

Labour institutions and the dynamic production of informality: collective organisation of hard-to-reach workers in Tanzania

Ilona Steiler, Tampere University, Finland

ABSTRACT

This paper discusses the role of labour regulation and trade unions in collective organisation of workers in non-standard, diffuse and informal labour relations in the Global South. The central argument is that labour institutions interlink with and co-create different configurations of informality and hence possibilities for collective organisation. This argument responds to calls in global labour studies for new conceptions of labour struggles that go beyond Eurocentrism and a narrow focus on traditional tools and institutions of workers' power in the global context. Challenging the formal-informal dualism, the empirical material presented in this paper suggests a more nuanced understanding of the role of labour regulation and trade unions as sites for both the production and the contestation of the category of informal work. This is illustrated by efforts for collective organisation of hard-to-reach workers in the two dissimilar sectors of street vending and domestic work in Tanzania. Using the power resources approach as a conceptual framework for structuring the analysis, the paper examines how collective organisation interlinks dynamically with specific configurations of labour informality which derive from the labour and employment relations, labour legislation, trade union strategies, and public discourses in each sector.

KEYWORDS

Informal labour; trade unions; labour institutions; labour regulation; Global South

Introduction

This article contributes to a current interest in global labour studies (GLS) in understanding labour conflict, collective organisation and workers' resistance in non-standard, diffuse and informal settings and in a global context, thereby going beyond the established and arguably limited analytical apparatuses of industrial relations. Specifically, I address the role and relevance of traditional labour institutions as analytical and practical tools for workers' organisation and resistance in increasingly informalised economies. The focus of the article is on two of the institutional arrangements that have been central to the theoretical apparatus of the industrial relations literature as well as to the practical toolkit of traditional labour struggles, but whose role and importance has increasingly become critically scrutinised in the context of irregular forms of work: state-led labour regulation and trade unions.

The discussion is timely, as GLS is facing significant transformations in the world of work. Driven by globalisation, informalisation, neoliberalism and the rapid development of digital technologies, global labour markets bear little resemblance to the standard employment relations and institutional frameworks of industrialised countries which, however, continue to serve as the norm and benchmark in fields such as industrial relations and labour law (Ashiagbor, 2019;

Sankaran, 2011). The predominance of informal and precarious forms of work worldwide (ILO, 2018), and indeed their expansion and diffusion into the previously firmly regulated economies of the Global North (ILO, 2018; Siegmann and Schiphorst, 2016; Vosko, 2011) make evident the limitations of established analytical approaches and reveal their Eurocentric bias. In this changed context, scholars studying labour and class relations as well as collective struggle in a global perspective have called for GLS to depart from conceptual and theoretical presumptions that are grounded on a historically and geographically exceptional experience (for example, Bieler and Nowak, 2021; Breman and van der Linden, 2014). For instance, in a recent contribution, Nowak (2021: 1336) argues that in (re-)adopting a narrow emphasis on the state, employers or trade unions, GLS “risks sliding back into an institutionalist focus after an initial phase of openness to the global variety and plurality of actors and social relations of labour” and thus into the economic and Eurocentric confines of the industrial relations approach.

Similarly, in light of an increasingly informal, precarious and fragmented global workforce, the position of trade unions as main actors in organising and representing workers is disputed. A returning question is whether, or to what extent, trade unions are “representative of the ‘working poor’” and display “an interest in organising the semi-formal, informal and unemployed sections of the working class” or rather present “a ‘labour aristocracy’ of formal, core workers” (Pillay, 2008: 54). The research literature has produced a complex and ambiguous response to this question, showing the various ways in which trade unions cope with multiple challenges, with quite mixed results.¹ Overall, the experiences of the past decades, particularly in the Global South, indicate that trade unions do not necessarily play a central or progressive role in labour struggles, but must be seen as just one, and sometimes a problematic, actor within a broad and multifaceted labour movement (Munck, 2018; Waterman, 2005). According to Atzeni (2021), therefore, the “trade union fetishism” of the industrial relations literature is out-dated and has become an impediment to meaningful engagement with labour struggles and class analysis in different global contexts.

Against this background, the present article aims to provide a more nuanced understanding of the role of labour regulation and trade unions in the context of informalised economies. It offers some conceptual and empirical notes on how formal labour institutions interlink with different configurations of informality and, hence, with possibilities for collective organisation. Emphasising the contingencies, entanglements and dynamics that underlie the categorisation of work as informal, I suggest that labour regulation and trade unions remain analytically and politically relevant for collective organisation of workers in non-standard and irregular labour relations. While they have certainly lost much of their centrality and power in the context of globalised and largely informal economies, and often fail to represent the interests of precarious and marginalised workers in informal or otherwise non-standard labour relations, established labour institutions present key sites for studying and, importantly, politically challenging informality of work. In other words, labour regulation and trade unions remain of concern for GLS not because they are the ultimate conceptual and political instruments of the labour movement, but because they are embedded in dynamic processes in which informality of work is legally, politically and discursively produced and contested and, hence, in setting the frameworks in which collective organisation and workers’ resistance take place.

To develop this argument, I revisit the formal-informal dualism which continues to inform much analysis of collective organisation. Empirically, the analysis focuses on the street vending and domestic work sectors in Tanzania, with attention to their specific historical, structural and political

¹ See for instance the contributions to the special issue on African Trade Unions of this journal (McQuinn, 2022).

contexts. Workers in both sectors count as particularly vulnerable and as hard to reach by established labour institutions, due to the precarious, volatile and, in the case of domestic workers, hidden nature of their employment. The juxtaposition of two dissimilar sectors – with varying employment relations, one rendered informal by the text of the law, the other one by its practice – is particularly useful to reveal the contingency of the formal-informal delineation and its dynamic changes, making it possible to identify openings and objectives for collective struggle. The article then uses four dimensions of workers’ power – structural, institutional, associational and societal – as identified by Webster et al. (2017) to structure the empirical analysis. While commonly used to assess workers’ power, the power resource approach serves here as a conceptual framework to point out the interlinkages between labour institutions, formal-informal categorisations, and collective organisation of hard-to-reach workers.

The argument proceeds in seven sections following this introduction. In the next section, I revisit the literature on informality, labour institutions, and collective organisation to underline the need to critically examine the role of formal institutions in the production of labour informality. The third section briefly introduces the conceptual orientation of the paper, which is loosely informed by feminist discourse analysis and the power resource approach, as well as the empirical data. The next four sections, along the dimensions of structural, institutional, associational and societal power, discuss the interlinkages of employment relations, legal frameworks, trade union strategies, worker associations and shifting alliances with regard to how they co-produce configurations of informality and hence shape possibilities for collective organisation in the sectors of street vending and domestic work in Tanzania. The concluding section summarises the main argument and findings.

Revisiting Informality, Labour Institutions and Collective Organisation

Although what was then called the informal sector was “discovered” already in the early 1970s (Hart, 1973; ILO, 1972), irregular forms of labour and related struggles were given little space in the industrial relations literature on labour institutions, which remained focused on the realm of standard employment relations in the Global North. Formal and informal work were framed in dualist terms. As Breman (2023) points out, the informal economy became defined by what it was not – formal – and its study left to other fields and academic disciplines. In the past two decades, GLS scholars have increasingly departed from these limitations, and turned their attention to the potential and pitfalls of traditional labour institutions in organising and representing workers in informal economies around the world. Central to the discussion is the already mentioned capacity and willingness of established trade unions to include workers in irregular and precarious labour relations (Pillay, 2008). Another recurring issue is the limited applicability of traditional conceptions to the contexts of informalised labour. As workers often do not fit into clear employer-employee relations, the questions arise who qualifies as a worker and what constitutes labour conflict (Riisgaard, 2022). Noting the diversity among workers, Lindell (2008: 226) cautions:

Who are these “informals” that trade unions are supposed to organise or enter alliances with? The informal economy encompasses a great variety of labour relations – including self-employment, unregulated apprentice work and casual work – and informal workers in these different categories will have very different needs and concerns.

This enormous differentiation among informal economy workers is by now widely acknowledged. Yet, despite its much-noted ubiquity and heterogeneity, the category of “informal work” and its

distinction from formal frameworks have largely remained unchallenged. Perhaps a stubbornly persisting remnant of the earlier dualism, with a few rare exceptions (Bernards, 2017; Atzeni and Rizzo, 2020), analyses and commentary in GLS appear to take the formal-informal divide largely at face value, thereby implying that difficulties for collective organisation stem first and foremost from the informal nature of work in and by itself. The challenge is thus variously conceived as organising workers *within* the informal economy (see Jason, 2008; Rizzo, 2013), *between* or *across* the formal-informal divide (Bonner and Spooner, 2011; Lindell, 2008), integrating informal work *into* formal frameworks or, conversely, expanding formal frameworks *into* the informal economy (Britwum, 2018; Gallin, 2001). Overall, a picture emerges in which workers and work in the informal economy are separated from their formalised counterparts and from established labour institutions by a dividing line that is elusive and permeable but nonetheless existing in its own right.

The point here is not to downplay real – material, regulatory, political, and practical – differences between formalised and informalised work and their troubling implications for collective organisation. Rather, I suggest a more comprehensive approach that scrutinises how informality of work is interlinked with labour institutions as well as wider political discourses and public policies. This is important, as identifying “problems” and “solutions” regarding informal work is a matter of fundamental contestation: for instance, whereas de Soto (1989: 233) argues that “the real problem is not so much informality but formality”, Bieler and Nowak (2021: 1326) observe that a lack of regulation “is also a form of regulation, and in many cases labour law is intentionally conceptualised and designed in a way to create areas of informality”. Critically examining the formal-informal divide is hence an important task for GLS, not only for overcoming the conceptual blinders of industrial relations, but also for turning attention towards the operations of formal frameworks when identifying strategies for collective organisation.

Conceptual Orientation and Data

Based on these thoughts, this paper takes an empirical look at the role of labour regulation and trade unions in collective organisation of hard-to-reach workers in the informal economy, focusing on how informality is legally and politically produced and contested. In doing so, it resonates with research in other fields, such as anthropology, urban studies or international political economy, which have for some time conceptualised urban and economic informality as a reflection and result of governance institutions rather than of their absence (for example, Danielsson, 2018; Gidwani and Chaturvedi, 2011; Holland, 2017; Roy, 2005). It further responds to Bernard’s call to investigate where conceptions of informal labour “come from and what they *do* in practice” (Bernard, 2017: 1833, emphasis in the original).

In emphasising the production and contestation of the category of informal work, the argument presented in this paper is loosely informed by feminist discourse analysis which spotlights problem representations as central to political contestation (Bacchi and Eveline, 2010).² The argument follows the presumption that social and political problems do not simply exist “out there” in an objective or neutral manner but are given shape and meaning by their representations in public discourses. How “problems” and “solutions” are identified reflects specific presumptions about social relations. Importantly, representations are not opposed to or in denial of reality, but imagine reality in certain ways and, forming the basis for policy interventions, have in turn real

² For details, see the ‘What’s the Problem Represented to be’ (WPR) approach developed by Bacchi (Bacchi and Eveline, 2010).

effects (Bacchi and Eveline, 2010: 114f.) Such an approach necessarily focuses on the contested and incomplete nature of social processes rather than on fixed categories (Bacchi and Eveline, 2010: 112f.). While a full analysis of discourses surrounding informal labour in Tanzania is beyond the scope of this paper, a focus on contested conceptions and representations of informal work in the two dissimilar sectors provides a useful lens for drawing attention to how formal-informal categorisations are entangled with labour institutions and collective organisation.

To structure the juxtaposition of the two dissimilar sectors in a way that allows spotlighting these interlinkages, the paper further uses the power resource approach. As proposed among others by Rizzo (2013) as well as Rizzo and Atzeni (2020), a focus on the various resources of workers' power offers important insights into collective organisation in the context of informal economies, while being attentive to the complex historical, structural and socio-political settings of labour conflict. With a specific view towards struggles in precarious and informal work, Webster et al. (2017) identify four sources of workers' power: structural power, consisting of marketplace power and workplace power; institutional power, granted by labour laws, rights and formal social dialogue mechanisms; associational power through trade unions, political parties or other forms of collective organisation; and societal/symbolic power by building coalitions and influencing public discourse. These four dimensions are interrelated and reinforce each other (see Webster et al., 2017: 15f.). While the power resource approach is commonly used as a tool to assess and to build workers' power,³ its logic is considered useful for the analysis in this article as it embeds collective organisation in institutional settings. The four dimensions of workers' power are here deployed as an analytical framework, along which the contingencies of collective organisation and labour informality and their interrelations with specific employment relations, legal regulation, union strategies and public discourses can be brought to the fore.

The empirical material collected for the paper consists of research reports, legislation and policy papers, in addition to sixteen semi-structured interviews with experts and officials of the Trade Union Congress of Tanzania (TUCTA), the Trade Union of Industrial and Commercial Workers (TUICO), the Conservation, Hotel, Domestic and Allied Workers' Union (CHODAWU), the regional office of the International Domestic Workers Federation (IDWF), the Ministry of Labour and Employment (MoLE), the Association of Tanzanian Employers (ATE), the ILO Country Office, and the Friedrich-Ebert Stiftung (FES), a German non-governmental organisation, as well as with Jumuiaya Vikundivya Wenye Viwandana Biashara Ndogondogo (VIBINDO), an umbrella organisation of associations of small-scale producers and business and the largest organisation of informal economy operators in Tanzania. Moreover, the analysis reflects insights from four focus group interviews, two of them with representatives of two street vendor associations and two with groups of domestic workers who were not members of any union or association. The interview material, collected between 2014 and 2016, provides an interesting "snapshot"⁴ of policies and public discourses around labour informality before and after the presidential elections of 2015, when both domestic work and street vending moved into the focus of public debates. Seen in the context of more recent developments, for which the article consults updates in the research literature, the interview data also reveals changes with regard to formal-informal delineations and collective organisation.

³ See for instance the contributions to the special issue of this journal, *Acquiring and Applying Power Resources* (edited by Ludwig, Schmalz and Webster, 2018).

⁴ This reflects Barnes' (2010: 32) note that "the observation and measurement of informality is an attempt to take an empirical snapshot of a dynamic process".

Structural Power: Employment Relations and Informality

Tanzania has a high share of informal employment, making up more than 75 per cent of non-agricultural employment and more than 90 per cent of all employment if agriculture is included (Bonnet, Vanek and Chen, 2019). Street vending and domestic work are prominent sectors in the Tanzanian informal economy, providing an entry-level opportunity for earning a livelihood for millions of people. Similarly to other African countries, it is estimated that street vending, together with other forms of small-scale trade, provides an income to between 14 per cent and 35 per cent of women and to between 8 per cent and 17 per cent of men (Roever and Skinner, 2016). In Dar es Salaam, the largest city and economic hub of Tanzania, there might be more than one million street vendors (Mramba, 2015), while the number of domestic workers is calculated to be close to two million nation-wide (ILO, 2016). Street vending and domestic work are commonly taken up by young and unskilled workers as well as by rural-urban migrants; yet, due to high levels of un- and underemployment, workers of all ages and from all educational backgrounds can be found in the two sectors, as well as workers in different forms of employment, including those employed otherwise who are in need of additional incomes to compensate for low incomes (ILO, 2016).

Work in both sectors is mostly precarious, and street vendors and domestic workers are counted among the most marginalised groups in the informal economy (ILO, 2018). Generally, resulting from the oversupply of labour and the low skill level requirements in the two sectors, the marketplace power of both groups of workers is low. In terms of workplace power, there are differences resulting from the employment relations in each sector: domestic workers usually work for an identifiable employer, although such wage employment is in practice often disguised as a kinship relation, especially in the case of live-in domestic workers who are often paid in kind or work for board and lodging. Workers nonetheless have at least minimal workplace power in bargaining with their employers, who depend on the reliability and trustworthiness of those working and living in their private homes. Live-out workers generally are less dependent on their employers and have higher workplace power than live-in workers (Focus group interviews, 2015; see also ILO, 2016).

Street vendors are variously self-employed or casually employed, working for commission or a wage, for either a formally registered retail business or another informal trader. Yet the line between self, casual and hidden employment is often blurred, and street vendors who lack sufficient capital to own their merchandise may have to shift back and forth between different employment relations. This is often the case for mobile hawkers, who usually have less working capital than stationary traders who own the pushcarts, kiosks and so on. Either way, the workplace power of street vendors is quite limited, as the self-employed have no employer to bargain with but instead must negotiate their position with municipal authorities. Vendors in casual or hidden employment are in a weak bargaining position as they depend on shop owners or other informal traders for their livelihood.

It was interesting to note that, in the interviews with street vendors and domestic workers, the notion of the “informal sector”⁵ hardly came up. If it did, informality was perceived in connection with concrete everyday issues: for street vendors, it was associated with their access to and visibility in attractive trading space, fees, taxes and bribes, as well as voice and representation in negotiating with the municipal authorities. Domestic workers discussed it in the context of fair pay, workloads and working hours as well as recognition and respect for their work. Rather than in terms of

⁵ In Tanzania, the term informal sector (Swahili: *sekta isiyo rasmi*, literally unofficial sector) is more commonly used than the term informal economy.

formality or informality, the interviewed workers defined their labour with a view to their employment relations as they perceived them: while male and live-out domestic workers were more inclined to see their work as a contractual employment relationship, female and live-in domestic workers described their work more often in terms of family or reciprocal relations. Street vendors, conversely, usually considered themselves as self-employed businesspeople, regardless of their actual employment relations (Focus group interviews, 2015). These self-perceptions are reflected by language use in Swahili⁶ and follow historically established, sector- and gender-specific conceptions of work and, in the case of street vending, the promotion of self-employment and entrepreneurship as a solution to wide-spread economic informality and unemployment.

Institutional Power: Labour Regulation and Informality

In contrast to the focus group interviews with workers, informality of work and the size of the informal economy were identified as a “problem” or “challenge” by almost all interlocutors representing formal institutions, specifically the ILO and trade unions. While informal work is normal for most Tanzanians, to the government and the state, the regulation of the vast informal economy presents a long-standing conundrum:

[informal work] is the cry of the nation, but there are two schools of thought. One says that the informal sector should be there, and that it is part of our economy. The second school says that the informal sector is not supposed to be there ... the view prevails that the informal sector should not be there. This view is attractive in theory but not in practice ... you cannot ignore the majority of workers. (Interview, MoLE, 2015)

The mismatch described in this statement, between the norm of formality and the everyday work lives of the majority of Tanzanians, stems on the one hand from labour legislation which largely replicates the laws and standards of Western industrialised countries, presuming clearly defined and formal employment relations as the norm (see United Republic of Tanzania, 2004). On the other hand, the mismatch is reinforced by negative attitudes among political elites towards the working poor which date back to colonial as well as post-independence rule but still find their expression in sentiments against informal economy workers (Interview, MoLE, 2015; see also Burton, 2007; Maliyamkono and Bagachwa, 1990). Yet importantly, perceptions and the appraisal of informal labour have never been clear-cut or applied equally to all forms of unregistered and irregular work but varied between sectors, between groups of workers within these sectors, and over time. In street vending and domestic work, these differences and shifts have historically reflected complex intersections of race/ethnicity, gender and class, interrelated with varying forms of exclusion from labour regulation (Steiler, 2021). To date, although both street vending and domestic work are commonly subsumed under the category of the “informal sector”, and although both are arguably of equal importance for offering entry-level employment and supplying affordable goods and services to millions of Tanzanians, legislation and law enforcement in the two sectors differ considerably.

Street vending, together with other forms of small-scale trade, is excluded from labour as well as business and commercial laws; in addition, unlicensed street vending is criminalised and rendered

⁶ In Swahili, domestic workers are referred to as *mfanyakazi* (translated as worker, employee or labourer), whereas street vendors, irrespective of their labour relations, are called *mfanyabiashara* (businessperson) or *mfanyabiashara ndogo ndogo* (micro-entrepreneur).

illegal under business licensing, registration and taxation legislation as well as under national laws and municipal by-laws regulating the use of public land and urban space (Ackson, 2015). When found in violation of these laws, street vendors may face eviction, fines and imprisonment; they are also exposed to frequent harassment, violence and loss of their livelihoods. Enforcement of the laws prohibiting street vending has, for decades, largely depended on the political vagaries of the government and of municipal authorities, oscillating “between tolerance and clearance” of the vendors (Brown, Msoka and Dankoco, 2015: 2244).

In December 2016, President Magufuli initiated the most recent period of tolerance by ordering municipal governments to halt evictions and provide adequate space for street vendors in the cities. In 2018, the government began issuing street vendor identification cards, designed for vendors whose capital does not exceed four million Tanzanian shillings (approximately 2 000 US dollars) at an affordable price for 20 000 Tanzanian shillings (approximately 10 US dollars) per annum. Yet although the ID cards enable vendors to work without harassment and to take up small loans from local banks, this has so far not been followed up by legal changes granting more substantial protection to vendors. Further, as ID cards are intended only for the self-employed, casually employed vendors are excluded.⁷ Following Magufuli’s death in office in March 2021, and amidst continuing conflicts between vendors and local government authorities, future policies towards the sector are uncertain and street vendors remain legally precarious.

Domestic work, by contrast, has become fully covered as wage employment under labour legislation since 2004, granting domestic workers the same rights at work as other workers, including the right to strike, a minimum wage, and eligibility for social security benefits (United Republic of Tanzania, 2004). Domestic work counts as informal, however, due to weak enforcement of the law, and violation of workers’ rights, abuse and exploitation remain widespread in the sector. The main difficulties in enforcing the law lie in the limited mandate and capacities of the labour inspectorate as well as in lacking legal awareness of both employers and workers, the dependence of domestic workers on employers, and culturally embedded gender roles (Interviews with Regional Coordinator, IDWF 2015; National Programme Officer, ILO, 2016).

In sum, in terms of institutional power, both sectors are “at the fringes” (ILO 2002: 3) of existing state regulation, rather than outside of it. The notion of labour informality has therefore different meanings for street vendors and domestic workers, the former being “beyond the reach” and the latter “beyond the grasp” of the law (Zatz, 2008). This resonates with the observation that, generally, informal economy workers have only weak institutional power since, even where legislative provisions exist, informal economy workers can rarely employ them to their own benefit, which makes “the provisions as good as non-existent” (Britwum, 2018: 251). At the same time, the fluctuating policies towards street vendors indicate that existing laws are not carved in stone, but that their implementation and enforcement is open to change, along with the shifts in governments and their political agendas. As the following two sections further discuss, while missing or weak regulatory protection of workers’ rights is a characteristic attribute of informal work, this is not rigidly fixed but may in itself become a target for collective organisation by trade unions and other actors, as is the case in the street vending sector; conversely, the case of domestic work in Tanzania indicates that even when it is difficult to implement, legal recognition of work provides a powerful

⁷ It is not clear to what extent street vendors, and particularly the poorest among them, have benefitted from the introduction of the ID cards. There are conflicting numbers as to how many ID cards have been issued and sold by the authorities, in addition to well-founded suspicions that a large share of the ID cards were obtained by traders and formal business owners exceeding the capital limit who use the IDs to circumvent tax obligations (George, Msoka and Makundi, 2023; Steiler and Nyirenda, 2021).

basis for worker organisation.

Associational Power: Trade Unions and the Formal-Informal Divide

Trade union membership among street vendors and domestic workers, similar to other sectors in the informal economy, is quite low in mainland Tanzania where trade union density is only 3.2 per cent of total employment and 19 per cent of employees (Danish Trade Union Development Agency, 2023). Union members are almost exclusively formal employees in the public sector or industry: as the Chairman of ATE (Interview, 2015) put it, a comparison of the workplaces of all registered union members with all formally registered enterprises would likely yield a perfect match. The reluctance and difficulties of the Tanzanian trade unions in organising workers in the informal economy have been noted in the research literature, highlighting structural limitations of the unions themselves (Chambua, 2004; Fischer, 2011), the challenges posed by economic informality (Jason, 2008) and negative perceptions of unionists, but also new rapprochement between unions and informal workers (Fischer, 2013; Riisgaard, 2022; Rizzo, 2013). Adding to these contributions, I emphasise here how the strategies of trade unions vis-à-vis workers in informal sectors are embedded in struggles and contestation surrounding the categorisation of informal labour itself.

During the interviews, representatives of TUCTA listed limited financial and staff capacities as reasons for the low engagement of trade unions with informal economy workers (Interviews, TUCTA, 2014). In addition, sector-specific conditions were seen to impede union activity: for TUICO, the mobility and volatility of street vendors, particularly of hawkers, made it almost impossible to identify, recruit and collectively organise them (Interview, Assistant General Secretary, TUICO, 2015); for CHODAWU, on the other hand, the main difficulties in approaching domestic workers were seen to be their physical isolation in their employers' private homes and the blurring of family and employment relations (Interviews, Deputy Secretary General, CHODAWU 2015; Regional Coordinator, IDWF 2015).

However, it also became clear that the unions' outreach was shaped by legislation. In the street trade sector, earlier attempts by TUICO to establish dialogue with traders in non-designated market areas, mainly through surveys and by offering consultancy and training, had been thwarted every time the vendors were evicted and the markets shut down by municipal authorities. In 2010, one of TUICO's major efforts consisted of setting up a large tent for unlicensed vendors at Kariakoo market as a shelter and meeting point. The tent, which TUICO had purchased at the considerable cost of twelve million TZS (6 000 USD), was soon removed by the municipality, without any compensation paid to TUICO. TUICO subsequently reduced its more ostentatious activism with market vendors and focused on more low-key involvement, for instance by providing occupational training workshops for groups of market vendors in different cities (Interview, Gender and OHS, TUICO 2015).

The legal precariousness of vendors, who could get evicted at any time even if they were paying fees and levies to local authorities, and their exclusion from labour laws defied a key purpose of the union: the provision of legal advocacy and representation. Street vendors who worked without contract, license or registration and who were not recognised by labour law, irrespective of their actual employment relations, lacked a legal basis for claiming workers' rights. Other violations, such as unlawful confiscation of their property or abuse by the authorities, affected vendors' civil and human rights, but these fell outside of the mandate of TUICO (Interview, Project Officer, FES 2015). Thus, the informality of street vending presented a catch-22: the trade union had no legal base for representing street vendors, while collective organisation was seen as an important first step to address at least the most immediate effects of lacking legal recognition. It is

noteworthy that TUICO attempted to narrow this gap by exploring advocacy in non-labour law issues:

We're only now starting to integrate legal work and the informal sector. This is one of the problems we need to deal with. We have members in the informal sector, so we need to stand for them. Therefore, our people in the legal department need to understand the laws and by-laws to teach and train them. (Interview, Gender and OHS, TUICO, 2015)

These attempts however proceeded very slowly and were riddled with obstacles, among them the difficulty of identifying target groups and their needs (see also Riisgaard, 2022). One representative, speaking on condition of anonymity, expressed frustration on this matter, blaming a lack of flexibility, pragmatism and good will on part of the leadership of TUCTA and affiliated unions for their missing engagement with informal economy workers. In the view of the representative, if the unions took a more proactive role, the government would be open to negotiating the laws and by-laws, as legalising and organising the vast number of vendors in Tanzanian cities would improve order on the streets and increase revenue collection.

The interlinkages of legislation on the one hand and collective organisation on the other became strongly visible after street vending was decriminalised by the new national policy announced by President Magufuli. Magufuli's welcoming stance presented an opportunity for TUICO to start a social dialogue with street vendors and represent their interests to the municipal and national governments, so that the vendors' views could be heard in the making of municipal by-laws concerning market space. Yet without clear legislation defining street vendors as workers with rights, both in terms of labour rights and their rights to use public space, the union was faced with considerable insecurity given the heterogeneity and volatility among street vendors:

There are those who come from rural areas with no capital and education, we need to support them, they need the right for free movement, to find a place to make money. Some of them grow and get some capital and pay tax, these should be treated different from the others. We hope that they graduate [formalise] and then become our members. But there are not only those employed by shopkeepers, but also those employed by *machingas* [hawkers]! How can they be sure of their job tomorrow? Some of them are ready to register and pay taxes, but they want to be recognised... This is a matter of legislation. (Interview, Head of Commercial Sector, TUICO 2016)

The legal insecurities hampering collective organisation of street vendors can again be contrasted with the domestic work sector. The recognition of domestic workers as workers with rights enabled the trade union CHODAWU, in close cooperation with the ILO Country Office and IDWF, to recruit domestic workers as members. This reflects their historical significance in the Tanzanian labour movement where, despite their scattered and isolated workplaces, domestic workers were collectively organised early on. Organised first in the Washermen and House Boys' Association and later in the Domestic and Hotel Workers' Union, they contributed to pre-independence labour struggles (Bujra, 2000; Shivji, 1986). Yet while domestic labour was considered respectable work in its own right during the colonial era and following independence, this shifted with the feminisation and precarisation of the sector (Pariser, 2015), resulting in its categorisation as informal which, to date, remains conflated with difficulties reaching domestic workers in their workplaces and the distinct and gendered nature of domestic work: the entanglement of perceived difficulties for collective organisation with categorisations of informal and formal work stands out in an earlier ILO report on domestic labour in Tanzania, which stated that:

Looking back over the past ten years, CHODAWU acknowledges that there are a number of challenges which remain in organising workers in the domestic sector. The very fact that it is mostly located in the informal sector remains the greatest difficulty facing any trade union. In addition the perception of the general public tends to be that domestic work cannot be defined as “work” in a formal sense. (ILO 2006: 51)

A decade after this report, overcoming the formal-informal division was still central to union activities in the sector. This division, some interviewed officials explained, was simultaneously a legal, practical, semantic and cultural problem (Interviews, Regional Coordinator, IDWF 2015; National Programme Officer, ILO 2016). Notwithstanding these difficulties, for domestic workers who were approaching the union for legal assistance, the clear stipulations in labour law gave considerable leverage to CHODAWU in mediation. As the Deputy General Secretary of CHODAWU put it: “We do not only talk to [the employers] in simple words, but the employer is shown the text of the law”. Since the law clearly defines the employers’ obligations towards the worker and the burden of proof is placed on the employer, employers usually comply before the case is taken to a labour court, which almost always rules in favour of the worker (Interview, 2015). This had produced a number of success stories for the union that had also been reported in Tanzanian media, increasing the visibility of CHODAWU and of IDWF.

Although progress was slow, and limited resources as well as widespread disregard for the labour of domestic workers remained enormous future challenges, the efforts yielded moderate but positive results. Union membership among domestic workers was growing slowly, and rights violations were reported and taken for arbitration more often. CHODAWU also initiated several media campaigns informing about domestic workers’ rights. In the view of IDWF, the most important achievement was the gradual but deep-reaching transformation in perceptions of domestic work and increasing awareness of labour rights:

In Tanzania, the unemployment is high, especially among women, so women used to take any job offered to them. But because of new awareness, they know that your right is A, B, C, D despite your poverty. The domestic worker will ask: how much are you going to pay me? The question will strike the employer, then the negotiation can start. (Interview, Regional Coordinator, IDWF 2015)

As the next section discusses, the campaigns further increased consciousness among domestic workers as part of the labour force, encouraging them to overcome their isolation and to network and campaign with others even outside of union membership. The contrasting experiences and approaches by TUICO and CHODAWU indicate that, irrespective of the structural and internal shortcomings of established trade unions, the challenge for collectively organising workers is not informality as such, but rather specific configurations of informality, resulting from the interlinkages of labour relations, regulatory frameworks and political contexts, in which the unions are embedded as well. This contests the view that configurations of state apparatuses and formal institutions exist separately from the informal economy and have limited significance for informal economy workers. Instead, it confirms the presumption that the prevention of collective action, not least through exclusionary regulatory frameworks, presents “a major accelerator in the drive towards informalisation” (Breman and van der Linden, 2014: 933) and that, in reverse, established labour institutions present key sites for the production of informality.

Societal Power: Shifting Perceptions of Informal Work and New Alliances

Although street vendors and domestic workers enjoy much support among the Tanzanian

population, given their limited structural and institutional power, the success of their efforts to collectively organise and make their voices heard depends on a favourable political climate and on finding allies among the elites and abroad. Both the Tanzanian government and trade unions are dependent on cooperation with international partners, among them international and non-governmental organisations, development agencies, and Western trade unions. This is reflected not least in labour legislation which is largely modelled after the experience and norms of Western industrialised countries. Further, and importantly, the concept of the informal sector itself is an international construct, developed and promoted by the ILO (Bernards, 2017), which has heavily influenced the activities of the Tanzanian government and unions. These conceptions often differ sharply from the experiences of the vast majority of Tanzanian workers.

Following the late 1990s, informal activities began to enjoy greater acceptance in government policies, increasingly seen as presenting a potential for employment creation and economic growth. Similar to other African countries, the discourse of ruling elites on economic informality in Tanzania underwent a shift from a hostile towards a more welcoming stance, though the latter remains conditional and tied to specific conceptions of entrepreneurship, productivity, growth and formalisation (Potts, 2008). However, during the interviews, some respondents argued that perceptions of informal work by elites continue to be shaped by dualist conceptions of a modern, formal sector facing a backward, unproductive informal sector as a stumbling block to development (Interviews with Project Coordinator, ILO 2014; Director of Economics and Research, TUCTA 2014; Project Officer, FES, 2015).

These perceptions also provide the political context in which workers attempt to improve their working conditions by building associations. In the focus group interviews, street vendors and domestic workers identified the purpose of collective organisation mainly as self-help schemes for small groups, for instance receiving small loans, and addressing concrete, everyday issues such as improved facilities and lower fees at markets or, in the case of domestic workers, negotiations for higher wages and reduction of working hours. While some of them were organised in informal local networks and associations, they were often not aware of the activities of the trade unions, or did not identify themselves as workers who would be eligible for union membership (Focus group interviews, 2015). This reflected the wide-spread and long-standing perception in Tanzania that union membership is confined to employees in a formal employment relationship (Fischer, 2013). Since the labour movement in Tanzania has historically become associated with formal state and union structures, it is uncommon for informal economy workers to frame their interests in terms of class struggle and workers' rights. Informal workers' associations and grassroots organisations instead largely focus their limited resources on addressing everyday practical concerns of their members.⁸

In the street vending sector, collective organisation was for a long time hampered by criminalisation and repeated evictions of vendors. Apart from the limited engagement of TUICO, the largest organisation representing vendors' interests on the national level has been VIBINDO, an umbrella organisation of informal small-scale producer and trader associations, which on several occasions was successful in stalling (but not stopping) market shutdowns and evictions. Contrary to TUICO, VIBINDO represents street vendors as owners of small-scale business, not as workers, focusing on market inclusion rather than labour rights. The two organisations, one with a primarily formal membership base, the other representing informal associations, disagreed not only over the

⁸ Moreover, issues of class struggle have become side-lined in post-liberalisation Tanzania by a shift towards a liberal human rights-based agenda by NGOs and development institutions (McQuinn, 2011). This has been coupled with increased control of civil society actors by the government in recent years.

categorisation of street vendors but unsurprisingly also over whether economic informality or formal regulation presented the main problem for street vendors. These fundamentally different conceptions of informal street vending impeded cooperation between TUICO and VIBINDO, and instead led each organisation to see the other one as competition (Interviews, Chairman, VIBINDO 2014; Assistant General Secretary, TUICO 2015).

The policy shift under Magufuli gave a new push to collective organisation of street vendors. Though the Tanzanian government emphasised entrepreneurship and business formalisation, and thus the approach of VIBINDO, the decriminalisation of street vendors also enabled renewed engagement by TUICO. This coincided with an emerging international interest in street vending as a labour and workers' rights issue, driven among others by WIEGO (Women in the Informal Economy: Globalising and Organising), a research and advocacy group which works closely with the ILO, and StreetNet International, a network of street vendor organisations of which TUICO has become an affiliate. As street vending was officially welcomed for employment creation, it could also be framed in the context of decent work and improved working conditions. In consultation with WIEGO, the ILO and StreetNet, TUICO extended its engagement in the sector by establishing branch offices at markets and collaborating with existing informal associations of market vendors, as well as reaching out to mobile hawkers and seeking common ground with VIBINDO. In 2019, TUICO and VIBINDO signed a memorandum of understanding and agreed on a division of labour in representing vendors (Interviews, Head of Commercial Sector, TUICO 2016; Chairman, VIBINDO 2016; see also Riisgaard 2022).

The renewed interest for collaboration has also given new impetus to street vendors' own associations. Stationary traders working at designated markets, who pay fees to local government authorities, had already earlier formed small associations to represent their interests in negotiations at the market, ward or district levels, but found themselves powerless when confronted with market shutdowns, relocations or hostile by-laws decided at the municipal, regional or national levels (Focus group interviews, 2015). The changed political climate has made it possible for vendor associations to become recognised and enter negotiations at higher government levels. Hawkers, who were previously criminalised and had no possibility of collective representation, have now been able to organise at various levels. For instance, the Kariakoo Wamachinga Association (KAWASSO) expanded from its local base in Kariakoo, a busy market area in Dar es Salaam, to a national association counting 7 000 members as of 2023, using a web-based interactive portal to register members from all of Tanzania (Steiler and Nyirenda, 2021; George et al., 2023). Particularly SHIUMA (Shilika la umoja wa Machinga Tanzania), a national hawker association, aims to distinguish itself from both VIBINDO's focus on market traders and TUICO. SHIUMA follows the government in presenting street vendors as self-employed business owners rather than workers but emphasises the shared interests of mobile hawkers as opposed to other small-scale traders (SHIUMA 2019). Though collective organisation of street vendors has thus grown and diversified, and the vendor IDs grant a semi-formal status to their holders, there is still considerable contestation over the meaning and implications of informality for street vendors, especially as legislation remains unclear on the matter.

In the sector of domestic work, collective organisation was enabled by the inclusion of domestic workers as workers under the Labour and Employment Relations Act in 2004. This was achieved by cooperation of the Tanzanian government and trade unions with international governmental and non-governmental organisations, building on earlier campaigns on child labour during the 1990s which had spotlighted the issue of domestic work. Granting domestic workers full protection under existing labour laws made Tanzania a forerunner and international champion for domestic workers' rights and for the adoption of the Domestic Workers Convention at the

ILO in 2011 (Interview, Regional Coordinator, IDWF 2015).

The struggle for domestic workers' rights and collective organisation in Tanzania corresponds with the global domestic workers' movement (see IDWF, 2014). Following the adoption of the convention, the government, TUCTA, ATE and civil society organisations launched a Tripartite Plus Plan of Action for decent work, and CHODAWU received support in coordinating its actions with the ILO Country Office, the regional branch of IDWF as well as international and local NGOs. In addition to workshops, training and the recruitment of domestic workers as members of CHODAWU, several nation-wide media campaigns raised attention about labour rights and decent work for domestic workers, influencing perceptions of the wider public and that of domestic workers themselves. In response, multiple local and grassroots associations of domestic workers have emerged, which organise public assemblies or demonstrations, campaign for the ratification of the convention and call attention to the significance of their work as well as to the needs of specifically vulnerable groups in the sector, such as child domestic workers. Perhaps the most visible success of such collective organisation was the invitation of a group of domestic workers to meet with members of the Parliament Committee of Social Welfare (Interviews, Director Gender, Children and Youth, CHODAWU 2015; Regional Coordinator, IDWF 2015).

Conclusion

In response to calls in GLS to explore conceptions of worker struggles beyond Eurocentric limitations, this paper has discussed the role of labour regulation and trade unions in collective organisation of workers in informal economies. Though the findings present specific historic, institutional and political settings for street vending and domestic work in Tanzania, some lessons can be drawn from the juxtaposition of the two dissimilar sectors which are of relevance for the study of collective organisation in irregular and non-standard forms of work more broadly: state-led labour regulation and trade unions proved central for collective organisation, not because they necessarily enabled and promoted worker organisation but because they presented key sites for both the production and the contestation of labour informality. Possibilities for collective organisation emerged from the complex interlinkages of the specific labour and employment relations, legal frameworks, trade union strategies, and the changing political climate and alliances in each sector. In the street vending sector, lacking legal recognition plus criminalisation, combined with long-standing negative attitudes towards unlicensed and unregistered vendors, had for a long time impeded their collective organisation. While a shift towards favourable policies opened a window of opportunity both for established trade unions and for informal vendors' associations, the legal status of street vendors, and relatedly their identification as workers or as self-employed entrepreneurs, remain open to contestation. Conversely, the earlier expansion of legal protection to domestic workers had recognised them as workers in an employment relationship and reflected their historical role in Tanzanian labour struggles. Although immense challenges remain to the implementation of their labour rights, this enabled trade union activity and collective organisation of domestic workers on both the national and local levels. In each sector, labour informality materialised not as a given, clear-cut or fixed category, but rather in specific configurations, while the processes of (in)formalisation and collective organisation emerged as dynamically interlinked and open-ended. To conclude, the formal-informal dualism and the category of informal work by themselves hold little analytical and explanatory value in studying the challenges to collective organisation but must rather be seen more comprehensively in close relation with formal institutions. A critical focus on labour institutions and their role in legally, politically and

discursively producing informality is crucial for GLS.

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ACKNOWLEDGEMENTS

I would like to thank the editors and the peer reviewers for their thorough and constructive comments on two earlier drafts, the participants of the TaSSu article circle for their encouraging feedback on the initial draft of the paper, and the managing editors for seeing to the practicalities of its publication. *Asante sana* to my interlocutors in Tanzania.

BIOGRAPHICAL NOTE

ILONA STEILER is a postdoctoral researcher at the Tampere Peace Research Institute (TAPRI) at Tampere University. Her research looks into informal, precarious and irregular labour, new technologies and transformations of work in the globalised economy, temporality in digital capitalism, and sustainable development. [Email: ilonasteiler@protonmail.com]