points to certain patterns of commonalities and differences along three main dimensions: (a) organising themes; (b) forms of collective representation; and (c) organising strategies and forms of collective action.

In this paper, we identified five common themes used in organising workers in informal employment. These are: (1) better and more stable income; (2) job stability; (3) better working conditions; (4) better social protection; and (5) protection from discrimination and harassment. Each theme covers a variety of demands and grievances, which reflect the particular characteristics of the group of workers. Generally speaking, the demands of workers in informal employment are very similar to that of all workers. Despite differences, often the target of their demands are the regulatory and policy frameworks pointing to deeper systemic issues responsible for the desperate state of these workers. Finally, similar to the early days of the labour movement, often the demands of these workers are articulated in broader, more political terms and are backed by more radical forms of action.

When it comes to the forms of collective representation, the literature reviewed offers some important insights.

First, the same groups of workers in informal employment may pursue different forms of collective representation. While many workers in informal employment self-organise, trade unions continue to be important actors in driving and supporting collective organising of workers in informal employment. Despite their preference for acting within the existing institutions (regulation), unions are increasingly organising workers in informal employment as a way of responding to the weak and/or eroded systems of collective bargaining and social dialogue institutions and actors, and indeed of strengthening them. Second, we observe the re-emergence of historical forms of collective representation (i.e., guilds of platform workers). Third, rather than competing, the NGOs are often supporting union organising of specific groups of workers in informal employment. Fourth, we also note a trend towards cross-sectoral forms of representation for own-account workers as a strategy to strengthen bargaining power. Finally, the fact that the same group of workers may be choosing different forms of representation suggests that a specific form of representation is dependent not only on the nature of employment but also on a number of other factors, primarily ‘union inclusiveness’ and the legal framework. To the extent that unions have sought to strengthen their ‘inclusiveness’, they have been able to embark in new organising strategies, often leading to significant changes in union structures, vision and framing processes. Thus, many trade unions are increasingly engaging all

the three union methods identified by Sydney and Beatrice Webb: “new forms of organisation to engage in new forms of collective bargaining, political action and mutual aid” (Schurman et al., 2018: 236). When existing unions may be unwilling to represent some groups of workers in informal employment, workers will always find other ways for collective voice and action either outside existing unions or in emerging new, more grassroots and radical unions.

These insights suggest a process of union transformation that may be more advanced than generally recognised in the scholarly debates. Thus, the variety of forms of collective representation and action of workers in informal employment have not made unions obsolete; instead they are influencing the re-shaping of unions, potentially strengthening or pushing them to rediscover their historical social movement identity. As Heery (2009) points out, trade unionism per se will not wither away; what would disappear are particular forms of unionism that fail to adapt.

Regarding the legal framework, the literature suggests a significant influence on the form of organisation for certain categories of workers in informal employment. In particular, groups of workers may be denied the right to join a union if they are in either unclear, or short-term or triangular employment relationship. The effect of the legal framework may be the same for workers in micro and small enterprises where the threshold for union formation is high. The response to this may vary from opting for other forms of organisations, sometimes as intermediary to unions, or indeed fighting to have the right to join a trade union. Meanwhile, some forms of collective representation may be disadvantageous for certain groups of informally employed workers due to their exclusion from the formal system of industrial relations.

The reviewed literature also suggests important insights on the collective actions of workers in informal employment.

The heterogeneity of workers in informal employment and their collective forms of representation may result in a wide variety of forms of collective action, which are often used in combination. These actions range from organising and collective bargaining to demonstrations, rallies, marches, strikes, holding community-based meetings, awareness-raising campaigns, collective mapping of the working and living conditions of workers and their location in supply chains (especially in the case of industrial outworkers), strategic research of companies, litigations, legislative deputations and lobbying public authorities.

Workers in informal employment engage in various forms of collective action mainly to access other rights which would enable them to be recognised as actors in the system of industrial relations or in the local economy. The collective action may serve the double purpose of compelling employers or state authorities to address the grievances of these workers, but also as a way of building power to back their demands. In some cases, collective action serves as a pathway for workers in informal employment to move from a particular identity (e.g., domestic workers) to a broader collective identity as workers.

The spatial dimension of work (i.e., where the work takes place) is an important factor too in organising these workers. Some groups of workers in informal employment are

spatially dispersed (e.g., domestic workers, industrial outworkers), an inclusive community-based organising appears to be a better organising approach.

Trade unions play an important role in supporting the collective actions of workers in informal employment by providing human and financial resources; assistance in fundraising; education, training and leadership development; legal recognition and legitimacy to workers in informal employment and to their organisations; litigation assistance; and access to dialogue and negotiation with authorities. Trade unions have also sought to build support for workers in informal employment from the broader public, building alliances and continuously engaging with other labour organisations, including sister trade unions in other countries, global unions and innovatively using ‘events’ and extensively using media and other channels of communication. In particular, sustaining the organising of workers in informal employment necessitates overcoming fragmentations and building solidarity within the unionised workforce. The variety of strategies pursued by trade unions to support collective action of workers in informal employment suggests that often trade unions are taking an approach of empowering these workers to represent themselves. With few exceptions, trade unions have generally sought to engage in organising these workers rather than just representing their interests.

Collective bargaining for workers in informal employment is transforming and expanding. Forms of collective negotiations²² are found across different groups of workers in informal employment. However, in the case of non-standard workers, collective bargaining is usually carried out within the formal institutions and has a more traditional character both in terms of actors involved and content. In contrast, in the informal economy, collective negotiations may involve multiple entities (e.g., national government, municipal government, police, some level of the parliament, purchasers, etc.) and the difficult task of creating a forum for negotiations where one does not exist. The agenda for negotiations, too, is expanded to include issues that are within the authority and competence of the state to address, such as protection from eviction, harassment by authorities, exploitation by middlemen and the right to participate in municipal and city governance and others. Both these developments are in line with the call from Recommendation 204, that is, for a broadening of worker representation in national and sectoral tripartite structures and processes as well as a broadening of social issues tackled in these structures to reflect the reality on the ground. This highlights a significant development in the models of collective negotiation emerging among workers in informal employment—the transformation of the role of the state in the process of collective bargaining along two main dimensions: (1) the state involved in collective negotiations beyond its role as an

²² We use the term «negotiations» when referring to negotiations between the various groups of workers in informal employment and actors such as national government, municipal government, police, some level of the parliament and others. Meanwhile, with “bargaining” we refer only to negotiations taking place within the meaning of the ILO Convention No. 154, that is “all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more workers’ organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations.”

employer (as in the case of street vendors, waste pickers, and transport workers); and (2) a stronger role of the state in supporting collective bargaining, which goes beyond its role of providing an enabling framework for collective negotiations.

Finally, the nature of collective actions pursued by workers in informal employment are nonetheless influenced by the legal framework and the system of industrial relations that exist in a particular country. To the extent that the legal framework excludes some groups of workers in informal employment from exercising their rights, especially enabling rights. These groups of workers may engage in more vibrant, and grassroots-oriented actions. Sustained and massive collective actions, often with the direct involvement or support of trade unions, can also result in institutional changes.

Our analysis of the forms of collective representation and collective action of workers in informal employment, and the factors that influence these two facets, suggests four stylised types of the collective representation-collective action dynamics among workers in informal employment and their organisations: (1) the insider-institutional activation type (2) the insider-grassroots mobilisation type; (3) the outsider-institutional activation type; and (4) the outsider-grassroots mobilisation type. Unions that operate within the industrial relations system (the insiders) have taken the approach of activating the existing institutions, often by organising the excluded workers (insider-institutional activation type). When unable to do so even if insiders to the system, they have opted for an approach that combines a more intense use of strategies to build alliances and public support, but most distinctly organising workers in informal employment through an extensive process of worker education and involvement with the aim of empowering workers to engage in collective bargaining and other collective actions (insider-grassroots mobilisation type). Meanwhile, unions that operate outside the existing industrial relations system have engaged in grassroots organising and mobilisation to build pressure on state actors to alter the existing institutions and policies, with the effect of enhancing their inclusiveness and protection. When their demands are articulated within the traditional scope of issues dealt by an industrial relations system, they fall more into the outsider-institutional activation type. Finally, in outsider-grassroots mobilisation type, the actors articulate their demands in terms of broader rather than the immediate needs, thus pursuing more radical forms of action to push for more fundamental changes.

Both the insider-grassroots mobilisation type and outsider-grassroots mobilisation type display characteristics of social movement unionism, in particular member-centred (e.g., heavily focused on building the capacities of workers in informal employment to empower them) and radical forms of collective actions (e.g., strikes, boycotts, vigils, pickets, and other direct actions). There is also a more political framing of demands: challenging privatisation and a right to livelihood (waste pickers in India); access to public services, including housing (industrial outworkers, India); the struggle for worker rights as a struggle for equity, fairness, and social justice (lawyers, Canada); and organising as a political project of building worker power over time (contract cleaners, Brazil).

Such dynamics suggest that the effect of various factors on the collective representation of informally employed workers is best understood through the ways

organisational forms (whether as insiders or outsiders of industrial relations systems) and collective actions interact with each other. Nonetheless, as forms or types of collective representation are not immune to environmental and institutional changes, they are also subject to transformation and adaptation. This suggests that a labour organisation may move from one type to another at different periods in time and at different contexts.

This research has provided various initiatives and examples, including strategies and forms of collective action, undertaken by trade unions, other workers' organisations, and NGOs that aimed at extending representation and protection to various groups of workers in informal employment. It has established the emergence of a plurality of innovative initiatives by unions and other workers' organisations to represent and protect workers in informal employment. Trade unions, in particular, have embarked on organising non-standard workers in informal employment and creatively experimenting on models of representation and schemes of protection for these workers. Indeed, the research suggests that the future of worker representation is a *bricolage* of more inclusive organisational forms, underpinned by more grassroots mobilisation to revitalise both the unions and their sources of power.

Note

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About the authors

Dr Edlira Xhafa is the Executive Director of the Global Labour University Online Academy. She also teaches at the University of Kassel, Germany. Her teaching and research areas include industrial relations, workers' rights, labour and environment, alternatives beyond capitalism, transforming public services and others.

Dr Melisa R. Serrano is Professor and Dean at the School of Labour and Industrial Relations of the University of the Philippines. Her current research areas include gender equality in trade unions, varieties of unionism of digital platform workers and union initiatives on the Sustainable Development Goals and union revitalisation. Melisa sits in the International Steering Committee of the Global Labour University.

Both authors are alumnae of the Global Labour University (the University of Kassel and the Berlin School of Economics and Law, Germany).

Global Labour University - Freunde und Förderer e.V.

Prenzlauer Allee 186, Berlin 10405, Germany

www.global-labour-university.org

scherrer@uni-kassel.de