

**IDRC FINAL REPORT**

**LEGAL EMPOWERMENT OF THE WORKING POOR**

**IDRC Grant Number: 106304-001**

**Initial Project Period**  
**November 2010 – April 2013**

**Project Extension Period**  
**May 2013 – April 2014**

May 2014  
By WIEGO

## **RESEARCH TEAMS**

THAILAND: HOMENET, THAILAND

Country Coordinator: Poonsap Tulaphan

GHANA: GHANA, TUC

Country Coordinator: Adom Daryi Togbe II

PERU: ISCOD, PERU

Country Coordinator: Carmen Roca

## **Table of Contents**

- 1 Introduction and Objectives**
- 2 The Research Methodology**
- 3 Summary of Progress Achieved during Initial Project Period**
- 4 Proposed Workplans for the Project Extension Period**
- 5 Project Activities and Outputs**
- 6 Project Implementation and Management**
- 7 Impact**
- 8 Conclusion and Future Plans**

## **1. Introduction and Objectives**

In 2010 WIEGO and IDRC entered into a two year agreement to implement a law and informality project, “Legal Empowerment of the Working Poor”, in three countries: Ghana, Thailand and Peru. Reporting and web publication of the outputs from the initial two-and-a-half year phase of this project were completed in April 2013.

The overall objective of the Project was to make a significant contribution to the development of an enabling legal and regulatory environment for informal workers, especially women, that promotes work and economic opportunity, labour rights and provides protection, and which helps build the capacity of informal worker organizations to engage effectively in processes leading to their legal empowerment.

The specific objectives of the Project were as follows:

- 1.1.** To document and analyse laws/regulations/policies that impinge on the work, working conditions and livelihoods of four different occupational groups of informal workers (with a focus on street vendors, waste pickers, home-based workers and domestic workers);
- 1.2.** To identify useful laws, regulations and judgments ("better practices"), and key legal strategies and struggles of these informal workers that can be widely shared;
- 1.3.** To create a platform of demands and model clauses, laws, agreements that are useful for informal worker organizations in their engagement with authorities or employers;
- 1.4.** To help build the capacity of informal worker organizations, and especially women leaders, to understand and engage with legal issues, through advocacy, negotiation and implementation of favourable legal change;
- 1.5.** To contribute to conceptual change concerning notions of "work", "worker" and "work organization";
- 1.6.** To transform research results into policy lessons and policy influence through a) building the capacity of member-based organizations of informal workers to do policy analysis and advocacy; b) creating and leveraging policy space for the member-based organizations (MBOs) of informal workers to voice their perspectives and demands to mainstream policy makers; and c) using findings, lessons, and demands from the project in its own policy advocacy efforts at the international level.

## **2. Research Methodology**

The project selected three countries, Thailand, Peru and Ghana, for implementation. The choice of countries was determined on the basis of WIEGO’s ongoing work among organizations of workers in the informal economy in these three countries, so that the project could draw upon these connections. The country teams were selected based on their experience and links with MBOs working in the project areas. Each country team was given the freedom to select the specific occupational groups in the informal economy where the team had links, bearing in mind the need to ensure that the selected groups included self-employed/own account workers and also had a significant number of women workers.

The country teams initially worked on the documentation and compilation of laws for their select occupational groups. This mapping exercise revealed the structure of the law with regard to informal workers, what the gaps in coverage with regard to laying down norms of conditions of work, hours, wages or social security were, and the kinds of remedies available under the law. In

some instances, focus group discussions/consultations were held with organizations of the MBOs to sharpen understanding of the how the law worked and also to develop advocacy for fresh law/legal reform where required. The project went further in some instances to increase the capacity of workers to access the law. In Thailand, the research team selected specific instances where homeworkers had accessed their rights under the law to understand the obstacles encountered in implementing the law. The Peru team focused very strongly on capacity building of organizations and individual workers since laws already existed for many of the sectors selected in that country. Legal awareness building through preparation of materials and campaign activities was also undertaken in the project countries. The process of consultation or capacity building helped shape a better understanding of how the existing regulatory framework affects workers, and has helped sharpen the platform of legal demands for each occupational group.

In sum, the country teams adopted differing methodologies and approaches, focusing on and leveraging their respective strengths, in carrying out the study. In brief:

- *Ghana* - Focused on a mixed approach building on its vast network of unions to bring various stakeholders to consultations, through which they could come to better understand the legal demands of the workers. It also opened up a new area of work by examining the legal concerns and needs of *kayayeis* (or women headloaders), a much-neglected category of workers. A review of court rulings was also undertaken to understand the dominant judicial attitudes towards informal workers.
- *Peru* – Focused on training and organizational skills of workers for legal empowerment. It also explored social media as a powerful tool for the dissemination of their demands and proposals. Consultations with various stakeholders, including the labour ministry and their officers, was an important tool in evolving action plans for future work for each occupational group.
- *Thailand* – Focused on policy and legislative interventions for legal empowerment of workers. The project also opened up an additional area of intervention, hitherto unexplored, for future work with regard to contract farmers in the country.

### **3. Summary of Progress Achieved during Initial Project Period**

The Project responded to different circumstances and needs in each of the three countries. Partner organizations, Ghana Trades Union Congress, ISCOD in Peru and HomeNet Thailand worked with different groups of informal workers and with lawyers, academics, worker education specialists, amongst others, in implementing the Project.

All countries:

- Provided background information on the informal economy and the legal situation of informal workers
- Reviewed and analysed the specific laws and regulations affecting the occupational groups within the project
- Held consultations with workers/MBOs from the chosen occupational groups on their legal challenges and demands

- Engaged with legal experts to help analyse laws and develop alternatives
- Engaged with authorities responsible for formulating policy and laws through consultations, dialogues or negotiations
- Helped build the capacity of informal workers, especially women, to understand the laws and regulations affecting them, to identify gaps, develop demands and strategies for legal change and to empower them to engage with authorities. In the case of Peru, formal courses were run for four occupational groups of workers.

During the course of these activities several changes to laws and regulations took place or were in process. For example, in Thailand the Homeworkers Protection Act (2010) came into force in 2011, but required negotiations to put in place the required regulations and committees for implementation; and the Domestic Workers Ministerial Regulation, outstanding for several years, was finally adopted in 2012. HomeNet Thailand with home-based worker members and the newly formed domestic worker organization, played an important role in these developments. In Peru, the review and analysis of existing legislation allowed the project team to identify the main gaps in Peruvian legislation, reinforcing the demand for a Law of the Self Employed Worker. A draft law prepared by ISCOD, with the involvement of CUT (trade union federation) and with WIEGO input is currently being discussed by the Ministry of Labour and negotiations are expected to commence shortly; also, a new Metropolitan Ordinance regulating street vending has been issued. In Ghana the project team and legal experts have been giving input to the Task Team on Domestic Workers that is reviewing legislation following the adoption of the Domestic Workers' Convention in 2011, as well as engaging the Accra Municipal Authority on street vending regulations.

For full details of the progress made during the initial Project period please see the Final Report presented in April 2013.

#### **4. Proposed Workplans for the Project Extension Period**

At the end of the initial Project period all three of the country partners identified a need to consolidate the gains and progress made over the previous two-and-a-half years and to build a bridge towards further legal change and legal empowerment of informal workers. In August of 2013, IDRC agreed to a one-year extension to the period of the Project based on a proposal entitled, "Legal Empowerment of the Working Poor: Consolidating the Gains".

The specific activities to be carried out through this Project extension by each country team were agreed as follows:

##### *Ghana*

- Organize two policy/law dialogue sessions with the Accra Metropolitan Authority (AMA), leadership of street vendor MBOs and Project team members. The dialogues would aim to get commitment from AMA to implement actions previously discussed. In particular to develop and agree a schedule, to be attached to the AMA Bye-law that prohibits street vending, which would provide vendors with alternatives
- Organize training workshops for Magistrates at the Community Centre Court, Accra, to influence them to reduce the harsh sentences meted out to persons charged with offences related to street vending

- Hold two legal team review meetings
- Hold two project meetings to develop and review strategies for legal /regulatory change for the different occupational groups in consultation with relevant informal workers MBOs
- Production of final report and plan for way forward

#### *Peru*

- Have workers participate in the finalization and approval of the Law of the Self-Employed. Workshops will be held with MBOs to enable them to comment, and one workshop with government officials
- Continue dialogue between Government authorities from multiple sectors through a regular *Mesa*<sup>1</sup> on domestic workers and waste pickers: domestic workers seek changes to the current law and implementation of creative enforcement mechanisms as well as ratification of C189; waste pickers face the threat of a new Law for Solid Waste Management that conflicts with progress achieved with the Law of the Waste Picker, 2009.
- Organize a campaign for the registration of domestic workers by employers and payment for benefits
- Deepen the capacity building programme to update leaders on the new regulations being drafted and passed, and to expand training to younger generations of leaders in the federations
- Document best practices on waste pickers in selected municipalities to serve as case studies for advocacy processes

#### *Thailand*

- Continue organizing and advocating for legal protection for contract farmers. This includes building support from trade unions, researchers, lawyers, NGOs working with contract farmers. It will also include organizing a forum to which this multi-stakeholder alliance will be invited, and which will brainstorm how to take the advocacy work forward. As this is a new area /occupational group, there is a need for continuous advocacy and dialogue with government, as well as building the confidence of the farmers to organize and struggle for legal protection.
- In order to empower homeworkers and domestic workers to make sure the new laws are implemented, HomeNet Thailand plans to produce tool kits giving information on rights contained in the new laws, services available from government such as skills training, how to obtain loans, social security, occupational safety and health. Samples of work contracts will also be in the tool kit.
- Continue advocating for ratification of the Domestic Workers Convention, C189 and Home Work Convention C177. This will include holding a dialogue with the Thai Government where approximately 40 domestic workers, homeworkers and contract farmers will participate.
- Organize a two day capacity building workshop to empower a new generation of women leaders on legal advocacy and communication skills

---

<sup>1</sup> A thematic round table with participants from different sectors of government (government board) and informal workers facilitated by WIEGO. These were held with domestic workers and waste pickers in 2012 and all agreed that these should continue on a regular basis.

## 5. Project Activities and Outputs

### *Ghana*

#### a. Mobilisation of Worker Groups

Organising in the informal sector has been challenging for trade unions in Ghana. In spite of the changing labour trends in favour of the informal sector, trade unions in Ghana continue to focus on the formal sector. Less than one percent of informal sector workers are organized.

The Project initiated contact with the three categories of informal sector workers. It strengthened the Ghanaian StreetNet affiliate and took forward discussions around its affiliation to the TUC. The TUC designated a Focal Person for domestic workers to spearhead initiatives to organize them. Currently, the TUC has formed the Domestic Workers Association with a membership of 400. Although *kayayeis* remained unorganized, the project awakened their consciousness about the need to be organized.

#### b. Sensitisation of Worker Groups

Through consultations, research activities and dialogues, the project raised awareness among the targeted workers about their legal rights and avenues for protecting their rights. For instance, domestic workers were educated on provisions in the Labour Act (Act 651) impacting on their rights. Most importantly, most of the workers appreciated their economic activity as work and not a survival strategy.

#### c. Production of Research Report

The research outputs have contributed to existing knowledge on wages, conditions of work and legal frameworks impinging on the work of street vendors, domestic workers and *kayayei* in Ghana. Findings of the research were shared at stakeholder dialogues, through media publicity and as online resources for stakeholders. It has been used by the leadership of the TUC to back advocacy for economic reforms that pay attention to the informal sector.

#### d. Strengthened Dialogue among project stakeholders

The TUC has through the project strengthened dialogue with the Accra Metropolitan Assembly (AMA) and the judiciary. The third and the last meeting with the AMA recorded commitment to consider proposals from the project legal team. The AMA has since informed the TUC about the start of processes to review the 2010 By-law and has welcomed the TUC's involvement and inputs.

Similarly, the project opened up dialogue between labour and the judiciary. Magistrates who participated in the dialogue appreciated the need to safeguard the rights of the workers through balanced interpretation and enforcement of the laws.

#### e. Building of Alliance with government agencies and other CSOs

The project built alliances with government agencies such as the Labour Department and the Commission of Human Rights and Administrative Justice (CHRAJ) to forge a common front in influencing laws impinging on the rights of workers. The Chief Labour Officer of the Labour Department and a Senior Legal Officer from CHRAJ were among members of the legal team of the project.

The project had collaboration with Legal Advocacy for Women in Africa (LAWA), which advocates for the rights of the targeted worker groups.

*Peru*

a. Capacity Building Programme

The programme was developed from the model of the initial Phase 1 of the Project, which consisted of 6 thematic modules delivered over 5 months, with 56 hours of training. The groups were the same 4 sectors as in Phase 1: waste pickers, domestic workers, street vendors, and market porters. For the Extension Phase 2, organisations were asked to prioritise the participation of young and women workers who had not taken the course of Phase 1. The content developed took the lessons learnt from Phase 1, had a participatory and interactive approach, emphasised content for adult education, and for developing sectoral and organisational identity.

The Capacity Building Programme of Phase 2 included 18 hours of training, divided into 12 hours of teaching and 6 of practice. Four thematic modules were delivered through weekly sessions over January and February 2014. There were separate sessions for market porters, street vendors of the Red de Mujeres and of FEDEVAL, waste pickers belonging to FENAREP, and domestic workers.

A first meeting was convened with the leadership of the informal workers organisations invited to participate in the Capacity Building Programme, which took place in November 2013. The details of Phase 1 were reviewed as well as the proposed activities for Phase 2, especially the Capacity Building Programme and its schedules. Materials were developed for leaders to share information with grassroots members, including a brochure about the course, a registration form, and a letter of commitment to participate in the course until its end.

Three professors delivered the Capacity Building Programme, including Patricia Balda, Coordinator of the Project at ISCOD, who also coordinated the Project in its Phase 1. The syllabus can be found here: <http://goo.gl/NlhNRw>

The content of the training modules is as follows:

<b>Modules</b>		<b>Duration</b>	<b>Facilitator</b>
Módulo N° 1	Technology for organized action and policy influence – use of computers and on-line tools	2 sessions of 3 hours each, 6 hours	Patricia Balda, Lawyer
Módulo N° 2	General Concepts about Trade Unionism	1 session of 3 hours.	Luis Mendoza, Lawyer
Módulo N° 3	Informal Employment	1 session of 3 hours.	Alain Zegarra, Political Science

Módulo N° 4	Legislation applicable to each workers sector	2 sessions of 3 hours = 6 hours	Patricia Balda, Lawyer Luis Mendoza, Lawyer
<b>Total</b>		<b>18 hours</b>	

The detailed content of each module is presented in a full Spanish report, which also details the number of participants at each training session of each sector, and the grades that each participant had for each of the evaluation items in the training programme. The average attendance for each of the four modules was 15 and the total number of trainees across all four groups of workers was 98.

After the description of attendees and grades, the attached report provides a gallery of photos of the training sessions by sector that can be found on facebook.

The two initial sessions focused on use of computers and on-line tools were very popular among course participants, and were reinforced in additional sessions for some groups. All participants demand additional computer training for future occasions.

Detailed information on the Capacity Building Programme can be found at the following sites:

Introduction of the Capacity Building Program: <http://goo.gl/dXT1Rk>

Materials to Call for participants to the program: <http://goo.gl/EiM3vz>

Sylabus: <http://goo.gl/NlhNRw>

Training Programme:

<https://drive.google.com/folderview?id=0B5NViBtVbwmLR0tYdUdkV0RGdXM&usp=sharing>

#### b. Consultation Workshops on the Law of the Self Employed Worker

When the proposal for work in Peru was submitted to IDRC there were clear signs that the Law of the Self Employed Worker was going to be finalised soon. During Phase 1 of this Project a Committee that included the Trade Union Confederation (CUT) and individual Trade Unions of informal workers together with NGOs and the Project Coordinator worked on content for the Draft version being prepared at the Ministry of Labour.

In 2012, the Ministry of Labour had a consultation meeting with experts to gather feedback on a draft text. Later that year, key experts of the Ministry invited WIEGO to a private session to comment on what was the final text of the Draft Law then, and WIEGO offered to conduct consultation among groups of workers in different areas of Lima on the Law, as a joint initiative with the Ministry – just like WIEGO supported the consultation of the Regulation for Street Vending with the Lima City Government.

Early in 2013, the Directorate for the Promotion of Employment and Self-Employment of the Ministry of Labour asked WIEGO to provide a Consultant who could work for 3 months inside the Ministry to help them in finalising the text of the Law. WIEGO responded favorably, identified the expert Consultant and submitted the draft Terms of Reference for the Consultant to the Ministry for comments. After a long period of silence we learnt that the project had been transferred to the other Vice-Ministry at the Ministry of Labour – the Directorate mentioned above falls under the Vice-Ministry of Employment Promotion, and the Law as a project was passed to the Vice-Ministry of Labour.

At the end of 2013, WIEGO conducted an event with authorities and workers on the issue of access to health services by informal workers. At the event, we learnt that the Ministry of Production was working on a draft Law for Individual Entrepreneurs, which had similar content to the Law of the Self Employed Worker. The Ministry of Labour and the Ministry of Production (which is in charge of Micro and Small Enterprise) started to coordinate at the event, as they were not aware of the Laws being developed at each sector.

At the beginning of 2014, at the first meeting of the Multi-sector Government Board on Waste-pickers, the Ministry of Labour explained that the Law of the Self Employed Worker is on hold for now, and we later learnt that the Law of the Individual Entrepreneur is in the same situation. However, there has been progress in legislation in the sense that by a new regulation, individual or self-employed workers can now register with the Ministry of Production paying low taxes in a 5-range scale, and have free access to the SIS, the health insurance for the poor, with comprehensive coverage for the worker and his/her dependents. This has been explained at the several events with workers that WIEGO hosts in Lima, and information on this new “RUS” (registro único simplificado) will be disseminated at large events by geographic area of Lima.

The consultation workshops with workers about the Law of the Self Employed Worker therefore did not take place, as we could not say that we were even close to a final version because the process of the Law is on hold. The funds were used for extra sessions of the Capacity Building programme, and for a full set of additional sessions in that program for another street-vendor organization (Red de Mujeres).

c. Multi-sector Government Board on Waste pickers

This Board, or *Mesa* in Spanish, was conceived as a working group of authorities of all the Government sectors that are involved in the work or regulations concerning waste pickers, who would meet along with organised waste pickers and project staff. To be successful in convening a variety of Government authorities and sustaining their participation through several sessions, the Board was presented as an informal forum where each participant could speak with the knowledge of their sector but not in official representation of the sector, if that was their desire when they offered a particular comment. This gives officials the chance to consult with their supervisors any contribution they want to make or actually make to the Board after the session. The Board would meet in a monthly lunch meeting format, over the course of 6 months, for a total of six sessions. The format was very successful in securing the participation of officials from Ministries, Municipalities and other State entities. Three sessions have taken place already, which had the participation of the Ministries of Environment, Labour, Health, Education, Finance, and of the Municipality of Metropolitan Lima and the Municipality of San Luis, as well

as the National Fund for Environment, and the Body for Environmental Supervision and Enforcement. The meetings are very structured as they cannot exceed two hours because State officials have to get “permission” of their supervisors to be away from the office for a period of time, and also because the idea is to keep this as a lunch-meeting that does not interfere too much with the officials’ agenda for the day. The lunch sessions have been hosted at a hotel each time, which makes the logistics of the lunch meeting much easier.

The first session presented the initiative and had rounds of comments by all participants about the key issues that they consider have to be discussed as priorities taking advantage of the presence of several sectors of Government. The second session made progress on three of the topics raised at the first meeting, which were Health (campaigns of affiliation to SIS and issues for affiliating waste pickers), Labour Certification, and Occupational Health and Safety. The third session focused on the changes planned for the General Law of Solid Waste Management, and on the funding mechanisms available for waste pickers’ projects, especially recycling centres and technological improvements to their work tools and vehicles, through the National Environment Fund.

The activity carried more costs than expected, and therefore the next 3 sessions of May, June and July, will be funded via new funds from the Dutch Government and in partnership with the Friedrich Ebert Foundation.

The Minutes of each session, as well as the programme and participants list for each session, and a photo gallery can be found in the following links.

First session:

<https://drive.google.com/file/d/0B5NViBtVbwmLM3hRQzV4bC04cHc/edit?usp=sharing>

Photo Gallery:

<https://www.facebook.com/media/set/?set=a.768434513176071.1073741847.100000285884607&type=1&l=9b6b21e3a3>

Second session:

Photo Gallery:

<https://www.facebook.com/media/set/?set=a.790754307610758.1073741852.100000285884607&type=1&l=226a2f6b47>

Archive of notes:

<https://drive.google.com/folderview?id=0B5NViBtVbwmLMXowdTRid3NCcTQ&usp=sharing>

Third session:

<https://drive.google.com/folderview?id=0B5NViBtVbwmLQkhTM0JFNEtMb1k&usp=sharing>

Photo Gallery:

<https://www.facebook.com/media/set/?set=a.815328088486713.1073741853.100000285884607&type=1&l=9a118b4f7d>

#### d. Case Studies

Three case studies have been commissioned. Two case studies document best practice in each of two Municipalities that are part of Metropolitan Lima, Surco and San Luis, regarding the

inclusion of organised waste pickers in the selective collection of waste in those districts. These are examples of best practice in following and complying with the Law of the Waste Picker, and in being proactive in the social inclusion of this worker group.

The other case study documents the process followed in Metropolitan Lima to arrive to a new City Ordinance that will regulate Street Vending. The process is also considered best practice because of the wide consultation it had with street vendors' organisations across Lima, and because it used the input of vendors to improve the draft Ordinance. The process also included discussions between the City Government and organised vendors in events of different format and size. This case study has been submitted by the consultant in charge, and awaits comments by the project team before arriving to the final version. The final version will include the news of the approval by the City Council of the Ordinance, which has encountered several difficulties so far, including drastic changes in the composition of the City Council that had first worked on the Ordinance due to a referendum to recall the current Mayor from office. It is expected that the Ordinance will be approved by the current City Council on its Tuesday session of May 6th.

The case studies will be translated to English with alternative funds for wider dissemination.

### *Thailand*

#### a. Production of Toolkits

One toolkit for homeworkers and another for domestic workers was edited and published. One thousand copies of each toolkit were printed and distributed among HomeNet Thailand members.

#### b. Capacity Building Workshop

A capacity building workshop was held from 28-30 April 2014. Twenty-five leaders drawn from the national executive committee of HomeNet Thailand and field staff of the Foundation for Labour and Employment Promotion took part. The workshop helped to build the capacity of informal workers' leaders on legal and policy advocacy. The main components of the training on advocacy were as follows:

- Understanding ourselves, our image and our strength
- Setting advocacy goals
- Who should we target?
- Developing effective strategies
- SMART planning

In the workshop, participants had opportunities to review their advocacy experiences and brainstorm on advocacy plans and strategies. In order to bring the training to life and make it realistic two examples of issues were used: social security for informal workers; and enforcement of the Homeworkers Protection Act.

#### c. Advocacy for legal and social protection for informal workers

Homenet Thailand implemented the following activities in order to advocate for legal and social protection for informal workers:

- On May Day, 24 representatives from HomeNet Thailand and the Network of Domestic Workers in Thailand participated in a rally with representatives from trade unions in order to call for social and legal protection for informal workers. The issues of ratification of ILC177 for Homework and ILC 189 for Decent Work for domestic worker were raised during the rally.
- On 22<sup>nd</sup> March 2014 HomeNet Thailand co-organized a workshop on “Social Protection for All” with HelpAge International, Asia Monitor Resource Center (AMRC) and HomeNet Southeast Asia (HNSEA) at MCC Hall in Yangon, Myanmar. The workshop was organized during the Asian People Forum, which took place from 21-23 March 2014 in Yangon. The total number of participants in the workshop was 71 (49 female and 22 male) from a range of ASEAN countries namely: Thailand, Indonesia, Philippines, Laos, Cambodia, Malaysia, Myanmar, Singapore, Vietnam and Brunei. This workshop called upon ASEAN governments to address the issue of social protection of informal workers.
- Summarized main issues of the workshop are as follows:

### **1. Key points**

- i. There is increasing precariousness and marginalisation of workers across the ASEAN region.
- ii. Existing social protection measures are inadequate, not inclusive and limited in the context of the newly issued ASEAN Declaration on Strengthening Social Protection which is rights-based and needs-based.
- iii. Social protection measures to address disasters and the impacts of climate change are urgently needed in the ASEAN context.
- iv. There are different levels/status of social protection programmes across ASEAN. But the most progressive are those countries where civil society is most active.
- v. The population in ASEAN countries is aging, however most older people have no income security under current old age pension schemes.

### **2. Conclusion of the workshop**

- i. Vulnerable and marginalised groups, such as older persons, marginalised workers, informal workers, migrant workers, contractual, temporary and casual workers, survivors of disasters and other impacts of climate change, persons with disability, women, youth, children, small farmers and fisher folk, indigenous peoples, should be protected in social protection schemes.
- ii. The ASEAN Declaration on Strengthening Social Protection set up a framework for social protection in October 2013 but the participatory mechanisms for its implementation and enhancement are not in place.
- iii. Civil society should be involved from the policy formulation process through to implementation and monitoring of social protection schemes at the national and ASEAN levels.

### **3. Recommendations**

- i. The ASEAN Declaration on Strengthening Social Protection should be implemented by member countries with the meaningful participation of civil society in the design, implementation and monitoring.
- ii. Social protection should simultaneously address issues of economic, social, environmental and climate justice by setting up national and ASEAN mechanisms to

build sustainable and resilient communities as well as to strengthen solidarity across ASEAN.

- iii. ASEAN countries should prioritise the allocation of adequate financial resources, up to a certain percentage of GDP, for social protection and look at it as investment in people and not a burden.

d. Follow-up on enforcement of the Homeworkers Protection Act.

On February 18th, 2014 HomeNet Thailand organised a discussion on the situation of legal protection of homeworkers. Twenty-five representatives of homeworkers' leaders and four staff participated in the workshop. Representatives from the Department of Labour Protection and Social Welfare and the Department of Employment Promotion from the Ministry of Labour participated in the workshop. Participants received the information that the political crisis in Thailand and the changing of the Labour Minister has delayed the election process of Homeworker Committees. However, the drafting of the ministerial regulation under this act is going on. The participants shared their current employment situation, reporting that lots of jobs in the garment and foot-ware sectors have moved from Thailand to neighbouring countries such as Cambodia and Bangladesh. At the same time, many of migrant workers from neighbouring countries continue to come to work in Thailand as homeworkers, which makes a sizeable impact on piece rates. Meanwhile the cost of living in Thailand is increasing due to the increase in the minimum wage for formal workers. As a result homeworkers are facing difficulty to survive.

Two main manufacturing patterns can be traced in Thailand, firstly, small- and medium-sized enterprises are tending to stop producing products and instead import them from China to market in the country. Secondly, there are sub-contracted companies under big companies, and these companies may hire migrant workers and pay only minimum wages, providing few social welfare benefits or using different welfare systems from big companies. Big companies prefer to sub-contract their jobs to these companies because they can control quality and the timing of orders better than when they send their jobs out to homeworkers. From the discussion, homeworkers need to develop short- and long-term strategies to secure their employment.

On April 22nd, six representatives from HomeNet Thailand participated in a discussion resulting in recommendation on the drafts of two ministerial regulations on Prohibited Jobs for Homeworkers and Hazardous Jobs for Pregnant Women and Children Under 15 Years Old.

e. Legal protection for contract farmers

A paper on laws related to contract farming has been completed. However, the planned consultation meetings with contract farmers and about contract farming could not be organised due to the political situation in Thailand. HomeNet Thailand will aim to use the paper in discussions and advocacy on legal protection for contract farmers in the future.

## 6. Project Implementation and Management

### *Ghana*

A difficulty obtaining cooperation from the Accra Municipal Authority at start of the project delayed implementation milestones. As seen above, this was overcome by the end of this extension phase and enabled the Project to earn commitments from the Municipal Authority to review its by-laws.

The absence of organised groups of domestic workers and *kayayei* at the start of the project made engagement and consultation ad hoc. This resulted in different workers engaged at different stages of the project. Lack of continuous engagement with the same groups of workers affected the commitment of workers to the project and their willingness to promote their rights. In order to optimise resources and impact, the project focused on street vendors during the extension phase and also pursued plans for the organising of domestic workers which turned out to be a success.

The project is yet to make significant inroads into influencing the review of the Labour Act (Act 651). This is partly because the enactment of Acts involves comprehensive processes involving many arms of government such as the executive branch and the legislature. The project had aimed to engage the National Taskforce for Domestic Workers in a bid to influence the executive and the legislature to consider its proposals to review the identified sections in the Act that impinge on the conditions of work of domestic workers. The National Taskforce for Domestic has representation from social partners including the TUC, but was observed to be inactive. The TUC has been advocating for the allocation of resources to enable the Taskforce live up to its mandate.

The study conducted into the situation of *kayayei* did not find any strong evidence of laws impinging negatively on their work. The living conditions of *kayayei* were rather found to be a serious social problem. Therefore a different strategy is required to deal with their situation and this is beyond the resources available to the current project.

### *Peru*

We learnt from the Capacity Building Programme that several workers who hold leadership positions lack legal knowledge concerning their sector and concerning trade unions more generally. The few efforts that NGOs have made with informal workers' organisations have not focused on building capacities for more detailed legal knowledge and work. The programme has demonstrated that there is an opportunity to include basic legal training in the formation of new cadres in the workers organisations.

There were four worker participants in the capacity building course, from street vendor and waste picker organisations, who could not read and write easily. This was not identified at the beginning of the course because they were managing to perform the required activity with the help of fellow participants. This is a sign of the reality among the working poor in urban Peru. WIEGO will be promoting the Literacy Programme, run by Central Government's PRONAMA scheme, among workers' organisations, so that more of their members can take advantage of this adult education opportunity.

The project in Peru experienced delays to start the extension Phase 2, given that ISCOD, the project partner in Lima, was severely affected by the financial crisis in Spain. ISCOD is the International Development Cooperation branch of the largest Spanish Trade Union, UGT. ISCOD laid off most of its staff in Latin America, keeping only one Representative who oversees several countries. There were delays in establishing how ISCOD would partner with WIEGO to undertake the initiative, which meant that the project extension started activities in November 2013.

A change in the priority that the current Government gave to the Law of the Self Employed Worker forced us to change the planned consultation workshops on the Law, for additional Capacity Building sessions, and for including an extra set of sessions for a second street vendor organisation. The funds allocated to the consultation of the Law of the Self Employed Worker were also diverted to the implementation of 3 meetings of a Multi-sector Government Board on Waste Pickers.

It proved more difficult than anticipated to persuade domestic workers of the value in registering with the authorities. Many were suspicious of the authorities and unused to dealing with them and therefore the campaign for registration did not really take off.

### *Thailand*

The long period of political conflict currently occurring in Thailand has meant that HomeNet Thailand was not able to accomplish all the planned activities, especially the consultation meetings with contract farmers. However, HomeNet Thailand allocated the funds that were to be spent on this activity to support the delegation to attend the workshop in the Asian People's Forum in Yangon, Myanmar instead. Through this workshop the idea of legal and social protection of informal workers was disseminated to other interested organisations working in other countries in ASEAN.

## **7. Impact**

### *Ghana*

The project has made significant progress in engaging stakeholders to influence laws impinging on the targeted worker groups, in particular street vendors. The commitment of the Accra Municipal Authority to review its by-laws following the series of policy dialogues held with group of workers that were previously not acknowledged by the Municipal Authority is a major achievement.

The evidence of deepened awareness of workers of their rights and strengthened collaboration with social partners and other civil society organisations are indications of the positive impact that the project has had.

### *Peru*

The Capacity Building Programme has been a unique activity that has brought "Legal Empowerment" in practice to the organizations involved, which have had two sets of participants taking the course during the initial phase 1 and this current extension phase 2 of the project.

The course has been fruitful in that it has made street vendors very strong participants in the process of issuing a new City Ordinance that will regulate their work. It has also made domestic workers aware of where the bottlenecks reside that prevent them having a larger registration and better access to the rights already granted to them by law. Market porters are also in a much more solid position now that they are able to negotiate the terms of their work with the Municipal Markets Enterprise that governs the new wholesale market of Santa Anita, where they work at present. They have been pushed to accept being classified as small enterprises rather than as Trade Unions, recognized by law, but victories for the sector, now also guaranteed to them by law, have been achieved thanks to the work of their federation.

Waste pickers have become incredible defenders of their law and are now knowledgeable dialogue counterparts regarding gaps in their legislation vis-a-vis the needs of the value chain of solid waste management and recycling, and vis-a-vis the work of other actors in the chain. It has been wonderful to watch waste picker leaders interact with the authorities at the Dialogue Board of different Government sectors through lunchtime sessions. In their case, as well as that of the other workers sectors, having been part of the process to arrive to their law has definitely left a strong mark on them, and in their knowledge of the process.

The Multi-sector Government Board on Waste Pickers is making great progress in having all sectors involved in the work of waste pickers sharing periodically about different themes and about the progress in working collectively on each of them. We envision a common agenda built after the first six sessions that will guarantee the continuation of this work.

### *Thailand*

The toolkits produced for use by domestic workers and homeworkers have helped to strengthen the knowledge of these groups of informal workers on the legal and social protection contexts.

The agenda of accelerating and improving the enforcement of laws regarding domestic workers and homeworkers has been widely communicated to Thai society as a whole.

Twenty-five leaders drawn from the HomeNet Thailand Association and the staff of the Foundation for Labour and Employment Promotion have learnt how to develop effective advocacy plans.

Issues to do with how to extend social protection to informal workers have been presented for discussion and advocacy in other ASEAN countries.

## **8. Conclusion and Future Plans**

### *Ghana*

The challenges encountered point to the need for further efforts to raise awareness on workers' rights, continuous engagement with stakeholders and most importantly, initiatives to organise the workers in the informal sector.

These aims are already being pursued thanks to alternative funding to enable a continuation of several elements of the project.

### *Peru*

We have learnt about the lack of knowledge among workers' leaders of legal issues that pertain to their sectors and organisations, and therefore propose that the work be continued, forming "legal promoters" in each organisation, who are able to replicate the training they have received with their fellow workers, in order to make more members legally aware of their situation and opportunities.

The work of the Waste Picker Board, established through the extension project, will be continued through three additional monthly sessions. This work is to be funded and supported via a supplementary WIEGO Law Project funded through the Dutch Fund for the Leadership and Opportunities of Women (FLOW), as the three sessions already implemented carried a much higher cost than expected.

Work for a similar Board for Domestic Workers has started, along with work on the campaign for the registration of domestic workers, and for wider compliance of the Domestic Workers' Law. This work will also be consolidated through the FLOW-funded project in Lima, which will end in September 2014.

The case study on the City Ordinance shares half of its cost with new supplementary law project. All of the case studies will be disseminated through the WIEGO web tools and network in Spanish, and through the FLOW-funded project WIEGO will translate and disseminate the case studies in English as well.

### *Thailand*

Future plans for the continuation of the work in Thailand include the following:

- Publish all the educational materials that have been produced.
- Conduct four consultation meetings on the subject of the legal protection of informal workers (one each with groups of home-based workers, domestic workers, street vendors and contract farmers) in Khon Kaen, Chiangrai, Had Yai and Ratchaburi.
- Conduct workshops to raise the understanding and capacity of homeworkers' representatives to engage with the relevant authorities and negotiate for the enforcement of the Homeworkers Protection Act.
- Finalise the background paper on street vendors.
- Conduct a workshop to raise the capacity and knowledge of street vendors in Bangkok.

\*\*\*