

The contribution of social dialogue to the 2030 Agenda

Formalising the informal economy





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LIST OF ACRONYMS

AEA – Agricultural Employers Association
CAMACRO – Cámara Argentina de la Construcción
CGSLB – Centrale Générale des Syndicats Libéraux de Belgique
CMTC – Central del Movimiento de Trabajadores Costarricenses
CNTS – Confédération Nationale des Travailleurs du Sénégal
COSATU – Confederation of South African Trade Unions
COTU (K) – Central Organisation of Trade Unions, Kenya
CSC – Confédération des Syndicats Chrétiens, Belgium
CSMVM – Consejo de Empleo, Productividad y Salario Mínimo Vital y Móvil, Argentina
DRC – Democratic Republic of Congo
FEDUSA – Federation of Unions of South Africa
FIA – International Federation of Actors
FKE – Federation of Kenyan Employees
GDP – Gross Domestic Product
HDI – Human Development Index
IEOI – Institut d’Education Ouvrière International
IERIC – Instituto de Estadísticas y Registro de la Industria de la Construcción, Argentina
IFA – International Framework Agreement
ILC – International Labour Conference
ILO – International Labour Organization
ITUC – International Trade Union Confederation
KENASVIT – Kenya National Alliance of Street Vendors and Informal Traders
KPAWU – Kenya Plantation and Agricultural Workers Union
MSMEs – Micro, Small and Medium Enterprises
MSEA – Micro and Small Enterprises Authority
NEDLAC – National Economic Development and Labour Council
NHIF – National Hospital Insurance Fund
NOTU – National Organisation of Trade Unions, Uganda
NSSF – National Social Security Fund
OHS – Occupational Health and Safety
SDGs – Sustainable Development Goals
SMPAD – Syndicat Marocain des Professionnels des Arts Dramatiques
SINOEMA – Sindicato de Obreros y Empleados Municipales de Asunción
SUTD – Sindicato Único de Trabajadoras Domésticas, Uruguay
TUC – Trades Union Congress, Ghana
TUCA – Trade Union Confederation of the Americas
TUDCN – Trade Union Development Cooperation Network
TWG – Technical Working Group, Philippines
UNIWA – Union of Informal Workers’ Associations, Ghana
UOCRA – Unión Obrera de la Construcción de la República Argentina
WSM – World Solidarity

INTRODUCTION

The participation of the social partners in public policy formulation, implementation and monitoring processes can fundamentally contribute to ensuring the ownership, transparency and governance of development strategies and policies. Participation is, in fact, one of the pillars of sustainability, and this is recognised by the 2030 Agenda itself.

Social dialogue, as a mechanism for participation with specific features, can contribute in a range of ways, depending on the type of results it produces and how they are obtained.¹ One of its contributions is its potential to articulate interests and build innovative approaches to enable progress with the formalisation of the informal economy, one of the great challenges on the path to achieving decent work for all and more inclusive and sustainable societies, as set out in the 2030 Agenda.

The transition to formality is an issue of interest to workers' organisations, employers' organisations and governments alike, as reflected in ILO Recommendation 204 on the Transition from the Informal to the Formal Economy, negotiated and adopted by the three parties at the 2015 International Labour Conference (ILC).

The Recommendation recognises, among other things, the importance of social dialogue as a consultation mechanism for the design, implementation and evaluation of policies linked to this issue.

This paper seeks to summarise the findings of the case studies that have been carried out over the last year as part of a joint initiative between the International Trade Union Confederation's Trade Union Development Cooperation Network (TUDCN) and the Social Dialogue and Tripartism Unit (DIALOGUE) of the International Labour Organization (ILO). The studies covered are those on the contribution of social dialogue to formalising the informal economy and meeting the 2030 Agenda in Argentina, Costa Rica, the Philippines and Kenya,² as well as other relevant trade union cooperation experiences and examples.

An extensive although not exhaustive review of the relevant literature and case studies has been carried out to this effect, to stimulate reflection on the matter and identify some lines of analysis and recommendations to improve the contributions social dialogue can make to advancing the 2030 Agenda through the formalisation of the informal economy.

¹ ITUC/TUDCN-ILO, 2017.

² Available at <https://www.ituc-csi.org/t-seminar-SD-informal-2018>



CHAPTER 1
CONCEPTUAL
FRAMEWORK

The 2030 Agenda for sustainable development, approved in 2015, constitutes a roadmap towards equitable, inclusive and sustainable development within planetary boundaries. It has adopted 17 Sustainable Development Goals (SDGs), which are integrated and indivisible, along with 169 accompanying targets. To reach these goals by 2030, each state has to establish the strategies and policies best suited to their circumstances and priorities.

The 2030 Agenda, through many of the cross-cutting principles and commitments it sets out, as well as through several of the goals and specific targets, recognises that decent work and the participation of the various social actors are crucial to its successful implementation. The Agenda itself is, in fact, the result of a participatory process that included governments and the various civil society actors, and that identified decent work as one of the priorities with which the 2030 Agenda should advance.

Addressing the issue of informal economy is crucial in this respect, given that it encompasses over 60% of the world's workers and 90% of its small and medium enterprises, directly affecting their access to rights, their competitiveness and their productivity, as well as impacting public revenue, which in turn undermines protection and social security systems (ILO, 2018).

Social dialogue, as a mechanism for participation and consensus building in the world of work, is a key element of decent work and must play a central role in the transition to formality.

1.1 SOCIAL DIALOGUE AND ITS FEATURES

Social dialogue, in accordance with the ILO definition,³ includes all types of negotiation, consultation and exchange of information between and among representatives of governments, employers and workers on issues of mutual interest. It usually deals with labour, social or economic policy issues and, more recently, increasingly incorporates other themes, such as environmental issues (ILO, 2012).

Social dialogue takes on many different forms, ranging from bipartite relations between workers' and employers' representatives, tripartite processes involving the government as an official party to the dialogue, to spaces incorporating other stakeholders in expanded tripartite dialogue processes. It can be limited to consultations or simple exchanges of information with social partners, or be a negotiation about conditions leading to binding outcomes and agreements, such as collective bargaining negotiations.

Social dialogue is one of the factors that makes work decent, for both formal and informal economy workers. As the ILO points out: "Fair terms of employment, decent working conditions, safety and health at work and development for the benefit of all cannot be achieved without the active involvement of workers, employers and governments through social dialogue."⁴

For social dialogue to be effective, there must be full respect for freedom of association, to ensure that workers and employers are able to organise freely, defend their interests without outside interference, and negotiate, without pressure, between themselves and with the government, on matters of mutual interest.

³ <https://www.ilo.org/public/english/dialogue/download/brochure.pdf>

⁴ <https://www.ilo.org/global/topics/dw4sd/themes/s-dialogue-tripartism/lang-en/index.htm>

Other conditions enabling effective social dialogue include: the existence of strong, independent and representative employers' and workers' organisations; political will and mutual recognition among all the parties; an appropriate institutional framework; and access to adequate information and training so that participants can effectively exercise their right to participate. Governments have a critical role to play in terms of providing the conditions and an enabling environment for fruitful social dialogue (ILO, 2012).

It should be noted that there is no single model for social dialogue. It is essential that each social dialogue process take on board the cultural, historical, economic and political context of each country, so that the local partners are able to take ownership of it and make it a truly participatory and representative space. There is, in fact, a wide diversity of institutional agreements, legal frameworks, traditions and practices in the area of social dialogue around the world (ILO, 2012).

Finally, it is important to note that all ILO instruments are the result of a tripartite process. Some of these instruments refer specifically to social dialogue, such as: the Right to Organise and Collective Bargaining Convention, 1949 (No.98); the Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144); and the Collective Bargaining Convention, 1981 (No.154).⁵

1.2 INFORMAL WORKERS, INSIDE AND OUTSIDE THE FORMAL SECTOR

The informal economy encompasses a broad and varied spectrum of economic activities including workers and economic units that are not adequately covered by formal arrangements, regulations and agreements, either because they fall outside the scope of the law, or because the law is not effectively implemented or enforced.

Informal economy units or enterprises have been mostly operating on a small scale, are not registered, do not keep books and are likely to have low productivity levels. Employment relationships are usually informal, typically based on family or social ties, which often means that the labour and social security regulations are not applied.

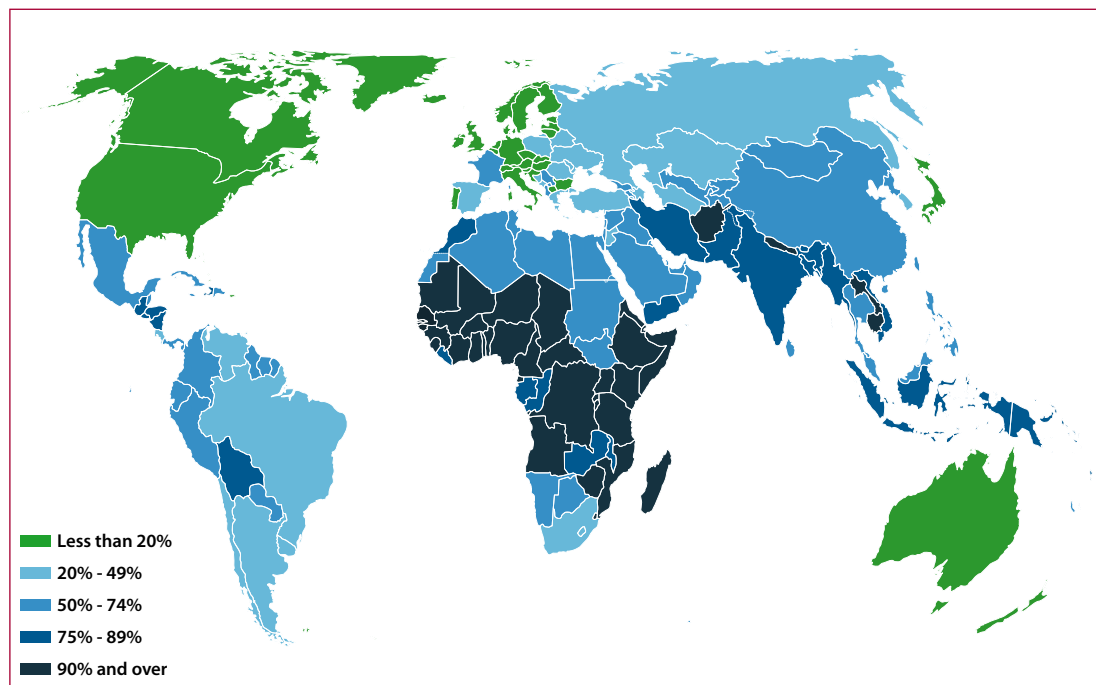
Work in the informal economy includes all types of work in informal enterprises or units, informal employment within the formal sector, and informal work in private households. More and more informal employment relationships are emerging in new and digitalised platform forms of businesses and work. This is happening in both developing and industrialised countries across many sectors.

⁵ Other relevant instruments include: Recommendation on Collective Agreements (R91); Recommendation on Cooperation at the Level of the Undertaking (R94); Recommendation on Consultation (R113); Recommendation on Communications within the Undertaking (R129); Recommendation on Examination of Grievances (R130); Recommendation on Tripartite Consultation (R152); Recommendation on Collective Bargaining (R163).

According to recently published ILO statistics (2018), about two billion people worldwide work in the informal economy, which represents 61.2% of the world's working population aged 15 and over. The proportion varies significantly between different regions of the world, with Africa in first place (85.8%),

followed by the Arab States (68.6%) and Asia and the Pacific (68.2%). Although the overall figure for Latin America and the Caribbean is below the world average, there are individual countries with very high levels of informality, comparable to the regions mentioned above. (Figure 1)

Figure 1 – Informal employment as a percentage of overall employment, including agricultural (Data from 2016)



Source: ILO, 2018

In addition, there are an estimated 500 million micro, small and medium-sized enterprises (MSMEs) worldwide, only 9% of which operate in the formal economy (ILO, 2016a). Once again, Africa is the continent with the highest percentage of informal enterprises and production units (92.4%), followed by the Arab States (90.8%). There is also a great deal of diversity among these units in terms of size, economic sector, degree of compliance with the legislation, productivity levels, etc. (ILO, 2018).

According to ILO statistics, informality is a growing phenomenon (ILO, 2018), even in countries with strong economic growth, such as that seen over the last decade in Costa Rica, where informal employment nonetheless grew by almost 10%, rising from 36% to 45%, and looks set to keep growing (Cheng Lo, 2018).



CHAPTER 2
SOCIAL DIALOGUE
IN THE INFORMAL
ECONOMY

2.1 SOCIAL DIALOGUE AT THE CENTRE OF FORMALISATION STRATEGIES

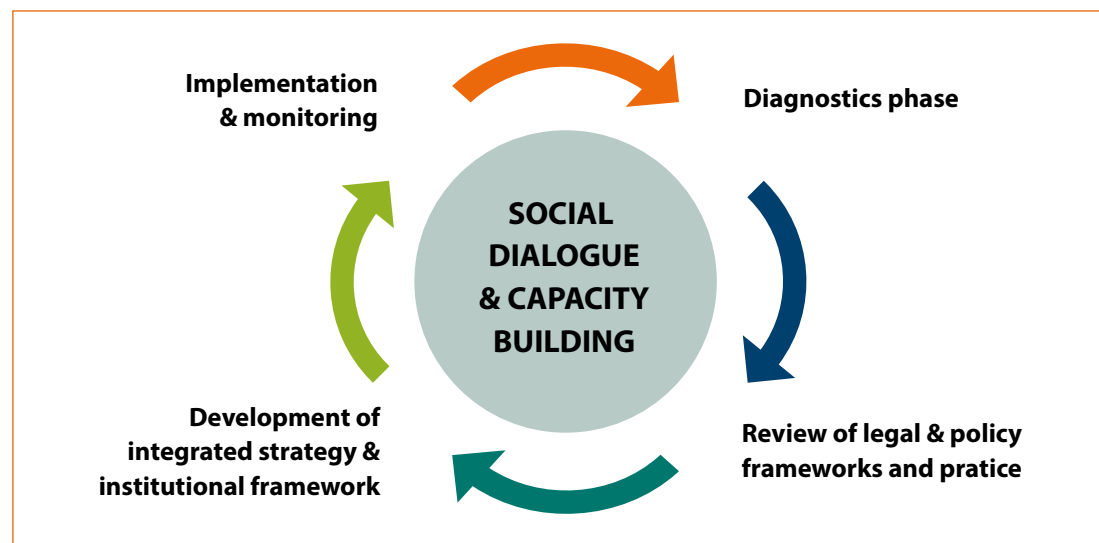
The transition to formality is fundamental to achieving equitable, inclusive and sustainable development and making decent work effective for all – goals explicitly set out in the 2030 Agenda for Sustainable Development. Likewise, informality is a fundamental issue for workers’ and employers’ organisations and governments, as highlighted by the adoption of ILO Recommendation 204 on the Transition from the Informal to the Formal Economy, negotiated and adopted by the three parties at the 2015 International Labour Conference (ILC).⁶

As the Recommendation points out, “decent work deficits – the denial of rights at work, the absence of sufficient opportunities for quality employment, inadequate social protection and the absence of social dialogue – are most pronounced in the informal economy”.

The Recommendation calls for proper assessment and diagnosis of the factors, characteristics, causes and circumstances that give rise to informality and its persistence, to inform the formulation and implementation of laws, policies or other measures aimed at facilitating the transition to the formal economy. It underlines the importance of social dialogue as a mechanism for the exchange of information and consultations to improve the design, implementation and assessment of policies on the informal economy and its formalisation. It makes specific reference to this under heading VII: “Freedom of association, social dialogue and the role of employers’ and workers’ organisations”.

The centrality of social dialogue and capacity building for its tripartite constituents – crucial to effective social dialogue – is clearly expressed in the ILO Governing Body’s proposed strategy for the 2016-2021 period regarding the implementation of Recommendation 204, as represented in the figure below (Figure 2).

Figure 2 – Intervention model for integrated strategies on formalising the informal economy



Source: ILO, 2018

⁶ The issue is addressed in other ILO standards. <http://libguides.ilo.org/informal-economy-en/standards>

2.2 THE CHALLENGE OF ENSURING REPRESENTATIVENESS

Ensuring representativeness is by no means a minor challenge, given the diversity and complexity characterising the types of employment within the informal economy and how it is structured, not least because this diversity affects the capacity to organise and represent informal workers and economic units. The conditions of an informal worker vary greatly, depending on whether he or she is in a formal or informal economic unit, or in a private household, or a rural or urban environment. The same applies to those employed in independent economic units, or integrated within supply chains, of various sizes, etc. Each situation requires different approaches and strategies, both to organising the sector and ensuring its effective inclusion in social dialogue processes.

The various social dialogue partners have different responsibilities when it comes to ensuring that the interests of the informal economy are represented. Governments, for instance, have a fundamental responsibility to create an enabling environment – in law and in practice – for the effective exercise of the right to organise and collective bargaining, and to promote the active participation of informal economy representatives in social dialogue processes.

In particular, the ILO Recommendation 204 states that “the competent authority should make use of tripartite mechanisms with the full participation of the most representative employers’ and workers’ organizations, which should include in their rank, according to national practice, representatives of membership-based representative organizations of workers and economic units in the informal economy”.

Recommendation 204 also urges employers’ and workers’ organisations to provide informal workers and economic units with access to membership

and to the services they provide, with a view to improving the representation of informal economy actors in dialogue spaces for the implementation of the Recommendation.

2.3 STRATEGIES FOR INCLUDING THE INFORMAL ECONOMY IN SOCIAL DIALOGUE

The ILO’s constituents – governments, employers’ and workers’ organisations – have been discussing the issue of formalising the informal economy at all levels for some time, and various strategies have been put in place to ensure that the interests of informal workers and economic units are represented in existing spaces for dialogue, or to generate new spaces to include them.

On the **governmental** side, efforts are being made to create spaces for dialogue dealing with issues related to the informal economy, in line with the Resolution on decent work and the informal economy, adopted at the 90th International Labour Conference (2002), and ILO Recommendation 204 (2015). Over and above the value that a government can give to democratic participation in political decision-making, in general, giving the informal economy a voice is fundamental to developing a better understanding of the issue, to designing the most appropriate strategies, and to lending legitimacy to the process.

In some cases, existing social dialogue institutions, such as wage councils, labour councils, health and safety fund boards, etc., have been expanded or restructured. In Argentina, for instance, an Unregistered Work Commission has been set up within the framework of the tripartite Employment, Productivity and the Sliding and Living Minimum Wage Council (Battistini, 2018). In other cases, entirely new spaces have been created, such as the dialogue structures recently set up in various countries to implement ILO Recommendation 204.

The informal economy is often represented in these spaces by formal economy organisations such as trade unions centres with affiliates representing informal workers, but in some instances the workers' organisations or informal economy units themselves take part. Examples of this are the Tripartite Wage Council for domestic work, in Uruguay (Budlender, 2013), or those in the agricultural sector in Kenya (Otieno, 2018).

In the case of **employers' organisations**, the main focus seems to be on facilitating the formalisation of economic units, primarily with a view to improving competitiveness and reducing unfair competition.

Initiatives taken by employers' organisations to facilitate the registration of MSMEs include lobbying for improvements in the regulatory framework, assistance in bringing informal units into compliance with regulations and administrative procedures (payment of obligations, insurance, etc.), extending the services they offer to informal firms, and providing business development training (ILO, 2017c). In the Dominican Republic, for example, ECORED⁷ (National Network of Companies for the Environment) facilitated the establishment of a National Recycling Board on which waste pickers were represented. One of its aims is to contribute to the formalisation of waste pickers through training and support for the establishment of cooperatives.⁸

There are also examples of business organisations assigning places on their governing bodies to MSME organisations. The Ghana Employers' Association (GEA), for example, assigned a seat on its governing council to the Association of Small-Scale Industries. (ILO, 2017c).

As for **trade union organisations**, a wide range of strategies are being developed to incorporate the interests of informal workers in dialogue processes. One of the most common is to organise informal workers – which is crucial to effective participation in social dialogue – by supporting the creation of independent organisations and by opening up their own structures to them. An ILO publication on the role of social dialogue in the transition to formality⁹ gathers examples from around the world of the efforts made by trade unions to create organising spaces, of some shape or form, within their own structures.

In Latin America and the Caribbean, a compilation of 36 trade union organising experiences in the informal economy, published in 2016 by the Trade Union Confederation of the Americas (TUCA),¹⁰ shows how, over recent decades, trade union organisations in almost all the countries across the region have incorporated informal workers, by creating new spaces within their own structures or directly recruiting workers. This process often includes the provision of legal assistance, union training and various resources such as meeting spaces, transport facilities, etc.

It appears, from the literature and cases reviewed, that there is also a tendency among unions in other regions to broaden their membership criteria to enable them to organise and recruit informal workers (ITUC, 2016; LO/FTF, 2015; Martín M., 2013). In Africa, for example, a number of international trade union cooperation projects have been dedicated to the inclusion of informal economy actors. To mention just a few, in Kenya, the national trade union confederation COTU(K), with the support of several international organi-

7 <http://www.ecored.org.do/mesa-de-reciclaje/>

8 It should be noted that such initiatives, commonly found in the waste sector, are not always seen favourably by waster collectors' organisations or trade unions, fearing they may lead to the privatisation or outsourcing of waste management systems.

9 (ILO, 2017) *"Transition to Formality: the Critical Role of Social Dialogue"*
https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_559300.pdf

10 TUCA (2016). *"Experiencia Sindicales de Formalización mediante Organización Sindical y Diálogo Social en América Latina y el Caribe"*.
<http://csa-csi.org/Include/ElectosFileStreaming.asp?FileId=3999>

sations,¹¹ set up forums for dialogue with informal workers, to strengthen their capacity to organise and engage in dialogue processes. In Uganda, the National Organisation of Trade Unions (NOTU) significantly expanded its membership by including

informal economy workers (mostly women), who have been organised within unions in the transport, agriculture, fishing, domestic trade and street trading sectors.¹²

ORGANISING INFORMAL ECONOMY WORKERS AND SOCIAL DIALOGUE IN UGANDA

In 2013, the National Organisation of Trade Unions (NOTU) began to advocate dealing with the informal economy in Uganda, in a context where the labour legislation did not recognise informal economy workers and the authorities were generally unwilling to negotiate. With more than 85% of salaried workers employed in the informal economy, NOTU has focused its efforts on promoting decent working conditions for these workers and ensuring their representation in social dialogue spaces.

The NOTU has significantly increased its membership by incorporating informal economy workers, organising them within unions in the transport, agriculture, fishing, domestic work and street trade sectors. This has increased the NOTU's power and influence in social dialogue processes.

The dialogue succeeded in raising the government authorities' awareness about various issues affecting workers in the informal economy. Informal workers' organisations are now able to negotiate for better market stall rentals, access to health services, transport infrastructure, etc. They have also managed to reduce police harassment and disputes.

The NOTU's participation in tripartite spaces succeeded in preventing the liberalisation of the pensions sector, and informal workers have gained access to social security benefits for the first time.

The work done by NOTU has been supported by the LO/FTF Council of Denmark.

Short-term, issue-based or longer-term strategic alliances between trade unions and informal workers' organisations are also common. In Paraguay, for example, the Sindicato de Obreros y Empleados Municipales de Asunción (SINOEMA) and waste pickers – informal workers – joined forces to prevent the privatisation of the municipal waste collection

service. At the same time, in formal negotiations with the local authorities and the new sanitary landfill concessionaire (2005), SINOEMA included the waste pickers' demand to maintain access to waste before its final disposal, which would otherwise have been prohibited by the concession agreement (Maffei, 2018).

¹¹ International Trade Union Confederation (ITUC), East African Trade Union Confederation (EATUC), FNV (Netherlands), American Center for International Labor Solidarity (ACILS) and the Friedrich Ebert Foundation (FES).

¹² Cooperation project with the LO/FTF Council, the Danish unions' international development cooperation organisation. <http://www.ulandssekretariatet.dk/content/loftf-council-introductionthe-loftf-council-danish-trade-union-council-international>

In many cases, trade unions include specific clauses in collective bargaining agreements to protect the interests of informal workers. A study on the integration of issues related to informal work in collective bargaining in Argentina identified bipartite agreements, covering sectors such as construction, the paper industry and private market workers, establishing control mechanisms and joint and several liability in outsourcing or subcontracting processes (Pontoni, 2011). Also in Argentina, Battistini (2018) points out that, between 2011 and 2017, 33 sectoral collective negotiations incorporated some reference to the informal economy, covering matters such as health and safety, inspection or training.

At international level, the demands and needs of formal and informal workers from third countries are also being included in social dialogue spaces, in relation to supply chains, for example, where suppliers in subcontracting tiers, regardless of their size, often operate informally. (ILO, 2016a).

One way of achieving this is through International Framework Agreements (IFAs), instruments negotiated between multinational companies and global trade union federations, opening the way for transnational dialogue in situations where national or local unions have limited capacity and opportunity to negotiate directly with multinationals or major companies in the supply chain. The ILO (2016a) provides examples of how IFAs have contributed to organising and unionising precarious workers.¹³

An assessment of 250 development cooperation programmes carried out by the ILO in more than 40 countries between 2000 and 2015, mainly targeting sectors such as agriculture and the textile industry, concluded that “the involvement and participation of social partners has been and continues to be crucial for the success of all the projects related to global supply chains” (ILO, 2016a).

Finally, consideration should be given to factors that hinder or impinge on the possibility of organising informal economy workers and economic units. In some instances, informal workers are wary about having their profile raised (ILO, 2017c). Also, some informal workers, such as waste pickers, choose to work independently and negotiate individually with intermediaries, fearing that joining a cooperative or association may lead to increased responsibilities, or limit their work options and reduce their income (Budlender, 2013).

Acknowledging that most people enter the informal economy not by choice but as a consequence of a lack of opportunities in the formal economy, another factor to be considered is that whilst some workers take a largely rights-based approach to organising, with a view to improving their working conditions, others unite around a more business-driven approach. In most cases, they are driven by a mix of both motives, with a varying degree of inclination towards one or the other. Each situation requires different organising strategies (Martín M., 2013).

¹³ Database on transnational company agreements <http://ec.europa.eu/social/main.jsp?catId=978&langId=en>



CHAPTER 3
THE CONTRIBUTION
OF SOCIAL DIALOGUE
TO THE 2030 AGENDA
THROUGH THE
FORMALISATION
OF THE ECONOMY

In the previous pages, some of the challenges raised by the transition from the informal to the formal economy were highlighted, such as the importance of the role attributed to social dialogue in this process and the strategies developed by stakeholders in the world of work to make place for the interests of the informal economy in dialogue spaces.

This section summarises some of the conclusions from the review of literature and case studies covering different regions of the world. Although not an exhaustive analysis, the examples and cases mentioned illustrate a number of the achievements, opportunities and challenges involved in making social dialogue an effective instrument for improving both the protection of informal workers and facilitating the transition of workers and units from the informal to the formal economy, and thus contributing to the equitable, inclusive and sustainable development to which the 2030 Agenda aspires.

The 2030 Agenda's treatment of social dialogue and the transition from the informal to the formal economy will be analysed, before going on to look at how social dialogue can contribute, and the challenges it faces.

3.1 SOCIAL DIALOGUE IN THE 2030 AGENDA

Participation of the social partners and other civil society actors and decent work are two key components of the 2030 Agenda for Sustainable Development. They are identified as cross-cutting elements, as specific goals, and in various targets and indicators.

Ensuring access to decent work for all is crucial to progressing in the direction proposed by the 2030 Agenda, as stated in Sustainable Development Goal (SDG) 8: "Promote sustained, inclusive and sustainable economic growth, full and pro-

ductive employment and decent work for all". Decent work reduces inequalities, increases resilience, and creates the conditions for the effective exercise of rights and the full development of human potential.

Although the 2030 Agenda does not explicitly mention "social dialogue", recognising the centrality of decent work implies recognising this mechanism, one of the pillars of the ILO's Decent Work Agenda, as a privileged space for negotiation and agreement among tripartite actors from the world of work. Furthermore, the call for the recognition and observance of labour rights (target 8.8) implies full respect for the ILO's International Labour Standards, including all those that refer to social dialogue processes at every level.¹⁴ Similarly, the global indicators for the SDGs (United Nations, 2018) make explicit reference to collective bargaining, one of the forms of bipartite social dialogue (indicator 8.8.2).

In addition, in SDG 8 on decent work and SDG 16 on just, peaceful and inclusive societies, the 2030 Agenda makes specific reference to the right to freedom of association and collective bargaining (indicator 8.8.2), to the effectiveness and transparency of institutions, to inclusive, participatory and representative decision-making (target 16.7), and to public access to information and the protection of fundamental freedoms (16.10). These are all building blocks of effective social dialogue and, at the same time, point to the different angles from which contributions can be made, based on the specific features of social dialogue.

For all these reasons, the 2030 Agenda provides an opportunity to strengthen and revitalise social dialogue processes throughout the world and at all levels. At the same time, social dialogue has the ability to make a considerable contribution to the implementation of the 2030 Agenda and the achievement of its Sustainable Development Goals,

¹⁴ [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO::#Tripartite_consultation;](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO::#Tripartite_consultation;http://libguides.ilo.org/collective-bargaining-en/standards)
<http://libguides.ilo.org/collective-bargaining-en/standards>

thanks to its capacity, among other things, to include the perspectives of informal economy workers and units in the design of policies and decision-making on the transition to formality.

3.2 THE INFORMAL ECONOMY AND THE 2030 AGENDA

As already noted, more than 60% of the world's workforce and more than 90% of micro, small and medium enterprises (MSMEs) are informal. This obstructs billions of workers' access to labour rights and protection; it also hampers the sustainable development of enterprises, as well as the competitiveness and productivity of the economy, and affects public revenue, which in turn weakens institutions and social protection and security systems (ILO, 2018). All of these issues are linked, in some shape or form, to all of the SDGs.

The links between informality, poverty and inequality are clear. The incomes of informal workers tend to be below the average and the gaps in equality at work and inequalities of all kinds are widening. Informal workers are generally deprived of social protection, have poorer health and safety conditions, are not sufficiently covered by labour standards, among other deficiencies that make their working conditions far from those required for them to be considered decent.

As a rule, informal economy workers tend to have less opportunities for economic, social and political participation. The majority – especially the most vulnerable – find themselves bound by the lack of opportunities in the formal sector in general and the structural limitations on access to education and quality public goods and services. Informal economy workers and units are more vulnerable to the effects of climate change and environmental degradation, particularly informal workers in rural areas, whose incomes are more dependent on ecosystem services.

One of the findings of the recent report “Women and Men in the Informal Economy” (ILO, 2018) is the direct correlation between formality, per capita GDP and the Human Development Index (HDI). Countries considered to be emerging and developing, according to the World Bank's classification, account for 93% of all the informal work in the world. Furthermore, the lower the HDI or GDP per capita, the greater the likelihood of women being in informal work than men. Similarly, informality among less educated women is higher than among men. Young people are particularly affected, throughout the world, as is the rural population; people living in rural areas are twice as likely to be in informal employment as those in urban areas.

Furthermore, the inclusion of informal economy units is linked to several 2030 Agenda goals, including: improvements in economic productivity (target 8.2), formalising MSMEs (target 8.3), resource efficiency in production (target 8.4), access to financial services, and integrating small-scale industries into value chains (targets 8.3 and 9.3).

3.3 THE CONTRIBUTION OF SOCIAL DIALOGUE: POTENTIALITIES, ACHIEVEMENTS AND CHALLENGES

The categories that follow are defined according to the type of achievements or challenges identified in the case studies reviewed. It is important to keep in mind that, as the 2030 Agenda itself points out, the Sustainable Development Goals and their targets are “integrated and indivisible”. Accordingly, the experiences and cases illustrating the potential contributions of social dialogue to the 2030 Agenda can be simultaneously linked to the various, closely interconnected SDG goals and targets as well as various other categories.

Improving working conditions in the informal economy

As Recommendation 204 points out, the strategies drawn up to formalise the informal economy must take an integrated approach to the design of policies, regulatory frameworks and measures, ensuring that, at the same time as facilitating the formalisation of informal economy workers and economic units, they also promote a transition that provides jobs with sustained decent working conditions for all.

As Recommendation 204 highlights, formalisation is a mean not an end in itself: “Recognizing the need for Members to take urgent and appropriate measures to enable the transition of workers and economic units from the informal to the formal economy, while ensuring the preservation and improvement of existing livelihoods during the transition”.

The evidence and the literature clearly show that social dialogue can significantly contribute to meeting this challenge, which is directly linked to SDG 1 (ending poverty), SDG 5 (gender equality), SDG 8 (decent work), SDG 10 (reducing inequalities).

This contribution seems relatively self-evident, in principle, given that working conditions, pay and the gaps in labour, economic and social equality are the issues most typically addressed in social dialogue, be it bipartite or tripartite, or at national, regional, or company level. It follows, therefore, that effective social dialogue should be able to contribute to reaching these goals.

Pay and inequality at work

One of the ways social dialogue has effectively contributed to reducing inequality and poverty is through minimum wage setting, which establishes a minimum floor that benefits both formal and informal workers, and is determined, in many countries, through tripartite dialogue at national or sectoral level.

In Argentina, for example, the case study carried out by Battistini (2018) shows how the tripartite negotiations within the CSMVM (Employment, Productivity and the Sliding and Living Minimum Wage Council) achieved minimum wage increases that surpassed annual inflation, on several occasions; the case study also illustrates how the recent breakdown in the dialogue and government’s unilateral setting of the minimum wage in 2017 led to a loss of purchasing power in a context of growing social strife.

Similarly, in Kenya, the tripartite negotiations within the General Wages Council led to an 18% increase in the minimum wage in 2017, which had a direct impact on the wages of domestic workers (the vast majority of whom are women), allowing them to exceed the minimum income required to cross the poverty line. The bipartite negotiations between the tea and flower pickers (informal workers) organised within the Kenya Plantation and Agricultural Workers Union (KPAWU) and the Agricultural Employers Association (AEA) allowed the workers to secure a 23% pay rise, which was included in their collective bargaining agreement (Otieno, 2018).

The literature widely shows that minimum wage policies foster social and economic inclusion, by setting a minimum floor for all. In addition to the impact on the incomes of informal workers, minimum wage increases can also contribute to pushing up wage levels in general, generating increased spending and improving, in particular, the incomes of the mostly informal self-employed (Battistini, 2018).

The existence of a minimum wage, however, is not in itself a guarantee of no wage or labour inequality. A study conducted by Vaughan-Whitehead (2017) analysing the equality gap in various European Union¹⁵ countries provides some interesting insights in this respect. Among the conclusions drawn is the fact that a higher wage floor only results in greater labour equality if it is accompanied by solid social dialogue processes: the weaker the national or sectoral dialogue mechanisms and the more fragmented the

¹⁵ The study examines the various dimensions of labour inequality (pay, working hours, access to employment, training, career prospects, social protection) in 12 European countries: Germany, Belgium, Slovenia, Spain, the Baltic Countries, France, Greece, Italy, Ireland, Netherlands, Sweden and United Kingdom.

negotiations, conducted at company level, the greater wage inequality tends to be, including the gender wage gap. Conversely, when there is greater coordination between the different levels of dialogue (national-sector-enterprise), wage inequality decreases. The existence of effective social dialogue helps to improve the inclusion and protection of the most vulnerable workers or those with the least bargaining power, including undeclared workers, informal workers, migrants, women and young people.

In Greece, where 33% of workers, and especially the self-employed (91%) operate in the undeclared economy (ILO, 2018), the weakening of collective agreements and unilateral setting of the minimum wage (traditionally set through bipartite dialogue at sectoral level) resulted in the number of workers covered by collective agreements falling from

83% in 2008 to 40% in 2013 (only 10% in the private sector), and an increase in wage inequality (Vaughan-Whitehead, 2017).

Aside from reducing income inequalities, social dialogue has also proved effective in securing significant improvements in the working conditions of many informal workers. In Senegal, for example, significant progress was made for workers in security companies through social dialogue: the regularisation of almost 1,500 employees through employment contracts, the payment of transport allowances, the creation of a medical insurance institution (MPI), the regular payment of contributions to the pension fund (IPRES) and the Social Security Fund (CSS), the implementation of occupational health and safety provisions, and the establishment of a solidarity fund.¹⁶

FORMALISATION OF THE PRIVATE SECURITY SECTOR IN SENEGAL

The private security sector in Senegal generates more than 30,000 jobs. Workers in this sector have precarious jobs, are not protected by regulations, do not have access to social security and, although they are covered by the collective agreement governing the commercial sector, the latter does not seem to be properly enforced.

Faced with this challenge, the CNTS (Confédération Nationale des Travailleurs du Sénégal) launched initiatives aimed at formalising these workers, including the creation of trade unions in companies that employ security guards. This led to the formation of the Syndicat National des Personnels Civils des Armées et des Services de Sécurité Publiques Privées et Assimilés (SYNPAS), which now has 4260 members (including 492 women).

The CNTS provided the representatives with training to develop the representatives' negotiating and trade union leadership skills. As a result, social dialogue has become a reality in these companies, giving rise to important gains: the regularisation of almost 1,500 employees, the payment of transport allowances, the creation of a medical insurance institution (MPI), the regular payment of contributions to the pension fund (IPRES) and the Social Security Fund (CSS), the implementation of occupational health and safety provisions, etc.

A draft collective bargaining agreement, adapted to the sector, with a new job classification and pay scale proposed by the CNTS, is currently under negotiation with employers and the Labour Ministry.

These initiatives are receiving support from the West Africa Programme of World Solidarity (WSM).

¹⁶ Project supported by World Solidarity (WSM), a Belgian international development cooperation NGO that supports trade unions. <http://www.solmond.be/>

In Burundi, the signing of the National Tripartite Charter on Social Dialogue in 2011 shows how organising informal workers enables their representation in collective bargaining negotiations and leads to improvements in their legal status,

with the informal economy being put on the same level as the formal economy. This recognition has already allowed for arrangements that protect certain informal economy workers from harassment and facilitates their access to certain rights.¹⁷

COLLECTIVE BARGAINING FOR INFORMAL WORKERS IN BURUNDI

The Confédération des Syndicats du Burundi (COSYBU) and FNNT-SI (National Federation of Transport, Social and Informal Workers) have been working for several years with the support of the CGSLB (General Confederation of Liberal Trade Unions of Belgium) to organise informal workers and to strengthen and improve social dialogue in Burundi. These programmes have yielded significant results in both areas.

One is the signing, in 2011, of the National Tripartite Charter on Social Dialogue. The Charter places the informal economy on the same level as the formal economy, and represents a milestone, demonstrating how organising informal workers enables their representation in collective bargaining and allows them to secure improvements in their legal status. This has facilitated the progressive organisation of informal workers into trade union federations and their recognition as fully-fledged and representative parties within social dialogue processes and on the boards of social protection schemes, enabling them to take part in decision-making on measures that may affect them.

Work is currently underway on the revision of the Labour Code and specific legislation to regulate the informal economy.

In Uganda, thanks to the growing representation of informal workers within the National Organisation of Trade Unions (NOTU), they now have the power to negotiate with local governments on improvements in market stall rental, access to health services, transport infrastructure and the reduction of police harassment.¹⁸

In light of the above, organising informal workers and informal economy units – at the same time as strengthening social dialogue processes, particularly those at national or sectoral level, which have shown a greater capacity to include vulnerable groups, including informal workers – is essential to reaching the goals of ending poverty (SDG1), ensuring decent work (SDG8), promoting gender equality (SDG5) and reducing inequality (SDG10).

¹⁷ Cooperation project between the CGSLB, of Belgium, and the COSYBU trade union centre and the FNNT-SI (National Federation of Transport, Social and Informal Workers). <https://www.cgslb.be/fr/accueil-msi#>

¹⁸ The work done by NOTU has been supported by the LO/FTF Council of Denmark.

The gender dimension

The proportion of women in the informal economy varies from one country to another, for a variety of reasons, and at global level there are more men in the informal economy than women. This ratio, however, is reversed in the developing world, particularly in Africa and Latin America, and in a number of traditionally female-based economic sectors, such as domestic and agricultural work (ILO, 2018).

Social dialogue has made important contributions to reducing gender inequalities, for example through the growing inclusion of clauses in collective agreements on issues that directly affect women, such as breastfeeding, work-life balance, maternity, domestic violence, etc. (ILO, 2013c). Many of these agreements reach all women workers, both formal and informal, especially when collective bargaining occurs at sectoral and national levels and the agreements have broader levels of coverage.

One of the sectors with the highest level of informality and the highest female presence is domestic work. It is a sector that is not generally covered by collective bargaining and in which women workers find it difficult to organise and to identify their social dialogue partners, due to the dispersion of the workforce and the existence of multiple employers, among other obstacles.

In Uruguay, negotiations within the Tripartite Commission on Equal Opportunities resulted in the enactment of a Law on Domestic Work, in 2006. This law extended social security cover

to domestic workers (men and women) and established the National Tripartite Commission on Domestic Workers' Salaries, where the domestic workers' union SUTD and the National League of Housewives agree on wages and other working conditions through collective bargaining¹⁹. It was within this framework that domestic workers managed to secure, among other things, a minimum wage increase above the national average (Budlender, 2013; ILO, 2017c).

Even where domestic workers do not have access to collective bargaining, as is the case almost in many instances around the world, social dialogue has played an important role in bringing about improvements in regulations and working conditions in the sector in a number of countries. In the Philippines, for example, the expanded tripartite dialogue²⁰ within the framework of the Technical Working Group on Domestic Work (TWG-Domestic Work) was instrumental in achieving the ratification of ILO Convention 189 on Domestic Work and the enactment of the Domestic Work Act, in line with the provisions of the Convention (King-Dejardin, 2018).

It is clear that the equal representation of women, provided with the necessary training and information, is crucial to ensuring that the design, implementation and monitoring of laws and policies aimed at promoting gender equality, both in the formal and informal economy, are in tune with their needs and realities. This represents a significant challenge, given the under-representation of women in social dialogue institutions (ILO, 2018c).²¹

¹⁹ Uruguay is one of the few countries with collective bargaining for the sector.

²⁰ The space was initially tripartite, but was subsequently broadened to include the domestic workers' association SUMAPI, the Philippine Commission on Women (PCW) and the Migrant Forum in Asia (MFA).

²¹ ILO Resolution and conclusions concerning the second recurrent discussion on social dialogue and tripartism adopted at the 107 session of the international labour conference, Geneva.

Health and safety at work

The 2030 Agenda for Sustainable Development makes specific reference to health and safety at work, underlining the need, in target 8.8, to “protect labour rights and promote safe and secure working environments for all workers...”. The contribution social dialogue makes to occupational health and safety is widely recognised by governments and the social partners.

At national and sectoral levels, social dialogue allows for the negotiation of important issues related to fundamental health and safety conditions, including exposure limits, the adoption of safer processes in certain industries, the updating of lists of occupational diseases, etc. In Kenya, tripartite social dialogue between unions (COTU (K)), the government and employers (Federation of Kenyan Employers – FKE), gave rise to the adoption of several labour laws, such as the Work Injury and Benefits Act, establishing compensation measures in case of injuries sustained at work and the Occupational Safety and Health Act setting out the health and safety requirements employers must adhere to in this area. Being national laws, they cover all workers and units, formal and informal (Otiengo, 2018).

In the DR Congo (DRC), the revision of the list of occupational diseases was included in the negotiating topics of the tripartite councils formed to

monitor the implementation of Recommendation 204. In addition, the Social Security Code was revised to cover informal economy workers, and a law on health and safety funds was passed.²²

At company level, the ILO Occupational Safety and Health Recommendation, 1981 (No. 164)²³ establishes a specific bipartite mechanism: the Joint Health and Safety Committee, tasked with ensuring a safe working environment. The active involvement of employers and workers is essential to identifying and reducing risks in the workplace, implementing prevention and protection measures, and ensuring supervision and monitoring.

It was through social dialogue that the DRC was able to establish health and safety committees in markets, made up of elected representatives, which have developed various activities to improve sanitary conditions, such as the rehabilitation of latrines in the central market of Kinshasa.²⁴

One of the objectives of a trade union cooperation project currently underway in Benin²⁵ is to increase the number of Occupational Health and Safety (OHS) Committees in formal companies and to set up OHS Committees in the informal sector. The project also aims to develop skills in occupational health and safety in the informal economy, and to increase the registration of informal workers in the social security system.

22 Project supported by IEOL/CSC (Institute for International Workers Education of the CSC), Belgium.

<https://www.csc-en-ligne.be/csc-en-ligne/La-CSC/Que-faisons-nous/International/Cooperation/cooperation.html>

23 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312502

24 Project supported by IEOL/CSC, Belgium.

25 Cooperation project with the IFSI, the international cooperation institute of ABVV-FGTB Belgium. <https://www.ifsi-isvi.be/>

EXPANDING THE RIGHTS OF INFORMAL WORKERS IN BENIN

Two national union centres CSA-Benin (Confédération des Syndicats Autonomes du Bénin) and UNSTB (Union Nationale des Syndicats des Travailleurs du Bénin) have been working actively since 2016 to expand the rights of informal workers (95% of the country's workforce) and, in turn, to promote the gradual transformation of the informal economy.

Through their participation in national-level tripartite bodies, CSA-Benin and UNSTB are advocating the formalisation of the informal economy, seeking to improve the existing regulatory and institutional framework, which is not always applied and is clearly not equipped to curb the expansion of the informal economy.

This work is being supported by the Belgian trade union federation FGTB, through a project also seeking to encourage the organisation of informal workers within their own trade unions, through training and awareness raising on their labour rights, occupational health and safety issues, and small business management techniques.

Another aim of this project is to improve social coverage and health and safety conditions by increasing the number of informal workers affiliated to the universal health insurance scheme, as well as the number of occupational health and safety committees in informal sectors.

Beyond the specific reference to occupational health and safety, there are other related fields, set out as targets or indicators under other SDGs, to which social dialogue can contribute. One example is indicator 1.3.1, which refers to social protection coverage for victims of accidents at work.

There is a general consensus among the social partners, governments and in the literature on the matter that the under-reporting of occupational accidents and diseases is one of the major obstacles to the design and monitoring of policies on prevention and the protection of health and safety at work. Under-reporting is even more prevalent in the informal sectors. Many workers and employers avoid reporting, to avoid being exposed.

As a result, many of the illnesses, accidents and even related deaths that occur in the informal economy remain "invisible". In this regard, social dialogue institutions involving informal workers and employers represent an unbeatable source of first-hand information.

Similarly, the issue of chemical hazards is directly related to target 3.9, to "...substantially reduce the number of deaths and illnesses from hazardous chemicals...". Although the target refers to the general public, it is widely acknowledged that workers are the most exposed to these risks, due to their double exposure – in and out of the places of work – and the possible synergistic effects of multiple exposure.

The level of exposure is much higher among informal workers, given the higher levels of precariousness and outsourcing, as well as the often greater lack of occupational health and safety controls and inspections (Maffei, 2014). The agricultural sector, for example, where the proportion of informal workers is the highest worldwide (94%), is one of the most exposed to occupational health risks in general, and chemical hazards in particular. Social dialogue could make a highly significant contribution to improving the health and safety of formal and informal workers, and the population in general, by establishing action protocols and chemical risk reduction measures.

There are some examples of steps taken in this direction, such as the Multi-Party Conferences on Chemical Hazards held in El Salvador and the Dominican Republic within the framework of trade union cooperation projects.²⁶ The conferences were attended by formal and informal workers in both countries – including agricultural workers, domestic workers, waste pickers – as well as governments, academics and, in some cases, employers. It was the first time that the governments and workers came together to address this issue, and informal progress was made in the discussion of protective measures and the need for the greater inclusion of informal workers in existing dialogue institutions (Maffei, 2014).

Broadening social protection coverage

The ILO points to the expansion of social security coverage as one of the policies geared towards addressing the structural causes of informality. This is a major challenge given that 75% of the world's population is currently deprived of adequate social protection, including the vast majority of informal workers (ILO, 2015a).

The 2030 Agenda recognises the importance of a rights-based approach to social protection, and also makes specific reference to it in target 1.3, on implementing social protection systems for all, in target 3.8, on universal health coverage, and target 8.b, on the full implementation of the ILO's Global Jobs Pact, a tripartite agreement covering the need to broaden social protection.

Access to social protection is one of the four pillars of the Decent Work Agenda, and is the subject of many ILO standards, which stress the importance of social dialogue in ensuring the most appropriate and effective implementation and management of social protection systems and institutions.

²⁶ Projects conducted by Sustainlabour and the TUCA in 2013, within the framework of the Quick Start Programme (QSP) of the SAICM (Strategic Approach to International Chemicals Management).

PENSIONS FOR INFORMAL WORKERS IN GHANA

The Union of Informal Workers' Associations of Ghana (UNIWA) was formed in April 2015 by the Ghana Trades Union Congress' to address the lack of representation and voice faced by informal workers for improved working and living conditions. UNIWA provides a platform for informal economy operators in Ghana to engage with local and national stakeholders and social partners to promote their rights and interests. Currently, UNIWA has 19 member associations, amongst them organisations of actors, musicians, traders, porters and hawkers.

On 31 May 2017, all 81,000 UNIWA members were registered in the private pension scheme funded by the union. The fund is specifically tailored to meet the needs of informal workers: members can determine for themselves how long they want to continue working and how much they want to pay into the scheme. They can also ask for credit based on the savings deposited.

Mondiaal FNV²⁷ supported the TUC and UNIWA in setting up and promoting this pension fund. The FNV supported UNIWA from the very beginning, to help it to develop a strong voice in the call for better working and living conditions for informal economy workers. Meanwhile, UNIWA has gained national recognition, participating in national committees such as the National Pensions Regulatory Authority (NPRA)'s Informal Sector Working Committee and the Ministry of Employment and Labour Relations (MELR)'s Local Organising Committee for the Formalisation of the Informal Economy.

The literature and evidence on the matter clearly show the effectiveness of social dialogue in contributing to extending social protection to groups traditionally excluded, including informal workers. Many international trade union cooperation projects geared towards the informal economy within Africa have succeeded in improving or extending the social protection of workers through social dialogue. In the DRC, for example, the Social Security Code was revised to cover workers in the informal economy.²⁸ In Niger, the results of the negotiations involving the CNT within the National Social Secu-

urity Commission were reflected in a law on universal social protection coverage.²⁹ In Ghana, the actions taken by the Trades Union Congress (TUC) and the Union of Informal Workers' Associations (UNIWA) include establishing a sustainable social protection floor for informal economy workers, especially women, and the voluntary pension fund set up by UNIWA.³⁰ In Morocco, the law for the recognition of artists as informal workers, achieved through social dialogue, considers the need to adapt the social security system to meet the specific needs of the sector.³¹

27 Mondiaal FNV is the international solidarity organisation of the FNV in the Netherlands.

<https://www.fnv.nl/over-fnv/internationaal/mondiaal-fnv/english/projects/about-mondiaal-fnv/>

28 Project supported by the IEIO/CSC.

29 Project supported by the IEIO/CSC.

30 Cooperation projects with LO/FTF Council, Denmark, and Mondiaal FNV, the Netherlands.

31 Cooperation project: International Federation of Actors (FIA) and SMPAD (Moroccan Union of Dramatic Arts Professionals).

FORMALISING WORK IN THE ARTS IN MOROCCO

In Morocco, after a struggle lasting several years, a fluid dialogue was established between the Ministry of Culture, the Ministry of Communication and Employment and organisations representing various artistic disciplines, such as the SMPAD (Moroccan Union of Dramatic Arts Professionals), which resulted in a Parliamentary law which considerably improves the working situation of artists, in particular actors and actresses.

The initiative integrates the various artistic disciplines into the labour code and lays the foundation for collective bargaining in the sector. It also recognises and undertakes to respect artistic freedom and freedom to organise. It represents a decisive step towards collective bargaining, which can improve access to social benefits.

One of the key aspects of the law is the acknowledgement that artists, in particular professional actors, need a special social security scheme, given their often intermittent and atypical activity. The law had strong political support and achieved a historic consensus among all the political parties represented in the Chamber of Deputies.

The SMPAD received support for this initiative from Union to Union³² of Sweden, the International Federation of Actors (FIA), the Swedish actors' union, Teaterförbundet för scen och film (TF) and the French actors' union, Syndicat Français des Artistes-Interprètes (SFA).

In Costa Rica, the Tripartite Dialogue on the Transition from the Informal to the Formal Economy identified social protection as a priority and agreed on measures aimed at extending social security coverage to groups and sectors that are currently excluded by, for example, diversifying insurance models for informal workers: domestic workers; seasonal coffee harvesters; self-employed workers and self-employed workers who are members of trade unions or cooperatives. Social dialogue on the sustainability of retirement pensions insurance has also been underway since April 2017 (Cheng lo, 2018).

In Kenya, bodies such as the National Social Security Fund (NSSF) or the National Hospital Insurance Fund (NHIF) were established on the basis of social dialogue and have tripartite boards on which informal workers are represented, through their affiliation to the COTU(K) trade union centre. Tripartite dialogue within these bodies led to a 26.5% increase in NHIF coverage from 2015 to 2016, based on a minimum individual contribution that independent and informal workers can make. Tripartite discussions are currently taking place within the NSSF to reverse some unilateral measures that discriminate against informal workers (Otieno, 2018).

³² Union to Union is the solidarity organisation of Swedish unions. <http://www.uniontounion.org/en/about>

In Argentina, various initiatives have been carried out within the framework of the Tripartite Commission to Strengthen the Social Security System, which operates within the CSMVM. Among the priorities identified was the need to coordinate national, provincial and municipal schemes and to simplify the registration of micro-entrepreneurs and self-employed workers. Discussions on a new pension system were underway in 2017 but, by the end of the year, the government unilaterally reformed the pension system, amid strong opposition from trade unions and social organisations (Battistini, 2018).³³

Facilitating the registration and formalisation of the informal economy

As mentioned above, more than 90% of micro, small and medium enterprises (MSMEs) operate informally, and the majority of the individuals who work informally are self-employed (ILO, 2018). This affects competitiveness, productivity and the sustainability of development.

As seen in previous pages, the 2030 Agenda reflects the need to tackle this issue in several of its targets regarding higher economic productivity (target 8.2), the formalisation of MSMEs (target 8.3), efficiency in production and consumption (target 8.4), access to financial services and the integration of small industries into value chains (targets 8.3 and 9.3).

The cases reviewed offer an insight into the various ways social dialogue can help facilitate progress in these areas.

Implementation of Recommendation 204

The adoption of ILO Recommendation 204 has given rise, in recent years, to social dialogue regarding the recommendation's implementation in many countries. This provides an opportunity to demonstrate the value of this mechanism, the success of which is hinged on ensuring adequate and broader representation of informal economy actors.

As noted in previous pages, ensuring the informal sector's participation in the dialogue process was, for example, critical to the implementation of Recommendation 204 in Costa Rica (Cheng Lo, 2018).

In Africa, several trade union cooperation projects are looking to ensure that the interests of informal economy workers are adequately represented in these social dialogue processes. In South Africa, for example, the Congress of South African Trade Unions (COSATU) and the Federation of Unions of South Africa (FEDUSA) succeeded in establishing a National Task Team on the implementation of ILO Recommendation 204 within the National Economic Development and Labour Council (NED-LAC), which includes representatives from various sectors of the informal economy. A subcommittee was set up within the Task Team to examine the legal reforms required to bring South Africa's legislation into line with ILO Recommendation 204.³⁴

In Niger, the CNT is working, through social dialogue, to establish a national framework to monitor the implementation of ILO Recommendation 204 within the National Labour Council and the National Social Security Commission.³⁵

³³ See "Social Dialogue to achieve the SDGs" Country Brief: Argentina https://www.ituc-csi.org/IMG/pdf/argentina_-_reader_friendly_-_en.pdf

³⁴ These initiatives were supported by the cooperation programme for the implementation of ILO R204 of the Belgian trade union centre CGSLB-ACLVB.

³⁵ Cooperation project of IEIOI/CSC

INITIATIVES TO IMPLEMENT ILO RECOMMENDATION 204 IN NIGER

In Niger, the CNT (Confédération Nigérienne du Travail) is working, through social dialogue, to establish a national framework to monitor the implementation of ILO Recommendation 204 within the National Labour Council. It is within this framework, and as a result of joint efforts with other civil society organisations, that a law was secured on universal social protection coverage.

The CNT, as a member of the Board of the National Social Security Fund (CNSS), has also been able to secure support for its initiative to increase the CNSS budget through alternative sources of funding.

The CNT is pursuing a strategy to secure the expansion of precarious and informal workers' rights, focusing on the most vulnerable sectors, such as construction, transport, security officers and domestic workers. Contract teachers are also one of the most vulnerable groups. Large numbers of teachers, who used to have labour rights, were collectively dismissed, as part of the structural adjustment programmes promoted in many African countries, then rehired under very precarious terms of employment. It was through social dialogue that the CNT managed to secure public servant status for 25,000 contract teachers and, for the rest, some of the same rights as those enjoyed by teachers in the public system.

These initiatives have been supported by the CSC (Confederation of Christian Trade Unions, Belgium).

Registration and labour inspection

Another way in which social dialogue has proved effective in driving the formalisation of the informal economy is through its contribution to the design and improvement of regulations aimed at facilitating the registration of workers and production units. In Argentina, for example, the Social and Food Emergency Law,³⁶ passed in 2016, in response to pressure from trade union and social movements,

established a Register of Workers in the People's Economy³⁷ and the People's Economy and Complementary Social Wage Council, bringing together representatives from the government and people's economy movements.³⁸ The law also establishes various measures aimed at providing these workers with a minimum income, such as the social wage, or child and prenatal allowances (Battistini, 2018).

³⁶ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/265000-269999/269491/norma.htm>

³⁷ Self-employed, informal and cooperative workers.

³⁸ The Council had not yet been established at the time of publishing the case study (Battistini, 2018).

Argentina's Law on the Promotion of Declared Work and the Prevention of Employment Fraud, approved in 2014, was also the result of social dialogue. The legislation seeks to strengthen labour inspection, and gave rise to the Public Register of Employers with Employment Sanctions (REPSAL), as well as a special scheme for micro-employers, which includes reductions in employer contributions and the payments to occupational risk insurers (Battistini, 2018).

As regards improvements in inspection mechanisms, the permanent bipartite social dialogue between the national construction workers' union UOCRA and the Argentine Chamber of Construction CAMACRO, led to the creation of the IERIC (Instituto de Estadística y Registro de la Industria de la Construcción), an independent body in charge of registering the workers employed in the industry. (Battistini, 2018).

Occupational training and skills development

The right to education – a fundamental human right enshrined in several international standards – is an enabling factor for the exercise of other economic, social and cultural rights. Access to education, understood as access to effective and relevant lifelong learning, is central to the achievement of sustainable development (UNESCO, 2012), and encompasses both formal and non-formal and informal training, including vocational, technical and higher education for skills development.

This point is directly reflected in SDG 4 (targets 4.3, 4.4, 4.7). In addition, vocational training and skills development are fundamental to the Decent Work Agenda and the promotion of productive employment, a theme addressed by various ILO instruments.

Social dialogue is essential to the appropriate design and implementation of skills development programmes, to ensuring coherence between supply and needs and that the contents of vocational and technical training are updated in line with technological progress.

In Kenya, the Micro and Small Enterprises Authority (MSEA) is governed by a tripartite-plus board. Its core mission is to support the development of these companies through initiatives such as training. The MSEA board is composed of representatives from sectoral organisations (manufacturing, trade, services, and agribusiness), associations of women, young people and disabled people linked to MSMEs, and representatives of private sector organisations, microfinance institutions and workers' organisations (Otieno, 2018).

In March 2017, the Tripartite Dialogue on Dual Education was set up in Costa Rica with the aim of defining the guiding principles for the promotion of technical-vocational education or training, in line with the National Framework for Vocational Education and Training Qualifications (2015), one of the objectives of which is to "contribute to transforming the activities of the informal economy into decent work" (Cheng Lo, 2018).

Main challenges

Valuing and committing to social dialogue

In recent years, and particularly since the adoption of international instruments linked to the informal economy or to sectors with high levels of informality, such as domestic work, spaces for dialogue have been created or expanded in various countries and at different levels to address these issues. One of the obstacles mentioned in many of the case studies reviewed, however, is the failure of some stakeholders to commit to or to recognise the value of these spaces. This weakens dialogue processes and often results in the failure to respect or implement agreements. This is one of the problems commonly highlighted by trade unions or informal workers' organisations.

In Kenya, for example, the Alliance of Street Vendors and Informal Traders (KENASVIT) points out that the institutions involved in social dialogue processes tend to send representatives with very limited decision-making power, which means that many of the agreements do not have the expected results due to the lack of channels for their implementation and poor enforcement mechanisms (Otieno, 2018).

In some instances, difficulties in implementing agreements are related to the lack of political will of some of the actors. The tea and flower pickers organised within the Kenya Plantation and Agricultural Workers' Union (KPAWU), for example, had to resort to legal action to enforce a wage increase agreed on in collective bargaining with the Agricultural Employers' Association (Otieno, 2018).³⁹

In the Philippines, although the tripartite technical working group on domestic work (TWG) gave rise to notable results in terms of better regulation, providing a fundamental framework for advancing the labour rights of domestic workers, the results in terms of employment registration and working conditions do not yet reflect the gains secured in law. This is due to the poor enforcement of decisions and social dialogue outcomes.⁴⁰

Even in countries with strong organising traditions and capacities and solid dialogue institutions, the commitment of the social partners, and above all the state, is decisive. An illustration of this is Argentina, where social dialogue is experiencing difficulties and the government has adopted several measures without much consultations in the last two years (Battistini, 2018).⁴¹

States and governments undoubtedly play a fundamental role in making social dialogue processes solid and effective. Opening social dialogue spaces or improving regulatory frameworks is of little worth if there is no commitment to sustaining dialogue as a key mechanism for negotiating and consensus-building in the world of work, or if the necessary steps are not taken to effectively implement the agreements and decisions made.

Participation and representativeness

In general terms, institutional recognition of informal economy actors has improved over recent years, as illustrated by their ability to take part in a range of social dialogues. One of the major challenges, however, continues to be their real and representative participation in these processes.

39 See "Social Dialogue to achieve the SDGs" Country Brief, Kenya https://www.ituc-csi.org/IMG/pdf/kenya_-_reader_friendly_-_en.pdf

40 See "Social Dialogue to achieve the SDGs" Country Brief, Philippines https://www.ituc-csi.org/IMG/pdf/es-filipinas_web_triptico.pdf

41 See "Social Dialogue to achieve the SDGs" Country Brief: Argentina https://www.ituc-csi.org/IMG/pdf/argentina_-_reader_friendly_-_en.pdf

There are a number of reasons for this, including difficulties in identifying and involving the most appropriate actors, partly due to the diversity and heterogeneity of the sector itself.

In many cases, this poor representation reflects the fact that they do not feel included or called on to take part. This is one of the concerns of the social dialogue actors in Costa Rica, where the informal economy is inadequately represented in the tripartite dialogue set up to monitor the implementation of R204. Only one Costa Rican trade union, the CMTC, affiliates informal workers, and the informal economy is not represented within any of the employers' organisations.⁴²

Other issues mentioned are the lack of interest or motivation within certain groups that are key to tackling the issue of informality. The study on Kenya points to the low level of involvement among women and young workers, especially in the case of self-employed workers. Many turn to organisations and get involved when faced with disputes, but participation tends to fall when these have been overcome. Another challenge identified was the "briefcase" organisations, with no members and therefore no representativeness, occupying positions in dialogue structures.

These problems are directly linked to the organising capacities of informal economy workers. As noted in previous sections, developing these capacities is a major challenge and requires a wide range of strategies to accommodate the diversity of the sector.

Awareness raising is key, as is providing the representatives of informal workers and economic units with training to develop their capacities to organise and take part in dialogue. Ensuring not only participation but also representativeness is crucial to the legitimacy and effectiveness of the dialogue process.

Lack of time and resources

Involving society in decision-making processes, including social dialogue in the world of work, provides the decisions reached with the quality and legitimacy required to implement them successfully.

In addition to the political will of all the actors, these processes require a large amount and variety of resources: the people taking part in them need to be able to organise themselves, to travel, to cover that day's income, they need access to the necessary information, enough time to analyse, discuss and build positions ahead of the dialogue, along with many other things that require time, money and availability, at personal and organisational level.

Access to these resources tends to be all the scarcer for vulnerable groups, including informal economy actors. A number of the cases reviewed point precisely to this issue. In the Philippines, for example, the dialogue process became inactive once the law on domestic work was passed, partly due to the lack of resources to keep the stakeholders mobilised. According to Dejardin (2018), the cuts to the support received from the regional office of the ILO were also decisive.

42. Ver "Social Dialogue to achieve the SDGs" Country Brief: Costa Rica" https://www.ituc-csi.org/IMG/pdf/costa_rica_-_reader_friendly_-_en.pdf

Linkages and coordination between spaces

In many instances, the discussions on informality are fragmented and lack coordination with other spaces addressing development policies, poverty alleviation and other key issues directly related to it. There is also often a lack of coordination between social dialogue processes at the different levels (national, sub-national, sectoral). The literature and experience show that when dialogue spaces are interconnected and coordinated, they are much more effective in contributing to equitable and sustainable development.

One of the obstacles identified in Costa Rica, for example, is the lack of interaction between the tripartite dialogue for the implementation of Recommendation 204 and the Pact for the SDGs. The goals prioritised by the Pact did not include decent work or formalising the economy, and the Voluntary National Review of the implementation of the SDGs mentioned very few measures in this respect. This interaction is fundamental to ensuring that any progress made in the area of formalisation be integrated as best possible with progress towards the Sustainable Development Goals (Cheng-Lo, 2018).

In addition to the linkages created between policy or dialogue spaces, interaction between the various stakeholders is also fundamental. Broadening dialogue platforms to include social organisations with experience in negotiation or dialogue – although not necessarily in issues related to the world of work – can be very helpful in terms of securing increased visibility, giving legitimacy to the discussions and providing support for groups with less organising experience. This was the case in the Philippines, where the Technical Working Group on Domestic Work, initially conceived as a tripartite space, was expanded to include organisations with solid experience in the fields of gender equality and child labour. This helped to put the issue on the political agenda and to give it visibility at national level (King-Dejardin, 2018).

Building alliances with trade unions and other social organisations around the demands of legitimate and representative informal workers' organisations can play a decisive role in promoting social dialogue processes that contribute to formalising the economy and improving informal workers' conditions. The People's Economy and Complementary Social Wage Council, in Argentina, is a good example of what can be achieved through joint action (Battistini, 2018).



CHAPTER 4
OVERALL CONCLUSIONS
AND RECOMMENDATIONS

The literature and case studies reviewed show that social dialogue can make significant contributions to the coherence and sustainability of policies aimed at formalising the informal economy, contributing on many levels to meeting the 2030 Agenda for sustainable development. Social dialogue has specific features and tools that have proved useful in advancing key goals of the 2030 Agenda, most notably, but not exclusively, in the areas of poverty reduction, decent work, equality, health, education, sound institutions and social cohesion.

The participation of informal economy representatives in dialogue processes

- The participation of informal workers and economic units is essential to ensure the quality and suitability of policies and measures to formalise the economy, to enable their effective implementation, monitoring and the early assessment of results to enable the rapid adoption of corrective measures. The principles of R.204 about giving a voice to those in the informal economy are clear : “the competent authority should make use of tripartite mechanisms with the full participation of the most representative employers’ and workers’ organisations, which should include in their ranks, according to national practice, representatives of membership-based representative organisations of workers and economic units in the informal economy.
- The case studies and literature reviewed reveal that there has been overall progress in government institutions’ acknowledgement of informal economy representatives as actors able to participate in new or existing social dialogue processes.
- Trade unions and informal workers’ organisations have proved very active, on the whole, in the quest for spaces in which they can participate, and have been developing a rich and creative range of strategies for coordinating interests and organisational structures.
- Employers’ organisations have also been developing strategies to facilitate the regularisation of informal units, although these initiatives are seemingly less widespread.

Improving working conditions, equality and social protection

- Extending the coverage of social dialogue instruments, such as collective agreements or tripartite mechanisms for minimum wage setting, contributes to reducing labour and income inequalities, which has direct benefits for informal workers.
- Social dialogue at sectoral level has secured major gains in terms of labour rights, occupational health and safety protection and risk prevention, pay, terms of employment, etc.
- The case studies show that social dialogue can contribute very significantly to the extension of social protection and social security coverage.

Facilitating the transition: registration, monitoring and skills

- The involvement of the social partners can contribute significantly to the effective implementation and enforcement of labour legislation in the workplace. The adoption of monitoring and inspection mechanisms through social dialogue facilitates their implementation, among other things, thanks to the broader social consensus garnered.
- Social dialogue has proven effective in promoting a range of initiatives to adapt the legislation or make it more flexible, with a view to speeding up registration, reducing obligations or facilitating measures that contribute to formalising the economy.
- Dialogue processes provide scope for discussing training policies and identifying skills, for the formal and informal sectors, promoting greater efficiency and productivity and ensuring that no worker is left behind in the transition to formality and more sustainable models.

The role of development cooperation

- International trade union cooperation has played and continues to play an active and fundamental role both in organising informal workers and in achieving concrete results in terms of labour rights through social dialogue.
- Efforts to improve the training and capacity building of all social actors, and in particular trade union organisations, remain crucial to enabling more effective participation in dialogue and negotiation processes and tackling the complex issue of the informal economy.

Suggestions for improving the contribution of social dialogue to the 2030 Agenda and formalisation

- Ensure adequate linkages and coordination between the social dialogue processes in place, especially between those established to implement ILO Recommendation 204 and those created to implement the 2030 Agenda.
- Promote the inclusion of clauses referring to the issue of informality in collective bargaining agreements. This could be a very effective tool for guaranteeing rights and establishing monitoring mechanisms based on mutual agreement between the parties.
- Strengthen enforcement of social dialogue outcomes. This gives weight to these social dialogue processes and provides the stakeholders with the motivation to participate effectively.
- Contribute to building the social partners capacities at all levels so that they can be effective in fulfilling their role in organising and representing the informal economy in social dialogue processes. International cooperation can play an important role in this area.
- Provide technical and financial resources to foster sustained social dialogue, including the economic resources required to ensure the effective participation of informal economy actors, taking into account the diversity of the sector and the constraints within it.

- Support social dialogue as a democratic governance instrument, underpinning accountable labour market institutions, as prescribed by goal 16 of Agenda 2030.

To conclude, in view of the weight and the sustained growth of informality across the world, social dialogue has shown its effectiveness in securing concrete results in terms of labour rights, inclusion and the formalisation of the informal economy, and therefore constitutes a huge source of potential for contributing to the implementation of the 2030 Agenda, ensuring a just and democratic transition from which no one is excluded.

Social dialogue facilitates access to information and fosters exchange, helping to develop a better understanding of the challenges and opportunities, facilitating consensus building and, where required, conflict management. At the same time, social dialogue can provide an opportunity to mobilise the various stakeholders, to raise their awareness and motivate them to tackle the issue of informality.

Social dialogue is crucial to ensuring that the groups involved take ownership of the issue and that the decision-making process is transparent. This is the only way to build the social consensus required for the implementation of formalisation policies and measures.

Beyond the usefulness of social dialogue as a mechanism for guaranteeing the coherence and legitimacy of policies referring to informality, the right to dialogue, to be heard, and to decide on issues of interest is fundamental to the construction of democratic societies, and one of the pillars of the 2030 Agenda for sustainable development.

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