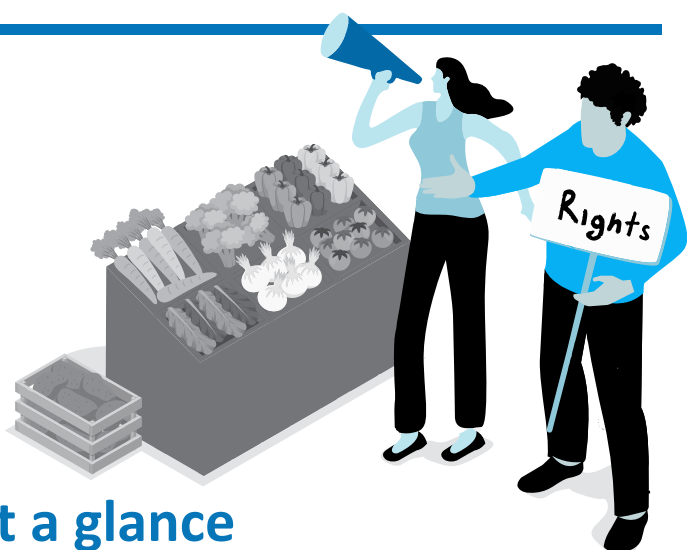


# ADVANCING THE RIGHTS OF PEACEFUL ASSEMBLY AND OF ASSOCIATION OF WORKERS IN THE INFORMAL ECONOMY



In his latest Annex Report on Workers in the Informal Economy, presented to the Human Rights Council on 28 June 2023 ([A/HRC/53/38/add.3](#)), the UN Special Rapporteur Clément N. Voule highlights the fundamental importance of ensuring the rights to freedom of peaceful assembly and of association are fully enjoyed by workers in the informal economy. Unfortunately, workers' rights to freedom of association and assembly generally are poorly respected in many countries around the world. The situation is even worse for workers in the informal economy, who often face additional de jure and de facto limitations on their enjoyment of their rights. In many ways, moreover, the COVID-19 pandemic enhanced existing restrictions. The enjoyment of the rights to freedom of peaceful assembly and of association by workers in the informal economy is essential, however, in its own right, in order to enable workers in the informal economy to bargain for and enhance their access to other essential workers' and social rights, and in order to promote more equitable and inclusive societies more broadly.



## At a glance

The report identifies several ways in which informal economy workers' rights to freedom of peaceful assembly and of association have been limited and violated and puts forward recommendations to overcome barriers that hinder the enjoyment of the rights by workers in the informal economy. Among other things the report considers the need to extend the right to freedom of association to all workers in the informal economy, to everyone in the broader world of work and indeed, to all persons. The UNSR argues in the report that supporting the freedom of association of workers in the informal economy requires not only removing restrictions but also supporting the ability of such workers to take part in institutions designed to promote workers' voices and their inclusion in relation to the policy structures and decisions that shape their lives, in both the 'public' and 'private' realms. Among other steps, this requires creating new institutions as and where needed, with attention, as noted in ILO Recommendation 204, to the "diversity of characteristics, circumstances and needs of workers and economic units in the informal economy."

This brief extracts key recommendations for States, the private sector and civil society aimed at promoting and protecting the rights to freedom of peaceful assembly and of association of such workers.



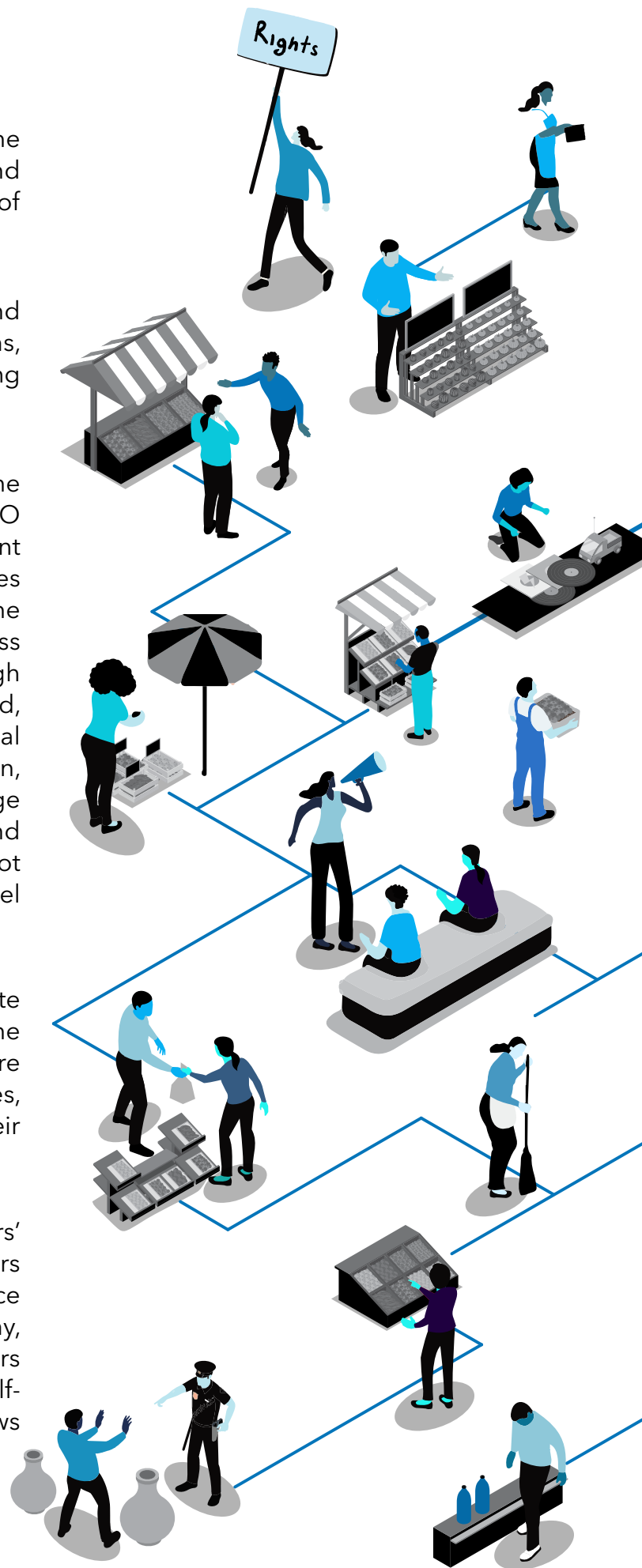
# Key Recommendations to better protect and promote the Rights to freedom of peaceful assembly and of association of Informal sector workers:

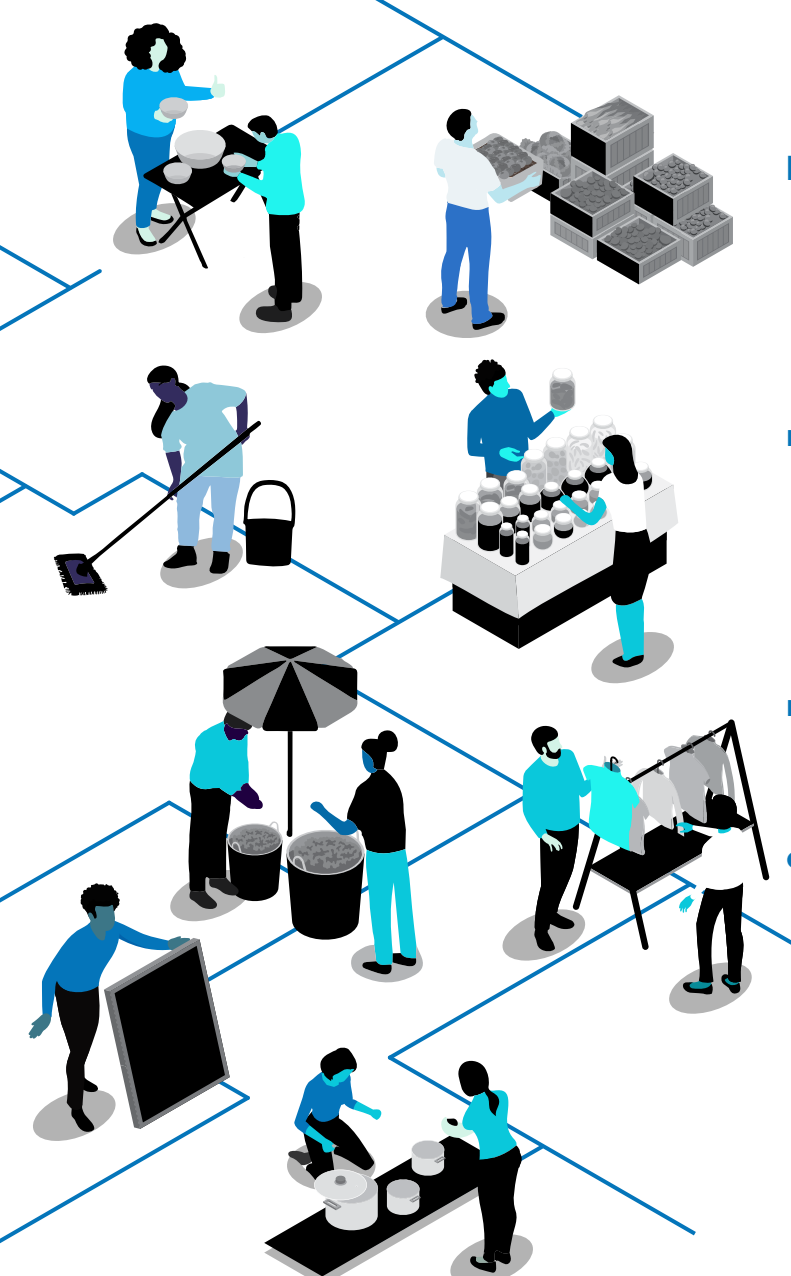


## States should:

- a. Ensure that all laws, including labor laws, do not restrict the right to associate to formal economy workers, including by limiting the right to form unions to 'employees' or to those in possession of formal labor contracts, or otherwise by employing definitions that directly or indirectly exclude any worker.
- b. Ensure the right to freedom of association is fully enjoyed not just in law but also in practice, including by eliminating all forms of excessive discretion and bureaucratic obstacles.
- c. Ensure that workers in the informal economy are able to take part in existing institutions designed to promote workers' participation, including tripartite structures and mechanisms designed to support collective bargaining.
- d. Take positive steps to create and support appropriate, independent and adequately resourced collective bargaining fora and other mechanisms specifically designed to address the needs of different sets of workers in the informal economy, and include informal economy workers in the processes of design and review of such bodies.
- e. Ensure that workers in the informal economy, like all other workers, fully enjoy their right to strike.
- f. Refrain from engaging in or supporting violence or harassment of any persons, including all workers in the formal economy, in the informal economy, and in the wider world of work, and fully comply with the terms of ILO Convention 190 and Recommendation 206.

- g.** Protect all persons, including all workers in the formal economy, in the informal economy, and in the wider world of work, from all forms of violence or harassment by non-State actors.
- h.** Ensure full investigations, accountability and comprehensive remedies when rights violations, including in particular violations involving unlawful force, take place.
- i.** Ensure progressive inclusion in the formal economy in accordance with ILO Recommendation 204, that takes into account “the diversity of characteristics, circumstances and needs of workers and economic units in the informal economy, and the necessity to address such diversity with tailored approaches,” through measures that, inter alia, “progressively extend, in law and practice, to all workers in the informal economy, social security, maternity protection, decent working conditions and a minimum wage that takes into account the needs of workers and considers relevant factors, including but not limited to the cost of living and the general level of wages in their country.”
- j.** Ensure that the above processes constitute worker-led formalization, in which workers in the informal economy play a key role within and are meaningfully consulted relative to all processes, policy decisions and practices impacting on their work.
- k.** Prevent and roll-back any limitations on workers’ rights imposed on the pretext that those workers do not qualify for those rights, for instance because they are part of the gig economy, because they are operating under limited-hours or temporary contracts, or because they are self-employed, while amending the underlying laws to ensure they cover all workers.

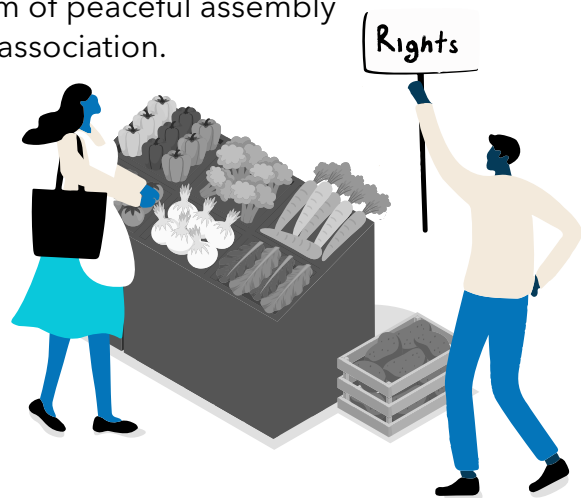




- l. Ensure, as a matter of both law and practice, that no worker may be discriminated against or face consequences, in terms of their access to employment or otherwise, on the basis of the exercise or attempted exercise of their rights to freedom of peaceful assembly and of association.
- m. Put in place strong legal measures sanctioning employers and/or state actors who retaliate against workers on the basis of their exercise of their rights to freedom of peaceful assembly and of association, including through layoffs and other forms of retaliation.
- n. Ensure that social protection provisions are not limited on the basis of participation in the formal economy.
- o. Recognize that exclusionary and inadequate legal frameworks with respect to the right to association have a discriminatory impact on workers from marginalized and discriminated-against communities, and take effective measures to promote substantive equality, including positive steps to ensure all workers in the informal economy fully enjoy their rights to freedom of peaceful assembly and of association.

*Inter alia*, the private sector should fully respect workers' rights to freedom of peaceful assembly and of association, including as exercised by the formation of unions, participation in strikes and collective bargaining.

*Inter alia*, civil society, including formal sector unions, should work to support the organization efforts of workers in the informal economy.



**“ It is important to recognize that workers in the informal economy are workers, that workers have rights, and that workers' rights are human rights. It is heartening to see increasing numbers of workers recognizing their demands for better conditions and treatments as rights claims. ”**