

Decent work, informal economy and local government

The work of many informal and precarious workers is constantly affected by decisions taken at local government level more than through labour market policies at national government level, write **Pat Horn, Bobby Peek and Des D'sa**.

According to the Women in Informal Employment: Globalising and Organising (Wiego) address to the International Labour Conference in 2009 this happens through 'terminating temporary contracts of precarious workers, ... evicting informal traders from the public space which constitutes their workplace without proper consultation regarding viable alternatives, in misguided attempts to attract infrastructure investment by selling off public assets to private property developers'.

Non-inclusive urban policies in relation to issues such as solid waste management and regulation of the uses of public space also work against informal and precarious workers.

The capacity problems in this area lie as much within the municipalities as with the urban poor themselves. The National Framework for Local Economic Development (LED) programmes are being drawn up without any vision and certainly without the input of the affected workers. These are drawn from highly vulnerable work sectors such as contract workers engaged by municipalities, home-based workers, street vendors, subsistence fisher people, urban farmers (market gardeners), waste collectors and migrants and refugees.

POLICIES AND INFORMAL TRADE

The enactment of the Businesses Act of 1991 replaced the provisions of the Licensing Act in relation to informal traders, liberalising informal trade and (in terms of Clause 6) empowering municipalities to do spatial regulation of informal trade in public space. Some municipalities have passed street trade bylaws in terms of Clause 6 of the Businesses Act.

However, unlike new national and provincial laws drafted since 1994, most municipal bylaws have retained the old-fashioned format of apartheid-era bylaws. Consequently, these bylaws are not necessarily in line with the new democratic constitution of the country, nor with international labour standards.

In addition, implementation of municipal bylaws by enforcement officers who are not trained to balance considerations of spatial regulation with the democratic and labour rights of those whose livelihoods are affected by municipal bylaws, has been a major challenge.

Informal economy policies have been developed by some municipalities, but there have been continuity and implementation problems. The best-known example is Durban's Informal Economy Policy adopted in 2002, hailed as

an international best practice at the time, and reviewed in 2006 by municipal-appointed consultants. This policy is broad-based and inclusive of street traders as well as home-based workers.

Structural changes in the eThekweni municipality in 2004 led to a suspension of the work of the Implementation Working Group, which was given a responsibility in 2003 to manage an inclusive implementation strategy. This was followed by aggressive developments in 2005 in which street vendors' organisations regard the municipality as having reneged on its commitment to implement the policy (which is still the official policy in force). The municipality failed to implement the recommendations of the 2006 policy review, which meant that the policy implementation problems were never addressed, and the more inclusive approach started in 2003 was not sustained.

In Port Elizabeth in the Nelson Mandela Bay Municipality, regulation of informal trade is done by a wholly-owned municipal company MBDA (Mandela Bay Development Agency) – an arrangement similar to that which is carried out for the Johannesburg Municipality by the MTC (Metro Trading Company). This triangular administration arrangement results in similar



Susistence fisherfolk march at COP17 in Durban. Local government policies such as those of eThekweni are threatening livelihoods of fisherfolk, street traders and market gardeners.

kinds of decent work deficits to those which characterise triangular employment relationships. Further, the legality of local government passing on its constitutional responsibilities of public space management and policing to such entities will not remain unchallenged for long.

As a result of street wars which erupted in central Durban in June 2007, new life was breathed into the EMIEF (eThekweni Municipality Informal Economy Forum, launched with much fanfare in 2005) as previously excluded street traders' organisations were then admitted and started to democratise the way the Forum functioned. The EMIEF, perceived by street vendors to be a municipal conveyor-belt for issuing instructions to them, started to be transformed into a space for meaningful social dialogue. Unfortunately the municipality then started to convene EMIEF meetings less and less regularly, and is apparently looking for ways to close it down altogether and replace it with something else.

Interestingly, the municipality with the best practice of regulation through social dialogue, implemented with no major publicity or fanfare, is the Mthatha municipality – where the municipality and the African Hawkers' Association (AHA –

affiliated to the Eastern Cape Street Vendors' Alliance) have developed a sound level of consultation and social dialogue over the past five or six years in mutually responsible, consensual regulation of informal trade.

In most municipalities, the livelihoods of street vendors remain precarious as they lack security of working space, many are rendered undocumented or 'illegal' by municipalities creating un-user-friendly and exclusive permit requirements which are insufficient to cater for the community of street vendors operating in their municipalities, and they face regular harassment and confiscation of their property. These problems create a breeding ground for bribery and corruption at the expense of the most vulnerable informal traders.

While these policy initiatives have considered the element of livelihoods in the context of combating poverty, they have not focused to any meaningful extent on local government taking responsibility for the creation and maintenance of decent work in any of the sectors under consideration in this project.

SOLID WASTE MANAGEMENT

The fact that waste dumping and services is not a key issue in the South African State of

Environment Report is an indication of government denialism towards the growing challenge the country has with waste and in particular solid waste management. Indeed it was only in 2008, 14 years after democracy that legislation pertaining to waste management reached the presidency.

Prior to the consultation phase of the National Environmental Management: Waste Act, the ILO undertook research to understand child labour. Part of this research focused on workers at waste dumpsites to which groundWork lent support. In the legislative debate groundWork raised the issue of informal workers on the many dumpsites in South Africa, and advocated for government to give them recognition, in order to protect their employment. This was recognised by government in the final legislation when it allowed for waste collectors to be consulted on management plans for landfill sites.

Salvaging has been defined by the International Labour Organisation (ILO) as the 'manual sorting and picking of recyclable and/or reusable materials from mixed waste found at landfill and dumpsites'. Salvaging, internationally, has been recognised as an integral part of the recycling process, of waste minimisation and of creation of labour.

The informal waste pickers (see SALB 35.4) have proven to be a vital and necessary component of the recycling process in the move towards waste minimisation. Waste pickers are also referred to as waste or materials reclaimers. These informal workers make their livelihood from taking waste off landfill sites and selling it for recycling.

Without their presence, the process of recycling would have been occurring at a minimum, costing both the state and the recycling industry millions. In 2010, the Department of Trade and Industry, recognising the Act, and in planning with the formal recycling industry, invited the South African Waste Pickers Association (Sawpa) – a young national body representing the informal waste pickers – to participate on the Recycling Industry Body (RIB).

No one really knows how much waste is produced, recycled or dumped in South Africa, and how many informal workers are involved in these initiatives. Developing a waste information system has been consistently identified as a priority since the early 1990s, but has also been always neglected.

What is evident however, is that at most unlicensed waste dumps waste pickers work in unsafe conditions because of lack of governance at these sites. This is not a practice that has just been inherited from the apartheid government, but rather one that is reinforced by the development policies within a democratic South Africa. Of the 1,327 waste dumps that are documented, 639 are unlicensed. The few with licenses are ill managed.

Waste pickers have a challenge of immense proportion as local government seeks to exclude them from decision-making and actively ignores their input to waste management, and in particular recycling. According

to the Municipal Systems Act, municipalities are in charge of waste management.

Of concern in protecting this employment is the push for the incineration of waste, which is a contentious topic in South Africa. During the negotiations on the Act the parliamentary process was extended due to the debate on the pros and cons of incineration of waste.

While there has been success in moving away from incineration in KwaZulu-Natal, government remains under pressure from industry to introduce waste incineration legislation and they are pressuring government to speed up policy to allow for incineration. Incineration of waste will result in waste pickers losing their right to collect waste for recycling, as much of this waste will now be destined for incineration.

SUBSISTENCE FISHING & FARMING

The KZN Subsistence Fisherfolk Forum was started in 2004 after the Metro Rail decided to stop the passenger trains transporting fisherfolk from their communities into the Durban Harbour to their traditional fishing sites. The Subsistence Fisherfolk come from all the poor underdeveloped areas of Durban where they experience regular water and electricity cut-offs and increases. They form part of the 40% of South Africa's unemployed and if they are unable to fish for a livelihood their families would join the growing band of the hungry who are forced to join the poverty queues. These fisherfolk have since time immemorial been fishing in the Durban Harbour and on the Beachfront piers for a livelihood and through this trade have paid for their children to attend school, food on the table, their bills and homes.

They are now threatened by the port authorities and municipal officials and harrassed daily

with spot fines, their equipment taken away, or even locked up in prison. As the port grows, livelihoods become a thing of the past with authorities such as the municipality and Transnet bent on destroying the only meagre income and food these poor fisherfolk have.

The airport market gardeners are a group of 16 farmers who have been farming the land alongside the old Durban International airport site for the past 20 years. Previously they were on the land currently occupied by the giant Mondi Paper Mill (part of the Anglo American group) and before that they were farming the land on Springfield Flats, now occupied by the giant retail group Makro (soon to be Walmart Group).

In both cases they were evicted by the apartheid regime to make way for industrial expansion. Once again due to the thirst for fuel, cheap land and land closer to the transport hub, their livelihood is being threatened by another government parastatal, Airports Company of South Africa (ACSA), who want to develop this land for a dug-out port, chemical cluster or expansion of the motor industry.

The group consists of four women farmers and they have no other skills besides what they know best, which is farming. Their fresh produce is sold daily and at a cheap price at all the local poor people's markets. If this produce was not available at the markets then people would have to buy at the supermarkets at exorbitant prices.

Government has ignored the market gardeners and continues to push for economic development at the expense of food security. ¹⁸

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