

COLLECTIVE BARGAINING IN INFORMAL ECONOMY

Introduction

Collective bargaining in the informal sector has a very broad meaning. StreetNet description of collective bargaining is where workers collectively engage with the authority that controls the issues under negotiation. This means that unlike in the formal sector, these workers are not necessarily employees and on the other side the negotiation partners that they are engaging are not necessarily employers.

In most sectors of the Informal economy, these negotiations take place both at national and local levels especially when workers are fighting for recognition, but of all these, decentralized forums have proven to be more effective and more empowering than national or central forums.

Existing Negotiation Forums in South Africa

Durban and now Johannesburg are the only municipalities in South Africa that have set-up social dialogue structures called “Informal Economy Management Forum (IEMF)” in Durban and “Informal Trading Forum” in Johannesburg. These forums which are a sort of bargaining council for the informal trading sector aims to serve as a multi representative, collective and united body of workers and/or enterprises in the informal economy/trading; to provide guidance, oversight and advisory support towards policy and by-law review processes where necessary as well as effective and successful implementation of the informal economy/trading policy; to become a legitimate institutional and coordination instrument through which the municipalities and other development institutions engage with informal traders and to provide guidance, oversight and advisory support towards the effective and successful implementation of the Informal Trading Policy and by-law framework.

Duties

The tasks of these forums are:

- To oversee the implementation of the Informal Economy/Trading Policy, review process and programmes including by-law enforcement;
- To provide a platform for dialogue between all the stakeholders in the field of informal sector;
- To provide an opportunity for a wide discussion on key issues of Informal sector importance in economic development;
- To provide business and economic development opportunities for the informal sector and implementation of the policy framework;
- To participate in monitoring and evaluation of the implementation progress of the Informal Economy/ Trading Policy and strategies;
- To liaise, consult and advocate with stakeholders to ensure that the objectives outlined in the Policy and informal trading by-laws are achieved; and
- Advocate for the integration of informal sector development with other City strategies and plans;

In terms of its composition, the ITF looks more inclusive than the IEMF, obviously as a new structure, they had time to learn from Durban's mistakes.

In both forums, they have what is called "permanent members" who are:

- Representatives of the municipal department in charge of managing the informal economy (Business Support, Market and Tourism unit for Durban and the Department of local economic development in the case of Johannesburg);
- Law enforcement agents (JMPD and Durban Metro Police);
- Representatives of the municipal department of health and environment;
- Representatives of street vendors' committees;
- Representatives of traders' organizations;
- Representatives of formal business bodies (chambers of business)

In Johannesburg, they also have representatives of the MTC (Metro Trading Company); Johannesburg Development Agency, and include representatives of market committees in the permanent membership of the forum.

Another innovation for ITF is that they also invite representatives of national and provincial government, donors, other city departments, religious representatives, trade union federations like COSATU and FEDUSA and many other stakeholders as observers.

As it used to be in Durban, the Chairperson of the ITF must be a senior official from the Department of Economic Development (CoJ), or in his absence a delegated official from the Department. In Durban, it is the head of the then Business Support Unit who used to be the Chairperson of IEMF deputized by a sweetheart and corrupt leader of street vendor organizations. We fought against that wanting to have a forum that will be designed and function more or less like the bargaining council whereby all members attend and negotiate as equal but we could not get it. We only managed to get rid of officials being chairpersons of the IEMF and got the head of economic development portfolio committee (the then deputy mayor) as the chairperson of the forum. We also got a commitment from the Council that other Councilors from the economic development portfolio committee will be attending all meetings

The main problem with these forums is that they are basically used as conveyor belts to pass on instructions and plans as envisaged by the municipalities. It is not really a negotiation forum where all main stakeholders negotiate as equals and in good faith to find a solution to a particular issue. However, it is something that we can work on to improve.

StreetNet, through its WCCA campaign and now its new manifesto campaign, is encouraging street vendors in South Africa and around the world to demand the establishment of these forums in each city where their members operate from.

Although the IEMF (Durban) seem to involve the entire informal economy, in reality it is not different from the ITF (Johannesburg) in that it is only street traders who participate in their meetings. It does not even include representatives of market vendors like in Johannesburg, so all other categories of informal workers are not included in the forum and even the policies are really designed to cater for the trading community alone.

Challenges of collective workers' representation in the informal economy:

- Lack of continuity in Council structures (no follow-up after changes)
- Lack of availability of leaders (reluctance to take time off for fear of losing income)
- Difficult to sustain members' trust.
- Ignorance of rights and responsibilities by informal traders;
- Low level of literacy;
- Lack of unity among street vendors and informal traders;
- Weak organizational structures and limited democratic practice in organizations;
- Self-interest and lack of commitment of leaders, which exposes them to manipulation, politicization and divide and rule tactics of city officials;
- Lack of recognition and protection of rights in by-laws;
- Regulations that criminalise the occupation of public space;
- Lack of interest by formal sector unions in the informal economy;
- Lack of capacity by local government to exercise control;

Concluding remarks

There is no doubt that the IEMF and ITF are collective bargaining forums for the informal economy. It is unfortunate that because of its size and the perceived nuisance that it causes, street vending seem to be the only informal economy sector that is represented in these forums.

The questions that we need to debate about is whether each city should have one forum for the entire informal sector or have a forum for a combined number of similar informal economy sectors.

The other issue that needs to be debated is that, since we all agree that informal actors are workers like any other worker, should trade unions not organize them more actively and thus include their issues in discussions that take place in their respective bargaining councils?

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NEGOTIATION AND SOCIAL DIALOGUE!!!
NOTHING FOR US WITHOUT US!!!**