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## **Women Workers and the Politics of Claims-Making in a Globalizing Economy**

*Naila Kabeer*

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When and Why do States Respond to Women's Claims?  
Understanding Gender-Egalitarian Policy Change in Asia

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UNRISD, Palais des Nations  
1211 Geneva 10, Switzerland

Tel: +41 (0)22 9173020  
Fax: +41 (0)22 9170650  
[info@unrisd.org](mailto:info@unrisd.org)  
[www.unrisd.org](http://www.unrisd.org)

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# Acronyms

<b>ADWN</b>	Asian Domestic Workers Network
<b>AFL-CIO</b>	American Federation of Labor and Congress of Industrial Organizations
<b>AIDS</b>	Acquired immunodeficiency syndrome
<b>AMC</b>	Asian Migrant Centre
<b>AMCB</b>	Asian Migrants' Coordinating Body
<b>BAYAN</b>	New Patriotic Alliance
<b>BIGUF</b>	Bangladesh Independent Garment Workers' Union Federation
<b>CCMA</b>	Commission for Conciliation, Mediation and Arbitration
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>CEO</b>	Chief Executive Officer
<b>CIS</b>	Commonwealth of Independent States
<b>CMW</b>	International Convention on the Protection of All Migrant Workers and Members of Their Families
<b>COLSIBA</b>	Coordinadora Latinoamericana de Sindicatos Bananeros y Agroindustriales ( <i>Coordinating Body of Latin American Banana and Agro-industrial Unions</i> )
<b>COSATU</b>	Congress of South African Trade Unions
<b>COSIBAH</b>	Coordinadora Sindicatos Bananeros y Agroindustriales de Honduras ( <i>Coalition of Honduran Banana and Agroindustrial Unions</i> )
<b>CST</b>	Central Sandinista de Trabajadores ( <i>Sandinista Workers Central</i> )
<b>CUT</b>	Central Unica dos Trabalhadores ( <i>Unified Workers' Central</i> )
<b>CWGI</b>	CEDAW Working Group Initiative
<b>EPZ</b>	Export-Processing Zone
<b>EU</b>	European Union
<b>FENATRAD</b>	National Federation of Domestic Workers' Associations
<b>FNV</b>	Federatie Nederlandse Vakbeweging ( <i>Dutch Federation of Trade Unions</i> )
<b>FTZWU</b>	Free Trade Zone Workers' Union
<b>GATT</b>	General Agreement on Tariffs and Trade
<b>GVC</b>	Global value chains
<b>HIV</b>	Human immunodeficiency virus
<b>HKCTU</b>	Hong Kong Confederation of Trade Unions
<b>IDWN</b>	International Domestic Workers' Network
<b>ILC</b>	International Labour Conference
<b>ILO</b>	International Labour Organization
<b>IMA</b>	International Migrant Alliance
<b>IRENE</b>	International Restructuring Education Network Europe
<b>ITGLWF</b>	International Textile Garment and Leather Workers Federation
<b>ITUC</b>	International Trade Union Confederation
<b>IUF</b>	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association
<b>KKPKP</b>	Kagad Kach Patra Kashtakari Panchayat ( <i>Trade Union of Waste Pickers</i> )
<b>KOPUBUMI</b>	Consortium for the Defence of Indonesian Migrant Workers
<b>MCN</b>	Mexico City Network
<b>MEC</b>	Mujeres Trabajadoras y Desempleadas "Maria Elena Cuadra" ( <i>Movement of Working and Unemployed Women "María Elena Cuadra"</i> )
<b>MFA</b>	Migrant Forum in Asia
<b>MWC</b>	Migrant Workers Convention
<b>NAFTA</b>	North American Free Trade Agreement
<b>NASVI</b>	National Alliance of Street Vendors India
<b>NGO</b>	Non-governmental organization
<b>NSVP</b>	National Urban Street Vendors Policy
<b>OFW</b>	Overseas Filipino worker
<b>PVC</b>	Phillips–Van Heusen
<b>PIT-CNT</b>	Inter-Union Assembly of Workers–National Convention of Workers

<b>PMC</b>	Pune Municipal Corporation
<b>SAR</b>	Special Administrative Region
<b>SC</b>	Solidarity Centre
<b>SEWA</b>	Self-Employed Women's Association
<b>SEWU</b>	Self-Employed Women's Union
<b>SITRATERCO</b>	Sindicato de Trabajadores de La Tela Railroad Company ( <i>Labour Union of the Tele Railroad Company</i> )
<b>SUTD</b>	Sole Union of Domestic Workers
<b>SwaCH</b>	Solid Waste Collection and Handling
<b>SWACHH</b>	Solid Waste Collection Handling
<b>TLA</b>	Textile Labour Association
<b>TNC</b>	Transnational corporation
<b>TUC</b>	Trade Unions Conferederation
<b>TWC2</b>	Transient Workers Count Too
<b>UN</b>	United Nations
<b>US</b>	United States
<b>USAID</b>	United States Agency for International Development
<b>WFP</b>	Women on Farms Project
<b>WIEGO</b>	Women in Informal Employment: Globalizing and Organizing
<b>WTO</b>	World Trade Organization

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## Summary

The paper analyses the evolving politics of claims-making by women workers in the Global South in the context of a globalized economy. It addresses the following questions. What kinds of claims are prioritized in relation to women workers? Who is making these claims? To whom are they addressed? What strategies are pursued to advance these claims? Which claims are heard and acted on—and which go unheard?

The paper considers three categories of women workers: those working in global value chains, those working for domestic markets and those working as cross-border migrants. It also distinguishes between claims made by, with and on behalf of women workers. The analytical framework weaves ideas on the politics of gender-equality claims-making with work on the politics of recognition, redistribution and representation and analysis of the strategies deployed by transnational networks.

Claims relating to workers in global value chains have been largely made on their behalf by anti-sweatshop campaigns led by Northern-based organizations, including trade unions, church groups, student activists and concerned consumers. The claims are largely addressed to the transnational corporations that drive these value chains, although their demands may include pressure on the states in which these corporations are headquartered.

Claims relating to women working for domestic markets, primarily in the informal economy, tend to be made by organizations of women workers themselves, often with the support of locally based NGOs. The claims are largely addressed to the state, although as these organizations come together in international networks, they have also begun to pitch their claims to institutions of global governance, particularly the International Labour Organization (ILO) as well as international trade unions.

Claims relating to migrant women workers tend to be made by locally based NGOs, sometimes made up of migrant workers themselves, in both sending and receiving countries. While the claims are largely addressed to the governments of these countries, they have also been picked up by the emerging international networks of migrant workers and pitched to international institutions.

The right to organize and to engage in collective bargaining is one of the most controversial rights when it comes to workers, particularly in global value chains. The assertion of this right frequently causes capital to cut and run in search of a cheaper and more docile labour force, and in turn, the fear of losing capital makes it harder for states to side with workers. States appear more responsive to some of the claims advanced by domestic workers' organizations, but here too they appear to be more responsive to some claims (the extension of social protection to marginalized groups) than others (eliminating exploitative practices at work).

The paper highlights the importance of “framing” within the strategies drawn on to make claims by, with and on behalf of women workers, because beyond the resources they are able to mobilize, the ability to put claims in compelling narratives determines their effectiveness in mobilizing wider support and resonating with those who have the power to act on those claims. It also argues that the construction and consolidation of associational power has to be factored in as a strategy in itself, particularly when it comes to women workers in the informal economy who are largely overlooked by the trade union movement.

Women workers have organized in a variety of different forms, including trade unions, associations and cooperatives. Those supporting their claims have at times opted to work alongside the trade union movement and at others set up independent women's organizations. But given the patriarchal culture that persists in many mainstream unions, the paper argues that an autonomous organizational space is critical for women workers. It would allow them to develop an "oppositional consciousness" that challenges inequalities that have been taken for granted in their lives, to identify their own priorities and to craft alternative strategies for making claims that are better suited to their distinctive experiences and constraints. Given the globalized terrain within which the politics of claims-making is now playing out, there is an urgent need to develop conceptual tools to understand labour activism that is no longer confined to national boundaries.

Naila Kabeer is Professor of Gender and Development at the Gender Institute, London School of Economics, United Kingdom.





# 1. The Changing Politics of Claims-Making in a Globalizing Economy

The aim of this paper is to analyse the evolving politics of claims-making by women workers in the global South in an era of increasing globalization. The paper argues that the global context is an integral element, regardless of the geographical location of the workers concerned or their relationship to global markets. As a result, conceptual tools developed to understand labour activism when it was largely confined to national boundaries need to be revised to take into account the new terrain within which the politics of claims-making is now playing out.

Wright's analysis of the structural and associational power as key sources of working class power is a useful place to start this process of reconceptualization (2000; see also Silver 2003). He defined *structural* power as externally determined, resulting from the location of particular groups of workers within the economy and reflecting the strategic nature of their location or the high levels of demand for their labour. *Associational* power, on the other hand, referred to forms of power that derived from the collective organization of workers.

Historically, for formal workers in developed countries, structural and associational sources of power tended to converge. Privileged sections of the working class, predominantly white and male, were able to form their own trade unions, drawing on their strategic location within the commanding heights of the early industrializing economies and the associative potential generated by the geographically concentrated, mass-production systems of the Fordist era. Their ability to exercise collective strategies, such as the closed shop, collective bargaining and strike action, garnered material gains for their membership which in turn strengthened their organizational capacity since they could rely on the loyalty and financial backing of their members to pursue further gains.

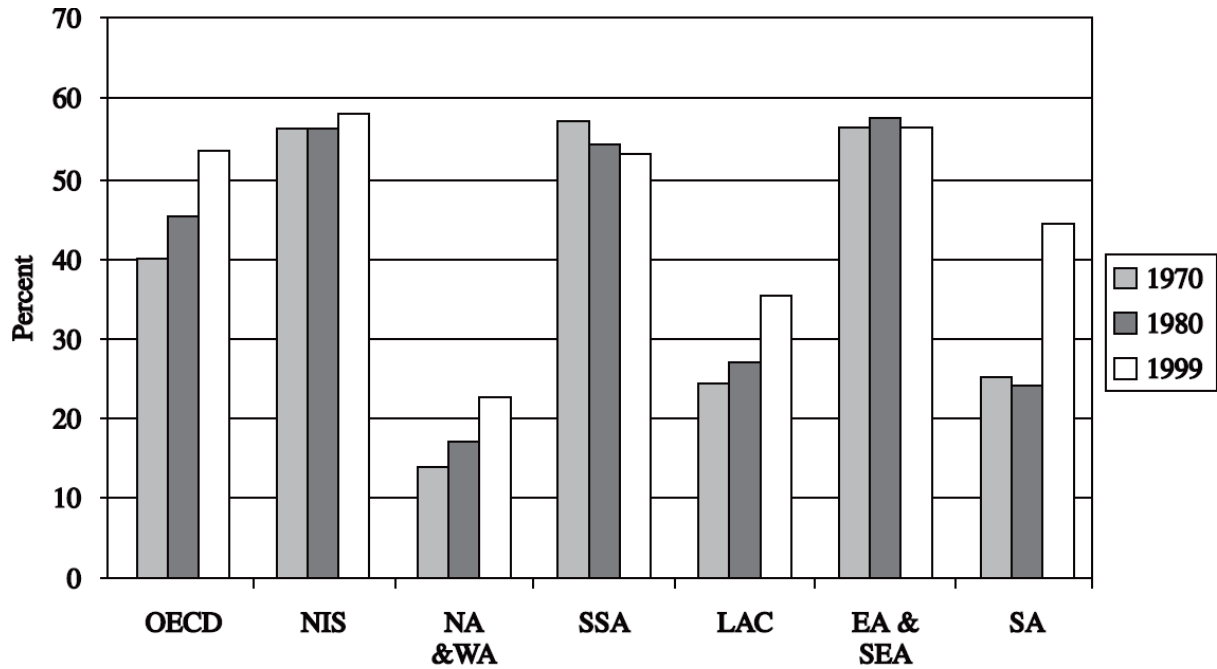
Trade unionism was transplanted with relative ease to the large public sector enterprises and capital-intensive forms of production which characterized the earlier import-substituting phase of industrialization in developing countries. But the unions failed to reach out to the vast majority of working men and women in these countries who were concentrated in informal activities characterized by easy entry, low earnings and the absence of a clear-cut employer-employee relationship. Women were even less likely to be unionized than men for a number of reasons. Labour markets were highly segmented along gender lines and women workers disproportionately concentrated in those forms of work (own-account work, casual wage labour, sub-contracted work) and locations (private homes and public spaces) most likely to be ignored by the trade unions. The male-dominated nature of trade unions, their fight for the "family wage" for male workers, premised on their purported role as primary breadwinners, together with the imposition of various "protective" restrictions on women's capacity to work further, contributed to near-absence of women in union ranks. At the same time, the limited range of labour market opportunities available to women and their concentration in forms of work that lacked legal protection and social security made any efforts to organize on their own behalf a highly risky activity.

Since the 1970s, changes in the world economy have eroded the basis of the power of the old trade union movement in both structural and associational terms. The ascendancy of neoliberal ideologies has made the pursuit of market-led growth the

central driving force in shaping the pace and pattern of globalization, putting pressure on countries to hone their international competitiveness through the deregulation of their labour markets and the liberalization of their economies. The fragmentation of production processes made possible by new technologies and the possibility of outsourcing different stages of production to different geographical locations across the world has led to the replacement of the concentrated and stable workforce of the Fordist era with a disaggregated, dispersed and increasingly flexible workforce. The new hyper-mobility of capital and its ability to pursue cost-cutting strategies on a global scale has meant that transnational companies can now relocate, or use the threat of relocation, to discipline the workforce and force cost-cutting strategies on employers. These changes have undermined the effectiveness of union power as well as inhibiting the emergence of collective identities and interests among the post-Fordist labour force.

Women have increased their labour force participation rates to a greater extent, or decreased them to a lesser extent, than men in most regions during this period (see figure 1 and table 1). Their most visible gains have been in labour-intensive export sectors in developing countries which have tended to hire women for obvious reasons. They are “free” from the “fixed costs” associated with organized labour, while hegemonic ideologies of the male breadwinner continue to justify paying them lower wages than men. The fact that the new opportunities opened up to women by globalization are concentrated in precisely those sectors that are characterized by highly mobile global capital has curtailed their capacity to organize (Seguino 2000). At the same time, capital’s ability to pass on the risks of global competition by subcontracting work to smaller and more informal establishments means that many women have been drawn into the global economy through less visible forms of waged work, including “disguised wage work” within their own homes (Carr et al. 2000). As table 2 shows, while sizeable proportions of men and women in developing countries are in forms of self-employment described by the International Labour Organization (ILO) as “vulnerable work”, men are much more likely to be found in “own account work” where they at least earn an independent income while women are more likely to be found in “unpaid/contributing family labour” on family farms and enterprises.

**Figure 1: Women's activity rates by region (1970s to 1990s)**



**Notes:** OECD–Organisation for Economic Co-operation and Development; NIS–Newly Industrialized States; NA & WA–North Africa and West Asia; SSA–sub-Saharan Africa; LAC–Latin America and the Caribbean; EA & SEA–East Asia and Southeast Asia; SA–South Asia.

The barriers to structural and associational sources of power that women workers in developing country contexts had faced in the Fordist era by virtue of their location in precarious forms of work would appear therefore to have been compounded by the changes wrought by the neoliberal restructuring of the global economy. At the same time, there are other changes, many rooted in the processes of globalization itself, which have opened up new possibilities for the exercise of associational power, reaching out to sections of the working poor who had hitherto been excluded from the labour movement. The internationalization of the women's movement, its advocacy for women's rights in different spheres, and its ability to make links between grassroots activism, the state and the international development community has been one aspect of this. Another aspect has been the proliferation of organizational efforts of varying scales and orientations that seek to address the needs and interests of women workers in explicit response to the history of neglect by the official trade union movement. In addition, the declining membership of trade unions has led to the realization on the part of many within the labour movement that the future survival of unionism depends on organizing informal workers and that this itself might require a different approach to organizing (Gallin 2001; Chun 2008). While change on this front has been slow, it is discernible in a number of different contexts.

**Table 1: Labour force participation by sex and region (1991–2012)**

	1991	1995	2000	2005	2010	2012	% change 1991-2012
<b>MALE</b>							
World	80.4	79.5	78.6	77.9	77.1	77.1	-4.1
Developed Economies and the EU	72.3	70.8	70.2	69.0	68.0	67.5	-6.6
Central/South-Eastern Europe and CIS	74.8	71.4	69.2	68.2	70.0	70.7	-5.5
East Asia	84.2	83.7	82.1	80.7	76.9	79.4	-5.7
South-east Asia and Pacific	82.6	82.8	82.8	82.7	81.9	81.8	-1.0
South Asia	85.0	84.1	84.3	83.4	81.4	81.3	-4.4
Latin America and the Caribbean	82.3	82.0	80.7	80.2	79.8	79.5	-3.4
Middle East	78.1	75.9	74.0	74.0	73.6	74.3	-4.9
Northern Africa	75.4	75.3	74.9	75.2	74.1	74.3	-1.5
Su-Saharan Africa	79.3	78.2	77	75.9	76.1	76.3	-3.8
<b>FEMALE</b>							
World	52.3	52.2	52.0	52.4	51.2	51.1	-2.3
Developed Economies and the EU	50.3	50.6	51.8	52.2	53.0	52.8	+5.0
Central/South-Eastern Europe/CIS	53.8	49.9	49.2	48.5	49.7	50.2	-6.7
East Asia	71.2	71.0	69.7	68.0	66.9	66.4	-6.7
South-east Asia and Pacific	59.1	58.8	58.5	58.5	58.6	58.8	-0.5
South Asia	36.0	35.9	35.0	37.4	31.7	31.8	-11.7
Latin America and the Caribbean	41.7	45.5	48.1	51.3	53.1	53.6	+28.5
Middle East	13.1	14.3	16.3	19.0	18.1	18.7	42.7
Northern Africa	21.7	21.9	22.1	22.6	24.0	24.4	12.4
Sub-Saharan Africa	59.9	61.2	62.7	64.1	64.4	64.6	+7.8

**Source:** ILO Key indicators of the Labour Market, taken from Posel and Casale 2014.

The structure of the paper is as follows. Section 2 sets out a conceptual framework which positions the politics of women workers' claims-making within the wider literature on the gendered politics of claims-making and on social movements more generally. Because my review of the literature makes it very clear that the politics of claims-making is shaped in significant ways by the structural location of workers, my empirical analysis of this form of politics distinguishes between waged workers in global value chains (GVCs) working for export markets (section 3), workers oriented towards domestic markets and working in a variety of waged and self-employed activities (section 4) and finally, waged workers involved in cross-border migration mainly involved in wage work (section 5). My focus in the first category is largely on formal workers while in the other two categories, it is mainly on informal workers. The final section of the paper draws out some general theoretical points.

**Table 2: Share of status in total employment by region and sex 2012 (percent)**

	Wage and salaried workers	Own-account workers	Unpaid family workers
<b>Sub-Saharan Africa</b>			
Female	14.7	44.7	39.7
Male	28.6	50.4	19.2
<b>North Africa</b>			
Female	42.0	22.0	33.7
Male	55.1	24.0	8.1
<b>Middle East</b>			
Female	57.3	19.0	22.7
Male	68.1	22.5	4.3
<b>Latin-America/Caribbean</b>			
Female	64.9	23.7	8.6
Male	62.4	27.6	4.0
<b>South Asia</b>			
Female	15.8	44.5	38.9
Male	23.4	64.2	10.9
<b>Southeast Asia/Pacific</b>			
Female	33.2	30.1	35.5
Male	38.6	46.6	11.7
<b>East Asia</b>			
Female	46.9	21.5	30.5
Male	52.6	35.8	9.1
<b>Central/Southeast Europe/Commonwealth of Independent States</b>			
Female	79.0	14.6	5.4
Male	76.4	18.6	2.1
<b>Developed economies/European Union</b>			
Female	89.8	6.3	2.1
Male	83.7	10.3	0.7
<b>World</b>			
Female	48.2	25.5	25.0
Male	48.6	39.5	8.6

Source: ILO 2012, Figure 5.

## 2. Conceptualizing the Politics of Claims-Making for Women Workers: Claims, Actors and Strategies

This paper is intended as a contribution to a comparative research project undertaken by UNRISD entitled *When and Why do States Respond to Women's Claims? Understanding Gender-Egalitarian Policy Change in Asia*. The formulation of the UNRISD project was influenced by an article by Htun and Weldon (2010a) originally entitled "When and why do governments promote sex equality? Violence against women, reproductive rights and parental leave in cross-national perspective", but subsequently published under a different title (Htun and Weldon 2010b). Their attempt to sketch out some of the factors that might help to explain variations in

government responsiveness to different categories of claims for gender equality provides a useful springboard for thinking through what is distinctive about the politics of claims-making in relation to women workers and how this will inform the questions that will be addressed by this paper.

Htun and Weldon's paper (2010b) revolved around a number of distinctions. First of all, it distinguished between claims which focus on women as a subordinate status group ("status-based" claims) and claims which address class inequalities among women ("class-based" claims). Second, it distinguished between the kinds of organizations most closely associated with these different categories of claims. It suggested that women's status-based claims were most likely to be pursued by autonomous women's organizations whose primary agenda was the promotion of gender equality. Their class-based claims, on the other hand, were more likely to be advanced by progressive parties and social movements that straddle a more diverse range of interests and a broader range of constituencies.

Third, the paper distinguished between the degree of resistance that different kinds of claims were likely to encounter. In particular, it argued that claims-making around gender equality which challenged the long-standing normative traditions ("religious doctrine and codified tradition") of a society, what Goetz and Jenkins (forthcoming) call "countercultural challenges", are more likely than others to generate conflict and controversy, making policy responsiveness contingent on specific cultural configurations of state-society relations.

Htun and Weldon developed these ideas to capture the more general politics of gender equality claims-making. I will weave them together with Fraser's (2005) work on the politics of recognition, redistribution and representation in order to develop an intersectional analytical framework to address the specific politics of claims-making in relation to women workers. The idea of status-based claims broadly corresponds to Fraser's politics of recognition, but we need to recognize that women's gender identities intersect with their other "status"-based identities of race, ethnicity, caste and so on. The idea of class-based claims corresponds to Fraser's politics of redistribution, although redistributive claims are likely to be articulated in specific ways when they are intended to reflect the needs and interests of different subordinate groups. Women workers' claims for recognition are likely to relate to their identities and experiences as women who straddle the domestic and market economy, including lack of recognition of their unpaid care and domestic responsibilities, the cultural devaluation of their economic contributions—often seen as a natural extension of their care responsibilities—their lack of self-confidence in the public domain, and the sexual harassment they face from employers, co-workers and men on the streets. Their claims for redistribution are likely to reflect concerns that they share with male workers, such as poor wages and exploitative working conditions, although a gender-inflected redistributive politics would also encompass such issues as gender inequality in wages and women's disproportionate concentration in the informal economy where there is minimal legal and social protection.

In addition, the historic exclusion of women from trade union membership has given rise to a politics of voice and representation which is salient to the analysis of claims-making among women workers. It is necessary here to distinguish between different organizational efforts to articulate the needs and interests of women workers: between organizations *of* women workers, in which women workers make up all or some of the membership of a trade union or association; organizations working *with* women

workers, generally non-governmental organizations (NGOs) of various kinds; and organizations that make claims *on behalf of* women workers, which may include trade unions, labour-focused NGOs as well as sections of civil society.

These different forms of representation do not map easily into claims around recognition and redistribution. Traditional trade unions have certainly organized around an agenda of workers' rights, but the long history of male dominance has meant that their agenda had a markedly masculine bias. They have been less prominent in struggles for the redistributive rights of women workers. Conversely, while women's groups and organizations may have evolved around a feminist politics of recognition, they have had to face the challenge of transcending the status/class distinction and straddling the intersectional politics of recognition and redistribution in order to better represent the needs and interests of their constituency.

Analysis of claims-making by, with or on behalf of women workers suggests that they are addressed to a diverse range of institutional actors. The state remains an important focal point for these claims, but within the context of an increasingly global economy that is dominated by large multinational corporations, it is not surprising that claims also address a range of international bodies with the power to respond in some way. These include multinational corporations themselves, giving rise to demands for greater corporate social responsibility, but they also include international bodies such as the ILO and the World Trade Organization (WTO) that make the rules and set the standards affecting the conditions in which women work. The ILO's Declaration of Fundamental Principles and Rights at Work (1998) defines a minimum set of Core Labour Standards which have been a central aspect of many of the claims made on behalf of workers around the world (Elias 2010). Finally, as we shall see, the labour unions are also an important target of claims by women workers who would like to see greater responsiveness on the part of the trade union movement to their needs and interests.

Looking at institutional responsiveness to women's claims beyond the state serves to surface other issues that are likely to be controversial, in addition to the counter cultural claims identified by Htun and Weldon (2010b). As we will see, one of the most controversial claims, at least in the realm of formal work, is the right to freedom of association, regarded as a critical precondition to its enjoyment of its other rights.<sup>1</sup> It is the claim most likely to be resisted by the owners of capital, often backed by the power of the state, and the one that most often provokes violent retaliation on their part (Bair and Palpacuer 2012).

A valuable addition to the literature on claims-making is work by Keck and Sikkink (1998) on the strategies deployed by transnational advocacy networks around the world. They suggest that, in the absence of the structural power enjoyed by trade unions in the past, transnational advocacy networks have used their associational power to pursue strategies of persuasion and influence instead of the conflict and confrontation associated with the exercise of structural power. These strategies include the generation of credible and useful political *information* that can be acted on within a short space of time; the deployment of *symbolic* resources (actions, stories, cultural meanings) to make sense of situations that are not always familiar to those they seek to influence; the use of *leverage* politics to call upon powerful actors to influence a situation where those most directly affected may have little influence; and drawing on previously stated policies and principles to hold powerful actors *accountable*. While Keck and Sikkink focus on

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<sup>1</sup> I will discuss later why this is less controversial in the informal economy.

transnational advocacy, they note the importance of interactions between the local and the global through the use of “boomerang” strategies whereby local organizations facing intransigent governments seek international support to put pressure on their governments to address injustices that they would otherwise ignore.

What we also need to factor into our analysis is the construction and consolidation of associational power as a strategy in itself (Bonner 2010). Because Keck and Sikkink are analysing the strategies of already existing networks, they miss out on a dimension of the politics of claims-making that has particular relevance to women workers: building voice and organizational capacity where this had not existed previously.

Finally, the analysis here reaffirms the critical importance of the “framing” processes that have been highlighted in the social movement literature (Benford and Snow 2000). It is not simply the resources that organizations are able to marshal that determines their effectiveness in getting claims heard but also the extent to which they are able to shape the information, arguments, signs, symbols and images at their disposal into compelling narratives that have the capacity to mobilize wider support for these claims and resonate with those who have the power to act on them.

The aim of the paper by Htun and Weldon (2010b) was to identify the broad contextual factors which contribute to state responsiveness to a predetermined set of gender equality claims: violence against women, parental leave and reproductive rights. This paper does not start out with a predetermined set of claims. Its aim rather is to draw on empirical studies of claims-making by, with and on behalf of women workers located in the Global South in order to address the following questions: what kinds of claims are prioritized in relation to women workers? Who is making these claims? To whom they are addressed? What strategies are pursued to advance these claims? Which claims are heard and acted on—and which go unheard?

### **3. Women Workers and Global Value Chains: The Internationally Driven Politics of Claims-Making**

The concept of global value chains was developed to map the distribution of roles, responsibilities and value added in the case of goods and services whose production, distribution and consumption cuts across national boundaries. The concept also lends itself to the analysis of the variations in the politics of claims-making associated with different kinds of chains and at different nodes in these chains. GVCs have been broadly divided into producer-driven and buyer-driven categories, each with somewhat different structures of governance and different potentials for claims-making (Riisgaard and Hammer 2011; see also Gereffi 1994).

In producer-driven value chains, transnational corporations (TNCs) play a central role in coordinating globally dispersed production networks. These tend to be found in capital/technology-intensive industries such as automobile, aircraft, computers, semiconductors and heavy machinery. The labour force here is predominantly male. Because the lead firms in these chains are directly involved in production, they tend to take a more hands-on approach, using direct forms of control and rule-setting (for example, longer-term contracts and regular engagements) to regulate those making their products. This provides a relatively stable industrial and management structure within which labour can carry out negotiations or campaigns, often on the basis of established unions. International Framework Agreements between multinational corporations and global union federations are most likely to be found in producer-driven chains.



Buyer-driven chains are generally found in labour-intensive export manufacturing of consumer goods, such as garments, footwear, toys, handicrafts and consumer electronics, as well as horticultural products, such as wine, coffee, fruits and flowers. The lead role in buyer-driven value chains is played by large retailers and branded manufacturers who deal with decentralized production networks dispersed across exporting countries generally located in the Global South. These lead firms concentrate on the design and distribution stages of production, where there are high barriers to entry, and draw their profits from high-value research, design, sales and marketing services. The production end of the chain, where there are low barriers to entry, is characterized by highly competitive and globally dispersed workshops, farms and factories.

The main concern of the lead firms is to carve out a niche for their products in consumer markets based largely in the affluent North. They are separated from their actual producers in the Global South by numerous tiers of subcontractors and suppliers. The politics of claims-making in buyer-driven chains therefore tends to vary considerably from those observed in producer-driven chains. Here it has been networks and coalitions beyond the workplace that have sought to act as a source of countervailing power, using their clout in consumer markets of the affluent importing countries to hold lead firms to account for the wages and working conditions of their workers in the poorer exporting countries.

A preliminary reading of the literature makes it clear that the overwhelming majority of women workers working in global value chains in the global South are to be found in the production stages of buyer-driven chains, often making up 70 percent of this workforce. This means that a great deal of claims-making in relation to women working in global markets revolves around the possibilities for exercising associational power in the context of buyer-driven value chains.

### ***Anti-sweatshop campaigns and the politics of consumption***

Some of the earliest campaigns around workers' rights in global value chains, largely spearheaded by Northern trade unions, sought to link trade sanctions to the implementation of ILO core labour standards by the exporting countries, initially as part of the GATT (General Agreement on Tariffs and Trade) negotiations, and subsequently through the WTO. However, while the campaign for the "social clause" was seen by its supporters as "the strategy best placed to unify the world's workers", resistance from many developing country governments, trade unions and labour organizations meant that it proved to be "the most divisive issue separating workers in the South from their counterparts in the North" (Munck 2002:128).

The steady growth of buyer-led value chains in the 1990s has given rise to a new genre of claims-making strategies, this time spearheaded by coalitions of civil society actors, including trade unions, NGOs, church organizations, human rights activists, and consumer and student groups that have come together in what has become known as the "anti-sweatshop movement". These coalitions are largely based in Europe and North America where most of the products made in buyer-driven global value chains are sold. They have been able to take creative advantage of a key strategy of lead firms in buyer-driven chains: their reliance on the brand image.

In markets that are being flooded with uniform, mass-produced consumer products (clothes, shoes, toys, coffee, bananas and so on), the profitability of these firms lies in their ability to differentiate their own particular products in markets for otherwise

generic products. To achieve this, they have drawn on the power of advertising, transforming its role from the relatively mundane one of providing information about the existence of different products to the far more ambitious one of building a “way of life, an attitude, a set of values, a look, an idea” around brand name products so as to transform them into objects of consumer desire (Klein 2000:23). Corporate advertising strategies have extended the branding process beyond the product itself to the “branding” of entire aspects of the wider culture through, for instance, the corporate sponsorship of cultural events considered to embody the spirit of the brand; the strategic placing of logos in the popular media; and endorsements by celebrities considered to epitomize the spirit of the product. Nike, for instance, emblazoned its logo across high-profile athletes, like Michael Jordan and Tiger Woods, letting their celebrity status stand for the Nike image. The result was a powerful two-way branding process such that, as Klein points out, “it was Michael Jordan’s extraordinary basketball skill that catapulted Nike to branded heaven, but it was Nike’s commercials that made Jordan a global superstar” (Klein 2000:51). This strategy has not only allowed them to reap huge rents but has also rendered the production process almost incidental to the enterprise “It is the logo that matters, and hence it is to the owner of the logo that the profits accrue” (Ercel 2006:301).

Paradoxically, the central place assigned to brand image in the corporate strategies in buyer-led GVCs has also proved to be their Achilles heel. Anti-sweatshop campaigners have drawn on the same power of publicity that endows essentially standard products with unique brand appeal, turning it on its head to illuminate aspects of the product that the corporations had successfully hidden from public view: the conditions in which it was made. Campaign efforts have given rise to an imaginative, often humorous, repertoire of tactics revolving around the strategic use of information, symbols and action to exercise leverage over reputation-conscious firms. These include media exposés of high-profile brands, parodies of advertisements, the drastic alteration of messages on billboards, national days of protest, leafleting relevant stores, bringing workers from off-shore locations on speaking tours, petitions and letter writing as well as email and telephone campaigns aimed at CEOs of brand companies.

The anti-Nike campaign, one of the first of its kind, exemplifies some of these tactics (O’Rourke 2005). In their efforts to unravel Nike’s carefully constructed image of itself as a global symbol of athleticism and urban cool, anti-sweatshop activists engaged in a form of “brand jujitsu” (p. 121) to turn the organization’s own marketing strategy against itself. Campaign materials regularly juxtaposed Nike’s images of women empowering themselves through sport with images of the disempowered women who make its products. An article in Harper’s magazine famously used an annotated pay-stub from an Indonesian factory to compare workers’ wages with Michael Jordan’s endorsement contract.

The anti-sweatshop movement has been extremely effective in investing private acts of consumption with political meaning and “conscientizing” Northern consumers (Balsiger 2010). It has managed to mobilize a far larger and more diverse constituency of supporters than had been the case with traditional unions. Moreover, it has had an impact beyond the TNCs that are their direct targets. Most corporations with a brand image to protect now seek to pre-empt such campaigns or to gain competitive advantage with their consumers by building their own reputation for corporate social responsibility. This has generally entailed incorporating their own codes of conduct, based on some or all of the ILO’s “core labour standards”, into contracts with their suppliers in low-wage economies.

However, a great deal of the literature on the anti-sweatshop movement is characterized by the virtual invisibility of the largely female workforce on whose behalf these campaigns are carried out. The “boomerang effect”, as it appears in this literature, consists of Northern actors bringing pressure to bear on globally mobile capital on behalf of globally immobile workers in the South (Wells 2009). While representatives of these workers may be brought on speaking tours to give the consuming public in the affluent North a first-hand account of the oppressive conditions under which they work, this does little to dispel the image of the sweatshop worker as passive victim of global capital, which is the hallmark of many of these campaigns.

Nor is it accidental that this image that dominates the anti-sweatshop literature.<sup>2</sup> Research into consumer behaviour suggests that it is far easier to persuade consumers to avoid commodities that have been produced under negative conditions than to seek out those that have been produced in conditions that respect workers’ rights (Elliot and Freeman 2003). Since this means that negative publicity can have a considerable impact on brand-conscious corporations, it also means that anti-sweatshop discourses are most effective when they frame developing country women workers as victims of ruthless global capitalism than as agents capable of protesting their conditions of work in solidarity with others. The effects of such discourses are not confined to individual campaigns but remain part of the public imagination of these women workers:

Long after the end of the campaigns the images of the women garment workers at their centre continue to circulate in the anti-sweatshop movement as victims of globalization and super-exploitation and as models of successful resistance against corporate domination. As models for the anti-sweatshop movement, however, women garment workers have not been granted the status of protesters. Within the politics of the sweatshop, the hierarchies that are a part of production regimes are both shifted and deployed for the use of protestors in North America and Europe. Garment workers and sweatshops have become part of a circulation of signs and symbols, of virtual factories and permanent victimhood (Brooks 2002:107).

### ***Women workers’ struggles and the politics of production***

I turn therefore to studies that deal with the organizational efforts of workers at the production end of these global value chains. As many point out, anti-sweatshop campaigns are frequently sparked by the struggles of these workers who turn to their Northern-based allies who are better positioned to exercise strategic leverage over Northern-based TNCs (Armbruster-Sandoval 2005; Wells 2009). Given the nature of the work force in these industries, it is usually women workers who spark off these struggles (Brooks 2007), which often start out with gender-specific violations at work but crystallize around the right to form independent unions. This is evident from some of the more widely reported campaigns.

The campaign against Phillips–Van Heusen (PVH) had its origins in the grievances—including low pay, arbitrary piece-rate hikes and restricted bathroom breaks—of the predominantly female workforce in its two wholly owned subsidiaries in Guatemala City (Armbruster-Sandoval 1999). The fledgling factory union brought these grievances to the attention of management in 1989, a year after the company was set up, and sought the right to organize workers. Their efforts were met with bribes and intimidation. Help from the Guatemalan labour confederations did not prove adequate. In 1991, the union turned to a US-based coalition brought together by the International Textile Garment

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<sup>2</sup> See Kabeer 2000:chapter 11 for further discussion of this version of the politics of representation.

and Leather Workers Federation (ITGLWF) to support actions in Guatemala. Along with letter-writing and leafleting campaign across the United States, the coalition petitioned the US government for suspension of bilateral trade benefits to Guatemala under the Generalized System of Preferences and succeeded in getting the country placed under review. Under pressure from the Guatemalan government, the union gained recognition.

Its next battle was to pressure the company to negotiate a contract with the union. Guatemalan law required employers to negotiate with unions if they represented more than 25 percent of workers in a particular factory, but achieving this 25 percent threshold was not easy in the face of arbitrary dismissals, assassination attempts and threats of closure. One of the women leading the union's effort turned to the local representative of the ITGLWF. Together the two organizations spearheaded a three day clandestine organization drive and managed to recruit the requisite numbers.

The continued refusal of the company to negotiate with the union sparked off rallies by workers outside the factories in Guatemala and by US activists outside shopping malls and department stores. The CEO of PVH was finally prevailed on to investigate the issue. The finding that the union had surpassed the 25 percent mark meant that PVH could no longer refuse to negotiate with the union without tarnishing its socially responsible image. After eight years of struggle, the union signed a contract which included wage increases, grievance procedures, subsidies for transportation, child care, resources for an off-site union office and guaranteed employment. This was the only collective bargaining agreement at the time in Guatemala's 500 *maquiladora*<sup>3</sup> factories. The victory was short-lived. Soon after, PVH closed down its factories in Guatemala despite protests by the union and their US supporters. While it explained its action as a response to the loss of a major customer, it was widely interpreted as a warning against unionization. As the then-President of the Union of Needletrades, Industrial and Textile Employees in the United States declared, "By shutting the factory, Phillips–Van Heusen sent a message to other workers in Guatemala: If you fight for justice, if you fight for a union, we will not honor your contract. We will walk away" (Greenhouse 1999).

Another widely documented example of a locally led struggle, but one with a more successful outcome, is the Gap campaign in El Salvador (Armbruster-Sandoval 2005; Brooks 2002). It started out in 1993 by women workers in Mandarin, a Taiwanese-owned *maquila* factory, protesting low wages and poor working conditions, including forced overtime, unsanitary drinking water, sexual harassment and lack of health care benefits. The workers sought to negotiate with management through their newly created union but company responded with mass firings and setting up of a company union. The National Labour Committee in New York found that most of the company's orders came from Gap, a corporation that put a great deal of store by its "socially responsible" image. It mobilized a major campaign of US unions and NGOs to drive home to US consumers the contradiction between Gap's progressive public image and the realities of the lives of its workers in El Salvador. Two of the companies that supplied orders to Mandarin pulled out of El Salvador. However, given its ongoing efforts to improve its corporate practices, Gap stayed on and signed an agreement with National Labour Committee and four Salvador-based NGOs in 1995. The agreement set up the Independent Monitoring Group of El Salvador, the first independent monitoring group in the country, and called for the reinstatement of fired workers, the recognition of the union and the right to organize.

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<sup>3</sup> *Maquiladora* or *maquila* is a foreign-owned factory in Mexico at which imported parts are assembled by lower-paid workers into products for export.

These and other accounts record the active involvement by local workers' organizations in the efforts to improve wages and working conditions in the factories as well as the importance of the support received from the anti-sweatshop campaigners. As noted earlier, one result of these efforts has been the widespread adoption of codes of conduct by TNCs to regulate the labour practices of their suppliers. There has also been a proliferation of multistakeholder initiatives, such as the Ethical Trade Initiative, which bring together various stakeholders, including trade unions and civil society organizations, to work with corporations.

Wages and working conditions in farms and firms under contract to these TNCs generally report higher wages and better working conditions than those that prevail in the rest of the economies in which they are located. Their higher levels of productivity and profits mean that they are more able to afford these costs than local firms but in addition, they are more likely to be under the critical scrutiny of the anti-sweatshop movement than local companies (Oya 2013).

Moving from the general to more disaggregated analysis, assessments suggest an uneven picture with regard to the impact of codes. For instance, an evaluation of companies involved the Ethical Trade Initiative in Costa Rica, India, South Africa and Viet Nam (Barrientos and Smith 2007) found clear evidence of impacts in relation to what it described as "outcome" standards, such as health and safety provisions and working hours. It found least evidence of progress in relation to "process" rights, particularly the right to association and collective bargaining. It also found that impacts were strongest for permanent and regular workers, less so for casual and migrant workers, and non-existent for workers employed by third-party labour contractors. Excluded from this and other studies are home-based workers who produce on a subcontracted, piece-rate basis for global value chains and who are not only least likely to be reached by codes of conduct but also very often cover many of the costs they incur in the course of their work (Carr et al. 2000).

A major problem with codes of conduct is that they are generally introduced in a top-down fashion by the TNCs rather than negotiated between employers and workers. So, while they are fundamentally about workers' rights, the workers that they are meant to benefit do not play a large role in either formulating or monitoring them—and indeed may know very little about them (Prieto-Carron 2006). And in contexts where there is not much space for local activists, let alone workers, to hold either the TNCs or supplying factories accountable, codes may be meaningless. Research into the implementation of corporate codes of conduct in China on behalf of an international anti-sweatshop coalition found that the codes were widely regarded by local employers as the exercise of buyer power rather than the manifestation of corporate social responsibility. The workers themselves knew very little about the codes and feared loss of production orders should they speak out.<sup>4</sup> In Vietnam, trade unions had no greater freedom in companies required by their buyers to follow codes of conduct than those without (Wang 2005).

These findings do not negate the importance of anti-sweatshop activism in bringing about some real improvements in the working conditions of production workers in global value chains but they do point to its limitations. First of all, not all TNCs are equally responsive to anti-sweatshop activism (Ambruster-Sandoval 2005). Multinationals that have invested in their brand image and claim to be socially

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<sup>4</sup> Ngai 2005; see also Mahmud and Kabeer 2006 for similar findings in Bangladesh.

responsible are more vulnerable than others to reputational risk and hence more responsive (Oka 2010). Equally, TNCs from countries where there is a strong labour movement and high levels of civil society activism are more vulnerable to pressure from the anti-sweatshop movement. Those based in East Asia, for instance, may be relatively immune because of the absence of strong civil society activism around workers' rights—as illustrated by the responses of Nien Hsing, a Korean-owned TNC with production facilities across the world (Ambruster-Sandoval 2005; see also Wang 2005).

Second, where material gains have been made by workers, these are often partial and short-lived. The overarching reason for this is the ability of TNCs to “cut and run” in the face of demands that appear to threaten their profit-maximizing strategies. We saw this in the case of the PVH campaign and similar examples have been documented elsewhere. In a global economy that is characterized by considerable asymmetry in the global mobility of capital and labour, the ability of the anti-sweatshop movement to hold corporations accountable, even to their own codes of conduct, is clearly limited.

Finally, efforts to hold multinationals accountable are also weakened by divisions within the movement itself (Bronfenbrenner 2007). There are divisions, for instance, within Northern-led transnational labour networks between trade unions who prioritize unionization as their key strategy and labour NGOs who may prioritize independent monitoring by multistakeholder groups. This can bring them into conflict. For instance, as Bair and Palpacuer (2012) point out, the Clean Clothes Campaign, which leads the anti-sweatshop movement in Europe, has the right to freedom of association by workers in the global South as one of its primary objectives, arguably reinforcing the importance of unions as “bulwark against labor abuses”. At the same time, its relations with organized labour can be problematic when organized labour in the North questions the legitimacy of a Northern NGO to act on behalf of workers in the South without an established mandate or when its activists side with workers in the South in dispute with their unions.

There are also divisions between Northern and Southern groups, reflecting the unequal division of power and resources between these groups and the greater role assumed by Northern groups in determining priorities and direction of various campaigns (Wells 2009). The sporadic eruption of protectionist sentiment and paternalist attitudes within these groups is indicative of some of these ongoing tensions (Bandy 2004). While for Northern-based anti-sweatshop campaigners, the primary target may be to hold “their” transnational corporations to account, the first and foremost priority for many women workers in the South may be to protect these jobs, given their limited labour market options.

Finally, there are divisions among Southern-based labour organizations which revolve around the gendered politics of class and the weight attached by different organizations to feminist concerns with recognition relative to class concerns with redistribution. This in turn has given rise to a differentiated politics of representation among women workers, with some opting to work *within* existing unions, some setting up organizations that work *alongside* unions, while others have established their own *autonomous* women's organizations. Since each of these options embody efforts to build the organizational capacity of women workers, I briefly examine studies of each to see how women's interests as women and as workers are taken up within them.

### *Working within the unions*

The mainstream trade union movement was, and remains, an important site in which women workers have waged—with some success—the struggle to articulate a distinctive voice. A common strategy for women labour activists reluctant to break with the mainstream union movement has been to attempt to reform the unions from within. Studies of these attempts suggest that while this strategy holds out the promise of support from the larger trade union movement, it has not always been easy to achieve.

One of the more positive examples comes from the banana sector in Central America (Frank 2005). As Frank notes that, banana cultivation has taken place on plantations owned by a few large multinationals since the late nineteenth century but employed an overwhelmingly male labour force. Women only began to join the labour force in the 1950s with the introduction of containerized shipping and setting up of units to pack the bananas. Moreover, it was not until 1975 when Left-wing members took control of SITRATERCO (Labour Union of the Tele Railroad Company), one of the major banana unions in Honduras, and introduced elected rank-and-file committees at plantation level, that a few women were elected into union positions. Further progress was made when separate committees were set up for agricultural workers (all male) and packing house workers (80 percent female). After initial opposition, women unionists were able to set up a separate Women's Committee. One of their main activities was to organize training workshops to teach members about union matters but also about the gender-related problems they faced, including the attitudes of the predominantly male leadership.

Frank tracks how these women unionists were able to lobby for separate structures to represent women members when banana unions across Honduras came together in 1994 to form COSIBAH (Coalition of Honduran Banana and Agroindustrial Unions), a national coalition. They also became active in COLSIBA (Coordinating Body of Latin American Banana and Agro-industrial Unions) which had been set up in 1993 as a regional federation by leaders from banana unions in Colombia, Costa Rica, Honduras, Guatemala, Nicaragua and Panama. Women worked through COLSIBA to pass the rule that each country would send one man and one woman to the union's annual conferences. In addition they held their own annual conferences, critical to building their collective identity as women within the union.

However, the story was not one of linear progress. Detailed consultations with women workers in plantations across Honduras carried out under the auspices of COSIBAH identified women's status in the unions and their absence from leadership positions as one of their four priority concerns. But building women's leadership across unions was an uphill struggle. The few who did occupy leadership positions faced enormous challenges: "Most of these women are extremely isolated. When they go home, they are under tremendous pressure to perform both as union leaders and as women's advocates—as well, usually, as heads of their households" (Frank 2005:71). Most men in leadership positions were not hostile, but rather displayed a "vague, passive acceptance" (p. 79). Antagonism was held in check by supportive male unionists and what Frank describes as "the growing legitimacy of women's presence".

Interestingly, according to Frank, women unionists did not have much contact with the feminist organizations in Central America. Although the cross-fertilization of ideas meant that gender issues and concepts permeated their claims, they were articulated in class terms: "at every turn, they framed their struggle for *women's* equality and empowerment in terms of *union* power....They did not cast women's work in individualistic terms of personal liberation or self-expression; rather they presented themselves in collective

terms, as comrades in struggle who were prevented from fully participating by sexism” (Frank 2005:30). Some of this sexism came from home: because male partners were so antagonistic to women’s activism, the vast majority of women banana union activists were single, although many had children (Frank 2005:88).

Other studies of women’s experiences within unions are far less positive. In her analysis of the Indonesian context, Ford (2004) found that while almost all national unions had separate structures for women, at least at the national level, women were largely absent from higher levels of union leadership, even in predominantly female unions. The challenges women faced within the union echoed those of women unionists across the world: the barriers presented by their joint responsibilities at work and at home to their willingness and ability to participate in union activities, the timing and nature of these activities, resistance from supervisors and the difficulties of reconciling union work with marriage. In addition, there were the problems presented by union’s “harsh environment—the territory of men” (Ford 2004:22). Entrenched male-dominated networks within unions monopolized power, daily sexism assigned women to note taking within union meetings, while increasing religiosity allowed men to draw on religious principles to silence women’s demands. “In short, many women activists feel that they have little opportunity to participate in union activities and if they do participate, they have to do better than their male counterparts if they want to be taken seriously” (Ford 2004:22).

Ford notes the way in which cultural expectations create a “catch-22” in terms of increasing women’s activism within the unions: “At all levels, women’s concerns have yet to be considered serious organizational issues and do not become a priority unless the woman involved is a cukup fighter (quite a fighter)” (Ford 2004:24). This creates a problem because assertive behaviour goes against prescribed behaviour for women, particularly working class women. So in addition to overcoming the barriers posed by male unionists, women activists believe that they need to “teach union women that they can act differently in their official capacities from the way they act in society in general”(Ford 2004:24).

### *Autonomous women’s organizations: working alongside unions*

While autonomous women’s organizations has been one response to the difficulties of working within unions, these vary in the extent to which they work alongside unions and the extent to which they see themselves as an alternative form of unionism. In Sri Lanka, trade unions were viewed as a strategy of last resort because of the material conditions under which workers laboured: the threat of job loss in particular was a major limitation on their capacity to organize (Gunawardana 2007). Women’s organizations were among the first to work directly with women workers in the export-processing zones, focusing on many issues that had been overlooked by the mainstream Sri Lankan trade unions. They did not attempt to engage directly in collective bargaining with employers but instead offered space, information, referral networks, education and training in order to promote “the possibilities for the action-oriented empowerment of women workers” (Gunawardana 2007:91).

One that worked closely with the union movement was the Women’s Centre, which had originated in a strike in a garment factory in 1982 led by young women workers who instigated a community-based campaign supported by Industrial Transport and General Workers’ Union. The Centre was set up in response to the women workers’ need to create a space to meet and plan their actions. Unlike some of the other women’s NGOs, it actively sought to involve its members in union activities and to identify and train



potential trade union leaders through a gradual process of “participation, confidence building and raising awareness” (Gunawardana 2007:92). This brought it into direct involvement in a strike in 2003 by workers in an export garment factory in response to management refusal to pay the annual New Year bonus. Women who had been active with the Women’s Centre decided to form a branch of the Free Trade Zone Workers’ Union (FTZWU), a politically independent trade union active in the export-processing zones (EPZs). The refusal of the management to recognize the union led to the demand for a referendum to decide the issue. The Women’s Centre was able to use its contacts among the factory workers to mobilize their support for the referendum. It was also able to mobilize support from transnational advocacy networks including No Sweat, the Clean Clothes Campaign, the Solidarity Centre and the Committee for Asian Women.

The campaign was taken up with the European Union and the United States in discussions about whether trade concessions under the Generalized System of Preferences should be linked to workers’ rights. It was also taken up at the WTO ministerial meeting at Cancun where the company was accused of abusing workers’ rights and jeopardizing the future of the textile industry. The union was finally recognized. Other gains won as a result of the international publicity included a new set of labour guidelines by the Board of Investment which incorporated freedom of association and collective bargaining rights in 2004. As Gunawardana points out, it was the successful partnership between the Women’s Centre and the FTZWU and their strategic mobilization of international networks that provided the key to success. As a result of the lessons learnt from this case, the Sri Lankan apparel industry formally adopted the slogan of “Garments without guilt” in order to strengthen its competitive advantage in global markets.

In Mexico, early community-based activism with maquiladora workers, in which women organizers had been very active, was increasingly displaced by a drive for unionization in the post-NAFTA (North American Free Trade Agreement) period as powerful trade unions from the US and Canada sought to forge solidarity with their counterparts in Mexico. Women’s voices and interests, their concerns with sexual harassment, gender discrimination, pregnancy testing, childcare, domestic violence and juvenile delinquency were overshadowed by the traditional union focus on workplace issues (Bandy 2004). As one activist interviewed by Bandy said, unions “act like eight-hundred pound gorillas or bulldozers, ignoring the needs of other movements” (p. 422).

Counter to these developments has been the work of the Mexico City Network (MCN) (Brickner 2010). This is a loosely affiliated group of union women who have worked together since 1985 on the challenges facing women workers in Mexico City, including, since the 1990s, a wide array of programmes advocating the rights of women workers. While they do not restrict their activities to maquiladora workers, there is an overlap, since their programmes and literature include maquiladora workers and issues particular to them while some of their members are also members of the Coalition for Justice in the Maquiladoras.

MCN’s programmes embody a number of different strategies. First they aim to inform women workers across the country about their rights as women and as workers and how these relate to the problems the women face, such as sexual harassment, occupational health and gender discrimination in the workplace.

Second, the programmes seek to transform trade unions into organizations that respect and promote the rights of women workers. As part of this, women unionists are trained

to take up leadership positions within the union so that women workers' interests are better represented. However, the effectiveness of this strategy is debatable. While some of those trained have been able to raise awareness about specific issues, most argue that "the masculine character of labour unions remains intact and difficult to change" (Brickner 2010:11).

Third, the network has sought to raise public awareness about the issues facing women workers, and workers more generally. It has published materials on these issues and introduced a weekly radio program dedicated to the discussion of labour issues from a gender perspective.

Finally the network has engaged with the state in bringing about policy change. When the Federal Labour Law was being debated in 2002, MCN members developed a proposal for labour reform from the perspective of women workers. They lobbied members of the Left-leaning party to include elements of their proposal in the party's own proposal. They were also active in pushing for legislative protection of domestic workers. They trained union women in the skills they would need to run for electoral office, so that more women workers would be involved in shaping public policy. The state is thus a far more significant target for the MCN, compared to anti-sweatshop activists who tend to focus on transnational targets.

In Indonesia, a number of women-only initiatives have taken the form of extra-union women's gatherings and associations such as the Indonesian Forum of Women's Leaders and Activists (Forum Perempuan), which was established in 2001 after an Indonesia-wide meeting of 200 women unionists (Ford 2008). According to a founding member, it was not intended as an alternative to mainstream unionism but as a vehicle for developing women's capacity so that they could take their place as union officials with equal rights and opportunities. However its activities have still met with resistance from many unions who see them as competition—"if we are vocal when we go back to our unions, it causes problems". Another member concluded, "It is the unions themselves that are the problem. Some unions have even demanded that women choose between them and us" (Ford 2008:23).

### *Autonomous women's organizations: Alternative ways of organizing*

A third strategy in the politics of representation among women workers has been to set up autonomous unions made up largely or entirely of women and led by women. Women-only unions are forbidden in a number of countries but have become increasingly common in others. They are often founded by women activists who have become disillusioned by their experiences in the mainstream trade union movement or, as we will see in section 4, in response to the indifference or hostility of unions to informal workers. In this section, I use examples of two women-only unions oriented to workers in global value chains to explore the extent to which they offer an alternative model of unionism to the traditional model.

The first is the Bangladesh Independent Garment Workers' Union Federation (BIGUF), which was set up in 1994 and registered as a national federation in 1997 with around 24 affiliated factory unions. Local trade unions had made very little headway within the garment sector for a number of reasons: most were affiliated to the main political parties and had little interest in workers' issues; the male-dominated character of these unions and their confrontational style of politics made them inhospitable to most women workers; the government had maintained a legal ban on trade union activity in the export-processing zones; and employers were fairly ruthless in suppressing signs of

union activity. A trade union set up by four ex-garment workers, independent from political parties and their trade union affiliates, held out the promise of an alternative unionism.

However, the fact that BIGUF was set up with the financial and organizational support of Solidarity Centre (SC)—an affiliate of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) and funded largely by United States Agency for International Development (USAID)—has led Rahman and Langford to question its “independence” and ask whether in fact, it works in ways that are broadly consistent with US foreign policy goals. Since USAID is unlikely to fund organizations that are not consistent with these goals, this is likely to be true. Rahman and Langford (2014) point out that the leaders of Solidarity Centre-supported organizations they had interviewed had all participated in visits to different countries to testify about sweatshop working conditions in Bangladesh. They also point out that these leaders have been called on to testify at US Congressional Committee Meetings “under the tutelage of the AFL-CIO”, including hearings relating to the impact of overseas sweatshop abuses on US workers. Since most other labour leaders find it far more difficult to engage in international travel, the impression is thus created in Northern countries that those who do visit speak for the entire Bangladesh labour movement.

But there are also aspects of BIGUF’s practice that suggest far greater responsiveness to the needs of women workers than much of the trade union movement. Merely the fact of four young women, ex-factory workers, as leaders of a union, is itself a major break from traditional unionism. Moreover, according to Dannecker (2002), the union supported its members in a variety of ways that encompassed not only their attempts to improve their terms and conditions of employment but also their daily struggle at home and in the community. It had employed two lawyers on a part-time basis to advise workers, established evening schools offering literacy and English classes as well as medical clinics in three centres.

BIGUF also differs from other trade unions in that it seeks to address conflicts between workers and employers through dialogue and arbitration, rather than confrontation, taking recourse to the law only if this method fails. Its president described the procedure they followed:

First we verify the information. As you know sometimes the worker might hide his/her faults. So we ask the worker to tell the truth. If we are convinced then we communicate with the respective management and inform them of the problem. We request that management acts to solve the problem to our mutual satisfaction. If the management agrees then the problem is solved; if not we file a case. We always follow the country’s law and thereby prefer the legal procedure (Rahman and Langford 2014:178).

BIGUF and other SC-supported organizations generally avoid militancy, processions and street protests, and emphasize the lawful nature of their work. While this is seen as evidence by Rahman and Langford of a “bureaucratic model of union action”, in keeping with US interest in maintaining political stability in the country, in fact, studies of women-led initiatives in a number of different countries reveal a common emphasis on law and arbitration to resolve conflicts and a similar reluctance to engage in more militant trade union tactics (Kabeer et al. 2013). This may reflect a form of unionizing that is more in keeping with the interests and priorities of women workers than the kind of militancy that Rahman and Langford associate with a more “authentic” form of unionism.

The case of the Movement of Working and Unemployed Women “María Elena Cuadra” (MEC) in Nicaragua offers an example of a women’s union that emerged out of an organic internal struggle rather than an externally facilitated intervention. It was set up in 1994 after repeated conflicts between the women members of the national and local women’s secretariats of the Sandanista’s Workers Central (CST), the country’s largest trade union federation, and its largely male leadership (Bickham Mendez 2002, 2005; Prieto-Caron 2006). The women unionists objected to CST’s hierarchical decision-making processes, its relegation of women’s issues (day care, health clinics) to secondary importance and its reallocation of funds donated by international NGOs for the promotion of gender equality goals into more general projects.

MEC eschewed the preoccupation with expanding union membership, strikes and other practices associated with the labour movement: “Our people are tired of these confrontational methods. We need to propose alternatives” (Bickham-Mendez 2005:136). The founders set out to create an organization that was “alternative for and by women” to the trade union model: “We want to work with another more positive...attitude in order to search for a more efficient path without having to arrive at holding a strike ... We hold something in common that unites us: we are searching for alternatives to the problems that we live in the zone” (Bickham Mendez 2002:15). Rather than organizing maquila workers on the factory floor, it worked with them in their communities, providing a package of services to free trade zone workers and other poor women in these neighbourhoods. These included the promotion of income-generating activities, job training and microcredit to unemployed women.

In addition to these practical measures, MEC works at community, national, regional and international levels to raise awareness about the situation of maquila workers and advance their interests. MEC draws heavily on the language of rights in its discourse and practice. At the community level, it conducts various workshops to sensitize women to gender issues, such as domestic violence and reproductive health, and to raise their awareness of their rights under the constitution and specific laws, conventions and declarations. This is seen as a necessary precondition if women workers are to be able to base their claims on recognized laws and entitlements. The organization’s national level activities are addressed to the state as the primary duty bearer in relation to the rights of its citizens. But its leaders also calls on foreign investors to improve their practices: “Respecting our labour laws and the human rights of workers, stopping the physical, psychological and sexual abuse of women workers will not hurt their pockets! We are not asking the companies to raise salaries, but to respect workers’ rights and obey the law” (Bickham-Mendez 2002:25). The union has developed a Code of Ethics which is framed in terms of gender discrimination and human rights rather than ILO labour standards.

The union has also been active in regional alliances as a means of countering the mobility of transnational corporations. It is a member of Central American Network of Women in Solidarity with Maquila Workers and coordinates with other women’s organizations in the region to lobby state officials and negotiate with factory owners. It also participates in a variety of transnational networks with NGOs and solidarity groups in Europe and America and is sustained through their financial support.

In order to raise public awareness and lobby for pressure on factory owners to uphold workers’ human rights and to comply with local labour laws, MEC launched a campaign entitled “Jobs...Yes, but with Dignity”, summarizing what it believed to be women workers’ priorities. The campaign was launched locally but MEC was able to

take it to the regional level as well. The transnational character of the campaign gave MEC and other local organizational members additional leverage by drawing press coverage and spreading the word to garner public support and pressure state and corporate actors. The campaign resulted in an alliance with the Ministry of Labour which, along with some maquila owners, endorsed Network's Code of Ethics in 1998. This subsequently became a binding Ministerial Agreement that all FTZ owners signed.

While the central trade union federation has expressed its view that the MEC is a threat to unionism, the MEC in turn is opposed to militant and direct actions pursued by the CST which combine the "old" strategies of strikes, collective bargaining and unionization with the "new" transnational strategies associated with the anti-sweatshop campaign. It fears that such actions jeopardize jobs and alienate factory owners and state officials. While MEC is aware that the real power resides in transnational corporations, rather than the factories that supply them, they refuse boycotts and other actions which could jeopardize jobs for women workers. It describes its strategy as one of "self-limiting radicalism".

#### **4. Women Workers and Domestic Markets: The Locally Driven Politics of Claims-Making**

The focus in the previous section was on the politics of claims-making within global value chains producing for the consumer markets in the Global North. The leverage exercised by Northern-based trade unions, consumer groups and human rights activists over the reputation-conscious transnational companies that dominate buyer-driven value chains explains why this form of politics has been largely driven by these transnational networks with greater or lesser degree of involvement by organizations of the workers themselves.

A very different dynamic prevails among women workers who are producing for domestic markets where the production chains may be extremely short or non-existent. These workers are largely concentrated in the informal economy, particularly in lower income countries, where they are largely self-employed, either as own-account workers or as contributing family labour. They have been largely overlooked by governments and trade unions and have not attracted much attention from the anti-sweatshop movement.

The politics of claims-making among informal workers producing for domestic markets presents its own challenges. Unlike the workers in global value chains who worked in physically concentrated locations, for clearly identifiable employers and highly visible TNCs, workers in informal domestic markets are extremely heterogeneous in the terms and conditions of their work. They may work full-time or part time; they may work on a regular or irregular, temporary or permanent, seasonal or year-round basis; they may work within their homes or outside them; in geographically dispersed or concentrated locations; and for employers, middle men, the government, subcontractors or for themselves. As the ILO (2004:45) has noted, "the needs and problems of such a diverse work force are as varied as the barriers and constraints they face in organizing". What unifies these workers is that they fall outside the definition of "the standard worker" that dominates state regulation, traditional trade union activism and much of the ILO's standard-setting efforts.

A number of features distinguish the politics of claims-making among this section of workers. First of all, organization-building plays a central role. Given the precarious and dispersed nature of their livelihoods, and the fact that they have been largely ignored by the trade unions, it is not surprising that the process of organization-building among these workers is often initiated by NGO activists who are not necessarily drawn from the ranks of the workers themselves (Kabeer et al. 2013). Nor it is surprising that the process is often a prolonged one, marked by discontinuities, lapses and sudden spurts of energy.

The other common feature is that a great deal of claims-making by these workers has been directed, in the first instance, to national and local governments rather than employers. There are good reasons for this. Many of these workers are self-employed and have no employer to whom they can address their claims. And those who are employed by others may be employed by many different employers or by small-scale employers who are unlikely to be in a position to address their claims.

Notwithstanding this focus on the state, the politics of claims-making by workers in domestic markets has scaled up over time to encompass transnational networks and global campaigns but through a more bottom-up process than that observed in transnational activism around global sweatshops. In contrast to the leadership exercised by Northern-based organizations in the anti-sweatshop campaigns, it has been largely Southern-based organizations that have spearheaded the formation of international networks and campaigns on behalf of workers in the domestic economy. Table 3 provides a typology of organizing strategies, which we will be discussing in a later section but first we begin with the organization-building strategy itself.

**Table 3: Typology of organizing strategies**

Organization-building strategies	Choice of organizational form Building self-recognition and collective identity (the internal politics of information)
Common core strategies	Collective bargaining with employers/contractors Collective bargaining/negotiation with other key stakeholders: notably, local, provincial and national government Policy advocacy/social mobilization campaigns/public awareness building (the external politics of information)
Supplemental strategies	Livelihood support, including financial and marketing services Collective economic action: e.g. cooperatives providing services (e.g. waste collection); and producer groups that do joint marketing Collective access to social protection: negotiating access to existing schemes and advocating for more inclusive schemes or providing their own schemes

**Source:** Adapted from Chen et al. 2015 and Carre 2013.

### ***The politics of organization-building***

As noted earlier, given the dispersed and precarious nature of work in the informal economy, and the fact that these workers have been overlooked by traditional trade unions, the process of making claims among these workers has typically had to begin with organization-building itself. Informal women workers present a particular

challenge to these efforts because their work is so often seen as an extension of their familial roles and hence not defined as “work” at all, either by themselves or by the society in which they live. In examining some of the ways that organizations have sought to address this challenge, we can identify an intertwined politics of recognition (starting with self-recognition of the value of their work) and representation (building voice and influence). Critical to this politics is the significance attached to choice of organizational form and to the combination of practical and discursive strategies that will build the long-term capacity of members to engage in the collective politics of redistribution. The politics of self-recognition, using various kinds of informational strategies directed towards the membership, plays a particularly important role in the strategies of these organizations because not only do their members face discrimination on the basis of their gender but they also tend to be drawn from the most socially marginalized groups in their society, those whose work is most likely to be devalued by themselves and others

Despite the neglect of informal workers by the mainstream trade union movement in most countries, many of those organizing women in the informal economy opt to register their organizations as unions. In the case of Self-Employed Women’s Association (SEWA), which offers an early example of this, the decision to register as a union was part of its strategy to assert the collective identity of its members as workers (Hill 2010; Rose 1992). SEWA was set up in 1971 as part of the Textile Labour Association (TLA) in Gujarat when it became clear to its Women’s Wing that the union’s male-dominated membership had very little interest in women workers, particularly those that worked on a casual basis within the industry or a self-employed basis outside it.

However, the fledgling organization had to fight a major battle to register itself as a trade union. According to the Registrar of Trade Unions, the essence of trade unionism lay in collective bargaining between employers and employees: self-employed women, by definition, had no employers (Bhatt 2013). SEWA organizers argued that self-employed women needed a union precisely in order to engage in collective bargaining but that their bargaining was with a wide range of actors, including employers, local government officials and middlemen. Its arguments won the day, and SEWA was registered as a union in 1972. Once registered, the organization lobbied for the issuance of state-certified identity cards for its members to officialize their status as workers and give them greater legitimacy in their efforts to engage in collective bargaining. SEWA remained affiliated to the TLA during its early years but relations deteriorated. It was ejected in 1981 and established itself as an independent union.

The internal politics of information plays an important role in building the cognitive capacity of SEWA members. The SEWA Academy seeks to raise their awareness of their identity as workers as well as to provide them with practical skills through vocational training, worker education, leadership and literacy classes. There is a particular emphasis on legal education for members who face periodic encounters with the police and the law. The organization also runs a legal advisory centre to deal with complaints and cases lodged by members.

SEWA also seeks to promote the livelihood security of its membership in order to provide a firm foundation from which it can take on the challenge of collective action in pursuit of its long-term goals of full employment and self-reliance. The formation of cooperatives for several occupations provides the basis for joint economic activities in marketing, storage and service provision as well as for the provision of support services.

SEWA Bank is its largest cooperative and provides credit and savings services to members. Its second largest cooperative, VimoSEWA, offers various integrated insurance packages, including coverage for life, asset loss, widowhood, personal accident, sickness and maternity benefits. There are also cooperatives for child care and midwife/health services.

SEWA's registration as a union set a precedent for other organizations of self-employed workers in India to opt for a union identity. One of these was the Kagad Kach Patra Kashtakari Panchayat (KKPKP), the Trade Union of Waste Pickers, which organized waste pickers, largely drawn from the “untouchable” castes, in the city of Pune (Narayan and Chikarmane 2006, 2013). KKPKP opted for union registration to encourage its members to regard themselves as “workers” rather than as “people who rummage through garbage”, a common perception among the general public—and among waste pickers themselves.

Waste picking in India, as in other parts of the world, is not an exclusively female occupation and men have also joined KKPKP. The logo of the union, which features a stylized representation of a woman waste picker, was contentious in the early years as many of the male members refused to accept the identity card which bore a logo which they believed demeaned them. Union members made it clear that women represented the majority of the membership and faced far worse conditions at work than men. The men accepted these arguments and the logo remained.

Early attempts at an internal politics of information took the form of formal training to raise members' awareness of their rights and entitlements, albeit using participatory methods, failed to capture their interest. Over time, the emphasis has shifted to “field-based training”. For instance, a member who reports police harassment to the union is accompanied by union staff and other members who have had this experience to the police station to register their complaint. Similar approaches are taken in relation to other grievances.

The organization has also addressed social issues, including child marriage, child labour, domestic violence and other forms of violence such as rape as and when these reach pivotal moments. Conflicting values are often at stake in these issues and can bring the union leadership into confrontation with some of its members. One incident that the organizers relate was the attempt by a member to marry off her underage daughter despite her commitment to the union that she would not. The union successfully prevented the wedding, but bitterness over this event took some time to subside. Now KKPKP organizes group weddings, including encouraging intercaste and interfaith unions in joint ceremonies which considerably reduce costs.

KKPKP combines its union-building activities with a series of practical and developmental measures intended to protect and promote the livelihoods options of its members. It has formed a credit cooperative which collects members' savings, deposits them in the cooperative's office, and approves loans to members. This allowed waste pickers to substantially reduce their reliance on usurious money lenders. Related to this, the union also ran a “gold loan scheme”, which allowed members to pawn their gold and silver to the scheme at the same interest rates used by the credit cooperative. In 1998, the union set up SwaCH (Solid Waste Collection and Handling), a cooperative run by members which has been authorized by the Pune Municipal Corporation to provide door-to-door waste collection and allied service to the citizens of Pune. Its aim is to remove the exploitative elements in waste picking as a livelihood activity and transform it into a



profitable enterprise. In addition, KKPKP introduced a group life insurance scheme in 1998 in collaboration with the Life Insurance Corporation of India. Enrolment is optional, and members pay their own premiums which insures them against natural and accidental deaths and disability. These practical measures are intended to provide a modicum of security in waste pickers' lives so that they can engage in the process of collective claims-making without jeopardizing their basic security.

Elsewhere in India, waste pickers have opted for other kinds of organization. For instance, the NGO Nidan had initially attempted to form a cooperative of waste pickers in the urban areas in which it worked but found that illiteracy of its members presented in a major hurdle in registering the cooperative. Instead, it set up the Nidan Swachhdhara Pvt. Ltd. as a private solid waste management company in 2008 in the city of Patna. The advantages to this decision were that companies are able to work across India, banks feel comfortable dealing with companies, workers take pride in owning a company and profits can be easily distributed across the membership. As elsewhere in India, the organization is made up of both men and women—men are in the majority—and are drawn from the “untouchable” castes.

The Self-Employed Women's Union (SEWU) in South Africa is another organization that was inspired by SEWA but lasted only 10 years. It registered as a women-only union in 1993. Its decision to focus on women workers reflected a concern with patriarchal structures more generally as well as the gendered nature of informal work (Devenish and Skinner 2004). Its membership was largely made up of black women working in various forms of self-employment—home-based production, small-scale farming, street trading and part-time domestic work—at the survivalist end of the informal economy. SEWU defined its members as workers rather than “embryonic business women” because “they [were] dependent on their work in order to survive and [did] not have access to key productive resources” (cited in Pillay n.d.:15).

A key focus of SEWU's internal politics of information during the brief period of its existence was dual-track training strategy. Skills development to strengthen the livelihood activities of its membership was provided by externally accredited trainers working with SEWU staff to ensure the relevance of the course content, timing and mode of delivery. There was special provision for members to learn skills in traditionally male-dominated areas of employment where the earning potential was much greater. There was also attention to providing English and literacy courses.

Training for women's empowerment was conducted at branch level twice a year. It covered a range of themes: organizational skills like lobbying and negotiation; economic skills in general financial and business management, legal literacy to promote understanding of the law; feminist concerns about sexual harassment and domestic violence, and finally, health-related issues covering occupational health and HIV/AIDS.

While SEWU's leadership recognized from the outset that it was necessary to position the organization as part of the broader labour movement, its attempts to become affiliated with COSATU, the largest trade union federation in the country, were resisted by sections of the largely male leadership who accused SEWU of discriminating against men. In 2004, SEWU had to be liquidated as a result of a financially crippling law suit. In 2010, the leaders of SEWU re-established the organization under a new name, South African Self-Employed Women's Association, which aimed at organizing home-based workers and vendors.

The same year that SEWU closed down saw the registration of Sikhula Sonkhe, a new union of women agricultural workers in South Africa's southern Cape province. It was result of several years of organization building by a women's rights NGO, the Women on Farms Project (WFP), itself set up by a legal rights organization (Solomon 2013). WFP organized women agricultural workers into Women's Rights Groups through which it channelled its efforts to strengthen their capacity to voice demands and claim rights.

Legal awareness was at the core of the training provided to the Women's Rights Groups. The advent of democracy in South Africa in 1994 led to the passage of a raft of progressive laws and entitlements, many of which had direct implications for previously disadvantaged groups. WFP's first priority was to build awareness of these new protections and provisions. Of immediate importance to farm women and the initial focus of WFP's work, was supporting women's access to the various forms of social protection, such as the Child Support Grant, for which they were eligible. This provided them with some degree of security before they embarked on the more challenging stages of organization-building. Over time, WFP's training expanded, first to include information on labour rights and then, the so-called "private" aspects of women's lives, particularly the high incidence of domestic violence. WFP supports its members to obtain interdictions again abusive partners.

The decision to register these groups as a formal trade union was to allow these workers to represent themselves since South African labour legislation only allows workers to be represented by registered trade union representatives. Sikhula Sonke organizes seasonal farm workers and is open to male members, but it insists on women leadership because it believed that issues affecting women were largely neglected by the mainstream unions and women had to lead efforts to change their lives (Schiphorst 2011). Union law does not allow the exclusion of members on the basis of gender, but with the technical help of WFP they were able to write women's leadership into the Constitution and maintain its identity as an organization of farm women (Solomon 2013).

In the Latin American context, extended periods of military rule appear to be one reason why many workers' organizations began as associations or cooperatives. With the restoration of democracy across the continent, certain groups of workers opted to form unions while others opted for other forms. Domestic workers are an example of the former category, while street vendors are an example of the latter.

In Uruguay, groups of domestic workers had been meeting in parishes on an informal basis as far back as the early 1960s with the encouragement of progressive clergy (Goldsmith 2013). A National Association of Private Household Employees had been set up in 1969 by domestic workers who belonged to the Young Catholic Workers organization. The onset of a military regime brought union activity to a halt, but organizational activity continued in other forms. The association restructured itself as a service-oriented organization, offering temporary shelter, workshops and savings/loan association for its members. With the country's return to democracy in 1985, the ban on union activity was lifted and the SUTD (Sole Union of Domestic Workers) was established (Goldsmith 2013). It is currently the only member-based organization of domestic workers in Uruguay, although there are many NGOs working with domestic workers. It is strictly occupation-based: all members must be employed in domestic service as must any member who participates in a commission or secretariat. The rationale for this is that full-time activists lose touch with the day-to-day reality of work life. The union is affiliated to PIT-CNT (Inter-Union Assembly of Workers–National

Convention of Workers), the country's only labour federation. While it has occasional rifts over sexism of the PIT-CNT, the latter remains their main political ally.

In Brazil as well, during the years of military rule, domestic workers came together in informal associations with the backing of a progressive Catholic Church (Cornwall et al. 2013). These associations formed the National Front of Domestic Workers in 1981 and achieved recognition as the Domestic Workers' National Council in 1985. The return of democracy gave the movement a new impetus, leading to the creation of 35 trade unions in different regions. One reason for going the trade union route was that the condition of domestic workers had been analysed so far by their progressive Left supporters in largely class terms at some distance from feminist and black rights movements. As Lenira Carvalho, one of the leaders of the movement in the 1960s recalled in an interview: "The one who brings the class struggle into the house is the domestic worker. Within a family, every problem exists, affective problems, problems with everything, but there is not problem of class. The one who has the problem of class is the domestic" (Bernadino-Costa 2011:39).

There was repositioning in later years with regard to both black rights and feminist groups. Initial mistrust of feminists gave way as interactions between domestic workers' associations and feminist organizations increased, and feminists became involved in advising domestic workers' associations. The feminist movement became the definitive national partner when a bill to protect domestic workers was rejected during the Constitutional Convention, partly due to the failure of the Central Unica dos Trabalhadores (Unified Workers' Central/CUT), their main trade union ally, to provide the expected support. Instead, according to de Carvalho, it was feminist organizations that lobbied for the bill. In 1997, the different organizations came together as FENATRAD, the National Federation of Domestic Workers' Associations which later affiliated to the National Confederation of the Workers of Commerce and Services, and the Central Workers' Union. Since 2001, the president of FENATRAD has been Creuza de Oliveira, a domestic worker since the age of 10 and a militant of the Unified Black Movement in Bahia since 1983. She has raised awareness of the intertwining of race, class and gender in the experiences of domestic workers in Brazil (Cornwall et al. 2013).

In contrast to domestic workers, waste pickers in Latin American countries have been more likely to come together as cooperatives so as to circumvent the middlemen who siphon off much of the profit to be made from waste materials. Here too, as in India, waste picking is not an exclusively female occupation and both men and women have been involved in setting up these cooperatives, which have grown into national movements over time and begun to come together at regional-level conferences. It was after the second of the regional conferences that the national waste pickers' representative from across the region set up the Latin American Waste Pickers Network. The first meeting of the network took place in Porto Alegre during the 2005 World Social Forum.

### ***Strategies for making claims***

Turning to the claims-making processes which characterize informal workers in domestic markets, we have already noted that these claims are generally addressed to the state at local or national level (see also Agarwala 2012). The orientation to the state reflects both recognition of the capacity and mandate of the state to respond to claims by citizens but also an acknowledgement that the state is not a monolithic entity and that one arm of the state can be brought to provide redress against inequitable treatment by

another. The organizations in question combine the resources at their disposal, such as information, knowledge, symbols, expertise, publicity, finance, supporters and legal or moral legitimacy with various tactics and strategies, such as litigation, lobbying, research, advocacy, campaigns and the exercise of public influence in order to translate these claims into public policy.

In the rest of this section, I use case studies of these claims-making processes by different groups of workers in different contexts in order to examine how the nature of the work involved and the contexts in which these claims are made have influenced the issues prioritized and the strategies adopted. The cases studies include wage workers (farm workers and domestic workers) as well as the self-employed (waste pickers and street vendors).

### *Street vendors in India and South Africa*

As noted earlier, a great deal of informal work, particularly female-dominated informal work, continues to be excluded from national level statistics and not recognized as “work” by government statisticians, policy makers or the public at large—or by the women themselves. So along with the internally oriented politics of information that seeks to build members’ self-recognition of the value of their contributions to society, organizations engage in an externally oriented politics to measure and make visible this contribution, often locating it within a larger developmental narrative, and using this to frame demands for policy change.

We see this strategy at work in SEWA’s claims-making strategies at both general and occupational levels. At the general level, SEWA has run a long-standing campaign to gain state recognition for the size and significance of the informal economy, or unorganized sector as it is known in official policy documents in India. It was partly in response to its lobbying that the government set up the 1987 National Commission on Self-Employed Women and Women in the Informal Sector with Ela Bhatt, its founding member, as Chair. SEWA’s collaboration with a high-level national research institute culminated in the National Sample Survey Office conducting the first ever-survey on non-agricultural enterprises.

In its capacity as a trade union for women workers, SEWA’s claims-making has related to many typically trade union issues, such as wages, job security and better working conditions. But, as Bhowmik and Patel (1997) point out, while it often uses direct forms of collective action, such as lobbying, demonstrations and sit-ins, it tends to avoid the confrontational tactics associated with traditional trade union activity in India. Instead it uses surveys and discussions with different occupational groups to identify their main problems and informal education classes to discuss these problems in the context of their rights and entitlements. These discussions serve to raise issues around which workers are prepared to take collective action. We will focus on SEWA’s claims-making politics on behalf of street vendors in order to trace the tactics and strategies through which it has been able to translate its claims into public policy, drawing primarily on Te Lintelo (2009).

Street vendors were among the first group of informal workers to be organized by SEWA. One of its earliest demands on their behalf was for the right to the licences issued by municipal authorities which determined who could sell goods and services on publicly owned land. It found very quickly that it had to be active at national as well as local levels to achieve anything. In the face of resistance from the municipal authorities, SEWA took its case to the Supreme Court in 1981 and won.

In 1988, when Ela Bhatt, the founder of SEWA, was elected as an independent member to the Indian Parliament, she introduced a bill calling for a national policy for street vendors in India to make them an integral part of urban policies and planning. The bill did not go through but it provided the template for later advocacy. SEWA began to build alliances with other groups working on street vending issues in India in order to amplify its efforts to lobby for a national policy. It also went international. In 1995, it convened a meeting of 27 street vendor representatives from 11 cities in five continents at Bellagio, Italy. The meeting led to the setting up of StreetNet, an international alliance of street vendors organizations. (Among those attending were two members from SEWU, discussed below.)

It also resulted in the Bellagio International Declaration of Street Vendors whose policy objectives were substantially derived from Bhatt's parliamentary bill. These included a national policy for hawkers and vendors, the protection and expansion of existing livelihoods, provision of legal access to use of appropriate and available space, a special component of plans for urban development, legal status for vendors through licensing, provision of appropriate hawking zones and the need for "appropriate, participative, non-formal mechanisms with representation by street vendors and hawkers, NGOs, local authorities, the police and others".

The international status of the Declaration served to bolster subsequent street vendor policy discussions in India. In 1998, SEWA organized a National Workshop on the Legal Status of Street Vendors which formulated an action plan framed by the Bellagio Declaration to advocate a national policy for street vendors. It also set up the National Alliance of Street Vendors India (NASVI) to be coordinated by the founding director of NIDAN. The alliance, whose guiding principles also drew on the Bellagio Declaration, was intended to support local street vendor organizations and represent their members at national policy level.

Growing attention to the revision of labour laws as part of economic reforms drew government attention to informal workers. The first draft of the National Urban Street Vendors Policy was drawn up in 2002. A review of its content clearly shows the traces of preceding documents such as the parliamentary bill (1988), the Bellagio Declaration (1995) and reports of national workshops organized by SEWA. The policy acknowledged that current regulatory climate threatened the livelihoods of a growing number of street vendors, violating the constitutional duty of the Indian state to "protect the right of this segment of the population to earn their livelihood" (Government of India 2004b). It argued that street vending was a traditional Indian occupation that was beneficial to society and therefore entitled to a supportive and protective state. These were arguments that had featured in SEWA's advocacy efforts.

The Street Vendors (Protection of Livelihoods and Regulation of Street Vending) Bill was finally passed in 2014. Among the main features of the Bill were provisions for representatives of street vendors' organizations in the Town Vending Committees which were responsible at local level for issuing certificates, deciding on areas where vending is permitted and setting levels of fees/taxes. The Bill makes eviction a last resort, thereby reducing a major source of insecurity for vendors, and sets up a Grievance Redressal Committee.

SEWA had also joined with the National Centre for Labour and other organizations to lobby for a universal system of social security that covered workers in the informal

economy. The adoption of the Unorganized Workers' Social Security Bill, 2008 went some way towards meeting this demand. It provides social security and insurance protection for informal workers, including universal health insurance, life insurance and old age pension benefits.

Another important example of state responsiveness to the claims of street vendors' organizations comes from SEWU's experience in Durban. As Devenish and Skinner (2004) note, a high proportion of SEWU's members in the early years of its existence were street traders. During this period, SEWU focused largely on negotiations with the Durban municipal government over street trading by-laws and the provision and regulation of infrastructure—water, toilets, shelter and storage facilities—as well as services such like child care and overnight accommodation. It initiated negotiating forums with town councils which provided shelters for street traders for which women traders were given preference. The Durban municipality also installed water supplies and temporary toilet facilities at points identified by SEWU members. SEWU's participation in all committees and forums dealing with new bylaws led to a strong working relationship. It also established monthly bilateral negotiations with the Informal Trade and Small Business Opportunity Branch of the Council, managing to get issues like overnight accommodation and child care families onto the agenda.

Over time, SEWU's membership shifted to home-based workers where there was less scope for negotiation. Instead, SEWU put its energy into securing a progressive policy approach to the informal economy in Durban. It provided detailed comments on various drafts and made written submissions to various departments, including the Treasury, on gender-sensitive budgeting. Its submission on the labour relations act was largely ignored by the Labour Department, but a somewhat watered-down version of its submission to the Department of Trade and Industry on small business policy appeared in the relevant White Paper. Durban's highly acclaimed policy on the informal economy in 2001 made various provisions for street vending, including simplifying registration, negotiation of site allocation between stakeholders and a more transparent fee structure. Despite its brief lifespan, its founder and former general secretary argued that SEWU behind left a lasting legacy:

SEWU showed Durban City Councillors a way of dealing with the working poor...which was not a small business approach...but an approach based on ongoing negotiation. SEWU gave them a route and a direction...(The Council) have now provided a much bigger developed model...SEWU certainly cannot take responsibility for all of it but I think SEWU's intervention within this process has been important (Devenish and Skinner 2004:23).

### ***Strategies for making claims: Waste pickers in India***

In their discussions of claims they prioritized, organizers of KKPKP highlighted their strategic framing of these claims as carefully crafted narratives designed to appeal to the organization's different constituencies (Narayan and Chikarmane 2013). One of its earliest struggles was to gain recognition, first from the municipal government and then from the state, for waste pickers to be regarded as “workers” and waste picking as “work”. KKPKP argued that since the municipalities were not required to segregate garbage into organic (biodegradable) and recyclable (non-biodegradable) waste, the performance of this task by waste pickers (who then earned a living from the sale of scrap) contributed to resource recovery and cost-saving for the municipality, as well as to the broader goal of environmental protection. It backed this argument initially by using data generated by the cooperative scrap store run by the union and later through formal research on the contribution of waste pickers to the management of urban solid

waste commissioned by the ILO and undertaken by university researchers involved with the union. The study estimated that the annual contribution of the scrap trade to the total income generated in Pune was Rs. 185 million (in terms of transport costs saved and value added through trade) but noted that the additional environmental benefits were difficult to quantify (Chikarmane et al. 2001).

The Pune Municipal Corporation (PMC) conceded to their demands in 1996, becoming the first in the country to officially register waste pickers through the union and to endorse identity cards in recognition of their contribution to the management of urban solid waste. The Maharashtra State government subsequently directed municipalities to register waste pickers, issue them with identity cards and help integrate them into municipal solid waste collection system through their organizations or NGOs.

Once recognition of their members' status as municipal workers had been achieved, KKPKP began to lobby for welfare benefits for its members. It compared the financial benefits of their work, largely reaped by the municipalities, with the health costs associated with it, borne entirely by the waste pickers. It cited evidence compiled by local university researchers showing that waste-pickers suffered from occupation-related musculoskeletal problems, respiratory and gastro-intestinal ailments (Chikarmane et al. 2001). These arguments were presented to the decision-making bodies of the PMC. In 2002–2003 the PMC became the first municipality in the country to institutionalize the Scheme for Medical Insurance for all Registered Waste-Pickers in its jurisdiction. The payment of the annual premium to the New India Assurance Company has become part of the annual municipal budget.

KKPKP was part of an initiative in 2005 to form SWACH (Solid Waste Collection Handling<sup>5</sup>), a loose alliance of eight waste pickers' organizations from across the country (Samson 2009). The groups decided to let a national network grow organically rather than impose a formal structure at the outset: however, KKPKP was selected to function as its secretariat. Twenty-four organizations are currently members of SWACH, both organizations of waste pickers as well as organizations that work with waste pickers. While some are registered trade unions or cooperatives, most are NGOs registered as public trusts or societies. A number of these, like KKPKP, set up cooperatives or companies that complement their activities as a trust, society or union, reflecting an increasing trend to use business entities owned and run by waste pickers to achieve practical goals.

KKPKP also has an active and fruitful connection with the Global Alliance of Waste Pickers, which has provided it with solidarity, support, and information about the processes and issues of waste pickers on a broader canvas. But while its organizers recognize the value of engagement at regional or international level, they see the main value of such engagement in their "local effects" on the lives of its members (Narayan and Chikarmane 2013). They fear that too great a focus on the ways in which issues are framed and understood at the global level may hamper the evolution of a locally grounded articulation of what is at stake. It has found that practical issues, reflecting, for example, differences in the nature and value of waste in India in comparison to other countries, influence the extent to which it can usefully engage with waste picker organizations at global levels.

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<sup>5</sup> SWACH also means "clean".

KKPKP draws on some of the tactics of traditional trade unions, such as mass rallies and sit-ins, but distances itself from the more aggressive aspects of union politics and emphasizes peaceful agitational methods. It is aware that the relationships of its members with scrap traders or scrap shop owners in the “upstream” sectors of waste processing are extremely exploitative but they have been established over a period of time and have aspects of mutual interdependence. The costs of any action which jeopardized these relationships would be borne by women whose livelihoods were extremely precarious and who had very little to fall back on.

KKPKP has put a great deal of emphasis on evidence-based arguments and moral grounds to back its claims but it has also participated in various forms of cultural politics, including plays, songs and slogans, to engage the public. It has used street theatre as a means of “educating” the public about the concerns of its members: “it portrayed their lives as women and as workers, their trials and tribulations, their role in urban solid waste management and the apathy of the citizens and the State towards them” (Chikarmane and Narayan 2005:24). It has been involved in promoting the idea of “extended corporate responsibility” to pressure multinational corporations to take responsibility for the hygienic disposal of used sanitary pads which expose waste pickers to respiratory and gastrointestinal ailments, skin and eye infections and allergies. In relation to this, it mounted a “Send It Back” campaign, encouraging the public to send used sanitary napkins by post to the headquarters of Proctor and Gamble, Johnson and Johnson, Hindustan Unilever Ltd. and Kimberley Clark Lever as a gift on International Women’s Day.<sup>6</sup> The organization has also managed to mobilize sympathetic newspapers around its claims. When the government refused its demand that children of waste pickers be included within an official scholarship scheme for “Children of those engaged in Unclean Occupations” on the grounds that only children of night soil carriers were eligible, the media carried photographs of a waste picker inside a garbage container accompanied by articles declaring that “Government finds ragpicking too clean to merit help!”.

### *Strategies for making claims: Farm workers in South Africa*

Sikhula Sonke differs from the organizations dealt with so far in this section in that it organizes women wage workers. The priority concerns of its members include economic issues such as unfair dismissal, unsafe working conditions, violation of minimum wage provisions, illegal deduction from wages, housing insecurity and intimidation of worker leaders, as well as social issues such as high school drop-outs, food insecurity, violence against women and the legacy of alcoholism (Schiphorst 2011). While the organizations addresses some of its claims to the local and national state, it also addresses employers within South Africa and, in some cases, internationally.

In addition, its strong stand on domestic violence leads it to engagements with male workers, including its own members. Men who want to join the union had to sign a declaration that they would refrain from violence against women (Ericksson 2008). Union members also commit to intervening in their communities whenever such violence occurred. The organization has also sought to stop *shebeens*—or illegal drinking spots—on farms. Alcohol abuse, often associated with domestic violence, is rampant on farms, and the Western Cape province has the highest rate of foetal alcohol syndrome in the world.

<sup>6</sup> Personal communication, Poornima Chikarmane, Assistant Professor, SNDR Women’s College, Pune, and one of the founding activists of KKPKP, 25 July 2014.



Sikhula Sonke seeks a direct and non-confrontational approach in representing its members' interests in labour disputes with employers. As the General Secretary of Sikhula Sonke pointed out: "We try to build relationships. It disadvantages members if you are constantly aggressive" (White 2010:680). In its dealing with employers, Sikhula Sonke have yet to advocate striking: "We don't say to workers that they must strike . . . Workers have a right to strike, but striking can cause people to lose jobs and houses. There is always a way to bring parties together to try to solve the problems" (p. 681). If negotiation does not work, it resorts to other strategies, using the Commission for Conciliation, Mediation and Arbitration (CCMA). Where Sikhula Sonke feels CCMA judgements are unjust, it will refer cases to the Labour Court.

Its interactions with the CCMA have been extremely effective, with the majority of cases decided in its favour. There are important intangible gains to the use of official forums. Farm workers' views are listened to on equal terms to their employers while judgements in favour of workers put pressure on farmers to comply with the law. As White notes, these forums allow historically marginalized workers "to engage with the state as citizens, rather than as subjects of their employer" (White 2010:681), an experience historically denied to them. Although the longer-term influence of the union in challenging the structural conditions of farm workers is not clear, it is clear that it has succeeded in challenging localized cases of unfair labour practice.

Sikhula Sonke's campaign against farm dweller evictions is another example of its efforts at policy engagement. Post-apartheid legislation had strengthened the rights of workers occupying housing provided by a farmer so that they were, in theory, less vulnerable to arbitrary evictions. This had the perverse effect of reducing the availability of on-farm dwellings for farm workers, forcing them into costlier off-farm housing. Sikhula Sonke joined other organizations in setting up the Jonkershoek Crisis Committee which generated substantial media coverage of the evictions. About 600 people, many of them from Sikhula Sonke, marched through Stellenbosch before handing a memorandum to a representative of the Western Cape Premier. The protest succeeded in getting key decision makers to agree to a moratorium on evictions in Jonkershoek, to accept that the land tenure policy for farm workers was inadequate and to set up a stakeholder forum with key institutional representatives to review the situation.

Sikhula Sonke is not an affiliate of COSATU and prefers to distance itself from its partisan politics. Nevertheless, despite the fact that COSATU has a policy of working with only one trade union per sector and its affiliate on farms in the Western Cape is the Food and Allied Workers Union, COSATU Western Cape works fairly closely with Sikhula Sonke because of its effectiveness in representing farm workers.

### *Domestic workers in Uruguay and South Africa*

Domestic workers, like farm workers, work for wages but their status as waged workers is less clear because of their location within the private sphere of the family. They have begun to organize as workers in many different regions of the work but with varying degrees of success. Uruguay and South Africa stand out as countries with some of the most progressive legislation on domestic work in the world. A comparison of the politics of claims-making by domestic workers' organizations in these countries is useful in bringing out commonalities and differences but also in highlighting the importance of workers' organizational capacity in translating progressive legislation into improvements on the ground.

In Uruguay, as we noted, the SUDT was set up very soon after the restoration of democracy in 1985 but after a spurt of expansion, levels of activism and membership declined. One reason why efforts of elected representatives from the Left-wing Frente Amplio party to promote legislative protection for domestic workers was that workers were not sufficiently organized to exercise pressure from below.

The union gained a fresh lease of life in 2002 when the Gender Department of the PIT-CNT, the country's only labour federation, took up the case of domestic workers. The PIT-CNT drafted a list of demands to present to Frente Amplio for inclusion in its electoral platform. In 2004, the Frente Amplio won the presidential and congressional elections on a platform of economic growth, decent employment and social justice (Budlender 2013). The President announced his intention to create a wage council for domestic workers in his inaugural address.

The first law relating to domestic workers came onto the books in 2007 (Goldsmith 2013). It gave domestic workers the same general labour and social security rights as other workers. This included provision for tripartite negotiation of wages and work categories instead of the Presidential Decree used for occupations that did not have wage councils. Despite this last provision, wages continued to be set by Presidential Decree in 2007 and 2008. The SUTD demanded the right to tripartite negotiation like other groups of workers. This was conceded by the Ministry of Labour and a wage council for domestic service, Grupa 21, was created in 2008. The ministry invited the League of Housewives to represent the employers of domestic workers on the council. What is particularly significant about the demands presented by SUDT to Grupo 21 is the extraordinary range of issues it covered, based on its consultations with members around over the country.

For example, in the first round of negotiations, their demands included a paid holiday on Domestic Workers' Day; exclusion of salary increases as a cause for termination of employment; payment of five days salary for marriage; time off in case of family death; paid leave for adoption on same terms as maternity leave; half of working hours on full pay for mothers to breastfeed; 1 percent extra pay for each two years in service; two sets of work clothes provided by employers each year; decent working conditions, free of moral and sexual harassment; respect for workers' right to intimacy and protection of their physical and psychological integrity; freedom of association and union leave; no pay differences between workers who carry out the same tasks in the same household; any tasks outside their normal working hours to be paid in accordance with existing labour standards; and equal opportunity and treatment with no distinctions nor exclusion on the basis of sex, race, colour, sexual orientation or religion.

This wide-ranging set of demands indicates an unusually high sense of enfranchisement among a group of workers generally considered among the most marginalized in the workforce, the payoff to a long history of organizing. Negotiations over these demands extended over several months and not all the demands were accepted, but there was sufficient common ground by the end of 1998 to allow the government, employers and workers delegates to sign the first collective agreement for domestic service in the entire region. A critical feature of the agreement was its national jurisdiction and applicability to all domestic workers and their employers. The SUTD was able to win rights through the collective bargaining process that were not included in the new legislation, leading to an increase in domestic workers' wages and rates of registration in the Banco de Previsión Social (Social Security Institute).

As Goldsmith (2013) suggests, the change from the situation prior to 2005 when there had been no legislation regulating domestic work in Uruguay to the situation in 2008 when domestic workers were participating in tripartite arrangements with employers and government to bargain for better wages and conditions appears dramatic. In reality, the change had begun several decades ago when the domestic workers had first begun to organize. Consequently, the progress achieved was the product of collective action by domestic workers and their allies, “not simply a gift from the government”.

The organization of domestic workers in South Africa has followed a somewhat different trajectory (Ally 2009). A South African Domestic Workers Union had been formed in 1986. It launched a campaign for the extension of labour legislation and a minimum wage for domestic workers. In 1991, the National Manpower Commission set up a committee in response to these demands, signifying an important victory. But soon after the transition to democracy, internal leadership wrangles led to the dissolution of the union in 1996.

Despite this lack of organization, the post-apartheid democratic state introduced a raft of legislative interventions that together represented one of the most extensive efforts at formalization, modernization and professionalization of paid domestic work anywhere in the world (Ally 2009). An important contributing factor to this were the efforts by women’s organizations to “engender” democracy (Seidman 2007). The new legislation sought to recognize and recode the social contribution and value of domestic work in ways that had been advocated by the feminist movements of the 1970s. Domestic work was recoded as employment like any other and domestic workers as employees. Labour relations in the sector were formalized with access to a statutory state agency offering workers efficient access to legal recourse in the case of an unfair labour practice. Domestic workers were also included within a government social insurance scheme, the Unemployment Insurance Fund.

For many domestic workers, the most valued aspect of the new legislation was not the objective improvements in their wages, working conditions and benefits but the outlawing of the practice of instant dismissal. As Ally points out, the power of instant dismissal was at the heart of apartheid relations of servitude, indicative of both employers’ power and the “disposability” of black African workers. Within the first year of the passage of the new labour relations act, domestic workers had become the fifth largest category of workers to bring forward complaints to the CCMA, the statutory body charged with enforcing the law. State protection became an important idiom in workers’ expression of democratic inclusion.

In 2002, the state introduced Sectoral Determination 7,<sup>7</sup> which was intended to set out terms and conditions of employment for workers in the Domestic Worker Sector. It required all employers to pay a legislated minimum hourly wage and state-stipulated annual increases, introduced mandatory hourly wage and compulsory pay slips, regulated working hours and overtime, stipulated standby pay and extended leave provisions. These provisions were intended to displace the previous informal relationship between mistress and maid with a formal relationship between employer and employee.

Despite some improvements in the situation of domestic workers, Ally’s (2009) research found that exploitative wages and working conditions persisted. The informal

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<sup>7</sup> Sectoral Determinations specify regulations on minimum wages, overtime, working hours and other aspects of employment conditions for different sectors.

power endowed on white employers by decades of deeply entrenched race and class privilege could not be easily challenged by the formal power endowed by law on domestic workers from poor, often rural backgrounds. In addition, the capacity of domestic workers to negotiate collectively on their own behalf was not helped by the fact that they were persistently positioned in official discourse as “vulnerable” workers. Indeed, as domestic workers heard repeatedly from state officials, they were not just vulnerable, but “the most vulnerable”.

This discourse of vulnerability also had practical implications. For workers who are not designated as a vulnerable category, collective bargaining arrangements are the primary vehicles through which wages and working conditions are negotiated. For vulnerable workers, on the other hand, wages and working conditions are the responsibility of a state body, the Employment Conditions Commission. While employers and workers opinions are solicited during investigation into different Sectoral Determinations, and following its promulgation as law, it is the official machinery that is the final authority on minimum wages and workers’ rights. As Ally (2009) suggests, while it is certainly the case that there were many aspects of their working conditions that rendered them particularly vulnerable to exploitation, the use of “vulnerable worker” as the primary organizing trope of the state’s efforts on their behalf served to effectively substitute state agency for the agency of the workers.

### ***Local organizations go global: Southern-led transnational activism***

Location in domestic markets has not prevented informal women workers and their organizations from engaging in transnational networks and alliances. For instance, despite opposition from Indian unions affiliated to the International Confederation of Free Trade Unions, SEWA applied for membership and was accepted in 2006. Such international networks allow national-level organizations to share lessons, provide mutual support and to create voice and influence at the international level to re-exert pressure at the national. We saw an example of this boomerang politics in SEWA’s role in drafting the Bellagio Declaration and then using its international status to push for implementation of its demands at the national level.

The setting up of Women in Informal Employment: Globalizing and Organizing (WIEGO) represents an important milestone in the evolution of Southern-led advocacy and activism on a transnational basis. WIEGO emerged in the course of the efforts on the part of HomeNet, the growing organization of home-based workers, to persuade the ILO to pass an International Convention on Homework. The collaboration between HomeNet and SEWA with researchers from Harvard University to compile and analyse existing data on homeworkers worldwide in order to bolster their arguments with the ILO proved extremely effective. One result of it was the creation in 1997 of a global “network of networks” that would bring together and build on the comparative strengths of activists and researchers.

WIEGO has focused its research efforts and policy advocacy on the working poor, particularly on women, in the informal economy.<sup>8</sup> It attaches a great deal of significance to information politics, helping organizations of informal workers with research and statistics to strengthen their claims-making efforts in national policy processes. It also provides a unique forum in which member-based organizations of workers in the informal economy can come together with support NGOs, research and statistics

<sup>8</sup> Many of the studies drawn on in this paper were published by WIEGO and can be retrieved from its website, [www.wiego.org](http://www.wiego.org).

institutions, national governments and international development agencies to contribute their expertise in research, statistical work, policy making and direct experience. WIEGO has been able to draw on its associational power to provide support to its members in building national federations and regional networks, lobbying at International Labour Conferences (ILCs), linking its members with various international trade secretariats and influencing policy documents at national and international levels.

However, not all categories of informal workers' organizations are equally well positioned to make gains at the international level. The varying experiences of street vendors and domestic workers illustrate some of the reasons why this might be the case.

The decision to set up StreetNet as an international alliance of street vendors, taken at the Bellagio meeting in 1995, was followed by its formal launch in 2002 in Durban. It was open to all membership-based organizations (unions, cooperatives and associations) which were directly organizing this group of workers. While the important role of NGOs that supported street vendor organizations was recognized, they could not become members.

In keeping with the principles of the Bellagio Declaration, a great deal of StreetNet's activities seek to support its members in their efforts to promote national policies and plans that recognize and protect the rights of urban street vendors. It encourages action by individual traders and their associations in pursuit of this goal along with lobbying city governments and international organizations, including the United Nations, the ILO and the World Bank.<sup>9</sup> A major concern of these efforts is to highlight how discrimination against street vendors across the world have been exacerbated by pursuit of the ideal of the "modern global city", an ideal that excluded untidy practices like street-vending.

At the same time, it is evident that StreetNet faces a number of challenges in its efforts to mobilize its membership. One important challenge relates to the question of collective identity. StreetNet has sought to identify street vendors as workers rather than entrepreneurs and encourages this identity among its affiliates. But surveys of this group suggest that many street vendors see their activity as an easy way to earn money rather than as an "occupation" as such. They are generally in direct competition with each other. Crises, such as the threat of mass eviction, are more frequently the trigger that brings them together in defensive collective action rather than a more pro-active commitment to upgrading livelihoods and winning policy recognition (Mather 2012).

As Samson (2009) has noted, there is not yet a global network of waste pickers organizations. However, Latin American organizations have gone furthest in building a regional network. The First World Conference of Waste Pickers held in Bogota in March 2008 provided an important opportunity for waste pickers from across the world to meet, share their experiences, and explore how they can continue to work together in the future. As the organizers of KKPKP said, an important lesson from the conference was how waste pickers from Latin America have increased their influence through the Latin American Network (Samson 2009:48).

Domestic workers' organizations offer a more successful example of transnational activism, with a new ILO convention on domestic workers' rights among its achievements (Mather 2013; Becker 2012). Significant commonalities in their

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<sup>9</sup> See website: [www.street.net](http://www.street.net).

experiences and working conditions may have provided the basis for this solidarity: their long history of social invisibility and economic undervaluation in most countries of the world, the personalized servitude which characterizes their working relationships and largely female composition of the workforce.

Certain regions have progressed further than others in moving from national to regional mobilization. Both SUDT and FENETRAD were among the domestic workers groups from 11 countries from Latin America and the Caribbean who participated in the founding congress of the the Confederación Latinoamericana y del Caribe de Trabajadoras del Hogar (Latin American and Caribbean Confederation of Household Workers) in 1988. Since then, these organizations lobbied their governments to improve labour conditions for domestic workers. In the Asian context, a workshop organized by the Committee for Asian Women in 2004 brought together domestic workers' organizations from five Asian countries to set up the Asian Domestic Workers Network (ADWN). ADWN includes organizations of domestic workers as well as supportive NGOs working with domestic workers.

Growing interactions across national borders gave rise to the first ever global conference of domestic workers' organizations in Amsterdam in 2006. It was hosted by FNV (Federatie Nederlandse Vakbeweging) the Dutch Federation of Trade Unions, IRENE ((International Restructuring Education Network Europe), a Dutch NGO, and WIEGO, and attracted 60 participants from domestic workers' organizations across the world, along with global unions, national unions, migrant workers' support networks, labour support networks, ILO staff, concerned academics and, of particular significance, two global unions, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF) and the International Trade Union Confederation (ITUC). The conference ended with two key demands: an international network of domestic workers organizations and a special ILO Convention for the rights of domestic workers.

The International Domestic Workers' Network (IDWN) was formed in 2008. WIEGO played an important role in developing the new network, helping it to find funding and using its own networks around the world to put domestic workers' organizations in touch with each other. It also drew on its research expertise to compile arguments to support advocacy and to gather statistical data on domestic workers and the value of their work.

The IUF agreed to take a lead on the push for an international convention. It agreed to provide an organizational base for an open network which could develop as a semi-autonomous body within the IUF structure as long as it respected the basic principles of the IUF. This was a departure from the normal formal membership requirements of global union federations. The affiliation gave the new network political credibility with trade unions across the world and also meant that the IUF could represent it within the ILO. These federations have official status at the ILO, making up the Workers Group which negotiates with government and employers in the ILO's tripartite structure.

A critical concern of IDWN was to have domestic workers' representatives directly participating in the negotiations at the ILCs and even in the historic final vote. "This would reinforce not just the idea but also the reality of domestic workers themselves and being respected for the role they can and do play" (Mather 2013:33). Since only officially registered trade unions could make up the national Workers' Delegations, there was a concerted effort to persuade trade unions to include a domestic workers'

representative in their delegations. Despite initial hesitation on the part of some unions, the effort paid off. In 2010, around 11 domestic workers leaders were members of the Workers Delegation from their country, and by 2011, this had increased to 20. Others were included in the delegations of the IUF and ITUC Global Unions.

The convention itself was hard fought, particularly during the first round of official negotiations in 2010. Many employer and government representatives resisted the idea of a convention, with legal obligations, and favoured a recommendation which merely offered guidance. From the start, the most supportive governments were those who had made most progress on legalisation in their own countries, such as Brazil, South Africa and Uruguay. Employers proved far more constructive during the negotiations of the 2011 and on June 16, the proposed Convention 189 was accepted with a resounding majority: 396 delegates in favour, 16 against and 63 abstentions. IDWN was transformed into a federation with a constitution and elected officials in October 2011. While the rights embodied in the Convention will play a critical role in advocacy for improvements in the material conditions of domestic workers, it also represented a victory for the struggles of domestic workers and their allies to gain recognition for the value of their work (box 1).

#### **Box 1: Winning the politics of recognition**

From the Preamble of the Domestic Workers' Convention (Convention 189):

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 1 June 2011...

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization ,...

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries ...

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, ...

Considering also that in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, ...

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, ...

Having decided upon the adoption of certain proposals concerning decent work for domestic workers...

Having determined that these proposals shall take the form of an international Convention;

adopts this sixteenth day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

Source: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C189](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189).

## 5. Migrant Women Workers and the Politics Of Claims-Making: Negotiating between National Jurisdictions

The politics of claims-making in relation to migrant contract workers does not fit easily into the analytical distinction between claims-making in the context of global value chains and claims-making in the context of national markets. While their work can be conceptualized in terms of global supply chains, the “global” dimension here represents the movement of actual workers across national borders rather than the movement of the goods or services that they produce. This presents a very particular challenge to the politics of making claims-making by their own organizations or by organizations working with them or on their behalf. This section of the paper will draw on studies specifically from the Asian region, which accounts for the largest proportion of intra-regional migration flows, to consider the issues, actors and strategies which characterize the politics of claims-making relating to this category of workers.

Early flows of migration within the Asia region were largely male-dominated. The rise in oil prices in 1972 had led to a massive increase in the demand for construction labour in the Middle East and was met by male workers from South Asia, Philippines, the Republic of Korea and Thailand (Asis 2004). Over time, the destination of Asian overseas contract workers became more diverse, with local Asian destinations accounting for more migrants than the Middle East. In addition, women began to make up an increasingly proportion of migration flows, outnumbering men in a number of Asian countries like Indonesia, Philippines and Sri Lanka.

A great deal of this increase in female migration reflected the growing demand for paid workers in various care and domestic services, in response to the demographics of affluence across the world. For instance, within the Asia region, the fastest growing countries had also experienced major fertility declines as well as improvements in life expectancy. The ageing of the population led to an increase in the demand for care services which partly offset the decline in care responsibilities for children. At the same time, these countries have experienced rising rates of female labour participation in different age groups. In the absence of any social support for working women’s unpaid care responsibilities, working women who could afford to do so, hired domestic labour to assist them in the home. Growing shortages of local labour for this segment of the service sector meant demand had to be met by migrant female labour from other countries within the region. By the early 1990s, nearly all countries in the Asia region were either origin or destination countries (sometimes both) for labour migration (Piper and Iredale 2003).

The difficulties faced by migrant workers in pressing their claims is symbolized by the difficulties they faced in their attempts to gain international recognition for their rights. In striking contrast to the speed with which the Domestic Workers Convention moved from introduction at the International Labour Conference in 2010 to acceptance by the majority of delegates at the 2011 Conference,<sup>10</sup> the International Convention on the Protection of All Migrant Workers and Members of Their Families (CMW) was first adopted by the UN General Assembly in 1990 but failed to reach the necessary threshold of 20 ratifying states until 2003 when it finally entered into force (Bohning 1991). As of 2014, the CMW had been ratified by just 47 states. The vast majority of these countries are migrant-

<sup>10</sup> Indeed one reason for the strength of support for the Domestic Workers’ Convention is that its relevance for migrant domestic workers was downplayed, suggesting a sector-specific approach might make greater headway than a direct migrant rights approach (Kalm and Piper n.d.).



sending countries, although it is in the receiving countries where many of the rights violations of migrant workers occur (Piper and Iredale 2003).

This slow pace of progress does not signal indifference to the issue of migration in the international policy agenda. On the contrary, with remittances now exceeding total of foreign direct assistance, the issue of migration now commands considerable interest at the international level. But importance of remittances to migrant-sending economies and the need for a cheap and dispensable labour force in the migrant-receiving countries has meant that policy attention has focused on regulating the flow of migrant labour rather than upholding the rights of migrant workers (Rosewarne 2012; Basok and Piper 2012).

### ***The challenges of claims-making in relation to migrant women workers***

The general challenge that migrant workers face in their efforts to claim rights and entitlements is that their movement across national borders is associated with a change in their status from “citizens” to “aliens”, the weakening of the jurisdiction of their country of origin and their virtual exclusion from the jurisdiction of their destination country. They thus fall between two legal and policy regimes, two systems of citizenship and two sets of cultures.

Their governments’ capacity to seek redress on their behalf and their willingness to do so is undermined by their weaker position vis-à-vis the receiving countries. Competition between sending countries often leads governments to sacrifice the interests of their citizens abroad. When occasionally, these violations spill over into the public domain and they are forced by their citizens at home and abroad to take a stand, their lack of political clout becomes clear very quickly. Philippines, for instance, banned migration for domestic service to Saudi Arabia in 1982 because of widespread reports of abuse but had to lift it when the Saudi government threatened to freeze all labour recruitment, including male labour, from the Philippines (ILO 1999; Oishi 2005).

Consequently, what is evident from the literature is that, while migrant workers face various types of harm and exploitation at the hands of different actors at different stages of the migration process, the root cause of their vulnerability is the ambiguity or lack of citizenship status abroad and the rights that this guarantees.

As migrant workers, female migrants face much insecurity in common with migrant men but as women, they face additional gender-related disadvantages. Not only are they accepted for fewer categories of work, but these few categories are generally extensions of their economically devalued caring, cleaning and sexual roles in the domestic domain into the market arena. In addition, they are over-represented in forms of work that are outside the reach of local protective legislation: domestic service and various forms of jobs in the “entertainment” industry.

As workers in female segments of the economy, female migrant workers face many of the same insecurities, discrimination and lack of protection faced by local women doing similar work, but as migrants, their rights, and indeed their “right to have rights”, has a far less secure basis than local workers. For instance, the Singapore government’s refusal to classify domestic maids as “workers” resulted in the provision of special “non-worker” visas for migrant women coming in to do domestic work (Piper and Iredale 2003). The denial of migrant workers’ “right to have rights” is not however simply a reflection of their legal status. Migrants are frequently minorities in terms of their religion, ethnicity, race, language and so on. As such, they are subject to the range

of cultural practices associated with the “othering” of devalued groups: criminalization, ridicule, stereotyping, and very often, sexualization. Such devaluation permits and justifies the everyday abuses that go unremarked in the lives of most migrant workers, even if some of the more gross violations of their rights may periodically erupt into the public domain.

Activism by, with or on behalf of migrant workers is, by definition, transnational in nature (Piper 2005) in that it revolves around groups of workers who have crossed national boundaries but the actual extent of activism by different groups of workers and the form that it takes, including its transnational orientation, varies considerably. It varies according to the space for civil society organization in the sending countries, and hence the extent to which migrants are familiar with the politics of claims-making. It also reflects the democratic space available for civil society organizations in the receiving countries, including the space for migrant activism, and the extent to which migrants can organize on their own behalf. Where the political space for self-organization is limited, migrants must rely on local citizens to take up their concerns.

Trade unions have not been in the forefront of civil society activism for the rights of migrant workers (Ford 2004; Wickramasekera 2002). Within sending countries, they have focused their efforts on local workers rather than on migrants who are regarded as better off than the average worker. In receiving countries, they have often spearheaded resistance to migration on the grounds of the threat to local jobs. In addition, a number of countries either prevent migrants from joining trade unions or prevent certain categories of workers, most often domestic workers. Consequently, NGOs of various kinds, women’s organizations, human rights groups and faith-based organizations have been the main actors on behalf of migrant workers’ welfare and rights. Faith-based organizations are particularly active in repressive contexts like Singapore where there is little space for labour rights organizations.

### ***Migrant workers and claims-making in sending countries***

The Philippines stands out among the sending countries in Asia in terms of civil society efforts to address migrant workers’ claims (Rodriguez, 2002, 2008). The level of activism by migrant workers’ associations, supported by other sections of civil society, helps to explain why it was one of the earliest signatories to the CMW (in 1993) and the first Asian countries to ratify it. The country has had an official labour export policy in place since the 1970s as part of the state’s efforts to earn foreign exchange. NGOs focusing on migrant workers began to emerge soon after as problems associated with labour migration began to surface. Faith-based organizations were among the first to respond, developing programmes to prepare migrants for different living and working conditions overseas. The increasing participation of Filipino women in migration, and their concentration in vulnerable occupations such as domestic work and the entertainment industry brought in more women’s organizations to strengthen services and safety nets and to lobby for greater government accountability for their migrant citizens. By the 1990s, NGOs had diversified their goals and strategies: some were primarily service orientated, preparing those about to migrate or helping reintegrate returning migrants into their communities. Some NGOs engaged in advocacy on behalf of migrants while others have expanded their advocacy activities to include a critique of the role of the Philippines state in the process of globalization.

The 1990s also saw the rise of NGO networks as it became clear that “coalitions of organizations” could exert greater influence on the state than individual organizations (Piper 2005). The Philippines Migrants Rights Watch was started in 1995 in order to

campaign for the government to ratify the MWC which it did within that year (IOM 2013; Rodriguez 2002). The network continues to work with migrants at different stages of the migration process, before departure, during migration and upon return. It also continues its policy advocacy work in collaboration with other organizations and networks. While the MWC has been active in campaigns to promote state responsibility to its migrant citizens abroad, it has become increasingly international in its orientation. It believes that the full recognition by both sending and receiving countries of migrant workers' human rights as guaranteed by UN conventions is the Filipino migrant workers' best guarantee of protection: "supranational bodies like the United Nations are the institutions that can best secure migrant workers' rights. While local laws are important, they are not enough" (Rodrigues 2002:352).

The Migrant Forum in Asia (MFA) is a regionally oriented Manila-based network. It comprises migrant rights advocacy and grassroots organizations or national networks located in 14 major origin and destination countries across Asia and offers support to all migrants, male or female, based in Asia. Trade unions are increasingly part of this network. The MFA was one of the driving forces behind the establishment of the Peoples' Global Action on Migration, Development and Human Rights, the first truly global network of migrant associations from all regions of this world, which has since organized parallel events at various global forums on migration. It is also linked to the Migrant Rights International (with member organizations across the world), until recently based in Geneva, and now led by the chair of MFA.

The other major network in the Philippines is Migrante International, a global alliance of around 95 member organizations in 22 countries spread across all global regions (Bragas-Regaldo 2007; Rodriguez 2002). It is membership-based, staffed by activists who were formerly migrants themselves and has been vital in organizing migrants on a large scale.<sup>11</sup> Migrante uses its transnational membership structure to mobilize Filipino migrants around the world and engages in "homeland" struggles to demand that the Philippine state protects the rights of its citizens abroad. For instance, it was very active in mobilizing on behalf of Flor Contemplacio, a Filipina migrant worker accused of murder in Singapore. These protests condemned the Singapore government for an unfair trial but it also demanded that the Philippine government intervene "extra-territorially" on behalf on the accused worker.

Migrante holds that the state's failure to provide adequate livelihoods for its citizens within their own country is responsible for the large number of citizens who migrate abroad in search of jobs and who must therefore leave their families and children behind. The issue of families torn apart by migration is one that links Filipino migrants globally with organizations made up of, or working with, families and particularly children left behind. Many of these organizations are part of the Migrante network.

In addition, the "homeland" politics of Migrante link up to the struggles of other sections of Philippine society to bring about radical political change. It is a member of BAYAN (New Patriotic Alliance) an alliance of progressive Left movements within the country which includes the militant May First trade union movement as well as GABRIELA, one of the country's longest-standing feminist networks. BAYAN plays a leading role in contesting the pernicious effects of the neoliberal globalization agenda. Through its participation in BAYAN, Migrante is able to link Filipino migrants with other national movements while engaging these movements to support migrant workers' concerns.

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<sup>11</sup> This section is largely drawn from Rodriguez 2002.

Migrante International came together with a number of other Philippines-based organizations to lobby the state to acknowledge its responsibilities to its migrant workers abroad. Their efforts bore fruit and in 1995, the government passed the Migrant Workers and Overseas Filipino Act, 1995 which commits the government to extending certain protections and provisions to Filipino migrants around the world via its embassies and consular offices. The scope for collaboration between state and civil society is acknowledged in a clause in the legislation which accepts NGOs “as partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare” (IOM 2013). The Consultative Council on Overseas Filipino Workers (OFWs) was set up to allow for regular dialogue between migration agencies and NGOs.

Other sending countries in Asia report far less civil society activism on migrant issues. For instance, Piper and Iredale (2003) suggest that the decision to ratify the CMW by Sri Lanka appeared to have been a matter of routine on the part of the pro-labour regime in power at the time rather than a response to civil society pressure. Other countries, such as Bangladesh and Indonesia, have taken longer to ratify the convention for fear of losing out to other sending countries as a result of their workers becoming too “rights conscious”. Both these countries are heavily dependent on the Middle East, a region with very low tolerance of human or labour rights, as a destination of their low-skilled workers. Piper (2009) cites anecdotal evidence to the effect that Bangladesh decided against ratifying the convention in 1998 on the basis of information that a particular Gulf state would otherwise stop admitting its workers.

There has been a rise in migrant activism in Indonesia in recent years (Ford 2004). Early NGOs had couched their aims and activities in development terms that were acceptable to the authorities (Ford 2004). As Yazid (2008) notes, changes in the political context after the 1998 Reform Movement has opened up a democratic space in which various NGOs have been able to flourish. There has been a rise of migrant workers’ associations and the government has passed legislation to protect migrant workers. The pro-democracy reforms have also allowed migrant organizations to take on an increasingly political role.

The Consortium for the Defence of Indonesian Migrant Workers (KOPUBUMI), was set up in 1997 by around 70 NGOs to challenge the exclusion of migrant workers from the draft of Manpower Law No. 25. The consortium maintained a high-level profile for a number of years, drafting a Migrant Workers’ Bill modelled on the CMW and using Philippines legislation as its frame of reference, resulting in the inclusion of a gender perspective, an element missing from the CMW (Piper and Iredale 2003). With the passage of the Bill in 2004, network activity declined. Instead, some of its founders set up Migrant Care in 2004 to take up some of the network’s advocacy role. Its aim is to promote justice for migrant workers, particularly at the regional level, by campaigning for regulations and policies, and providing support in cases faced by them. It focuses particularly on women migrant domestic workers.

As elsewhere, Indonesian organizations have found networking an important means of overcoming some of the limitations of operating on their own. The Women’s Solidarity for Human Rights, a membership-based association that has been involved in the rights of women migrant workers since the early 1990s, offers local level support for women embarking on or returning from overseas, including providing legal advice and other support to abused workers, training and sheltering women migrant workers who have experienced violence (Ford 2004). It works closely with networks such as the Women’s Movement for the Protection of Migrant Workers and the CEDAW Working Group

Initiative (CWGI). Migrant CARE, with its focus on domestic workers, is involved in the Forum for Justice for Migrant Domestic Workers. It has also worked with Fatayat, the young women's wing of Nadhatul Ulama, the biggest Moslem organization in Indonesia, which has wide and strong networks in some of the more remote area from which migrants originate.

### ***Migrant workers and claims-making in receiving countries***

There is considerable variation in the extent to which migrant workers are able to organize in the receiving countries and the extent to which they must rely on the efforts of local citizens. Piper (2009) has characterized both Malaysia and Singapore as having a low degree of tolerance for civil society activism while discussion of human or labour rights are "politically taboo" (p. 180). Nevertheless, a more detailed comparison of migrant-oriented activism in the two contexts reveals some important differences in the extent to which, and the kind of, civil society efforts could flourish (Lyons 2006). In Singapore, tacit "out-of-bounds" markers imposed by the state serve to define the limits of acceptable civic engagement, excluding discussion of the rights of domestic as well as migrant workers from the public domain.

In the early years of migration inflows, church and mosque groups provided support and training services to migrant domestic workers on an informal basis. A stream of reports about assaults and abuse of migrant domestic workers began to promote action on the part of concerned citizens. The Transient Workers Count Too (TWC2) was registered as an association in 2001 when the media reported the death of a 19-year-old Indonesian maid after months of brutal assault by her employer. Given the motivation for its formation, TWC2 took up the issue of violence against women, linking the culture of abuse towards domestic workers to a wider system of abuse towards all women. However, it failed to make a dent on the widespread public perception that "maid abuse" was the act of violent individuals and a matter of "national shame" rather than a manifestation of structural inequality.

Aside from the issue of violence, TWC2 focused primarily on the shared experiences of migrants as workers rather than as women. They advocated the standardization and regulation of working hours and tasks, equality of wages, incorporation of domestic workers into the Employment Act and the rights of domestic workers to "live out". But they did not extend their advocacy to gender-specific claims that migrant workers had as women. The issue of reproductive rights had particular salience, given the legal requirement that migrant women had compulsory six-monthly medical check-ups, and any woman found to have become pregnant or contracted a sexually transmitted disease during her contract would be repatriated.

The failure to address such issues reflected the organization's perception that it would not gain much support from either government or the public. But it was also symptomatic of the organization's failure to link with local women's rights groups that were campaigning against the government's coercive policies on all women's reproductive choices in Singapore, regardless of nationality. Furthermore, like other civil society organizations in Singapore, TWC2 avoided association with international groups, defining the problem in national terms and restricting its activities to so that they remained within the boundaries of the state's definition of acceptable civil society. The organization thus fits into the category described by Piper (2006) as basing its activism on moral arguments, as reflected in campaigns such as "Dignity is overdue" (p. 188).

Malaysia has a more vibrant NGO sector than Singapore, despite its authoritarian government. While trade union activities have been curtailed to comply with the government's economic policy, and migrant contracts typically include clauses prohibiting migrant workers from joining unions or becoming politically active, labour organizations have been fairly active in mobilizing migrant labour. The Trade Union Act allows legally resident migrant workers to become union members, although this right may often be excluded from their individual contracts.

There are numerous women's associations, many with a feminist orientation, working primarily on domestic issues but also on migrant issues. For instance, Sahabat Wanita, a national organization of women workers, did not itself deal with migrant women workers but referred them to migrant worker organizations. But it did seek to educate local workers about the needs and conditions of migrant workers who are often perceived to be taking away their jobs.

Tenaganita, the country's most visible migrant worker organization, was formed in 1991 to "promote and protect the rights of all women and migrants within a globalized world" and to "empower, organize and consolidate migrant and women workers, not only in Malaysia but regionally" (Lyons 2006:11). It thus adopted an internationalist perspective from the outset, framing its analysis in terms of the mutual interests of the national government and multinational corporations in the availability of cheap and disposable labour, and in terms of the common experience of exploitation that workers shared regardless of nationality. The focus was thus on structural issues rather than the abusive behaviour of individual employers.

It registered as a non-profit company and works with a large number of volunteers, using a subscription basis for membership to specific programmes. Its activities include information collation and dissemination through a website, newsletter and publications; an advocacy and support service on migrant health and rights; community-based health interventions; programmes dealing with domestic workers as well support on issues relating to detention and deportation and trafficking.

Tenaganita's activities drew the attention of the state when, in 1995, the organization published a report on the living conditions of migrant workers entitled "Abuse, torture and dehumanized conditions of migrant workers in detention centres" which focused on the deaths of 59 inmates of these centres. Its director was charged with malicious publication of false news and after a trial of seven years, found guilty and sentenced to a year's imprisonment. Her conviction was overturned on appeal. The organization remained active throughout this period.

Of the receiving countries in the Asia region, Hong Kong stands out, both in terms of the entitlements it provides migrants workers as well as the rights to association it extends to them (Sim 2003). According to Constable (2009), key to understanding the Hong Kong government's permissive stance towards migrant protests are the efforts of the "post-1997, postcolonial SAR [Special Administrative Region]" to uphold a democratic culture that distinguished it from the one-party rule in China as well as its aspirations to global city status.

Hong Kong requires employers to grant a standard set of entitlements to migrant domestic workers, including private accommodation, minimum wage and one day off each week. It also allows migrants to form and join unions and associations, and because there is no limit to how long they can stay, migrants can become leaders of

organizations without fear of deportation. Naturally, some restrictions remain. For instance, migrant domestic workers cannot apply for residency, and union leaders must prove to immigration officials that they are carrying out their organizing work with their employers' permission.

Migrant domestic workers, 99 percent of them women, make up the overwhelming majority of migrant workers in Hong Kong. They come primarily from Indonesia and the Philippines but also from India, Nepal, Sri Lanka and Thailand. Filipinos were among the earliest migrants to Hong Kong and among the best organized. They have also become active in organizing migrants workers from other nationalities. According to Sim, many of migrant NGOs in Hong Kong started out with the provision of welfare services but over time, either combined it with, or shifted to, advocacy, education and mobilization.

This is exemplified in the Asian Migrant Centre (AMC) was formed in 1989 to address the problems of Filipino migrant domestic workers in Hong Kong.<sup>12</sup> It started out by offering a fairly standard range of services such as crisis counselling, casework and paralegal assistance, but by 1995 it had shifted focus to building grassroots organizations among different migrant groups. It facilitated the formation of domestic workers unions. By 2000, there were three such unions to organize campaigns to defend the rights of their members, including minimum wages and maternity benefits, and challenging immigration policies that might affect them adversely.

The AMC uses the formation of unions as the basis for fostering savings groups and encouraging participation in its Reintegration Programme. The aim of the programme reflects the organization's critique of national strategies of reliance on systematic cycles of labour migration to earn foreign exchange by sending countries and to provide a cheap pool of unprotected labour to receiving countries. It seeks to create a sustainable economic alternative by encouraging women to pool their savings and invest in enterprises at home. It also provides training in entrepreneurial skills, business management, computer skills and general accounting. And as Gibson et al. (2001) point out, it makes a point of including the analysis of working conditions in Hong Kong so that migrant women may reflect on their own employment practices in any business venture they might set up at home.

The Filipino migrant movement was a leading force in setting up the Asian Migrants' Coordinating Body (AMCB) in 1996 (Hsia 2009). The AMCB is not only the first coalition of migrants from all over Asia but it is also the first coalition of grassroots migrant associations which brings together migrants of different nationalities. While migrant workers are subject to demeaning stereotypes from local populations, they in turn harbour prejudices against migrants from other communities. Solidarity born of common experiences of exclusion cannot be assumed but it can be built up through purposive efforts.

The basis for solidarity within the AMCB is the struggle against issues affecting all migrants rather than simply organizing for the welfare of fellow compatriots. This solidarity is also based on a common understanding of the root causes of forced migration: "The basic understanding within the AMCB is that all migrant workers from different nationalities are victims of poverty back home. From this basic understanding, we link to the locals, national movements, and global movement. From this

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<sup>12</sup> Hsia 2009; Gibson et al. 2001; Sim 2003.

understanding of root causes, migrants easily understand why we address issues to Hong Kong government and governments of our home countries” (Chairperson, United Filipinos in Hong Kong, cited in Hsia 2009:121).

AMCB’s approach has been translated into growing numbers of migrants who participate in its street protest and marches. Its petition opposing a proposed ban on driving duties for migrant domestic workers and the abolition of maternity protection and “live out” arrangements for migrant domestic workers drew thousands of signatures, leading the government to shelve the three proposals. It also persuaded the Labour Department to drop its 2001 proposal to impose a levy on employers of migrant domestic workers. The levy aimed to retrain local who wished to work as domestic workers. AMCB organized a number of campaigns against government proposals to cut migrant domestic workers’ wages, although this remains an ongoing struggle because of the annual review of minimum wage legislation.

AMCB’s capacity to mobilize migrant workers has led to its recognition by the Hong Kong government as a legitimate representative of migrant workers. Migrants had received very little support from local organizations in their early efforts to organize. The trade unions had opposed migrants and voted in 1987 against allowing migrants to join trade union forums. But as migrants began to organize themselves, the Hong Kong Confederation of Trade Unions (HKCTU) eventually accepted migrant workers unions.

The chief executive of HKCTU noted that the its secretary general, who is also a legislator, had brought the migrant issue before parliament. But, she acknowledged, “the mass mobilization of migrants puts more pressure on the government” (Hsia 2009:123).

While the productive relationships the AMCB has forged with trade unions and various local organizations, including women’s organizations, have contributed to the success of its campaigns, it has in turn supported solidarity actions that relate to issues and problems faced by local organizations. Its campaign against the proposed abolition of maternity protection—which stipulates that pregnancy is not cause for termination of employment—enlisted support from local women’s groups because all the groups saw the proposed abolition as an infringement of the rights of migrants not only as workers but as women as well. AMCB members have realized that the best way to overcome local prejudice against migrants is to show their support for local mobilizations.

The joint struggles against the WTO’s Sixth Ministerial Meeting in Hong Kong in 2005 demonstrated the solidarity between migrant workers and these other labour groups. The AMCB, along with six other member organizations, joined the Hong Kong Peoples Alliance on WTO, which organized a People’s Action Week against the WTO and were able to mobilize thousands of migrants. Five thousand migrants attended the centralized march on the opening day. Their show of strength and solidarity led the chief executive of the HKCTU to declare: “Our union leaders say that we should be more like the migrants. We should learn from the way they organize and express themselves. Their rallies are very dynamic and creative” (Hsia 2009:124).

The AMCB’s transformation from a cultural sharing network in 1994 to an alliance for migrant sectoral movement, and then to an actor in the anticapitalist globalization movement has inspired migrant organizations in other countries. In the Republic of Korea, for instance, efforts have been made to establish a similar formation as the AMCB; in Japan, an annual cultural festival of migrants from different nationalities has



been organized. In turn, this recognition by migrant organizations in other countries further encourages the AMCB.

In addition, local level NGO advocacy by, and on behalf of, migrants have persuaded a number of national trade unions acknowledge migrants workers as part of their constituency. The Malaysian TUC, for instance, has affirmed its commitment to assist and organize migrant workers, including domestic workers. Thai trade union leaders formulated the Phuket Declaration which committed Thai trade unions to organizing and recruiting migrant workers. Both declarations have signalled the importance of close cooperation between unions in receiving and sending countries.

### ***The international discourse on migrant rights***

In the light of the difficulties faced by migrant workers organizations to pressure governments, particularly those in receiving countries, to address the insecurities and discrimination faced by migrant workers, and given the inherently transnational nature of challenge, it is not surprising that these organizations are increasingly adopting transnational strategies to pursue their claims.

One aspect of this has been emergence and growth of regional and transnational networks among organizations involving in making claims by or on behalf of migrant workers. AMCB representatives, for instance, attended the International Migrant Conference held in November 2001 in Manila. This conference passed a resolution establishing the International Migrant Alliance (IMA), the first global alliance of grassroots migrant organizations. Most of the AMCB representatives were part of the International Initiative Committee responsible for the formation of the IMA. In mid-June 2008, the IMA held its founding assembly in Hong Kong. The significance of the IMA's foundation is captured in these words from a film shown at the assembly: "For a long time, others spoke on our behalf. Now we speak for ourselves." An AMCB representative was elected the first chairperson of the IMA in recognition of its achievements.

The other aspect of the transnational strategies used by migrant organizations is the increasing orientation of advocacy strategies towards international institutions and conventions. This partly mirrors the shift from narrow, service-oriented approaches to a broader concern with the rights of migrant workers at different stages of the migration process. For transnational activist networks, such as the Migrante Forum in Asia, rights formed a central pillar of their advocacy work from the outset. The Migrante Forum has called for "a premium on human security over national security based on the fundamental respect of human rights and dignity for all" and advocates a "multilateral human rights-based approach" to migration. Other activist groups have utilized different versions of rights-based advocacy in their efforts. The Asian Forum for Human Rights and Development invokes the concept of "the right to have rights" (Oberoi 2006) while a number of NGOs have advocated for the "right to mobility" for the working poor in an era when mobility has become the hallmark of the privileged.

These organizations have started to look for support beyond their own networks to the international level because some of these longer-standing international organizations like Human Rights Watch may have a greater chance of being heard by both governments and international agencies than national organizations. In addition, a number of organizations are increasingly strategizing around the principle that the international legal architecture, backed by supranational organizations like the UN, may hold out a greater promise for holding both sending and receiving countries accountable, compared to local organizations and local laws.

The ILO continues to play an important role in transnational advocacy around migrant rights. Some of this advocacy was rooted in campaigns launched in 1998 for the ratification of the 1990 United Nations Convention on the Rights of Migrant Workers and their Families. The ILO also attempted to promote a rights-based approach to migration in its 2004 congress but was only able to achieve a non-binding agreement. A far more ground-breaking achievement was the declaration of the Inter-American Court of Human Rights that all migrants—documented and undocumented—were covered by principles of non-discrimination, equality and equal protection in receiving countries where they lived and could not be excluded from the protection of labour laws on the basis of their migrant status (Kalm and Piper n.d.).

The efforts of migrant rights organizations at different levels of governance have been bolstered by the appointment in 1999 of the Special Rapporteur on the Human Rights of Migrants by the Commission of Human Rights. The mandate of the Special Rapporteur covers all countries, irrespective of whether they have ratified the Migrant Workers Convention (MWC). The MWC in any case does not carry much weight in international advocacy, given that very few sending countries, and even fewer receiving countries, have signed it. Instead, an important strategy among rights-based migrant organizations has been to draw on a raft of UN and ILO conventions which, while they do not deal with migrants per se, touch on various aspects of migrant identity, such as gender, race, occupation and so on (Satterthwaite 2005).

One important example is the ILO's Declaration of Fundamental Principles and Rights at Work, 1998 which applies to all workers, regardless of migrant status, and has been used to promote the rights of migrant workers both "here" and "there" (Elias 2010; Piper 2015). The other important example is CEDAW. It does not contain any specific article on migration, possibly because female migration was not a major issue at the time of its adoption, but it has nevertheless provided considerable support for the rights of women workers. As D'Cunha (2005) points out, this is less to do with the specific "letter" of Convention articles. Instead the value of the Convention as an advocacy tool lies in its philosophical and methodological grounding in principles of substantive equality, non-discrimination and state obligation; the range of articles and measures which have a bearing on migrant women's concerns at different stages of the migration process; and the jurisprudence built up by the CEDAW committee, as well as in the Convention's Optional Protocol. These give CEDAW a wide applicability in countering discrimination against migrant women workers. The report of the Special Rapporteur to the 26th Session of the Human Rights Commission highlights the relevance of the international legal framework to different aspects of migrant workers' rights (box 2).

## 6. Conclusion

This paper began by pointing out that any analysis of the contemporary politics of claims-making in relation to the needs and interests of workers across the world must necessarily factor in the changing nature of the global economy since the 1970s. Increasing global integration has given rise to new forms of vulnerability among workers in general but also new opportunities for making claims. A diverse range of groups, organizations and networks operating at local, national, regional and international levels, are active in making claims for Southern women workers, using a range of strategies. This concluding section will draw out some of the general points that emerge from our analysis in this paper.

### Box 2: International architecture of rights

The Universal Declaration of Human Rights provides a broad framework for non-discrimination and protection of the human rights of all human beings, including migrants, both regular and irregular, and their rights at work. Its articles prohibit slavery and servitude, provide for the right to work, equal pay for equal work, just and favourable remuneration, the right to form and join trade unions, the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay.

The International Covenant on Economic, Social and Cultural Rights recognizes the rights of everyone to work which they freely choose or accept. It recognizes their right to just and favourable conditions of work, including equal remuneration for work of equal value; to form and join trade unions; to social security; and to special protection from economic and social exploitation of children and young persons.

The International Covenant on Civil and Political Rights prohibits slavery, servitude and forced labour, provides the right to freedom of association and provides all persons are equal before the law and entitled to the equal protection of the law.

The international labour standards adopted by the International Labour Conference of the ILO International Labour Organization (ILO) apply to migrant workers unless otherwise stated. The 1998 ILO Declaration on Fundamental Principles and Rights at Work set out in the eight Fundamental ILO Conventions apply to all migrant workers, irrespective of their migration status.

The Convention on the Elimination of All Forms of Discrimination Against Women enshrines equal rights of men and women in the field of employment, including equal remuneration, including benefits, and to equal treatment in respect of work of equal value; the right to protection of health and to safety in working conditions; and maternity protection.

The International Convention on the Elimination of All Forms of Racial Discrimination provides for the rights of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, including in the enjoyment of civil rights and economic, social and cultural rights. These include the rights to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, and just and favourable remuneration.

The Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and hazardous and harmful work. The Optional Protocol to the Convention prohibits the sale of children, including for the purpose of engagement of the child in forced labour.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families sets out minimum standards for migrant workers and members of their family, irrespective of their migratory status, in line with the principles of equality and non-discrimination. It also provides that migrant workers enjoy treatment not less favourable than those applying to nationals in respect of remuneration and other conditions of work. It calls for equality between migrant workers and nationals in other terms of employment according to national law and practice, including minimum age of employment. It recognizes the right of migrant workers to participate in trade unions and any other lawful associations and to seek the aid and assistance of such unions and associations.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, requires States parties to prevent and criminalize trafficking, and to protect victims.

**The first point** to draw out is that structural location clearly shapes the kinds of organizations that have become active in the politics of claims-making in relation to women workers. As we noted, there is an inherently transnational dimension to the politics of claims-making relating to both women workers in global value chains as well as women migrant workers, given that such politics pertains to the movement of commodities and people across national borders. At the same time, very different kinds of organizations have become involved in the politics relating to these groups.

The politics of claims-making with, and on behalf, of women working in global value chains is largely dominated by well-resourced Northern-based organizations, including trade unions, labour rights activists, consumer groups and religious groups. The movement is driven by what has been described as “the race to the welfare bottom”, the view that global competition has forced countries to compete for investment and jobs through the steady erosion of labour standards and social protection, an erosion that affects countries in the affluent North as well as in the Global

South. It is consequently as much in the interests of workers in the North as in the South to curtail the power of international capital.

However, much of the attention of the anti-sweatshop movement has been on workers that produce directly for the global market rather than those working on a subcontracted basis in smaller workshops or home-based work. While women workers themselves play some role in the claims-making process, it is largely Northern-based trade unions, NGOs and consumer groups that dominate the anti-sweatshop movement.

Transnational networks active on behalf of migrant workers, on the other hand, have evolved from the efforts of less well-resourced NGOs based in the Global South or from the efforts of migrant activists from the Global South. This category of workers has found it difficult to get its claims heard. They fall between the jurisdiction of receiving and sending countries, neither of which have a strong incentive to protect their rights. Their value to sending governments lies in the foreign exchange remittances they send home; their governments do not wish to jeopardize the outflow of migration by making demands on receiving countries on their behalf. Their value to receiving governments lies in their role as a cheap, unprotected and disposable pool of labour, willing to do jobs that the receiving countries' own citizens no longer wish to do. Attempts to protect their rights could defeat this objective.

Claims-making strategies in relation to women working for domestic markets in the Global South tend to originate in a “place-based” politics. Official trade union movements have not been in the forefront of organizing these workers. Instead, informal workers have organized themselves or worked with NGOs of various kinds to build their capacity for collective action. Many have registered as unions both in order to promote their identity as workers as well as to enable them to negotiate directly on their own behalf. However, because these unions are rooted in organizational efforts to address the specific constraints of women workers in the informal economy, they offer an alternative model of unionism. Despite the largely national origins of these place-based organizations, they have evolved their own regional and international organizations. Many have built on local level successes to promote support at international level for workers' claims, very often in countries other than their own, a lateral version of the “boomerang” strategy.

**The second point** to draw out is that while, at the general level, the different categories of women workers discussed in this paper appear to have many needs and interests in common, there are important differences in the interpretation and prioritization of these claims. If we were to generalize about the claims made by the anti-sweatshop movement in relation to women workers in global value chains, they have been strongly influenced by the core ILO labour standards, with a particular emphasis on the right to freedom of association and collective bargaining. The priority given to these particular rights reflects the fact that they are often suspended in export-oriented sectors by governments in their attempt to attract foreign direct investment. In addition, most of the efforts exercised by the anti-sweatshop movement are directed at TNCs, although they are sometimes channelled through governments and consumers in the countries in which TNCs are based. In a number of cases, these movements have been able to use the threat of trade sanctions to force governments in the Global South to take action on behalf of their workers.

The strategies of the anti-sweatshop movement appear to have paid off—but only up to a point. Wages and working conditions certainly appear to be better in factories and

farms that supply directly to the TNCs. There is less certainty about improvements among workers on a subcontracted basis to the direct suppliers. Moreover, gains may be short-lived as TNCs “cut and run” from particular locations in the face of workers’ claims. What is also evident from the literature is that certain categories of claims made on behalf of women workers in global value chains (such as claims around health and safety) are more likely to be acted on than others (such as freedom of association).

Generalizing about claims made in relation to women working for domestic markets, who generally fall outside the purview of formal labour legislation, would suggest that such claims are less likely to revolve around the right to organize, since they generally have a range of associational forms available to them. Instead, given the precarious nature of their work, these claims tend to focus on security of livelihoods. There is strong emphasis on basic social protection measures, such as pensions, health insurance, children’s education, housing security and minimum wage along with claims pertaining to particular occupations, such as urban infrastructure (street vendors), paid leave (domestic workers), and occupational health and safety (waste pickers).

In addition, their claims are generally addressed to the state, at national, local and municipal levels, rather than to employers. There is an obvious logic to this. These workers and the markets they produce for are located within national contexts. They may have no employers or their employers may be too small-scale and fragmented to provide a basic level of security. The state, on the other hand, has a mandate to ensure the basic welfare of all its citizens. Informal workers have therefore appealed to the state as workers and as citizens, and framed their claims around issues that are within the state’s purview. As some of these organizations become active in transnational networks, we also observe their efforts to influence rules and conventions at the global level which can then be brought to bear on individual governments.

Claims made by, with or on behalf of, migrant workers, vary considerably according to the democratic space available for civil society to organize and, particularly in receiving countries, the extent to which this space accommodates self-organization by migrants themselves. Generalizing on the basis of the analysis in this paper, we would say that where democratic space is limited, migrant organizations have tended to focus on welfare service and moral claims to dignity. As democratic space opens up, they have broadened their demands to encompass a more political agenda and a rights-based discourse, bypassing the weakness of the Migrant Workers Convention by drawing on a range of international conventions which together provide an intersectional framework that addresses their identities as women, as workers, as migrants and as ethnic minorities.

The other feature that seems to be emerging as migrant workers’ organizations evolve into transnational networks is the extent to which they are addressing their claims to the supra-national bodies like the UN who are considered to be better positioned to address the challenges of protecting and promoting the rights of a category of workers that fall between national jurisdictions.

As we noted, certain claims cut across these different groups of workers. Many of these bear on returns to labour and working conditions, but a concern with the violence and abuse that women encountered, both at work and in the domestic domain, was also raised in relation to all three categories of workers discussed in this paper. This was particularly the case with organizations with a strong feminist orientation, such as Sikhula Sonke. In contrast to this, there was very little evidence of claims around women’s unpaid care burdens, although this is an issue that has featured strongly in

feminist demands for gender equality policies, particularly in the Global North. It was difficult to extract from the secondary literature on which this paper relied the reasons for this silence. However the primary research carried out in India by Chigateri, Zaidi and Ghosh (forthcoming) in connection with the UNRISD project, also notes this silence. Their explanation may have relevance for other contexts. They suggest that the difficulties of politicizing the issue of child care and translating it into a policy claim may reflect a “deeply internalized problem”. In societies in which women continue to be define themselves and to be socially defined in terms of their mothering roles, and in which their livelihood contributions are given are secondary place, it is likely that demands that appear to ask for support for their childcare responsibilities will be seen as striking at the very heart of the fundamental relationships of family and motherhood. It therefore appears that the failure of certain claims to make it into the policy agenda does not simply reflect a lack of traction with policy makers (as suggested by the concept note for the UNRISD project) but may also reflect the failure to make it into the politics of claims-making by women workers.

**The third point**, one that follows directly from the preceding discussion, is the importance of political context in defining permissible claims and shaping claims-making strategies. While we have discussed this point in relation to migrant workers, it is equally relevant for the other categories of workers. While the success of the claims put forward by the anti-sweatshop movement depends partly on the extent to which the TNCs addressed by these claims are vulnerable to reputational risk, it also depends on the extent to which these TNCs are based in contexts where there is a strong tradition of civil society activism around rights. Some of the East Asian TNCs, for example, are less likely to face the threat of boycotts from their own consumers than are North American and European TNCs, and are less likely to come under pressure from their own governments to respect workers’ rights in their value chains.

Similarly, efforts to organize by women workers located in domestic markets have been more effective in countries that have long allowed space for civil society to organize—as in India and the Philippines. Elsewhere, the transition to democracy in response to popular mobilization, as in South Africa and a number of Latin American countries, has not only seen the adoption of progressive legislation, including labour-related legislation, but also a fresh impetus to active claims-making by workers.

**The fourth point relates to the role of the state.** There is a widespread assumption in the globalization literature that the highly competitive global economy has seriously weakened the capacity and commitment of the state to protect the rights of its workers. This belief lies behind the strategy of the anti-sweatshop movement of bypassing efforts by workers to hold their states accountable for upholding their rights and relying instead on the threat of consumer boycotts or the corporations’ sense of social responsibility (Seidman 2007). Yet the most sustained gains to claims made in relation to women workers appear to have been those addressed to the national state. The fact that states need to observe some minimum degree of accountability to their citizens in any minimally democratic context explains some of this responsiveness, although again, states appear more responsive to some of the claims advanced by workers’ organizations (the extension of social protection to marginalized groups) than they are to others (eliminating exploitative practices at work).

Such findings suggest the need for workers’ organizations to invest more effort in working with the state and to taking advantage of what it has to offer. The institutional and legal mechanisms used to protect workers from abuse and to arbitrate between

workers and employers are accepted as legitimate in most contexts; making greater use of these mechanisms may go some way towards testing and strengthening them. Such arguments lend credence to the point argued by Seidman (2007: 133) that “transnational campaigns might create more lasting protections for citizens at work if they reconceptualize their targets, seeking...to strengthen democratic states and their capacity to enforce national labour laws”.

**This takes us to a fifth point.** Strengthening the democratic state and its capacity to enforce national law will depend in turn on strengthening democratic citizenship and the capacity of citizens to hold the state accountable. An important difference between the various organizations and networks discussed in this paper relates to the emphasis that they place on building the voice and collective capabilities of women workers themselves. One of the critiques levelled at the politics of the anti-sweatshop movement is that it frequently bypasses the need to build the organizational capacity of the workers whose needs and rights they seek to represent.

This critique was made by Brooks (2002). She points out that the strategy of the Gap campaign of bringing workers from the Mandarin factory in Guatemala to tour the United States to testify to their exploitative working conditions was extremely successful in capturing international attention, culminating in the monitoring agreement between Gap and the National Labour Coalition. But with the signing of the agreement, Mandarin workers dropped off the agenda of anti-sweatshop movement and off the radar of the US consumer. Most of the women who had led the drive to unionize the factory and consequently lost their jobs were never rehired. They were the forgotten casualties of the campaign. Two years after her successful tour of the United States on behalf of Mandarin workers, Brooks discovered that Judith Viera, the “poster child of the Gap campaign”, was working at a gasoline station outside Salvador.

The AMRC, a labour-based organization in Hong Kong set up in 1976, made a similar point in a report it published on its efforts to build a regional network to monitor TNCs (AMRC 2006). The report expressed concerns about “the limits of the current form of external solidarity driven by the consumer movement, in which the development of a workers’ movement was increasingly dependent on external pressure on the basis of corporate codes of conduct while local organizing initiatives took second priority”. These concerns had led the organization to redefine its own role:

One major lesson we’ve learned is that a sustainable way of regulating TNCs in defence of workers’ basic rights can be achieved only with the empowerment of workers in workplaces and workers’ communities. Accordingly, the concept of ‘monitoring’ has been widened, from mere ‘watching’ to a more comprehensive one incorporating research, education and training, campaigning, and publications. This move is based on the understanding that existing ‘external’ monitoring activity does not necessarily lead to general improvement of labour rights; pressure from and within the workplaces is needed. Network members also realised the need to widen contact with workers and grassroots organizations through various programmes that are designed to assist worker organizing (AMRC 2006).

Gunawardana (2007) cites the AMRC report in the conclusion to her study of women workers organizing in Sri Lanka: “One concern with the top-down strategy of engaging the Global North is that although international pressure campaigns can generate quick results, they do not resolve the issue of maintaining workers organisations at the local level. Empowerment of workers in workplaces and worker communities is vital ...particularly where organizing is constrained’ (p. 96).

The search for “quick results” in internationally led campaigns presents a striking contrast to the very gradual pace of progress on claims made by informal workers in domestic markets where the first challenge to build their organizational capacity. The politics of representation for these workers is thus about finding organizational forms that promote their capacity for self-representation and is closely bound up with a politics of recognition that begins with their self-recognition of their identity as workers and the value of their work. Demands for redistribution generally follow once workers have some security to fall back on and the confidence to organize.

The story here is not one of the progressive accumulation of victories but one of stops, starts and setbacks. Nevertheless, these efforts have yielded some remarkable achievements on the part of workers long considered to be unorganizable—with domestic workers representing a particularly striking example. One of the factors that explain these achievements are the long-term horizons that characterize organizing efforts in relation to workers in domestic markets who are neither subject to limits on their stay in a particular place, as with migrant workers, nor face the relocation practices of mobile international capital, as with workers in the global value chain. The other factor is that their demands are addressed to a state that is in principle at least accountable to them as its citizen-workers.

**The final point** emerging out of the analysis in this paper takes us back to a key hypothesis advanced by Htun and Weldon (2010b) in relation to the gendered politics of claims-making. They argued that that “countercultural” claims, claims that go against the grain of religious doctrine and established tradition, were likely to generate the greatest controversy in the context of claims around gender equality. I have argued in this paper that, as far as labour-capital relations are concerned, the right to organize appears to be among the most controversial of the claims made by workers, particularly workers in global value chains. It is the assertion of this right that frequently causes capital to cut and run in search of cheaper and more docile labour.

Yet it is also clear from the studies cited here that trade unions have not always adapted well to countercultural challenges to masculine norms and patriarchal authority, particularly within the context of union structures. More women may be joining the trade union movement in recent years but very few occupy leadership positions (Cobble 2007; Prieto and Quinteras 2004). The major challenge that women workers face in attempting to democratize the union movement is its deep-seated fraternal and masculine orientation: “It is not uncommon to witness union tendencies towards macho bravado, paternalism, fraternal cultures of leadership, gendered divisions of labour in activism and resentment towards women’s public voice and organizational style” (Bandy and Bickham Mendez 2003:177). While these may be, as Bandy and Bickham Mendez points out, expressions of “defensive masculinity” (p. 178) that typify moments of labour history when male power is threatened by competition from women in the workforce or unions, they are certainly not conducive to women’s participation as equals within the union movement.

I would like to end therefore by reasserting the importance of autonomous women’s organizations to the gendered politics of claims-making as they relate to women workers. Following Htun and Weldon, I would argue that an autonomous organizational space allows women workers to develop the “oppositional consciousness” that is necessary to challenge inequalities that are taken for granted in their lives, that will help them to identify their own priorities and will allow them to develop alternative strategies for



making claims that are better suited to their distinctive experiences and constraints. Certainly, some of the studies discussed in this paper support such an argument.

They suggest that, given the more constrained options that women workers face in earning their livelihoods, their organizations appear to attach as much significance to protecting their jobs as to winning rights at work: “Jobs...Yes, but with Dignity”. They tend to avoid the confrontational tactics traditionally associated with trade unions—pickets, strikes, stoppages—or else use them as last resort. They turn instead to alternative strategies of the kind discussed by Keck and Sikkink (1998). They use the politics of information to both promote women’s self-recognition of the value of the work they do as well as to demand its social recognition by government and society. They engage with relevant state actors at local and national level in order to leverage influence in the political and policy domain. They turn to the law and national arbitration mechanisms to resolve conflict and demand justice. Finally, they come together with other sections of civil society to amplify their voice and influence in the public domain. Such strategies may, in the longer run, help to build the kind of unionism that will allow women to share leadership with men on an equal basis. Until that happens, the needs and interests of women workers are likely to be better served through their own organizations—at local, national and international level. It is from the position of strength provided by such organization that they can seek to build alliances with the organizations and networks that make up the rest of the labour movement.

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