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IMPROVING SOCIAL DIALOGUE IN WORKING LIFE

# Organising and Representing Hard-to-Organise Workers: Implications for Turkey

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## Abbreviations

ALAI	Association of A-typical and Interim Workers
BECTU	Broadcasting, Entertainment, Cinematograph and Theatre Union
CBO	Community Based Organisations
CCOO	Workers' Commissions
CGIL	Italian General Confederation of Labour
CGT	General Confederation of Labour
CISL	Italian Confederation of Workers' Trade Unions
CITE	Information Center for Foreign Workers
DİSK	Confederation of Progressive Trade Unions of Turkey
EC	European Commission
EMWU	European Migrant Workers Union
ETUC	European Trade Union Confederation
EU	European Union
EUROSTAT	European Statistics
EVID-SEN	Domestic Workers Solidarity Union
EUI	European University Institute
EWC	European Works Council
FeLSA	Federation of Temporary Agency Workers Autonomous Workers Atypical Workers
G-20	Group of Twenty
GENEL-İŞ	Turkey General Services Labor Union
HAK-İŞ	Hak-İş Trade Union Confederation
HOW	Hard -to- Organise Workers
ICT	Information and Communication Technologies
IDWF	International Domestic Workers Federation
IG BAU	Industrial Union of Construction, Agriculture and Environment
ILC	International Labour Conference
ILO	International Labour Organisation
IT	Internet Technologies
ODITE	Democratic Organization of Immigrants and Foreign Workers
OECD	Organisation for Economic Cooperation and Development
MBO	Membership Based Organisations
MNC	Multinational Corporation
MNCR	National Movement of Recyclable Waste Pickers
NidiL	New Job Identities
NEET	Not in Employment, Education or Training
NGO	Non-Governmental Organisations
NSER	Non-Standard Employment Relationship
SDU	University of Southern Denmark
SER	Standard Employment Relationship
SEWA	Self Employed Women's Association
SITT	Romanian IT Union
SME	Small and Medium-Sized Enterprises
SOC	Agricultural Workers' Union
SUTD	Single Union of Domestic Workers
TAW	Temporary Agency Worker
TURKSTAT	Turkish Statistical Institute
TÜRK-İŞ	Confederation of Turkish Trade Unions
UK	United Kingdom
UIL	Italian Labour Union
UGT	General Union of Workers
WIEGO	Women in Informal Employment: Globalizing and Organising

## **Foreword**

Social dialogue is a core value, and a key objective of the International Labour Organization (ILO). The Ministry of Labour and Social Security (MoLSS) also recognizes the value and importance of social dialogue in both policy making and implementation in Turkey. Social dialogue has a proven track record in producing sustainable solutions, including in times of crisis and recovery from crisis. It takes many forms, ranging from simple sharing of information to the negotiation of binding collective agreements or social pacts at the national level. It may involve only the representatives of employers and workers in either private or public sectors, or it may include government representatives as well in tripartite social dialogue. It sometimes occurs in formal institutions at national or regional levels but may happen equally in more informal ways at enterprise or local levels.

Recognizing the value of social dialogue in the pursuit of both economic growth and social peace, the Government of Turkey is working with the ILO to implement a project entitled “Improving Social Dialogue in Working Life” with the financial support of the European Union (EU). The overall objective of this project is to promote social dialogue at all levels in Turkey, through three interlinked components: first, strengthening the institutional and technical capacity of the MoLSS and the social partners; second, increasing public awareness and knowledge on social dialogue, freedom of association and collective bargaining; and third, improving social dialogue mechanisms in practice, through specific grant-funded activities.

This study is one of a series of comparative research papers commissioned by the project, which aim to enrich the knowledge base on certain social dialogue-related topics, document good practices and extract lessons that may be of interest for potential application and adaptation in the Turkish context. The study set out to document and analyse international experience and good practice in organizing and representing “hard-to-organize” workers, and including them in social dialogue mechanisms. The number and diversity of such workers is increasing across the globe. The “hard-to-organize” include groups such as the self-employed, undeclared and informal workers, part-time and casual workers, and temporary or agency workers. They work across all sectors and in countries at all levels of economic development. Women, youth, minorities and migrant workers are over-represented in these groups. They usually work in precarious situations and do not enjoy the decent working conditions to which workers across the world legitimately aspire. Not only do such workers have fewer incentives to organise than workers with “standard” contracts in formal sector enterprises but, at the same time, it is very challenging for trade unions to defend their interests.

Despite these difficulties, however, there is growing positive experience in using innovative approaches to successfully organize and represent such workers. The study brings together good practice examples from all around the world, involving workers as diverse as street waste collectors, migrant agricultural labourers, domestic workers and freelancers in the broadcasting industry. On the basis of an examination of these cases, some provisional policy recommendations are highlighted of potential relevance to Turkey.



We wish to acknowledge the contributions made by a number of people to the research process, first and foremost, the report's authors, Oscar Molina of the Autonomous University of Barcelona, Spain and Igor Guardiancich of the Sant'Anna School of Advanced Studies, Pisa, Italy. We extend our sincere thanks to the MoLSS, as well as by staff of the ILO units in Geneva which are responsible for providing technical support to the project, namely the Social Dialogue and Tripartism Unit (DIALOGUE) and the International Labour Standards Department (NORMES) and Project Management Team in ILO Office for Turkey for their contribution to content and editing of the report.

We look forward to its continued successful implementation in the coming months, for the promotion of effective social dialogue as a tool for organisation of all workers and social peace in Turkey.

**Numan ÖZCAN**

Director of ILO Office for Turkey

**Nurcan ÖNDER**

General Director of Labour- MoLSS

## **Executive Summary**

The task of organising workers who are undeclared, have non-standard employment contracts or, more generally, are considered to be 'hard-to-organise workers' (HOW), of representing them and involving them in social dialogue poses considerable challenges for the social partners and governments across the world. At the same time, the representation of the rapidly increasing numbers of such workers is vital in order to achieve inclusive and socially sustainable growth. The organisational, political, institutional and socio-economic context of a country determines the type and intensity of problems encountered by the social partners in organising these groups of workers. Our analysis reveals there to be a wide variety of strategies, mechanisms and actors deployed. The observed differences can be explained in part by the particular sector, occupation, type of contract or group of workers involved, but also by the particular national institutional and socio-political context. The analysis of successful organising and representation practices for HOWs in countries which share certain labour market and/or industrial relations characteristics with Turkey, provides some relevant insights into the policies and strategies necessary to achieve this goal. The main findings of our analysis can be summarised as follows:

- First, the success of HOW organising strategies is context-specific and requires tailored approaches by the social partners and governments. Not only may similar groups of workers face different problems in different countries, but the organisational characteristics and power resources of trade unions may also differ. The diversity of strategies developed by trade unions shows the importance of adapting the principles underlying the organising model to the specific conditions prevailing in each country, including the particular needs and expectations of different groups of HOWs.
- Trade unions efforts to organise HOWs are just one element of the action needed to improve their labour market position. In many cases, a minimum floor of rights and protection granted by the state, through adequate regulation and effective enforcement, is also required as a solid foundation for organising strategies. These guarantees must include the right to organise and the right to be represented in workplace representation structures.
- One of the most rapidly growing groups of HOWs are (bogus) self-employed, freelancers, crowd workers and independent workers. New technologies, together with neo-liberal policies, are allowing for the emergence of novel forms of enterprise organisation that are little more than contact points between employers and workers, or between suppliers/service providers and consumers. Workers involved in some of these activities are characterised by medium or even high skill levels, hence departing from the traditional low-skilled character of undeclared workers or of non-standard workers more generally. However, there are also many examples of platform-based enterprises that rely on low-skilled labour, such as Uber, Deliveroo etc. Even though such workers have a more individualistic approach towards the labour market and a highly fragmented employment relationship, providing services simultaneously to several different employers, in some countries it has still proved possible to organise them. In these cases, trade unions or other organisations have been able successfully to highlight their common challenges and to demonstrate the need for collective action.
- With the exception of countries having liberal industrial relations systems, trade unions in most continental European and Latin American countries have struggled to adapt their structures and strategies to involve and organise non-standard workers. Despite the widespread adoption of more inclusive strategies, significant challenges persist in the extension of organising strategies. The differences in success relate to three inter-connected factors: the institutional setting, the power resources of trade unions and their organisational structures.

- In order to overcome the obstacles facing trade unions in organising HOWs, some strategies emerge from the analysis as particularly relevant for Turkey:
  - First, developing new power resources. One of the power resources that has proved particularly important in organising is the so-called collaborative or coalitional. The cases illustrate the need for trade unions to collaborate with other actors, including workers' cooperatives, non-governmental organisations (NGOs) or informal workers' associations. Such alliances have proved especially helpful in contexts where trade unions' access to workers is difficult (for example, in small and medium-sized enterprises (SMEs) or in the informal economy).
  - Second, organising HOWs is more likely to succeed where trade unions have de-centralized structures and decision-making processes. Where trade union structures remain centralized, it will be more difficult to mobilize the grass-roots action that is required for successful organising. De-centralization allows the development of a more variegated approach to organising, which responds to the specific types of workers, sector, workplaces etc.
  - Third, effective organising requires financial and organisational resources, especially in contexts where collective bargaining coverage is low or trade union representation structures are absent in many workplaces. Two types of resources are particularly important; first, dedicated units within trade unions to develop campaigns and policies and second, specific training for the people who will be leading the organising campaigns. Moreover, targeted service provision and organising are complementary strategies; organising efforts become more effective when trade unions also provide targeted services to vulnerable workers.
  - Fourth, awareness raising campaigns on the conditions facing undeclared and non-standard workers are essential for two main reasons. First, they serve to increase public pressure on governments to regulate the conditions of the particular group of HOWs, which consequently facilitates their organisation and involvement in social dialogue. Second, campaigns help to create and consolidate a sense of shared identity and collective action.
  - Finally, the increasing diversity and fragmentation of organisations suggests that it may be better in some instances to move beyond the workplace as the primary locus for organising HOWs. Reaching non-standard and undeclared workers very often requires an area-based approach, because the attachment of such workers to a single employer is much weaker than for workers in a standard employment relationship or working in the formal economy. This is particularly important in a context of growing sub-contracting and outsourcing of services.

## Introduction

Labour markets and employment relations have experienced very significant transformations due to the shift towards post-industrial employment, privatization and the deepening of globalization, including an increase in transnational labour mobility and the extension of flexible forms of work organisation (Koch and Fritz, 2013; Eichorst and Marx, 2015; Felstead and Jewson, 1999). Partly as a result of these trends, there has been an increase in so-called non-standard employment relations (see Section I) in both developed and developing economies, alongside a persistently high share -almost one half- of the labour force working informally in developing economies (Husmanns, 2005; Kalleberg, 2009; Chen et al, 2015). Whilst informal or undeclared work is by definition precarious<sup>1</sup>, not all forms of non-standard employment are necessarily so, although very often these categories overlap in practice.

One of the most important consequences of these transformations in labour markets and employment relations is the fall in unionization rates and collective bargaining coverage (Frege, 2006; Vachon et al, 2016). Not only do many workers have poor working conditions and limited access to social protection, but trade unions also find it very difficult to organise them, hence exacerbating their underlying vulnerability (Carré et al, 2000). Despite intensified efforts by trade unions and governments in many countries to organise and represent vulnerable workers in social dialogue mechanisms, several studies have shown the difficulties they face in doing this (Heery and Adler, 2004; Kretsos, 2011; Keune, 2013). In order to confront these challenges, social partners and governments have adopted diverse strategies that have delivered mixed results. The differences observed in the strategies adopted and in their relative success may be explained by reference to the particular national institutional and socio-economic context as well as to the trade union characteristics.

This report analyses the strategies deployed to organise, represent and involve in social dialogue what we term “hard-to-organise workers” (HOWs hereafter). HOWs are those workers who, as a consequence of their personal characteristics (such as age, sex or national origin), of the type of work they perform (e.g. occupation or sector), of their contractual status (e.g. self-employed, undeclared, part-time, temporary or agency) or of the type of the enterprise in which they work (e.g. informal, micro-enterprise or SME), are very often excluded from union representation, social dialogue and collective bargaining mechanisms (see section I for a more detailed definition of HOWs). Not only do such workers have lower incentives to organise than do workers with standard contracts or in the formal sector, but at the same time, trade unions struggle to reach and recruit them because of their marginalized position in the labour market. The HOW term thus includes undeclared workers, workers in the informal economy as well as workers with non-standard employment contracts.

Policies and strategies to organise HOWs are particularly relevant for Turkey given its high incidence of undeclared work as well as its strong links with the global market, predominantly through labour intensive and low productivity sectors, which carries with it the potential for stimulating an increase in non-standard employment. This situation, together with low union density rates and a de-centralized collective bargaining system, points to the importance of considering strategies for the organisation of these workers. The analysis of good practices in countries sharing some of Turkey’s characteristics may provide the government and the social partners in Turkey with some insights into possible policies and strategies to be deployed.

The report is structured in eight sections. Section I defines the key concepts used, including hard-to-organise workers, organising strategies, informal or undeclared employment, etc. Section II describes the methodology used in the research. Section III presents the theoretical and analytical background, through an overview of the relevant literature

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<sup>1</sup> We follow Rodgers and Rodgers (1989) in their definition of precarious work as that characterised by uncertainty regarding the continuity of the job; limited control (individually and collectively) over working conditions, the labour process and pace of work; limited access to legal and regulatory protection and to social protection; and economic vulnerability.

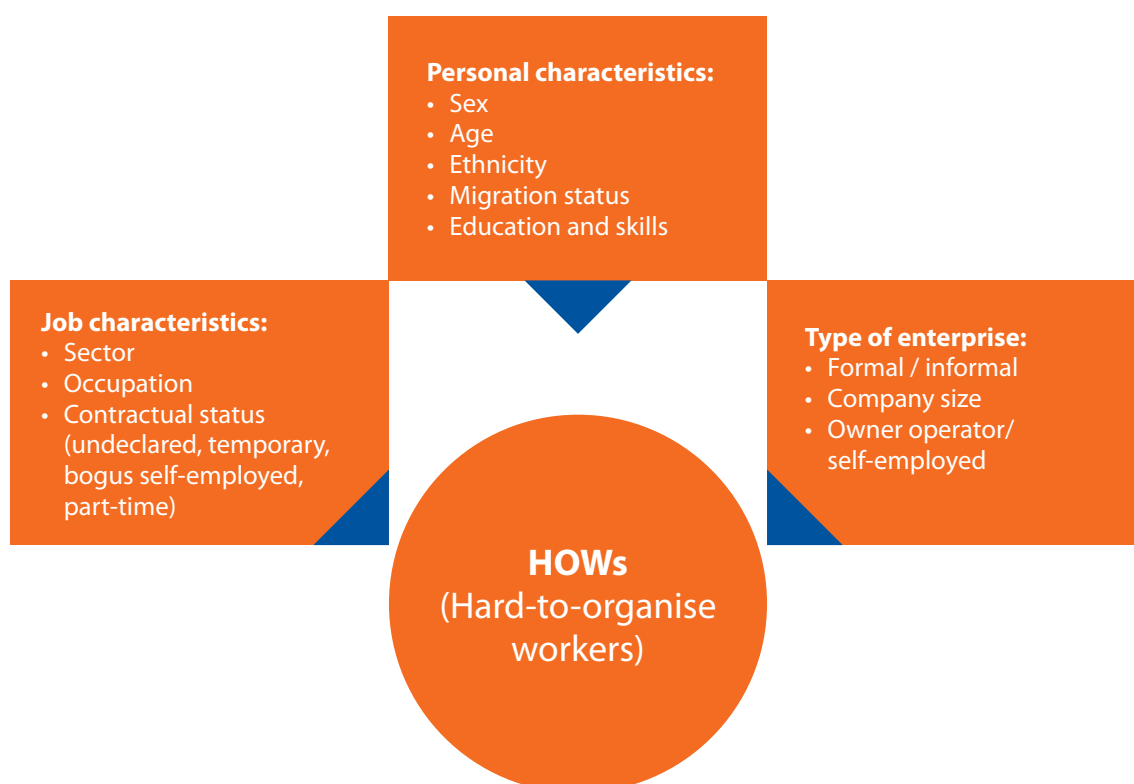
to shed light on the diversity of approaches used by trade unions to organise informal and non-standard workers. Section IV contains a typology of the main groups of HOWs. Section V provides a short discussion of the most relevant international legislation with a focus on freedom of association and the right to collective bargaining. Section VI discusses the key challenges for the effective organisation and participation in social dialogue of informal workers and workers in non-standard forms of employment. Section VII presents and analyses selected examples of good practices in organising and representing HOWs in various countries. Section VIII concludes and discusses the policy implications for Turkey based on the evidence presented.

## Section I - Definition of Key Terms and Concepts

### Hard-to-organise workers (HOWs)

It is important to start by understanding the types and characteristics of workers which trade unions typically find more difficult to organise and represent. Hard-to-organise workers are those who have difficulties to get in touch with trade unions, and whom trade unions encounter problems in reaching or have lower incentives to do so. Each of these two sources of organisational difficulty brings specific challenges.

**Figure 1: Main variables explaining HOWs**



Undeclared workers and workers in the informal economy constitute the first and most important group of HOWs. However, there are other groups whose organisation is also difficult, including workers with non-standard forms of employment, those in small and micro enterprises, women, migrant workers, youth and others. Figure 1 shows the main variables explaining HOWs.

### Informal employment and undeclared work

Informal employment and undeclared work typically refer to work that is not subject to legal, social or economic regulations or protections. Even though these two terms partly overlap, they nonetheless refer to slightly different phenomena. Informal employment includes all work in informal enterprises (including unlawful activities) and in private households, plus employment in the formal sector that is not declared (ILO, 2002b). By contrast, undeclared work is defined by the EU as *“any paid activities that are lawful as regards their nature, but not declared to public authorities, taking into account differences in the regulatory systems of the Member States.”*<sup>2</sup> Both informal employment and undeclared work imply that the worker is less protected (as compared to formal employment and declared work), may experience worse working conditions and will be more difficult to organise. Mainstream approaches to the analysis of informal employment and undeclared work place emphasis on the regulatory status of the job or of the enterprise: the enterprise is not registered with the appropriate regulatory institutions or does not comply with tax law. Informal employment may also occur in self-employment or one-person enterprises (Carré and Heintz, 2013: 8).

The “lack of regulation” criterion has been the one most used in the definition and identification of informal employment (Jütting and de Laiglesia, 2009). It is however important to note that the boundary between formal and informal is not always clear; in practice, there is a continuum of situations between formality and informality with close linkages between the two (Budlender, 2013:10).

### Non-standard employment

Non-standard employment is very often defined in a negative way, i.e., as all those forms of employment that do not fall under the standard employment relationship (SER), meaning full time, indefinite, dependent employment (ILO, 2016). The notion of standard refers to the capacity of the employment relationship to satisfy the fundamental needs of the worker and grant a minimum living standard (ILO, 2016:11). The term also encapsulates the consolidation and extension of this form of employment during a certain historical period when the Fordist model of society and economic organisation was dominant.

Non-standard employment covers a wide variety of forms, including temporary employment, part-time employment, sub-contracting, dependent self-employment, temporary agency work etc. The ILO meeting of experts on non-standard forms of employment held in 2015 concluded that *“non-standard forms of employment include, among others, fixed-term contracts and other forms of temporary work, temporary agency work and other contractual arrangements involving multiple parties”* (ILO, 2015).

### Precarious work

The notion of precarious work or precarious employment has become widespread in both academic and general discourse. However, there is no consensus on what constitutes precarious work. According to Rodgers and Rodgers (1989), precarious work is characterised by uncertainty regarding the continuity of the job; limited control (individually and collectively) over working conditions, the labour process and pace of work; limited access to legal and regulatory protection and to social protections; and economic vulnerability. A similar approach is adopted by Broughton et al, (2016:20) who defines precarious work as the intersection of three characteristics: vulnerable employees, insecure job and few entitlements to income support.

However, it should be noted that precarious employment is not an absolute term, but rather a relative concept. First, precariousness is always related to the context in which it occurs (for instance, where wages are inadequate relative

<sup>2</sup> See <http://ec.europa.eu/social/main.jsp?catId=1298&langId=en> for a more detailed analysis of undeclared work.

to the cost of living). Second, the notion of 'precarious' relates to what are considered to be "non-precarious" forms of employment in the given context, which are very often defined in relation to the fordist employment norm discussed above. The exact demarcation or threshold between the two categories is accordingly contested.

Even though the characteristics of precarious work apply to many low skilled workers, in recent years we have witnessed its extension to groups of skilled and even highly skilled workers. As a consequence, precariousness is no longer limited to certain types of jobs or sectors, but extends to the majority of activities and skill levels.

### Decent work

The notion of decent work, as elaborated in the ILO Director-General's report to the 1999 session of the International Labour Conference (ILC) includes four elements: employment, social protection, workers' and employers' rights and social dialogue. It accordingly encompasses notions of fair income, quality employment, stability and security, social protection as well as the right to organise and to bargain collectively (Ghai, 2003). In order to operationalise and assess decent work, Standing (2002) defines a framework containing seven essential securities: (i) labour market security, (ii) employment security, (iii) job security, (iv) work security, (v) skill reproduction security, (vi) income security, and (vii) representation security (Bentley et al, 2013).

Given that HOWs lack many of the characteristics of decent work, efforts to organise and represent them are essential if the objective of decent work for all, one of the 2030 Sustainable Development Goals, is to be achieved.

### Social dialogue and collective bargaining

Social dialogue is defined by the ILO to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. Social dialogue takes many different forms. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers' organisations). Social dialogue processes can be informal or institutionalized, and often are a combination of the two. It can take place at the supra-national, national, regional or local level. It can be inter-sectoral, sectoral or at enterprise level. Social dialogue institutions are often defined by their composition. They can be bipartite or tripartite, or bipartite-plus/tripartite-plus, involving other civil society representatives. The tripartite actors are the representatives of governments, employers' and workers' organisations.

The ILO defines "collective bargaining" as including "*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; (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers' organisation or workers' organisations*" (ILO Convention No. 154).

### Organising strategies

There is no single definition of organising strategies nor a common organising model. As pointed out by Simms and Holgate (2008:1), the term 'organising' describes an approach to trade unionism that emphasises membership activism around relevant workplace issues. 'Organising' is used to encompass all those actions developed by trade unions aimed at recruiting, involving and / or mobilizing workers. It aims at making workers and new union members more conscious of their rights through awareness-raising, education, advocacy, training, campaigning and networking (Ahn and Ahn, 2012: 573).

The organising model is very often presented in opposition to the so-called servicing model of unionism whereby trade union structures provide services to their members, hence adopting a top-down approach to union management (Heery et al, 2000). By contrast, the organising model seeks to empower members by giving them voice within the union and responsibility in developing campaigns, demonstrations etc.

Organising strategies are of utmost importance in a context of rapidly changing labour markets. The diversity in forms of employment makes it more difficult to create collective consciousness and hence collective action. In this context, a passive approach, as suggested by the servicing model, is no longer adequate to retain and increase membership. A proactive approach by trade unions is needed in order to organise and recruit very different types of workers in diverse contexts. The fragmentation of workplaces and the increase in outsourcing and sub-contracting, together with the extension of self-employment and non-standard employment, makes it even more important for trade unions to go beyond the workplace as the focus of active recruitment strategies.

## Section II - Methodology

The study has applied a predominantly qualitative methodology. Some quantitative evidence is included on the extension of non-standard employment and undeclared work and on key industrial relations indicators.

Secondary sources have been analysed in order to identify good practices on involving HOWs in social dialogue. Particularly important in this regard has been the authors' experience in comparative research on these issues as well as the findings of EU comparative research projects on related topics. Some of these projects are:

- PRECARIR – The rise of the dual labour market: fighting precarious employment in the new member states through industrial relations; reducing precarious work in Europe through social dialogue;
- BARSORIS – bargaining for social rights at sectoral level;
- IR4TEMP – The collective bargaining and representativeness of temporary workers in Europe;
- I-WIRE- Independent workers and industrial relations in Europe

The social dialogue between traditional and innovative forms of collective representation. Interviews with experts and relevant stakeholders were conducted to complement the analysis of good practices from secondary sources. Interviewees included trade union officials at national and supra-national levels, officials of non-union international organisations and academic experts in Amsterdam and Brussels.

In order to enhance the policy relevance of the report, good practices need to be adequately contextualized. Taking into consideration those context-specific characteristics will help strengthen the potential transferability of the practices, and their adoption by Turkish trade unions. For this reason, the report also discusses the potential obstacles trade unions may face when implementing the identified practices and strategies and proposes possible solutions.

The EU countries whose labour market situation most closely resembles that of Turkey, regarding the prevalence of undeclared employment and of other hard-to-organise groups, are those in Southern and Eastern Europe, including Bulgaria, Greece, Hungary, Italy, Poland, Portugal, Romania, Spain. Experiences in Latin American countries with high levels of undeclared work, such as Argentina, Bolivia, Brazil, and Ecuador, but with a focus on the G20 countries, were also reviewed.



## Section III - Theoretical and Analytical Framework

### The difficult task of organising HOWs

In the context of a rapid increase in HOWs, there has been growing research devoted to analysing the obstacles facing trade unions in the organisation of these workers. There is a clear distinction between research on organising strategies in developing and in developed economies. In the case of developing economies, given the high incidence of employment in the informal economy, this is very often the focus of research (Bentley et al., 2013; Bonner and Spooner, 2011; Mather, 2012; Schurman and Eaton, 2012). By contrast, in developed economies, more attention has been paid to organising workers with non-standard contracts, a group that has been growing rapidly and whose working conditions have deteriorated in recent years (Gumbrell-McCormick, 2011; Keune, 2013; Mrozowicki et al., 2013).

A characteristic of the literature on organising workers in the informal sector or with non-standard contracts is the absence of a sound theoretical and analytical framework. In most cases, we find a collection of (best) practices /policies but which lacks a strong analytical lens. Despite general agreement on the difficulties experienced by trade unions in organising and representing HOWs, very little is said about the reasons why this is the case or, more importantly for the purposes of this report, about how these problems have been addressed through effective policies and strategies (Chen et al., 2015).

In relation to the problems experienced by trade unions in organising HOWs, several explanations have been proposed (Kretsos, 2011). Perhaps the most contested one is the insider /outsider framework (Linbeck and Snower, 2001). According to this analysis, the attitudes and negative perceptions held by certain groups of workers with respect to trade unions constitute the most important obstacle to organising them. More specifically, its proponents argue that workers in the secondary segment<sup>3</sup> of the formal labour market or in the informal sector (the outsiders), consider trade unions to be part of the problem and not the solution. They see that representation efforts have been traditionally geared towards workers in the primary segment (the insiders), hence achieving very few gains for the most vulnerable groups in the labour market (Bentolila et al., 2012; Palier and Thelen, 2010, Polavieja, 2013). According to this view, the continuous increase in the number of precarious and non-standard workers, together with the widening gap between their conditions of work and those enjoyed by 'standard' workers, lends support to this hypothesis (ILO, 2016; Eichorst and Marx, 2015).

This view is nonetheless contested by those who argue that trade unions are making increasing efforts and devoting organisational resources to organising and representing HOWs (Carre et al., 2000; Keune, 2013; Gumbrell-McCormick and Hyman, 2013), thereby adopting an inclusive approach rather than the exclusive approach associated with the insider /outsider view. Over the last two decades, although the unions still condemn the extension of non-standard forms of employment, their discourse has shifted from outright rejection and the adoption of a passive position vis-à-vis workers in this situation, to a more active stance. Labour unions now aim to protect and represent non-standard workers through their recruitment and representation in collective bargaining and social dialogue.

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<sup>3</sup> In classical segmentation theories, the labour market consists of segments or groups of workers with very different characteristics and working conditions. In its most simple dual formulation, the labour market would consist of a primary segment comprising skilled workers enjoying good working conditions, including stability and high pay, and a secondary segment including low-skilled workers with lower pay and high turnover.

This increased attention to precarious workers and HOWs is *in primis* attributable to a shift in the unions' perceptions of themselves as representatives only of their members to being representatives of the workforce as a whole, including those at the margins of the labour market. Moreover, as precarious employment threatens the working conditions of all workers, this adds to the incentives for trade unions to address the issue.

Particularly important in this regard is the trade union revitalisation literature of the late 1990s and early 2000s that analysed the strategies deployed by trade unions to respond to labour market challenges, curb declining membership and represent HOWs (Frege and Kelly, 2003). Two main findings arose from this literature. First, trade unions used different strategies across countries, depending on the institutional and socio-economic context. Heery and Adler (2004) show that while attempts at organising the unorganised were prevalent in Anglo-Celtic countries, such strategies were the exception rather than the rule in continental Europe. The main explanation was that the institutional settings provided different opportunities for trade unions. Some trade unions paid most attention to their relationship with the state in the political arena through social pacts, or to the consolidation of multi-employer collective bargaining, and devoted fewer resources to organising and recruitment. Second, research highlighted the existence of a wide variety of strategic approaches, instruments and policies to organise workers.

Heery (2009) shows that organising patterns vary according to: the level of commitment to organising (e.g. whether the trade union has a dedicated department); the organising aim (consolidation of existing membership versus expansion); and the methods employed (continuous recruitment versus individual campaigns etc.). With regard to the wider environment in which the unions operate, Heery and Adler (2004) note that organisational strategies depend on three key dimensions, as shown in Table 1. The first dimension is the institutional context, which includes the structure of collective bargaining and workers' participation in companies. The second is the ideological framework (Dunlop, 1958), that is, the attitudes of the state and employers towards trade unions and industrial relations. Finally, the type of unionism influences the approach taken to organising.

**Table 1: The influence of institutions, strategic choices and union identity on union organising**

<b>Institutions</b>			
	<b>Incentive</b>	<b>Direction</b>	<b>Method</b>
<i>Bargaining structure</i>			
Centralized	Low incentive: high bargaining coverage	Consolidation	Diffuse; individualized
Decentralized	High incentive: low bargaining coverage	Expansion	-
<i>Union recognition</i>			
Supported	Low incentive: alternative means to establish bargaining	Consolidation	-
Certification	High incentive: majority required for bargaining	Expansion plus consolidation of open shop	Concentrated; organising the employer
<i>Worker participation</i>			
Dual channel	Low incentive: reliance on works councils	Depth achieved by triggering and winning elections	Concentrated extension/election campaigns
Single channel	High incentive: reliance on union recognition	Depth achieved by union-building	Concentrated union-building campaigns

Strategic choice		
	Incentive	Union's reaction
<i>State attitude</i>		
Supportive	Low incentive: state bolsters union confederations	Neglect of organising activity; engagement in social partnership and lobbying of the state
Hostile	High incentive: policy of union exclusion	Dependence on organising activity; underdevelopment of social partnership
<i>Employers' attitude</i>		
Supportive	Low incentive: unions in partnership approaches	Employer support when building up membership through consolidation
Hostile	High incentive: de-unionization tactics	Development of sophisticated organising techniques; underdevelopment of partnership
Union identity		
Ideal-type of unionism	Customary approach to organising	
Market-oriented unionism	Raise the economic condition of members through collective bargaining; stress on benefits of joining; development of bargaining strength through organising.	
Social movement inspiration	Recreate labour as a social movement: broadening of purpose to qualitative demands (dignity and respect at work) and social change; field enlargement (to atypical workers); union-building tactics (e.g. community coalitions).	
Class-based unionism	Social transformation against the power of capital: members as activists (often socialist or communist); reduced salience of organising; strike action extended to non-members; competition with other unions in workplace elections.	
(European) social partnership	Development of more cooperative relations with government and employers: de-centring of organising; improved service delivery and selective benefits; distancing from syndicalist past.	

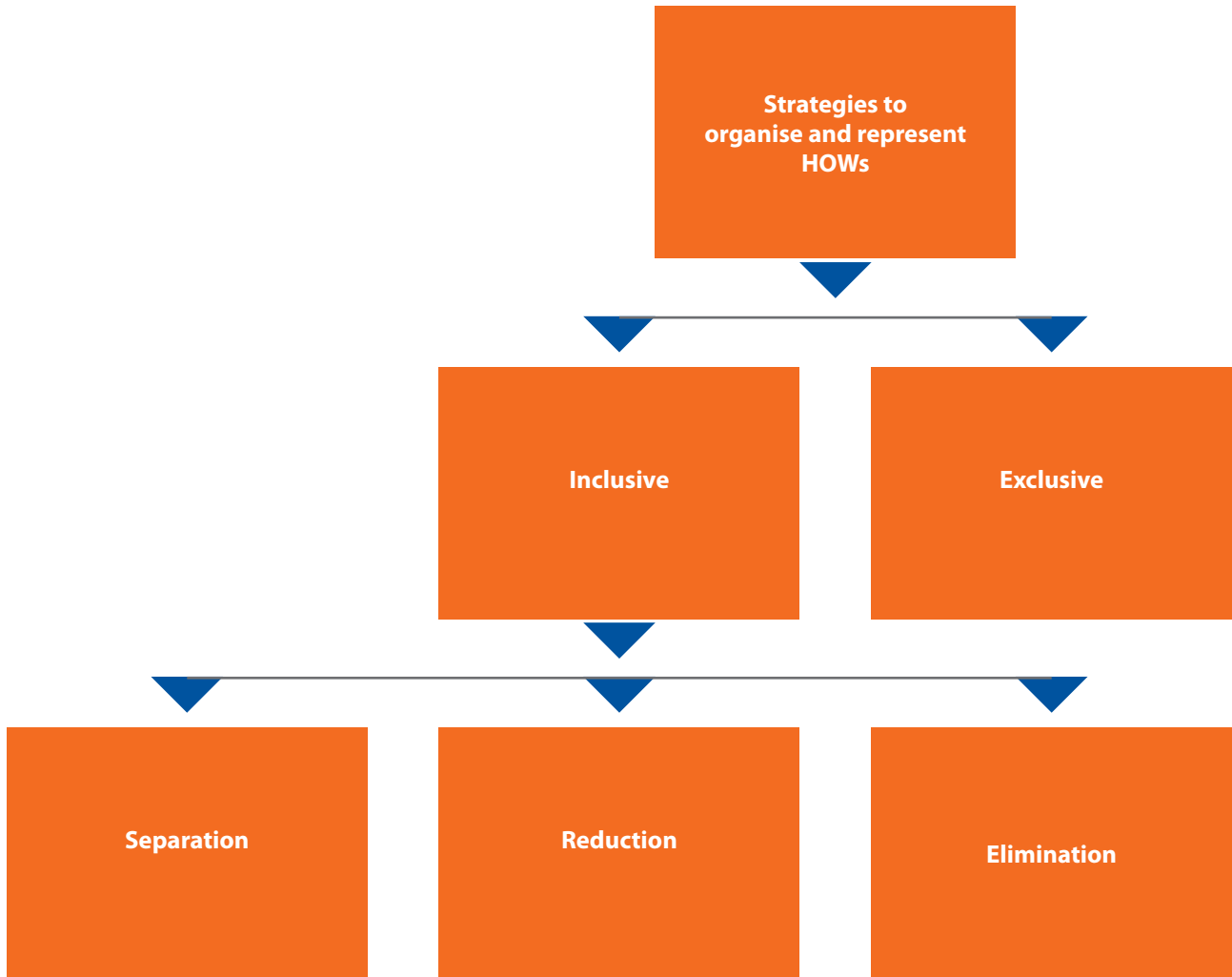
Source: Heery and Adler (2004).

In the face of mounting evidence of the difficulties trade unions face in organising HOWs, a more critical re-assessment of the revitalization literature has been made in recent years. In addition to the lack of resources for developing organising and recruitment campaigns, the type of unionism plays a role. In those countries where unions have a more class-based approach, additional efforts are required. Some studies highlight the difficulties of organising certain groups of workers, including youth, women and migrant workers, due to their position in the labour market. In particular, these workers are most often found in the service sector and in SMEs, which lack union representation, making it difficult for trade unions to get in touch with them. Other obstacles to organising HOWs are strategic or organisational problems of trade unions, including inefficiencies in recruitment strategies, strong union hierarchies and lack of internal democracy (Heery, 2009; Heery et al., 2000; Pascual and Waddington, 2000; Waddington and Kerr, 2002). A major contribution to this debate has been the work by McGumbrell-Cormick and Hyman (2013) to analyse trade union strategies in five countries representing different industrial relations models. These authors have highlighted the limitations of traditional trade union power resources and accordingly propose the development of new tools and power resources that are better suited to the new global context, including a greater emphasis on communications, coalition building, better use and management of scarce resources among others.

### Strategies and policies to organise and represent HOWs

The literature on organising, in particular of informal workers and workers in non-standard employment, contains a number of important analytical insights. A first and most well-known typology was advanced by Heery and Abbot (2000) that distinguished between inclusive and exclusive approaches (see also Keune, 2013; Kahancová and Martišková, 2011).

Figure 2: Strategies to organise and represent HOWs



Exclusion	Inclusion	Separation	Reduction	Elimination
Unions represent only the interests of insiders / workers in SERs	Integrate HOWs into their constituency	HOWs require specific and separate representation approaches	Focus on reducing the gap in working conditions between workers under non-standard employment relationships	Aims to eliminate all kinds of non-standard and informal employment

Source: Keune (2013).

Inclusive strategies are characteristic of class-based unionism and aim at integrating HOWs into their constituencies. By contrast, exclusive approaches are those where union representation strategies focus on their insider constituency. Elimination, reduction and separation can all be considered as alternative strategies within a common inclusive approach, insofar as the trade union goes beyond the narrow insider group.

Trade unions adopting an inclusive approach have at their disposal a wide range of instruments to represent and organise HOWs. Boonstra, Keune and Verhulp (2011) distinguish five main instruments: a) negotiation, that is, addressing the problems of HOWs through collective agreements in order to improve their conditions; b) litigation, i.e. using the judicial system to denounce the precarious conditions of informal and non-standard workers; c) influence, i.e. using social dialogue with the government and employers to influence the legislative process and improve the rights of these workers; d) mobilizing and organising precarious workers in trade unions; e) media campaigns to influence public opinion (Keune, 2013: 65).

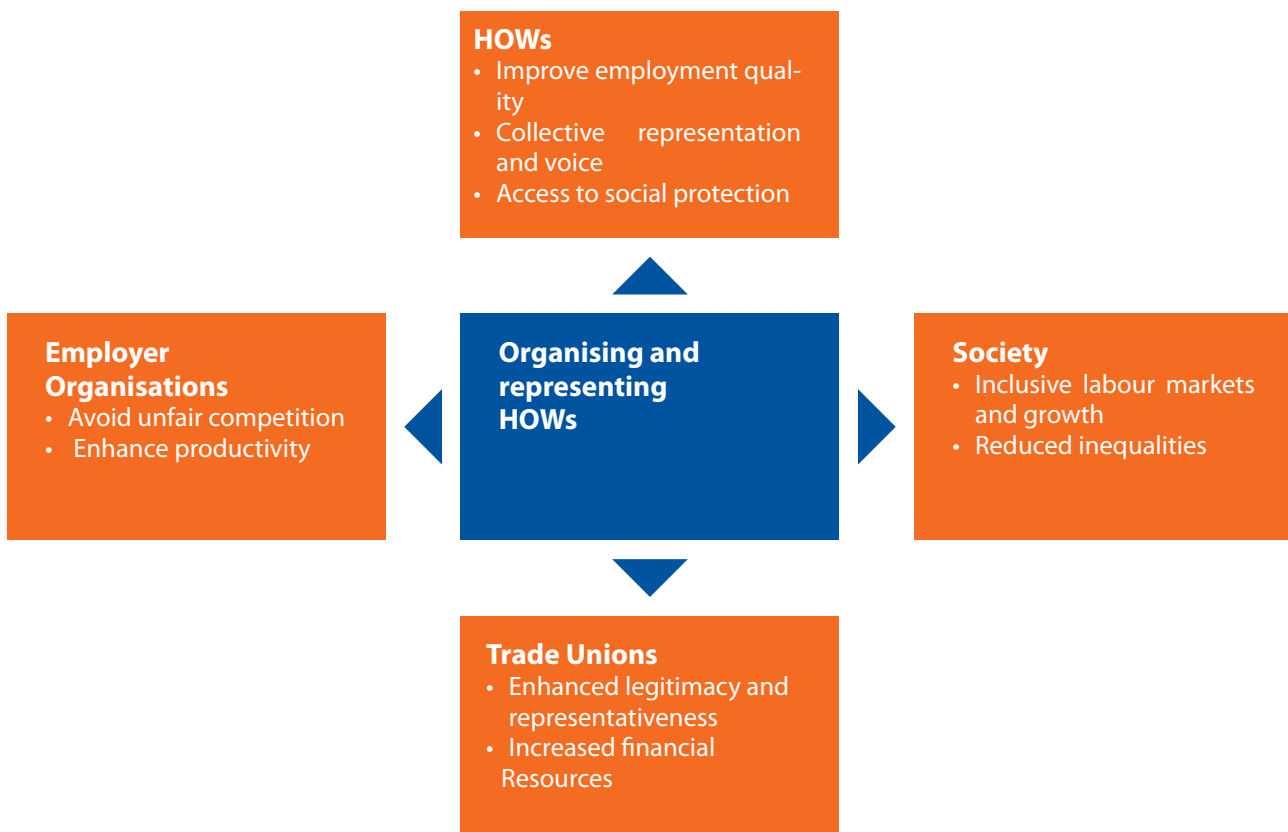
In this report we pay particular attention to the following four strategies:

- Organisational: representing HOWs through specific organisations set up for this type of workers; strengthening local union branches.
- Associational: lower membership fees for HOWs; selective incentives targeted towards HOWs, including special services for them.
- Communicational: developing campaigns in order to put trade unions in contact with HOWs; providing mechanisms for HOWs to contact trade union representatives, make their claims and participate in the union.
- Coalitional: creating alliances with other actors and groups that represent, or have contact with, HOWs.

### Benefits of organising HOWs and engaging them in social dialogue

The benefits of organising HOWs and engaging them in social dialogue are summarised in figure 3, from the perspective of HOWs themselves, of trade unions, of employers' organisations and of broader society.

**Figure 3: The benefits of organising and representing HOWs**



The main goal of organising informal workers is to provide them with (collective) voice as in most cases they are excluded from legal / institutional mechanisms. In the case of workers with non-standard contracts in the formal sector, organising is mostly aimed at gaining their effective involvement and participation. Organisation and involvement is instrumental in gaining access to legal protection at the workplace and social protection as well as reducing the gap with respect to the conditions enjoyed by workers with standard contracts. In the case of undeclared workers, organising has the goal of achieving basic rights and a minimum of social protection.

Trade unions benefit from organising and representing HOWs, in two main ways. First, it improves their representativeness and thus their legitimacy to negotiate on behalf of this group of workers, and more generally of the workforce as a whole, with government and employers' organisations. Secondly, it increases the financial resources of trade unions via the membership fees received. The increased prevalence of non-standard and undeclared work makes recruitment of these workers necessary to guarantee a minimum flow of financial resources for trade unions.

From an employer perspective, organising HOWs and involving them in social dialogue may also provide some benefits. First, it may contribute to setting a minimum floor of rights across a whole industry or sector, and/or generating other good practices, that serve to eliminate unfair cost-based competition. Second, it may contribute to higher labour productivity by, for example, guaranteeing HOWs access to training, among other things.

There are also societal gains from organising and representing HOWs. First and foremost, it entails a more inclusive approach to labour market regulation through which the position of vulnerable and otherwise excluded groups is better protected. HOWs' involvement in social dialogue would contribute to an improvement in their working conditions, a reduction in earnings disparities and the achievement of a more inclusive and socially sustainable growth path. Finally, governments may also benefit from the enhancement of the working and living conditions of important groups of workers through collective agreements, hence reducing pressures on social assistance and protection schemes. Moreover, the involvement of HOW representatives in social dialogue would provide the government (as well as the social partners) with better information regarding the problems, needs and demands of these workers, and enable the design of better policies to improve their situation.

### **Section IV - Characteristics of Main Groups of Hard-to-Organise Workers**

HOWs are a very heterogenous group. It is therefore difficult to describe the different sub-groups of HOWs, and equally complex for different actors to develop effective strategies for organising and involving them in social dialogue and collective bargaining. One of the defining traits of labour markets in recent years is the blurring of boundaries between different types of employment. The forces underlying globalisation, together with the digitalisation and tertiarisation of the economy, have provoked a shift from the primary segment of the labour market towards the secondary and informal segments. Thus, HOWs are characterised by a diversity of situations and conditions, a blurring of the boundaries between formal and informal, primary and secondary segments of the labour market, and distinct national specificities.

One way to approach this complex reality is to look at variation in trade union density in order to detect those groups with lower unionisation levels. Using this perspective, Eurofound (2010) highlights four factors that influence unionisation rates in the formal sector: sector, age, company size and employment contracts. More specifically, unionisation rates are lower among younger workers than older ones. Most union members are concentrated in the manufacturing and public sectors, with a lower incidence in the services sector, with some exceptions such as banking and insurance. Workers in small and very small companies exhibit lower unionisation levels than large companies. Finally, workers

in non-standard forms of employment are characterised by lower density levels. Interestingly, when we look at the economy as a whole, unionisation rates of men and women do not differ substantially, due to the higher unionisation rate in the public sector where women workers form the majority. By contrast, in the private sector, the unionisation rates of women are lower than for men, linked to the fact that women are concentrated in low skilled service sectors, in which non-standard employment are prevalent, leading to lower trade union membership rates (Schnabel, 2013; Bronfenbrenner, 2005).

In order to understand the challenges facing social partners and governments when trying to organise and involve these groups of workers in social dialogue, it is important first to identify the characteristics of these groups. This will also help in designing and implementing specific, targeted policies for each group. Table 2 presents a typology which aims to categorise HOWs according to whether they work in the formal or informal sector, and to what is the main factor explaining their low rate of organisation. In reality, the boundaries between the different groups and cells are not so clear-cut and the reasons for low organisation apply, to some degree, to all groups. Moreover, within particular categories of HOWs, there are very substantial differences across occupations / sectors in the problems, challenges for organisation etc. (see for instance Horn et al. 2009 for informal workers).

**Table 2: A typology of hard-to-organise workers**

		Sector of the economy	
		Formal	Informal
Main reasons for low organisation of workers	Obstacles to union representation	<ul style="list-style-type: none"> <li>Workers in small companies</li> <li>Workers in outsourced and sub-contracted companies</li> <li>Temporary agency workers (TAWs)</li> <li>Home-based workers</li> <li>Domestic workers</li> </ul>	<ul style="list-style-type: none"> <li>Workers in informal enterprises</li> <li>Undeclared home-based workers</li> <li>Undeclared domestic workers</li> </ul>
	Low incentives for workers	<ul style="list-style-type: none"> <li>Temporary workers</li> <li>Part-time workers</li> <li>Self-employed</li> <li>Free-lancers</li> <li>Young workers, apprentices, trainees, interns</li> <li>Workers with fixed term contracts</li> <li>Migrant workers</li> <li>Women</li> <li>Undeclared workers</li> </ul>	<ul style="list-style-type: none"> <li>Undeclared self-employed</li> </ul>

- A first group of HOW would be those working in the formal sector of the economy in sectors, occupations or types of company where trade unions find it difficult to be represented and collective bargaining is less prevalent. Here we can find workers in SMEs, workers in outsourced companies, TAWs or declared home-based workers and domestic workers. The small size, fragmentation and dispersion of workplaces not only makes it difficult to reach them, but also reduces trade unions' and workers' incentives and possibilities for creating a common consciousness and hence collective action.
- Second, there are workers in the formal sector with non-standard contracts and other groups characterized by low levels of organisation, including young workers, women and migrant workers. They may encounter obstacles to getting in touch with trade unions, such as language barriers, workplace isolation and lower labour market attachment in the case of youth. Moreover, youth, women and migrants often hold non-standard contracts, and the difficulties to organise them are often due to their perception that trade unions' priority is those workers with standard contracts.

- Third, dependent workers in the informal sector in fragmented workplaces rarely act collectively and it is difficult for trade unions to develop effective organising campaigns for them.
- Finally, the undeclared self-employed have low incentives to organise.

### Section V - Review of International and European Union Legislation

A minimum floor of rights is necessary in order to enable collective action and guarantee the representation rights of workers. At the same time, one of the aims of organising HOWs is precisely to seek, through social dialogue, the development and implementation of new regulations to protect these workers.

At the international level, several legal instruments protect freedom of association, which is the key principle sustaining trade union organising strategies. The Universal Declaration of Human Rights provides that everyone has the right to freedom of peaceful assembly and association (art. 20). It also establishes that everyone has the right to form and to join trade unions for the protection of his interests (art. 23). A number of ILO standards aim at ensuring equal treatment for workers in a precarious situation. Conventions No. 87 (Freedom of Association and Protection of the Right to Organise Convention, 1948) and No. 98 (Right to Organise and Collective Bargaining Convention, 1949) constitute the cornerstone of well functioning industrial relations systems, based on the full recognition of freedom of association and the right to collective bargaining. Convention No. 87 enshrines the right of workers and employers, without distinction whatsoever, to establish and join organisations of their own choosing without previous authorization. The ILO Committee on Freedom of Association has stressed that *“by virtue of the principles of freedom of association, all workers [...] should have the right to establish and join organisations of their own choosing. The criterion for determining the persons covered by that right, therefore, is not based on the existence of an employment relationship, which is often non-existent, for example in the case of agricultural workers, self-employed workers in general or those who practise liberal professions, who should nevertheless enjoy the right to organise.”* (ILO 2006: para 254). Moreover, the right also applies to workers with non-standard employment relationships, including temporary workers, apprentices, and persons hired under training contracts, and workers in cooperatives.

Convention No. 98 provides that *“workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment”* (article 1 (1)). The scope of this protection is made explicit in article 1 (2):

*2. Such protection shall apply more particularly in respect of acts calculated to:*

- (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;*
- (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.*

The right to bargain collectively with employers with respect to conditions of work is an essential element of freedom of association. Trade unions should have the right to improve the living and working conditions of their members, including through collective bargaining. In this respect, article 4 of Convention No. 98 refers to action by the public authorities to promote collective bargaining. While this Convention applies to workers in all sectors of the economy, in practice, most informal workers do not have statutory collective bargaining rights. While the right has been acknowledged in the ILC Resolution and Conclusions concerning decent work and the informal economy of 2002, including for own-account workers, it has not generally been extended to these workers in practice.



There are other ILO instruments of relevance to HOWs.

- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) sets forth the general obligation to respect the basic human rights of all migrant workers and ensure equality of opportunity and treatment in respect of employment and occupation, including in respect of their trade union rights.
- Part-Time Work Convention, 1994 (No. 175) requires ratifying states to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers, including in respect of the right to organise and to bargain collectively, as well as the right to act as workers' representatives.
- Home Work Convention, 1996 (No. 177) aims to promote equality of treatment between homeworkers and other wage earners, including in relation to freedom of association.
- Private Employment Agencies Convention, 1997 (No. 181) sets the general parameters for the regulation, placement and employment of workers by these agencies and provides for protection of workers under subcontracting arrangements and workers recruited from abroad.
- Domestic Workers Convention, 2011 (No. 189), with the accompanying Recommendation No. 201, states that domestic workers must have the same basic labour rights as those of other workers, including freedom of association and collective bargaining.

The Charter of Fundamental Rights of the European Union contains similar provisions. In particular, article 12(1)- Freedom of assembly and of association, establishes that *"Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests."* Article 28, on the right of collective bargaining and action, states that *"Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action."*

Other EU instruments directly related to HOWs are:

- Directive 1997/81/EC on part-time work, which was based on a framework agreement negotiated by the European-level social partners in 1997 under the terms of the Maastricht Treaty's social protocol and agreement (now incorporated into the EC Treaty). The Directive provides for a general principle of non-discrimination against part-time workers if the discrimination is solely due to the fact that they work part time. The Framework Agreement requires that part-time workers' employment conditions may not be less favourable than those of comparable full-time workers, unless there are objective reasons for different treatment. In addition, it exhorts employers, as far as possible, to take account of employees' preferences and their requests to transfer from full-time to part-time employment or vice versa. Employers should also facilitate access to the relevant jobs at all levels of the enterprise. A worker's refusal to transfer from full-time to part-time work or vice versa should not in itself be a valid reason for dismissal.
- Directive 1999/70/EC on Fixed Time Work, based on a framework agreement made in the context of European Social Dialogue, was primarily aimed at achieving equal treatment for workers under permanent and those under fixed-term contracts. A second objective was to prevent the abuse of successive fixed-term contracts by setting limits to the number of renewals, the total duration under fixed-term contracts or the objective reasons to make a fixed-term contract.
- Directive 2000/78/EC on Employment Equality, establishes a general framework for equal treatment in employment and occupation and prohibits discrimination on grounds of religion and belief, age, disability and

sexual orientation. It covers the fields of employment and occupation, vocational training, and membership of employer and employee organisations. The Directive sets out minimum requirements based on the “principle of equal treatment” meaning that there shall be no direct or indirect discrimination whatsoever on any of the grounds. Member States may provide for a higher level of protection against discrimination in national legislation.

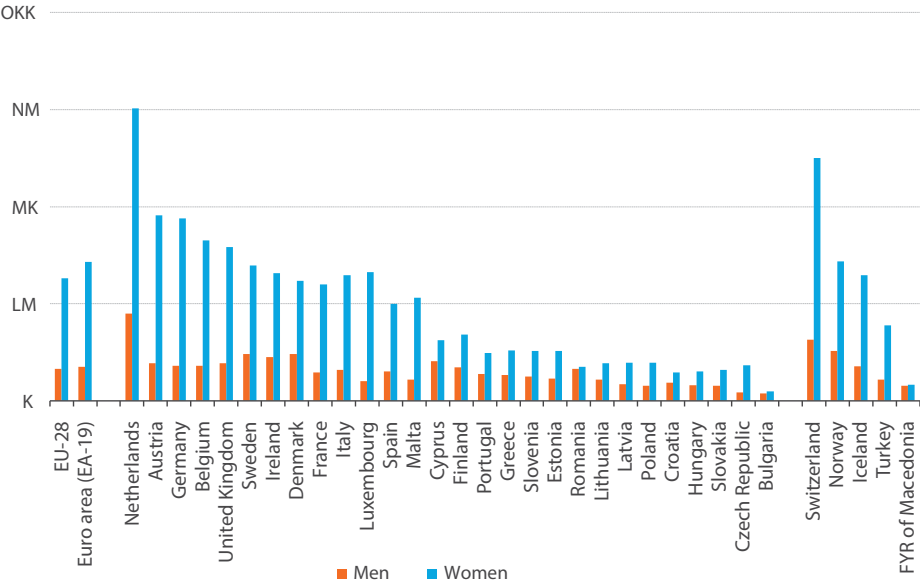
- Directive 2002/14/EC on Information and Consultation of Employees, establishes a general framework for informing and consulting employees at the workplace and plays a key role in promoting social dialogue. It sets minimum principles, definitions and arrangements for the right to information and consultation of employees at the enterprise level within each country. Given the range of industrial relations practices across the Member States, they enjoy substantial flexibility in applying the Directive’s key concepts (employees’ representatives, employer, employees etc.) and implementing the arrangements for information and consultation. Management and labour play a key role in deciding those arrangements. Information and consultation are required on:
  - the recent and probable development of the undertaking’s or the establishment’s activities and economic situation;
  - the situation, structure and probable development of employment within the undertaking or establishment and any anticipatory measures envisaged, in particular where there is a threat to employment decisions likely to lead to substantial changes in work organisation or in contractual relations.
- Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment between men and women (recast) consolidates the existing directives dealing with equality between men and women. This directive requires the implementation of the prohibition of direct and indirect discrimination on the grounds of sex, including harassment and sexual harassment, with regard to all aspects and conditions of remuneration, in access to employment and in occupational social security schemes.
- Directive 2008/104/EC on temporary agency work defines a general framework applicable to the working conditions of temporary agency workers in the European Union. The Directive aims to guarantee a minimum level of effective protection to temporary agency workers and to contribute to the development of the temporary work sector as a flexible option for employers and workers. The Directive lays down the principle of non-discrimination regarding basic working and employment conditions between temporary workers and workers who are recruited directly by the user company.

## Section VI - Challenges for the Effective Organisation and Participation of HOWs in Social Dialogue

Labour markets in EU Member States have experienced a rapid increase in non-standard workers over the last three decades, with some important differences across countries with regards to the intensity as well as the forms of non-standard employment. Taking part-time employment and temporary employment as the most widespread manifestations of non-standard employment, we observe very different patterns across countries (see figures 4 and 5). These differences are explained not only by differences in the regulatory framework but also by the sectoral distribution of employment in the economy. In the case of undeclared work, we do not have comparable and reliable data on the EU. However, a study carried out by Eurofound, using a special Eurobarometer survey, in 2013 showed that around 4% of respondents declared to have participated in undeclared work over the last 12 months. The results also showed significant variation between countries, with 11% of people reporting undeclared work in Estonia, Latvia and the Neth-

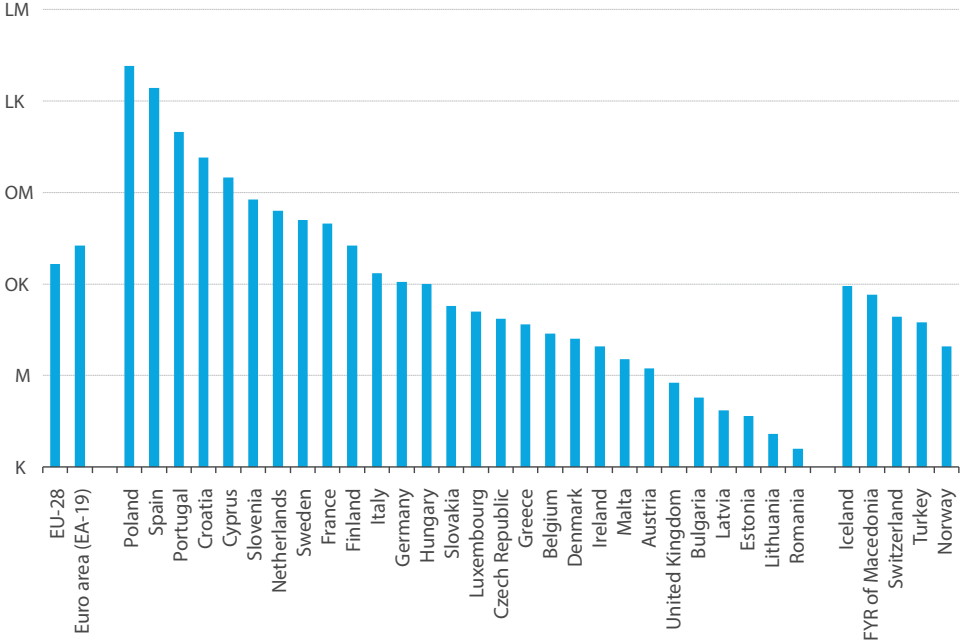
erlands, 9% in Denmark, 8% in Lithuania, 7% in Croatia, Slovenia and Sweden, 2% in Cyprus, Germany, Ireland, Italy and Portugal, and only 1% in Malta (Eurofound, 2013: 3). The study also showed how undeclared work reproduced prevailing gender stereotypes in terms of the sectors and occupations in which men and women worked.

Figure 4: Part-time work in Europe, 2016 (% of employees by sex)



Source: Eurostat

Figure 5: Workers with contracts of limited duration, 2016 (% total employees)



Source: Eurostat

There are no available statistics on the unionisation rate of non-standard workers in Europe, or on their collective bargaining coverage. In recent years, some studies and research projects have tried to assess the position of different types of non-standard workers with respect to collective bargaining and trade unions, but no systematic data have been provided in this regard. There is, however, general consensus on the low unionisation rate of temporary workers and the self-employed (including freelancers). Unionisation rates of part-time workers tend to be higher than among temporary workers, as unionisation correlates more with contract duration than working time, but there is still a gap compared to full-time employees. Finally, there is competition between trade unions, employers' organisations and specific membership-based organisations (MBO)<sup>4</sup> on the organisation of the self-employed. Recent studies have nonetheless revealed enhanced efforts made by trade unions to represent the interests of non-standard workers in social dialogue including collective bargaining (Ebisui 2012, Gumbrell-McCormick, 2011; Keune, 2013).

The challenges for trade unions and the most effective mechanisms to organise workers in the informal economy and those with non-standard contracts may differ significantly. These are both very heterogeneous groups, which suggests as well that tailored approaches are required to tackle the specific problems facing each of them. The challenges for effective organisation of HOWs and for their involvement social dialogue of HOWs are multifarious, but may be summarised into two main types.

- First, those challenges related to the position of informal and non-standard workers in the labour market and the economy more generally. The first problem is how to reach them; informal workers very often do not carry out their activities in a fixed workplace, but on the street or in private homes. It is also difficult for trade unions to reach workers in outsourced or sub-contracted activities who carry out their tasks off-site (including freelancers). Further, depending upon their status in employment or the economic branch or sector in which they work, workers may have very different priorities or needs around which they wish to organise. Moreover, it is often difficult to create shared identities between workers with varied types of contracts, making it difficult to organise them around a single identity (Chen et al, 2015).
- Second, those challenges related to the characteristics and strategies of trade unions. In particular, many studies have shown that many trade unions have reacted slowly, devoted insufficient resources and adopted inadequate approaches in response to the rapid growth in non-standard and informal employment (Ryklief, 2012). Trade unions around the world have experienced similar challenges when trying to expand their membership to informal and non-standard workers (Bentley et al, 2013; Bonner and Spooner, 2011). This is because trade union organisations and strategies were built around SER workers and, in many cases, their position towards informal workers was one of exclusion (see Section II). Even though most unions have since shifted their stance to be more inclusive, adapting their organisational structures and developing new strategies to organise HOWs is proving to be very challenging (Gumbrell-McCormick and Hyman, 2015). This becomes clear, for example, when one examines the problems some unions have faced in developing strategic partnerships and coordination with other groups and organisations representing informal and non-standard workers. Similar problems have occurred when unions have tried to develop transnational agency (Bieler et al, 2015) or to adopt new representation strategies going beyond their traditional reliance on collective bargaining and social dialogue (Frege and Kelly, 2004). As pointed out by Heery et al. (2000), these problems are rooted in the traditional servicing model of most trade unions around the world, and most specifically in Europe. Moving from this model to an organising one requires not only different organisational approaches but also a re-orientation of the role of union officials. This implies a shift in the conception of leadership from being solely based on authority towards one in which leaders are willing to take the initiative and contribute effort. Resources are required not only to re-skill union officials along these lines, but also to hire paid organisers and recruiters.

<sup>4</sup> Membership-based organisations have governance structures that are fully accountable to their members, elect their leaders and operate on democratic principles that hold the elected officers accountable to the general membership (Chen et al. 2006: 2-3).

- Trade unions face even more challenges when organising informal or undeclared workers than with non-standard workers in the formal sector (Horn et al. 2009: 3-4; Bentley, et al 2013; ILO, 2002).
- Informal workers are heterogeneous and have different interests. They include, for instance, both waged workers and fully independent producers. For this reason, organisations of informal workers have evolved in diverse directions (Carré, 2013: 3).
- Informal workers may not share common interests with the majority of existing trade union members.
- There are no traditional collective bargaining forums.
- For own account workers, there is also no employment relationship.
- Where an employment relationship does exist, workplaces are fragmented, working conditions precarious and jobs insecure. These workers thus have many problems and fear losing their job if they try to organise or join a trade union.
- Informal workers tend to be focused on the day-to-day struggle for survival and, therefore, are less inclined to join collective action. Reluctance to join a union is especially strong when the benefits of membership are not obvious.
- The precarious state of informal workers makes it difficult for unions to retain their membership.
- Resistance from current members acts as a deterrent to recruiting additional members.

### How to organise?

A wide range of mechanisms exists for involving HOWs in collective bargaining and social dialogue. A first important distinction concerns the main actor involved in these efforts, whether trade union-based or non-union based (for example, cooperatives, quasi-unions, other MBOs, other hybrid forms).

Carré et al. (2000) note how the type of actor or channel is influenced by the primary strategy adopted. Their typology, outlined in table 3, serves to highlight the complexity of organising HOWs.

**Table 3: Alternative strategies towards HOWs and the main actors / channels involved**

Primary strategy	Type of organisation / actor / channel
Grassroots organising and base-building	Trade unions, membership -based organisations (MBOs), Community-based organisations (CBOs), cooperatives
Collective negotiations and representation	Trade unions, MBOs
Economic and livelihood development	Cooperatives
Policy, legal and rights advocacy	NGOs, CBOs, networks, alliances
Mobilisation and campaigning	Networks, alliances, trade unions
Social, welfare, training	NGOs, CBOs

Source: Carré et al. (2000)

Several studies have shown how organising can happen through actors other than trade unions, including cooperatives, NGOs, and MBOs (Carré, 2013). This is particularly so for undeclared workers and workers in the informal economy. By contrast, workers with non-standard contracts are more easily organised by trade unions. In order to simplify

the analysis, we distinguish only between union-based and non-union-based organising.<sup>5</sup> Strategies towards HOWs may also differ between developing and developed economies, as well as the main instruments used to defend their interests. In developed countries, where collective bargaining is more institutionalised and coverage levels are relatively high, trade unions emphasize a representation strategy as opposed to a pure organising one.

Given the complexity of organising certain groups of HOWs, multi-faceted approaches are needed (Bonner and Spooner, 2011). For example, building coalitions between different actors as well as an internal solidarity network are key to success (ILO, 2016a).

Likewise, for trade unions, there is no single organizing model, but rather a variety of instruments and approaches that may be deployed, depending on factors such as institutions (collective bargaining structure, union recognition, worker participation), strategic choice and union identity (Heery and Adler, 2004).

Despite this variation, some common patterns may be observed. Thus, for instance, Carré (2013: 14) notes how “waste pickers have tended to organise in cooperatives and join regional/national alliances or networks (Latin America, India). Domestic workers have formed unions as well as relied on affinity groups, for example migrant worker organisations dominated by, or solely consisting of, domestic workers. They have also been organised through NGO-initiated or -supported associations. Domestic worker networks consist of a mix of NGOs, unions, and associations. Street vendors have tended to first organise in local associations and then form federations or alliances. Home-based workers have tended to form producer groups and join federations of producer groups - some of which may be member-based. Several of the producer group alliances and networks have a mixed composition. They may gather organisations that are member-based, but often are led by an NGO with a board that is not a worker-based board. Transport workers have tended to join unions or form associations.”

In a very detailed report published in 2012, it was pointed out that, despite a growing body of literature, not much was known about what works for organising informal economy workers (Schurman and Eaton, 2012: 4). At the same time, the policies and practices that have been documented represent only a small portion of the totality of those implemented by trade unions globally (Schurman and Eaton, 2012). Rather more research is available on organising workers in non-standard forms of employment.

## Section VII - Analysis of Good Practices

It is important to bear in mind that good practices are context-specific and their success or otherwise depends upon a series of local or national factors (see table 4). There is no one-size-fits-all strategy, but rather a ‘menu’ of ideas or guidelines about how to proceed given a particular problem, target group, institutional setting and so on.

The presentation of good practice cases that follows uses a common structure, which includes the following dimensions: problem addressed and target group, main policies or strategies deployed, main actors involved, problems encountered, policy lessons and transferability.

<sup>5</sup> Carré (2013: 5) provides four dimensions in a typology of organisations: the kind of workers organised, in terms of sector or industry, occupation, employment status, location of work, gender; the relationship to the legal framework of the workers; the type of organisation; and the relationship of the organisation to the legal framework (e.g. legal status as trade union or association).

A summary of the cases is presented in table 4.

**Table 4: Summary of cases on the organisation of HOWs**

	Main problem addressed	Main actors involved	Policies implemented	Problems encountered	Policy lessons
Temporary workers in Italy and Portugal	<ul style="list-style-type: none"> <li>• Low membership of workers with temporary contracts</li> </ul>	<ul style="list-style-type: none"> <li>• Trade unions and other associations representing interests of 'precarious' workers</li> </ul>	<ul style="list-style-type: none"> <li>• Creation of dedicated federation for workers with non-standard contracts (Italy)</li> <li>• Cooperation between trade unions and organisations representing vulnerable workers</li> </ul>	<ul style="list-style-type: none"> <li>• Risk of organisational segregation (Italy)</li> <li>• Problems for non- trade union actors to have access to social dialogue</li> </ul>	<ul style="list-style-type: none"> <li>• Need to adapt strategies to different types of workers</li> <li>• Importance of forging coalitions with other social groups</li> </ul>
Undocumented migrant workers in the agriculture sector in Spain	<ul style="list-style-type: none"> <li>• Poor working conditions and vulnerability of migrant workers in the agriculture sector</li> </ul>	<ul style="list-style-type: none"> <li>• Trade unions and NGOs</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of services to undocumented workers, including legal assistance, language services, information centres</li> <li>• Awareness raising campaigns and actions</li> </ul>	<ul style="list-style-type: none"> <li>• Undocumented workers' fear of deportation poses problems to trade union action</li> </ul>	<ul style="list-style-type: none"> <li>• For some particularly vulnerable groups of workers, providing services is a necessary pre-condition to organising them</li> </ul>
The organisation of young workers in Europe; the cases of Belgium and Germany	<ul style="list-style-type: none"> <li>• Low union membership rate of young workers</li> </ul>	<ul style="list-style-type: none"> <li>• Trade unions</li> </ul>	<ul style="list-style-type: none"> <li>• Selective incentives</li> <li>• Specific policy proposals for young workers</li> <li>• Diversified strategies</li> <li>• Establishment of youth departments or youth federations within trade union confederations</li> </ul>	<ul style="list-style-type: none"> <li>• Diverse employment trajectories and workplace fragmentation make it very difficult to get in touch with young workers</li> </ul>	<ul style="list-style-type: none"> <li>• Institutional context is important to attract young workers, but special initiatives also necessary</li> <li>• New forms and channels of communication are key to attract young workers</li> </ul>
Waste pickers in Brazil	<ul style="list-style-type: none"> <li>• Informal employment and poor working conditions of waste pickers</li> </ul>	<ul style="list-style-type: none"> <li>• Waste pickers cooperatives and trade unions</li> </ul>	<ul style="list-style-type: none"> <li>• Valorize the public utility of their work</li> <li>• Seek alliances and political support</li> <li>• Awareness raising campaigns</li> </ul>	<ul style="list-style-type: none"> <li>• Individualist mind-set of waste pickers; difficulties to develop collective identity and action</li> </ul>	<ul style="list-style-type: none"> <li>• Importance of political support</li> </ul>

## Organising and Representing Hard-to-Organise Workers: Implications for Turkey

Domestic workers in Uruguay and the European Union	<ul style="list-style-type: none"> <li>Widespread informality and poor working conditions of domestic workers, including migrant domestic workers in Europe</li> </ul>	<ul style="list-style-type: none"> <li>-Trade Unions</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of a trade union and negotiation of collective agreement</li> <li>De-centralize trade union organisation in order to enhance member attachment</li> <li>Seek state support for basic labour rights</li> <li>Emphasis on the rights discourse</li> </ul>	<ul style="list-style-type: none"> <li>Fear of joining the union among domestic workers</li> <li>Strong dependence on a favourable political opportunity structure (Uruguay)</li> </ul>	<ul style="list-style-type: none"> <li>Collective action is a necessary but not sufficient condition; state support is necessary to achieve meaningful policy outcomes</li> </ul>
Self-employed women and informal workers in India	<ul style="list-style-type: none"> <li>High rate of informal employment</li> <li>Poor working conditions</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions</li> </ul>	<ul style="list-style-type: none"> <li>Strategy based on three pillars: voice (promote perception of collective problems and need for collective action), visibility (awareness raising campaigns) and policy change (coalition with other political and social groups)</li> </ul>	<ul style="list-style-type: none"> <li>Isolation makes it difficult for workers to join unions</li> </ul>	<ul style="list-style-type: none"> <li>Need for trade unions to adopt tailored organising strategies depending on their target constituency</li> </ul>
Agency workers in Germany	<ul style="list-style-type: none"> <li>Extension of agency work</li> <li>Threat to working conditions of workers under SER</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions</li> </ul>	<ul style="list-style-type: none"> <li>From an exclusive to an inclusive approach in organising and representing TAWs</li> <li>Collective bargaining to enforce equal treatment</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions' late adoption of an inclusive stance towards contingent workers, and in particular TAWs</li> </ul>	<ul style="list-style-type: none"> <li>Importance of adopting inclusive approaches</li> </ul>
Freelancers and independent workers in the UK	<ul style="list-style-type: none"> <li>Growth in freelancers, independent workers and self-employed</li> <li>Highly individualist approach to labour market</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions for these workers have developed specific services and incentives, different to those provided by general trade unions in other sectors</li> </ul>	<ul style="list-style-type: none"> <li>Highly individualist approach to the labour market and career development</li> <li>Dispersion and fragmentation make it difficult to organise at the workplace</li> </ul>	<ul style="list-style-type: none"> <li>Need for trade unions to provide services targeted to specific groups</li> <li>Organising and representation strategies must match the specific characteristics of different groups of workers</li> </ul>



Outsourced workers in Romania	<ul style="list-style-type: none"> <li>Negative impacts of outsourcing on working conditions</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions and European Works Councils (EWCs)</li> </ul>	<ul style="list-style-type: none"> <li>Internationalisation of conflict in the context of EWCs</li> <li>Creation of a new trade union</li> </ul>	<ul style="list-style-type: none"> <li>Lack of any associational movement in the IT sector hindered collective organisation and representation</li> </ul>	<ul style="list-style-type: none"> <li>Importance of international collaboration for unions to respond to global strategies of multinational corporations to reduce labour costs</li> <li>Outsourced workers can also become union members</li> </ul>
Outsourced workers in the construction sector in Germany: the European Migrant Workers Union (EMWU)	<ul style="list-style-type: none"> <li>Migrant posted workers in the construction sector</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions</li> </ul>	<ul style="list-style-type: none"> <li>Creation of a trade union (EMWU)</li> <li>-Cooperation network with other trade unions in Europe</li> </ul>		<ul style="list-style-type: none"> <li>Key role of information and services for migrant workers</li> <li>Need to move beyond the national level in order to tackle some problems</li> </ul>
Solid waste collectors in Turkey	<ul style="list-style-type: none"> <li>High rate of informal employment</li> <li>Poor working conditions of waste collectors</li> </ul>	<ul style="list-style-type: none"> <li>Mainly NGOs and associations, trade unions' involvement still limited</li> </ul>	<ul style="list-style-type: none"> <li>Creation of an association (in Ankara)</li> <li>Limited associational activity (awareness-raising publications)</li> </ul>	<ul style="list-style-type: none"> <li>Lack of official recognition of the job</li> <li>Lack of class consciousness</li> <li>Lack of specific regulations for solid waste collectors</li> </ul>	<ul style="list-style-type: none"> <li>Recognition of the group precedes organisational efforts</li> </ul>
Domestic workers in Turkey	<ul style="list-style-type: none"> <li>Widespread informality and poor working conditions of domestic workers, including migrant domestic workers</li> </ul>	<ul style="list-style-type: none"> <li>Trade unions and other associations representing interests of domestic workers</li> </ul>	<ul style="list-style-type: none"> <li>Creation of two unions of domestic workers</li> <li>Collaboration with national unions and at international level</li> </ul>	<ul style="list-style-type: none"> <li>Difficulties in reaching domestic workers who work for single employers or intermediaries-</li> </ul>	<ul style="list-style-type: none"> <li>Strategies similar to residence workers are readily deployed</li> </ul>

### Good practice 1: The representation of temporary workers in Portugal and Italy

Temporary, fixed-term, agency and contingent workers constitute an increasingly important group of workers in Europe. Temporary work accounts for 15% of total employment in the EU on average, although this figure varies significantly by country. Its incidence is higher among women, young people and migrant workers.

Temporary workers have different needs and demands to workers with long-term or permanent contracts. In particular, the uncertainty around their future income and social protection makes them more inclined to seek a guaranteed minimum income from the state during non-working periods, as well as sickness and accident benefits etc. while employed.

While no official data are available, it is believed that a considerable proportion of temporary workers are neither protected nor adequately represented in their workplaces in most EU countries. Trade unions highlight the existence of multiple barriers to the organisation of temporary workers and to their participation in union activities, including factors such as job rotation, mobility across companies, occupations, sectors, geographical locations, etc. According to some trade union sources,<sup>6</sup> another barrier is that temporary workers fear the possible consequences of being linked with trade unions on the renewal of their employment contract (CESOS, 2016). As a result, they often prefer not to participate in any forms of protest or activity for fear of losing their jobs. The union sources also indicate that tensions may arise between permanent and temporary workers at company level due to several factors: existence of a double wage scale, a perception of temporary workers as a shield against labour force adjustment plans, existence of *ad personam* clauses and the application of different collective agreements to temporary and permanent workers (CESOS, 2016). These tensions constrain the unions' capacity to organise and mobilise temporary workers. The denunciation by unions of the abuse of temporary contracts and their reporting of irregular situations of workers is often deemed unhelpful as it may lead to dismissal or non-renewal of the worker's contract. In addition, in many countries, the representation of temporary workers is limited by law, as it prohibits workers with fixed-term contracts acting as trade union representatives.

The existence of strong sectoral specificities in relation to the use and incidence of temporary and fixed-term employment suggests the need for targeted representation/organisation strategies by the sectoral trade union federations, rather than their integration under the same organisational umbrella as other workers.

The case of Portugal is interesting because of the high percentage of workers with temporary contracts and the importance gained by non-union forms of organisation and representation of these workers in recent years. In Portugal, temporary workers are represented by trade unions, but also by non-union associations representing only temporary workers. Examples include the Association for the Fight against Precariousness (so-called "Inflexible Precarious")<sup>7</sup>, and the Barreiro Popular Assembly (Cairns et al, 2014). These associations have been important in organising vulnerable workers in general and temporary workers in particular. They do not participate in collective bargaining but provide support to temporary workers in a variety of other ways. In particular, during the 2008 financial crisis they played a key role in formulating temporary worker demands (CESOS, 2016). Some are specific to sectors in which temporary work is very widespread (e.g. arts and audio-visual sector, research and scientific activities, etc.) whereas Inflexible Precarious is a social movement that represents a large number of temporary workers across different sectors (Campos Lima, 2016). This association stimulates public debate regarding precariousness and supports specific temporary workers' disputes. Its petition against precariousness made a significant contribution to changing the legal framework on temporary work in 2011, in particular in relation to 'fake' independent work.<sup>8</sup>

However, this organising mechanism faces several problems, including the lack of institutionalised involvement in social dialogue at either company or national-level. It should be noted, though, that closer cooperation between trade unions and non-union actors has occurred more recently.

In Italy, the representation and organisation of temporary workers takes place mostly through union channels. Initially, certain groups of workers had organised autonomously to defend their interests. But, with the rapid growth in the number of atypical workers, trade unions recognised the need to become more inclusive. They responded

<sup>6</sup> Interviews conducted by the authors in the context of another EU-funded research project

<sup>7</sup> See <http://www.precarios.net/>

<sup>8</sup> Severance pay on all new fixed-term contracts was aligned with that of all new open-ended contracts (Law 53/2011 of 14 October). Moreover, the reforms gave labour inspectors additional tools for enforcing the existing regulations and regularising contracts in cases of non-compliance, particularly for false self-employment.

by creating specific trade union structures to represent non-standard workers and advocate better regulation, including workers with temporary contracts, temporary agency workers and the dependent self-employed. For example, the Confederazione Generale Italiana del Lavoro (CGIL) created Nuove Identità di Lavoro (NidiL) to represent atypical workers' interests; the Confederazione Italiana Sindacati Lavoratori (CISL) set up an association called ALAI (Associazione Lavoratori Atipici e Interinali, now with the status of federation as FeLSA), while the Unione Italiana del Lavoro (UIL) created CPO-UIL (Comitati per l'Occupazione), now called UIL Tem.p@. (Pulignano et al, 2016).

The shared objective of these dedicated unions or federations is to represent and increase the protection afforded to self-employed and temporary workers through collective bargaining and shop-floor representation. They nonetheless differ with respect to their strategy. For example, FeLSA and UIL Tem.p@ embrace an individual 'servicing' model to target atypical workers with different contractual situations and needs. By contrast, NidiL gives importance to labour law reform to restrict the contractual options available to companies; it directly opposes the use of certain types of contract such as staff-leasing.

The main shortcoming of this strategy is the risk of segregation and, with it, further marginalisation of the workers represented by the union, thus perpetuating their differences with standard employees in other sectors or federations. The main benefit is in the ability to undertake coordinated responses across the three main confederations, thereby strengthening their capacity to protect non-standard workers through collective bargaining.

### Good practice 2: Undocumented migrant workers in the agriculture sector in Spain

Undocumented migrants or migrants with precarious residence status are among the most vulnerable groups in the labour market. The problems that these workers face include low pay or withholding of pay, no accident insurance, long working hours and sexual harassment (Ağtaş et al, 2007; Izacara Palacios, 2009) among others. Several obstacles prevent undocumented migrants from joining unions or engaging in collective action, particularly their own reluctance to denounce their situation or to accept trade union mediation. Other obstacles to their organisation are:

- A widespread perception among trade unions that engaging with undocumented migrants is illegal.
- Hesitance of trade unions to accept immigration, especially by irregular migrants and in times of crisis or high unemployment (Penninx and Roosblad, 2002).
- Undocumented migrant workers are perceived to exert downward pressure on the working conditions of national workers, hence conflicting with the interests of trade union core membership.

Notwithstanding these difficulties, many trade unions in Europe and the United States have succeeded in achieving an enhanced level of protection for undocumented migrant workers (LeVoy and Verbruggen, 2005: 7). Trade union experiences with undocumented agricultural workers in Southern Europe demonstrate several effective approaches that may be used.

Spain has a large agriculture sector, and documented migrant workers account for around 25% of the total workforce in agriculture. The sector also attracts around 35% of all undocumented migrants, estimated at around one million (Molina, 2014). Several trade unions have developed inclusive strategies to try to improve their conditions, including legal information and assistance, help to obtain residence and work permits and visas, guidance on regularisation procedures, and supporting appeals to the labour courts. The two largest trade union confederations in Spain, Comisiones Obreras (CCOO) and Unión General de Trabajadores (UGT), consider such services to be part of a broader organising agenda (Ağtaş et al, 2007).

Trade unions in Spain have also developed social assistance strategies, such as the establishment of immigration committees to provide food and clothes to undocumented workers. They have created migrant workers' centres to raise awareness about their rights and the need to unionise. Prominent examples are the Centros de Información para Trabajadores Extranjeros (CITEs) established by the CCOO and the social centres created by the Agricultural Workers' Union (SOC). Other initiatives include training programmes and language courses, and the distribution of leaflets on issues such as health and safety at work, gender violence and xenophobia. The CCOO organises awareness-raising programmes for Spanish workers, particularly those who come into contact with undocumented migrants, such as the police and court employees. Both CCOO and SOC conduct campaigns demanding the regularisation of all undocumented migrants as well as equal rights for migrant workers with nationals.

Trade unions in Spain have built coalitions with NGOs, political parties and community organisations to defend undocumented migrants' rights. For example, the SOC, in association with the Confederación General del Trabajo de España (CGT) and a migrants' rights organisation called Organización Democrática de Inmigrantes y Trabajadores Extranjeros (ODITE), organised occupations of churches and demonstrations demanding residence and work permits for undocumented migrants in Huelva. This province receives thousands of undocumented workers, mostly from Morocco and other African countries, each year for the strawberry harvest (Ağtaş et al, 2007). Trade unions considered these strategies to be a first and necessary step in their efforts to organise undocumented workers.

### **Good practice 3: The organisation of young workers in Europe: the cases of Belgium and Germany**

In many countries, the number of young trade union members has declined, meaning that this group falls within the boundaries of HOWs. Youth union membership is often substantially lower than adult membership. In countries such as Italy, the Netherlands and Hungary, the proportion of younger workers who are union members is well below 10 per cent.

Young workers often report that they know little or nothing about the labour movement, or that they are put off by its militant, old-fashioned, bureaucratic and aggressive image. They look more favourably upon social movements, in which young people play a more active and sometimes crucial role. Young people attach great importance to the personal benefits they will derive from membership. The low union membership of young people represents a lost opportunity: as new labour market entrants, they are in a vulnerable position, suffer from high unemployment, often have precarious jobs, earn low wages and have limited career opportunities.

One of the key factors explaining their low membership in trade unions is the high incidence of non-standard employment and, in particular, temporary contracts among youth. The proportion of younger workers on temporary contracts in the EU-28 has been roughly stable over the past ten years, at a little less than 30 per cent of total employment, compared to 7-8 per cent of adults. Moreover, the rate of conversion of temporary contracts into permanent ones is decreasing. Especially for the less-educated, this may mean being stuck, in the words of Keune (2015: 7), in a "revolving door between temporary contracts and unemployment, also when they get older".

Another problem for young workers is low wages. There are several institutional reasons for this, such as the existence of minimum wages for youth (e.g. in the Netherlands) set at a fraction of the adult rate, collective agreements that set the entry wage at a low level, and hiring under underpaid internship or trainee agreements. Low wages may perpetuate themselves, leading to declining prospects for improvement of a young worker's job and income positions over time.

There are, however, some notable exceptions to the pattern of low and declining youth membership of trade unions. In some Nordic countries and in Belgium, their membership rate is still high, due in part to the unions' role in

managing the unemployment benefit system (under the so-called Ghent system). In Belgium, union density of young people is almost the same as of adults. The Belgian unions seem to devote more resources to youth activities than unions in other countries, while their contributions are also very visible in public debate. Pulignano and Doerflinger (2014) describe a series of initiatives by Belgian trade unions at the national and local levels. They combine social dialogue at national level on the protection of young workers with micro-level organising strategies to increase youth membership. They actively use social media and new communications tools to communicate more effectively with youth.

In Germany, the number of young trade union members nearly doubled between 2004 and 2012, and their membership density is close to that of adults. A key factor is that the German unions have diversified their strategies towards young people, in line with the diversification in their pathways into the labour market. Firm-level interest representation and union strategies traditionally focused on apprentices; throughout the post-war period, more than 80 percent of young Germans entered the labour market through an apprenticeship under the vocational education system. However, since the 1980s, this proportion has declined dramatically. Two new pathways have emerged. The first is university graduates, who enter the labour market either directly or through the dual system of vocational training, under which they divide their time equally between the educational institution and a firm, where they acquire practical, industry-specific knowledge and skills. The second pathway is precarious employment. With the deregulation of the German labour market over the last 20 years, the share of precarious jobs has increased rapidly, especially among the unskilled. Many such workers get caught in a vicious cycle of precarious jobs and unemployment. According to a recent report (Holst et al, 2014), one of the key steps taken by the German unions and works councils is to recognise these changes and adjust their strategies accordingly to the needs, interests and cultures of different groups. Also, US-style organising strategies, with a strong focus on workplace trade union activism, are increasingly used to offer meaningful workplace-related union activities to young workers.

These cases illustrate two distinct approaches to the organisation and involvement of young workers in trade unions: i) confederations having youth departments or sections with officers who work on youth issues (Belgium); ii) confederations establishing dedicated youth membership organisations which have their own organisational structures (DGB in Germany). In the first case, young workers become members of the sectoral unions belonging to the confederation. Collective bargaining at sectoral level (mainly) takes the views and interests of youth into account. The unions provide information to young people about union membership and benefits, smooth the education-to-work transition, and undertake communication activities. In the second case, the youth organisations at peak level project an image of unions which do not defend only the interests of adults. Their leadership actively considers the views of youth and promotes youth-friendly policies in public debate and in social dialogue. The organisations may also employ, on a short-term basis and for specific tasks, students and young workers who are otherwise in unstable working situations.

Unions use a number of strategies to reduce the informational gap among younger workers. The main activity is holding information sessions at vocational training schools and, given their increasing importance and reach, in universities and other secondary and tertiary educational establishments. The purposes are multiple: i) to demonstrate that unions are competent labour market actors; ii) to present the benefits of membership and possible discounted fees; iii) to project an image of pro-youth unions. Another activity is public campaigns on current, specific problems faced by younger workers: for example, the Belgian ACV presented the experiences of young temporary agency workers on the internet and social media networks, using 'guerrilla marketing' communication tactics which are attractive, innovative and reach young people not yet affiliated to the union.

Workplace communication is still considered as the most effective means of reaching young people (Gumbrell-McCormick and Hyman, 2013). The main approach is through workplace-based representatives who are members of

works councils or shop stewards. In Belgium and Germany, younger workers are mandated to sit on works councils. Increasing direct relations between trade unions and young workers at the workplace or through the local community is key to reversing their declining membership. Unions should try to mobilise younger workers around some of their most pressing issues: poor working conditions, workplace democracy, low wages or excessive flexibility. By using collective bargaining and social dialogue to resolve these problems, unions are likely also to extend their membership.

### Good practice 4: Waste pickers in Brazil

The case of waste pickers in Brazil illustrates the importance of combining different strategies and involving a diversity of actors in order to organise informal workers. The case illustrates the key role of workers' cooperatives and shows how success hinged on a combination of mobilising and awareness raising campaigns coupled with political influence.

In developing countries, the job of waste picker has taken on new importance as an employment opportunity for poor people with limited education and skills. Moreover, waste picking is increasingly recognized for its valuable contribution to environmental efforts and the development of cities (Crivellari et al, 2008).

As pointed out by Crivellari et al. (2008), even though waste pickers in Brazil work mainly on their own on streets and in dumpsites, other working arrangements have also been reported (WIEGO, 2011):

- The unorganised or autonomous waste picker who makes a living picking or buying recyclable materials on the streets or in waste dumps and selling them to junk shops. These workers are not connected to waste pickers associations or cooperatives, although they may sometimes sell the collected materials to these associations.
- The organised waste pickers who work through cooperatives and associations. Many of these waste pickers have worked in the occupation for more than ten years.
- The waste picker with a contract who works mainly in junk yards or in the metallurgic industrial sector, but also in the public municipal sector or in associations and cooperatives.

The many informal waste pickers lacked any form of legal recognition and / or protection. Despite the existence of some cooperatives, most workers prefer to be independent, mostly for economic reasons (Budlender, 2013: 3). The efforts of leaders in the Movimento Nacional de Catadores de Recicláveis (MNCR) aimed mainly to provide workers with incentives to join cooperatives so as to strengthen their collective action.

The waste pickers had the support of the Workers Party and, in particular, of President Lula. Their leaders in Minas Gerais took the opportunity created by a friendly political coalition in the state government to introduce the issue of waste management, including waste picking as a job providing this service, into the state legislative agenda. This resulted in the passing of the Recycling Bonus Law in 2011, which established a financial incentive to be paid by the state government to those waste pickers who are members of a cooperative or workers' association. It is the first ever law in the country to authorise the use of public funds to make payments for work done by waste pickers and aims to reduce the loss of recyclable materials (Cordosa Silva, 2012).

The success of the Minas Gerais waste picker movement relied on a number of strategies. Awareness raising campaigns played a pivotal role in the advancement of waste pickers' demands (Cordosa Silva, 2012: 1). Annual 'waste and citizenship festivals', organised by the leaders, attract diverse supporters of the cause and the waste pickers themselves. Panels, workshops, exhibitions, plays and shows are held within the festival's programmes. Supporters include professional organisations (of architects, urban planners, sociologists, anthropologists, economists, environmental

engineers, lawyers) and non-governmental organisations engaged in promoting human rights and social justice. Thanks to this, when collective bargaining took place between waste pickers and the government in 2011-2012, the waste pickers, their work, and their demands were already well known to a wide public, and they enjoyed the support of important intellectual, professional and political groups in the state and throughout Brazil.

### Good practice 5: Self-employed women and informal workers in India

India has one of the highest shares of employment in the informal economy in the world, reaching almost 90% of total employment (Mohapatra, 2012). This percentage has remained rather stable in recent years. One of the reasons for the high rate is the decline in unionisation and weakening of trade unions due to an increase in unemployment and under-employment.

One of the most interesting cases of organising informal workers is the Indian Self-Employed Women's Association (SEWA), that has over one million women members (De Luca et al, 2013). Founded in 1972 as a trade union in the state of Gujarat, it follows a strategy of influence, mobilisation and representation. It also has over 100 cooperatives run by its members, brought together in a federation of cooperatives (Bonner and Spooner, 2011a). SEWA differs from traditional trade unions in a number of ways. First, it brings together workers from many different occupations, ranging from urban street vendors to rural livestock breeders. Second, it tends to organise people who work in non-factory settings: for example, in their own homes as home-based workers; in other people's homes as domestic workers; in fields as agricultural labourers; or in public places as street vendors (Sinha, 2012: 1).

Its overarching goal is to achieve full employment for women and make them self-reliant. According to SEWA, it currently organises around 1,5 million women workers in nine states of India, out of which approximately 75,000 are bidi workers.<sup>9</sup> The case of bidi workers has been analysed in detail (Budlender, 2013; Indian Academy for Self-Employed Women 2012). Bidis are small cigarettes mainly rolled by women at home. The work is monotonous, characterised by low wages and is dangerous to the health of the worker and of those around her (ILO, 2002a). These workers lack rights due, in large part, to the absence of a clear or ongoing employment relationship.

Targeting this group, SEWA developed a strategy based on awareness raising and the collection of information on the situation of bidi workers, in order to support its demands to the government to regulate the sector. Some SEWA members received training on the significance of organisation, membership, understanding members' problems and their solutions and planning and monitoring (Budlender, 2013: 5). SEWA enabled these workers to gain recognition of an employment relationship, with formalised service conditions. On this basis, the workers went on to win higher wages, access to a provident fund and maternity benefits, among other things (Budlender, 2013: 5). SEWA adopted a multi-layered strategy in order to reach these outcomes, as shown in figure 6.

**Figure 6: SEWA strategy to organise home-based workers**

<b>Voice</b>	<ul style="list-style-type: none"> <li>■ Avoid isolation</li> <li>■ Promote collective action</li> </ul>
<b>Visibility</b>	<ul style="list-style-type: none"> <li>■ Achieve social consciousness on the real extent of the phenomenon</li> </ul>
<b>Policy Change</b>	<ul style="list-style-type: none"> <li>■ Build linkages with other actors</li> <li>■ Inform policy makers and advocate for change</li> </ul>

<sup>9</sup> See [http://www.sewa.org/SEWA\\_First\\_Sammelan.asp](http://www.sewa.org/SEWA_First_Sammelan.asp)

## Organising and Representing Hard-to-Organise Workers: Implications for Turkey

- The first step, given the isolation of these workers, was to give them voice through SEWA. Membership in SEWA confers confidence in individual women, by joining a multitude of other women workers who share similar problems. SEWA's interventions on behalf of its home-based worker members have amplified the voice of this collective workforce (Sinha, 2012: 3).
- Second, it was important to make visible an otherwise invisible workforce. In order to do this, SEWA advocated for improved government statistics on the numbers of home-based workers and their contribution to the economy.
- Finally, to consolidate the positive outcomes of organising, SEWA advocated for policy change. It built linkages with other stakeholders to highlight the issues of home-based workers, inform decision-makers and influence policy. Workshops and sensitisation seminars with local and national level policymakers and implementers are regularly organised. Other tools such as meetings, presentations, workers' rallies, posters, newsletters and websites are used as well (Sinha, 2012: 4).

### Good practice 6: Domestic workers in Uruguay and the European Union

Domestic workers constitute a particularly vulnerable HOW group due to their isolation, the high incidence of informality and of (undocumented) female migrant workers. Recent years have witnessed a growth in efforts to organise these workers, including in Uruguay and in the case of RESPECT in the European Union.

The number of domestic workers in Uruguay increased between 2006 and 2010 from 105,572 to 120,164, reaching almost 17% of all employed women and becoming the most common occupation of women. A significant proportion of domestic workers are of African descent, indigenous or migrant workers from Peru and Bolivia. Indigenous people and those of African descent face discrimination in Uruguay, and migrants are also more vulnerable than nationals to exploitation and human rights violations. Domestic workers have lower monthly earnings than other working women, due in part to the fact that they work fewer hours.

The occupation-based Sindicato Unico de Trabajadoras Domésticas (SUTD) was established in 1985 to represent the interests of domestic workers. Until the mid-2000s, SUTD was not very strong due both to the lack of any state policy response to domestic workers' demands and to workers' reluctance to join the union for fear of reprisals by employers. The change of government in 2004 brought a number of initiatives to improve domestic workers' conditions, including the creation of a wage council for domestic service and the enactment of Law 18.065 in 2006. Thanks to these developments, the union grew strongly over this period and still remains the only membership-based organisation of domestic workers in Uruguay.

The wage council for domestic service was established in July 2008 and, following negotiations with employers and the state, the first collective agreement for domestic service was signed in November 2008. The agreement provided for periodic meetings to agree on wage adjustments and to discuss other issues. A second collective agreement was signed in December 2010.

The case of domestic workers in Uruguay shows the importance of combining organising, political and collective bargaining strategies. The work of the SUTD demonstrates the complementarities between a supportive state and a strong commitment from trade unions towards organising and recruitment of domestic workers. SUTD's success is linked to its organisational characteristics. First, the union leaders continue in their jobs, thus staying in touch with the day-to-day reality of domestic workers' lives. Second, it does not have formal hierarchies, a general secretary or a



president. Three commissions, on organisation, communication and finance respectively, undertake the day-to-day management of the organisation.

State support was particularly important in two respects: first, in enacting legislation to grant domestic workers the same basic labour rights as other workers; and second, in providing a favourable environment for social dialogue between the trade unions and employers in the domestic work sector, in the shape of the wage council. This case has very often been presented as paradigmatic in the organisation of domestic workers in Latin America, achieving gains including social protection, minimum wages and a collective agreement.<sup>10</sup> It illustrates the importance of trade unions using established channels to advance the interests of their members (Goldsmith, 2013), and makes clear the crucial role of the government in supporting the HOWs. The government continues to play a lead role in the negotiations. Each year, the Ministry of the Economy and Finance and the Ministry of Labour and Social Security prepare general guidelines for all the wage councils concerning the duration of agreements, criteria for wage increases and periodic adjustments, and time line for wage adjustments.

In a very different context, namely the EU, the role of RESPECT in organising domestic workers constitutes another interesting case. RESPECT is a European network of migrant domestic workers' organisations and supporters that campaigns for the rights of women and men working in private households in EU countries. The origins of the network lie in the self-organised group of Filipino domestic workers in the UK, and it then expanded to cover other countries including Belgium, Cyprus, Denmark, France, Greece, Germany, Hungary, Ireland, Italy, Lithuania, Netherlands, Switzerland, Sweden and Spain.<sup>11</sup> Its success is based on the strategic framing of its discourse Schwenken (2003) shows how it adopted a 'demand for rights' frame as opposed to the more prevalent 'combating domestic slavery and trafficking in women' frame. According to Schwenken, this approach served to empower domestic workers and their organisations more effectively than the slavery and trafficking frame, which had placed the issue in the public and political sphere but had only limited policy impact. The author argues that the rights frame contributed to a public perception of migrant domestic workers as agents with a voice articulating their demands, and not only as victims of abuse, leading to 'emancipatory and empowering processes' (Schwenken, 2003: 50). However, an adequate framing strategy alone does not guarantee policy change. Only when combined with an open political opportunity structure (as in the case of Uruguay), can it effectively contribute to improved working and living conditions for migrant domestic workers.

### Good practice 7: Agency workers in Germany

Agency work has increased very significantly in Germany over the last fifteen years, particularly in the manufacturing sector. The limited evidence available suggests a shift from a reactive use of agency work, characterised by ad hoc assignments, to a more strategic use in which it has become a structural component of the sector's workforce.

Even before this rapid increase in the use of agency work, the sectoral trade union, IG Metall, had launched a campaign to recruit agency workers and improve their working conditions, in part due to the perceived pressures they exerted on the working conditions of the union's core constituency. The issue of equal treatment was at the centre of this strategy. IG Metall portrayed the use of agency work as a strategy for weakening collective bargaining and workers' representation, and for circumventing dismissal protection. The progressive opening of IG Metall to contingent workers points to a redefinition of the union's constituencies (Benassi and Dorigatti, 2014:3). However, this happened only once the increased number of agency workers became a threat to the working conditions of workers on standard contracts.

<sup>10</sup> See for instance [http://www.bps.gub.uy/4966/uruguay\\_es\\_pionero\\_en\\_convenios\\_colectivos\\_para\\_trabajadoras\\_domesticas.html](http://www.bps.gub.uy/4966/uruguay_es_pionero_en_convenios_colectivos_para_trabajadoras_domesticas.html)

<sup>11</sup> See <http://www.respectnetwork.eu/> for more information on the composition, goals and activities of the RESPECT network

IG Metall's strategy had two main components. First, it used the strength of collective bargaining at sectoral level to promote an equal pay for equal work campaign ("Same work, same pay") and raise awareness on wage differences between TAWs and permanent employees. Approximately 50,000 new members supported the work of IG Metall to increase the wages of TAWs. A favourable sectoral collective agreement was concluded in 2012, as well as 1,200 company level agreements. IG Metall focused its efforts in the hiring companies -where the union still had bargaining power- and integrated the issue of agency work into its activities at sectoral and company levels. Second, it increased its efforts to recruit and organise agency workers. Works councils were also encouraged to adopt a proactive stance towards agency workers and to represent their interests, despite the fact that they were not formally employed by the firm (IG Metall, 2009: 15).

Finally, political influence and lobbying has also been used by German trade unions to advocate changes in the regulation of agency work to provide additional protections.

### **Good practice 8: Outsourced workers in the Romanian IT sector**

Recent research in Eastern Europe has shown an increase in trade unions' activities to organise and represent the interests of non-standard workers (Mrozowicki et al, 2013; Trif et al, 2016). In general, trade unions in these countries have faced very significant problems as a consequence of the weak prevailing industrial relations, low unionisation rates and decentralised collective bargaining.

In a recent study, Trif (2016) described some good practices regarding the organisation of workers in outsourced services in the Romanian information technology (IT) sector. This case illustrates the importance of internationalising conflicts and campaigns in order to strengthen the position of actors at the national level. The action occurred in the context of a threat by certain large multinationals established in Romania to outsource some of their IT functions. The outsourcing plan led to the establishment of the first trade union in the IT sector in Romania in 2009, namely SITT (Trif 2016). SITT 'used rather traditional instruments of organising, collective bargaining and strikes to defend the working conditions for all employees'. The union managed to organise and mobilise the in-house workers under threat and signed a collective agreement in three multinational corporations. The European Works Councils (EWCs) of the multinational plants affected played an important role in supporting the unionisation efforts. The EWC also provided training to union activists; for example, the French EWC member visited the Romanian branch to discuss the negative consequences of outsourcing in France. SITT has also managed to improve working conditions for outsourced workers in the IT sector. This case shows that it is possible to organise and mobilise any type of workers, particularly when there is a perception of unfairness. It also shows the importance of international collaboration for unions to respond effectively to the global strategies of multinational corporations in pursuit of reduced labour costs (Trif et al. 2016: 48-49).

Despite the rather unfavourable legal and economic circumstances since 2009, SITT has managed to become representative and to advance its members' interests in several IT companies by utilising both traditional (organising, strikes, collective bargaining) and new (collective negotiations led by a lawyer with international support) methods. Furthermore, the fact that non-standard (outsourced) workers have become core members of the union has led also to the unionisation of standard workers in several MNCs.

### **Good practice 9: Outsourced workers in the construction sector in Germany: the European Migrant Workers Union**

Since the early 2000s, Germany has experienced a significant increase in the number of migrants employed on building sites with the status of 'posted worker'. Directive 96/71/EC allows companies from the European Union to send ('post') employees to carry out a service in another EU Member State on a temporary basis. Posted workers are subject to the

law of the sending Member State (including social security rights), not of the receiving state. However, the Directive also established the right of posted workers to a set of core rights in force in the host Member State. These rights include the minimum wage, maximum work periods and minimum rest periods, health, safety and hygiene at work and equal treatment between men and women. This system allowed German companies to take advantage of the lower pay levels (especially before 2015, when a statutory minimum wage was implemented) and social security contributions prevailing in central, eastern and southern European countries. Various forms of sub-contracting have emerged whereby German companies secure posted workers via companies registered outside the country. More recently, some companies are working with foreign sub-contractors which hire the posted workers as self-employed. In this case, the workers do not enjoy any of the rights they would have had as employees, such as minimum wages etc.

The widespread use of this form of social dumping led trade unions to initiate campaigns against these practices. It also led some employers, whose competitive position was being threatened, to open a debate about them (Kahmann 2006). The trade union for Building, Forestry, Agriculture and the Environment (IG BAU) initiated the campaign 'There must be rules', aiming to enforce collectively agreed pay rates in the construction industry, and also targeting undeclared work (Dribbusch 2004). This campaign set the foundation for a more ambitious trade union initiative in relation to posted workers. In 2004, IG BAU established a transnational union, the European Migrant Workers Union (EMWU) to organise posted workers in Germany and across the entire EU. Created with the aim of addressing posted and seasonal workers in all industries (Dribbusch, 2004), in its early stages EMWU focused on temporary migrant workers in the construction and agriculture sectors.

EMWU provided a range of services, including legal assistance, pressing claims for unpaid wages, employment advice and translation for central and eastern European workers in Germany (Greer et al, 2013). EMWU had a strong transnational vocation that led it to open information centres in the most important sending countries (such as Poland) but also to establish close links and cooperation with trade unions from sending countries.

One of most interesting aspects of this case is the possibility for European trade unions to adopt a transnational perspective and engage in transnational solidarity networks and campaigns. The need to go beyond the state-centred approach to industrial relations regulation and trade union action was clear in the case of posted workers. Even though some studies have concluded that EMWU fell short of expectations (Greer et al, 2013), due to low posted workers' membership figures and lack of support from other trade unions abroad, it nonetheless achieved some very positive impacts on migrant workers' conditions, including the enforcement of minimum wages and the denunciation of undeclared work. Moreover, it has continued to deliver information and services to migrant workers in Germany, helping to improve their situation and to reduce tensions with national workers.

### **Good practice 10: Freelancers and independent workers in the UK**

Independent workers and freelancers constitute one of the main challenges facing trade unions, for two reasons. First, given their strong individualism, heterogeneity and isolation, it is very difficult to organise them. The working lives of independent workers tend to be highly fragmented, as they maintain several different contractual relationships simultaneously. Second, this group of HOWs is expanding throughout the EU due to the spread of new forms of work organisation and sub-contracting / outsourcing practices. Skilled and highly-skilled workers dominate this group.

The growth in freelancers is closely related to the extension of new information and communication technologies (ICT) which allow companies to outsource or sub-contract certain functions to a myriad of self-employed workers, including through practices such as crowd employment (Mandl et al, 2015). This trend poses very significant challenges to trade unions, as the organisational needs of freelancers are very different to those of standard workers. As Heery

(2009) notes, regarding the bargaining limitations of contingent or casual workers:<sup>12</sup> 'The fact of their contingency may make forming bargaining relationships difficult and prevents contingent workers developing levels of membership and organisation that confer bargaining power.'

Even though the quasi-entrepreneurial character of freelancers' activity may suggest that collective representation is unnecessary (Wynn, 2015: 113), in reality this is not the case. Many freelancers face high levels of uncertainty in their working lives and share many of the same problems as other workers, providing a potentially fertile ground for collective action and representation. Trade union strategies towards the self-employed and freelancers must, of course, be adapted to their specific characteristics. Trade unions may also compete with employers' organisations in their efforts to organise the self-employed.

Heery (2004) identifies three distinct types of labour market interest of freelance unions for their members (Wynn, 2015):

- First, security interests that, due to the contingent work of freelancers, are wider than those of other workers. These interests include issues such as pensions, health insurance etc.
- Second, human capital interests are prominent as freelancers lack the access to training and vocational education that standard workers have at the enterprise level.
- Third, information on job vacancies and career opportunities. Meeting the service needs of freelancers imposes extra costs on trade unions, as full-time officers are needed to provide 'industry-specific/relevant' services and support in the labour market.

Drawing on the UK experience, Heery (2004) identifies a number of specific trade union practices in relation to freelancers, which differ from the norm for standard workers. His analysis suggests that there is a distinctive form of 'freelance unionism' in the UK, which emphasises organising and representing workers beyond the enterprise. This approach has been adopted by freelance unions such as the Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU), but could be extended to other occupational groups with substantial numbers of freelancers, particularly in IT, personal and business services and perhaps more widely in the knowledge economy (Heery, 2004: 32, Wynn 2015: 117). The distinctive traits of this form of trade unionism are the following (Wynn 2015):

- Recruitment occurs at the point of entry into the occupation or job search.
- Union participation centres on geographical and occupational branches rather than at firm level.
- Representation is performed by external paid officers.
- The union service function is more accentuated.
- Collective bargaining tends to be multi-employer, within occupational labour markets.

BECTU's branches bring together members according to their craft (e.g. camera, sound, hair and make-up) or according to a physical location. In addition to the traditional functions of a trade union, including representation and collective bargaining, BECTU connects freelancers to one another in order to share information of mutual benefit and reduce the sense of isolation that freelancers often feel.

BECTU places a strong emphasis on organising. Through the use of online platforms and internet facilities, it encourages its members to get to know their branch representatives and to play an active part in branch affairs.

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<sup>12</sup> Contingent or casual workers are characterised by a non-permanent employment relationship which depends on the existence of demand from companies.

## Attempts at organising HOWs in Turkey

Due to several logistical and organisational problems -and to a rather fragmented labour movement<sup>13</sup>- here have been only a few initiatives to organise HOWs in Turkey, especially in the informal sector. Some success has been registered by HAK-İŞ, which managed to organise a substantial number of subcontracted publicsector workers. The Turkish government employs between 750,000 and 1.5 million subcontracted workers for all kind of services, hired on fixed-term private contracts (lasting between 3 months and 3 years). Around 250,000 such workers are now unionised (mainly with HAK-İŞ). The government has enacted a law guaranteeing their right to organise and bargain collectively. In the informal sector, there are two examples of attempts to organise mainly unregistered HOWs: solid waste collectors (mainly men) and domestic workers (mainly women). The cases show that, despite these positive efforts, the challenges are great and strategies that are more sophisticated may be required in the future.

### Good practice 11: Solid waste collectors

There are an estimated 500,000 informal waste collectors in Turkey (Oran, 2016). The job presents many health hazards, barely covers the subsistence needs of the worker and often lacks social security provision. The organisation of these workers is hampered by a lack of official recognition of the job as well as of the waste collectors themselves, a lack of class-consciousness and a lack of specific regulations for solid waste collectors (Oran, 2016). Notwithstanding, since 2006 there has been some associational activity (including the publication of a magazine called *Katik*), which culminated with the establishment of the Street Waste Collectors Association in Ankara in March 2016. However, the Association's influence is still reported to be limited at present. Oran (2016) suggests that, if it were to reconfigure as a cooperative, the collectors may become unionised as cooperative workers in accordance with Act No. 6356. This would have the additional advantage of formalising their employment status, potentially giving them access to social insurance and generating associated benefits such as better coordination, recognition and formalisation of the recycling process.

### Good practice 12: Domestic workers

Domestic workers mainly comprise two groups: first, women recruited locally through mostly informal channels such as personal acquaintances; and second, migrant workers often recruited through unlicensed intermediaries/private employment agencies and who generally lack a work permit (Erdoğan and Toksöz, 2013). In both cases, the employment relationship is usually informal (unregistered), and outside the domain of legal arrangements and social protection. The estimated number of domestic workers in Turkey was around 153,000 in 2012, based on Eurostat calculations, and this may be a gross under-estimate. Domestic work is highly feminised.

Domestic workers are excluded from the 2003 Labour Act No. 4857. The rights and obligations of domestic workers as well as of their employers are instead regulated by the Turkish Code of Obligations (Act No. 6098). Domestic workers are typical HOWs: they are scattered in different homes and their organisation is regarded as superfluous as a result of the paternalistic relations that may exist with employers. Even though domestic workers in Turkey have a constitutional and legal right to organise in trade unions, efforts to this end have so far been limited. Yet, two women's organisations are taking a lead.

The Domestic Workers Solidarity Union (EVID-SEN), whose establishment was legally challenged by the Governorship of Istanbul, calls for domestic work to be recognised as an occupation and for domestic workers to enjoy the same rights as other workers. Its major lines of activity are extending material, legal and psychological support to victims

<sup>13</sup> The main distinction in the Turkish labour movement is between the unions that organise mainly blue-collar workers, commonly known as *işçi sendikaları* (trade unions), and public servants' organisations. Among the former, the most important are the Confederation of Turkish Trade Unions (TÜRK-İŞ), the Trade Union Confederation (HAK-İŞ) and the Confederation of Progressive Trade Unions of Turkey (DİSK).

of employer abuse; organising press conferences and protest marches to build awareness; ensuring media coverage; organising meetings in different neighbourhoods of Istanbul and participating in platforms against informal employment and violence against women. The İMECE Domestic Workers' Union has also been active in organising and advocating decent work for domestic workers. It promotes the recognition of domestic work as an occupation, its correct statistical treatment, the ratification and implementation of ILO's Domestic Workers Convention, 2011 (No. 189), campaigning against gender-based violence and occupational accidents, advocating decent work, organising national and international meetings, and paying assimilated social security contributions from the state budget (partly or totally). The union collaborates closely with the International Domestic Workers Federation (IDWF) and supports implementation of the international campaign, My Fair Home, in Turkey.

The social partners are aware that the unionisation of domestic workers is difficult and that their situation is somewhat similar to that of residence workers. Reaching a few domestic workers with advertisements placed near the premises where they work is an effective means for reaching many more. This method worked in the past with residence workers, where it helped in organising them through a chain of information. Information about unionism was also spread through the associations of residence workers, which would be possible with domestic workers as well. The most challenging aspect, however, is reaching out to domestic workers who work for single employers (for example, in a single private household) or who are employed through intermediaries (e.g. cleaning firms or private employment agencies).

Contacts and common strategies have been developed by EVID-SEN, İMECE and DİSK, as well as in collaboration with the Residence Workers Branch of GENEL-İŞ in Istanbul. Although aware of the need to organise domestic workers, neither TÜRK-İŞ nor HAK-İŞ has undertaken any major initiative as yet.

### Section VIII - Conclusions and Policy Recommendations

Developing effective strategies to organise and represent non-standard, informal and undeclared workers has become an urgent task for trade unions if they are to retain their essential and historically important role in society in achieving better conditions for vulnerable groups of workers. The first finding of this analysis is that trade unions remain key players in the fight to improve the situation of HOWs. However, this task confronts trade unions with very significant challenges, that require not only the adoption of specific strategies for this diverse group of workers, but also a more fundamental rethink of trade unions' traditional organisational structures, objectives and policies as well as building strategic linkages with other actors at national and transnational levels.

The analysis of good practices in organising HOWs shows that there exists a wide range of possible policies and mechanisms to reach this group. It also illustrates more fundamental changes occurring in the role of trade unions in society and in labour markets. First, trade unions no longer have a monopoly on representation of such workers; many other organisations, including NGOs, cooperatives and MBOs have become active in defending and representing HOWs. Trade unions need to collaborate and maintain close cooperation with these other entities in order to enhance the effectiveness and ultimate impact of their own work. In some cases (e.g. undocumented agricultural workers in Spain, home-based workers in India and waste pickers in Brazil), HOWs have developed their own organisations with which trade unions could link up.

Second, organising HOWs requires a different organisational logic that allows for greater decentralization and autonomy of grass-roots activists, enabling the development of organising strategies and tactics that match the specific characteristics of the target group and the sector. There is a need to move beyond the workplace as the locus for organising, and adopt a local, area-based approach. This is clearly the case with undeclared workers, but

the extension of outsourcing, sub-contracting and self-employment also points in this direction. Organising tactics are more successful when there is a clear target group, and when trade unions empower and train their grass-roots activists to organise HOWs. Creating dedicated federations or departments within trade unions (as in the case of young workers in Belgium, atypical workers in Italy or posted migrant workers in Germany) is one possible course of action, although not without its challenges.

Third, one of the more effective strategies for organising HOWs is to offer them services targeting their particular needs. In this way, servicing becomes complementary and instrumental to the core organising tactics of trade unions. This is clearest in the case of freelancers in the UK, but is also important for undocumented agricultural workers in Spain and posted migrant workers in Germany. Such services allow the establishment of a more stable relationship between workers and the trade union.

Fourth, labour mobility and international outsourcing pose additional challenges for trade union action. Migrants are among the most vulnerable groups of workers. The cases of domestic workers in Uruguay and Europe, migrant posted workers in Germany or workers in the IT sector in Romania provide different manifestations of this increasing transnationalisation of labour markets, and demonstrate the need for trade unions to transcend national boundaries in their action to support such workers. In some cases, existing transnational institutions such as the EWCs in Europe can play an important role whereas in others, transnational trade union cooperation will be essential.

In order to enhance the policy relevance to Turkey of this report, it is important to understand the different contexts of the organising strategies presented and examine their similarities or otherwise to the Turkish context. The transferability to Turkey of the good practices described in section VII cannot be taken for granted; they would certainly need adaptation to the specific conditions, organisational and institutional particularities of Turkey. The Turkish labour market displays several characteristics, including the challenges typically faced by a demographically young population (e.g. high youth unemployment, atypical contracts concentrated among younger workers etc.). Looking at the labour market as a whole, the labour force participation rates and the employment rate of women are low by international standards, at 32.5% and 28.0% respectively in 2016, according to Turkstat. The unemployment rate is relatively high, but declining (it reached some 14% of the active labour force in 2009, falling back to 10.9% in 2016). Turkey has a large unprotected informal labour market. According to Turkstat, unregistered employment, i.e. people working without social security relating to their main job, amounted to 8.85 million workers in early 2017 (almost unchanged since 2007), that is around 32.8% of total employment. The 3.57 million unregistered female workers represent some 37% of the entire labour force. According to the Ministry of Labour (2016a), 1,675 collective agreements were signed in 2015 (1,159 in the public sector and 516 in the private sector), for a total of 12,442 workplaces (6,478 in the public and 5,964 in the private sector) and covering 364,164 workers (102,332 in the public and 261,832 in the private sector). These low numbers reflect the high prevalence of SMEs in Turkey, which constitute the country's productive backbone. There has also been a steady inflow of migrants in recent years due to the conflict in Syria, many of whom have been employed in the informal economy, thus circumventing the minimum wage regulations.

This short sketch of the Turkish labour market testifies to the fact that Turkish trade unions share some of the general challenges highlighted in the report with respect to the organisation of HOWs. For example, migration – not only in southern Turkey, but also in the east and in the Black Sea region – requires a transnational approach to organisation. The Turkish case studies clearly demonstrate the importance of nurturing links between unions and civil society organisations and the need to target those groups with the greatest potential to be organised. Such targeting will be helped by the provision of specific, tailored services, for example, assistance with registration to secure access to social insurance, legal aid or advocacy vis-à-vis lawmakers to improve regulation.

The report has included examples drawn from countries outside the European Union, such as Brazil, India and Uruguay, and within it (e.g. Germany, Italy, Portugal, Romania, Spain and the UK). The cases all share, at least to some extent, certain labour market characteristics with Turkey. For example, the growth in domestic and international outsourcing is a common trend in countries at different income levels, such as Germany and Romania. Large numbers of undocumented migrant workers are employed in northern Mediterranean countries, such as Spain. The extension of NSER has picked up almost everywhere across developed economies, including in Italy, Portugal and the UK. The problem is often concentrated among young workers: the cases of Germany and Belgium illustrate the organisational difficulties among this group. Finally, informality is extremely widespread in the global South, as shown in the cases of Brazil, India and Uruguay.

Despite these broad patterns shared by several countries, certain cases are arguably of greater relevance and applicability to the Turkish labour movement. For example, in the case of domestic workers in Uruguay, the government contributed proactively to solving the situation of some of the most vulnerable workers. Something similar is happening in Turkey: it is now possible to register domestic workers for social security even on the basis of one-day contracts. As this is a new development, the capacity of the unions to seize upon the opportunity remains to be seen, but the potential is high.

The case of undocumented migrant workers in Spanish agriculture dovetails with the large inflow of migrants and refugees in the south and east of Turkey, especially in the past five years. Until workers are registered, organising strategies cannot of course aim at securing their membership in a trade union. However, in the meantime, the unions may collaborate with NGOs (as has happened with domestic workers and, to some extent, with solid waste collectors in Turkey) and offer a range of services, including legal aid. In this respect, the experiences of the Indian SEWA and of the Brazilian MNCR are illuminating. Their multi-layered strategies had the virtue of first, increasing the visibility and voice of the workers concerned and, subsequently, advocating and achieving policy reforms to render previously invisible work visible.

The attempts in the UK to organise freelance and independent workers in some ways mirror the fragmentation of the Turkish industrial and services sector into myriad SMEs. It calls for a type of 'freelance unionism' centred on geographical areas and/or occupational branches rather than the firm, that exploits the potential of modern technologies (e.g. web platforms for members to interact with the union and with each other) and where recruitment is located at the point of entry into the occupation.

The Turkish industrial relations system offers mixed incentives to trade unions' efforts towards organising HOWs. On the one hand, certain characteristics contribute to finding innovative organisational solutions among trade unions: for example, collective bargaining is mainly decentralised, unions are recognised and regulated and they are based on single-channel representation. On the other hand, rather rigid hierarchical structures and a degree of factionalism may constrain unions in finding creative and effective solutions.

The strategies used by trade unions so far in Turkey to a certain extent mirror those followed in other countries. Thus, increased collaboration between trade unions and non-union organisations represents an initial step towards the inclusion of domestic workers and solid waste collectors. Along with complementary awareness-building campaigns, such action is key to creating a shared group identity among these workers, which is the foundation upon which to build successful organising strategies.



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