AGENCY OF WOMEN WORKERS WITHIN THE INTERNATIONAL LABOUR ORGANIZATION-THE TALE OF HOME WORK CONVENTION (C177)

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Abstract

The International Labour Organization (ILO) offers an intriguing case to assess women workers' agency within the Organization. The unique tripartite decision-making structure of the Organization enables workers, who are represented by trade unions, to participate in the process of decision-making. However, women already discriminated against in the world of work, have lesser representation in trade unions. It is more so in developing countries where many women work in the informal economy. But there are some unions in Global South, which unionise women in informal/ unorganized economy. Self-Employed Women's Association (SEWA), founded by Ela Bhatt (1933-2022) in 1972 is one such union. SEWA was instrumental in the adoption of *the Home Work Convention (C177)* in 1996, a convention that stands relevant even after more than twenty-five years; and more so in the aftermath of the COVID-19 pandemic.

Keywords: Agency, informal economy, trade unions, SEWA.

As a standard-setting organization, ILO adopts Conventions relating to the rights of workers by consulting the tripartite constituents, i.e., representatives from the government, employersand workers of eachmember state. Workers, who are represented by trade unions in the tripartite structure have their fair share of influence in the decision-making process of the Organization. However, this tripartism of the ILO does not represent the informal or unorganized economy, where most women workers have to work. In light of that, the agency of women workers within the ILO deserves attention. Women, who are already discriminated against in the world of work, have lesser representation in trade unions both in terms of membership and decision-making power because of numerous reasons which will be

discussed below. The limited membership and exclusion from the decision-making process in the trade union also limit women workers' agency within the ILO. However, there exist some unions such as the Self-Employed Women's Association (SEWA), basedin a developing country like India, which has emerged as a remarkable forum for women workers in the informal economy. SEWA, founded by Ela Bhatt in 1972 from the women's wing of the Textile Labour Association (TLA), played a crucial role in the adoption of *the Home Work Convention (C177)* in 1996. Hence, issues like how women workers advocate for their interests even after limited membership in trade unions, and how unions like SEWA advocate within the ILO, deserveclose attention.

This paper is divided into three sections. The first section- Women in the World of Work focuses on women workers'predicament and why their concerns as workers matter in the ILO. With reference to expanding the size of the informal economy, their plight is assessed. The second section- The Participation and Representation of Women in Trade Unionsemphasises onwomen's representation and agency in mainstreamtrade unions, as these unions are represented in the tripartism of the ILO. The third section- SEWAand the Tale of*Home-Work Convention (C177)* focuses on this exceptional trade union of women workers which has been influential within and around ILO. In that context, the phenomenal contribution of Ela Bhatt is also considered. By focusing on the process of adoption of the *Home Work Convention*, the agency of SEWA is examined and how traditional trade unions view this union of informal workers is assessed. This section is followed by a conclusion.

The paper is based on secondary sources comprising journal articles and book chapters. In terms of primary sources publications of the ILO and SEWA have been referred to. Interviews have been conducted with ILO researchers and members of IUF, WIEGO etc.

Women at Work

As participants in the labour market, women are in a disadvantageous position both in quantitative and qualitative terms. In the formal or organized sector, women are numerically less, whereas in the informal or unorganized economy they have overrepresentation. If the employment rate of women is considered, it is less compared to their male counterparts. As per the United Nations' five-yearly report 'The World's Women: 2020 Trends and Statistics'

the percentage of men in the labour force is 74 per cent while for women it is 47 per cent (Unite Nations, 2020).

Women have entered various fields of employment in the last few decades and they are continuing to make inroads into many male-dominated professions such as defence, however, their presence is very limited in such workplaces. It is a normal tendency to extrapolate the gender roles of the home to the workplace. The work profile of women is generally defined by the role that they supposedly have to play at home. Therefore, women are mainly employed in the healthcare and teaching sector because of their conventional role of caregiving and nurturing while their male counterparts overshadow other professions in the formal sector. Although there is a recent rise in women workers' number, it is only in the informal economy (Anker & Hein, 1985, pp. 75-77; Standing, 1999, p. 583; Hussmanns, 2004, p. 9; Chen, 2002, p. 3, Bacchetta,Ernst& Bustamante, 2009,p.112; International Labour Conference, 2009; Ramani,Thutupalli, Medovarszki, Chattopadhyay & Ravichandran2013, p. 1 and Sharma, 2015).

As per ILO's 2018 report, 60 per cent of the world's population, which is 2 billion women and men, earn their livelihood in the informal economy. Informal employment is significant in developing countries as it covers one-half to three-quarters of non-agricultural employment and therepresentation of women is overwhelming there. The number of women in the informal economy is around 89 per cent in South Asia, 90 per cent in Sub-Saharan Africa, and 75 per cent in Latin America and the Caribbean (Ramani et al. 2013, p. 1 and International Labour Organization, 2018a). There are many reasons that explain the higher participation rate of women in the informal economy. Women can go for self-employed, home-based, part-time or casual work, as they are also entrusted with the household work sincethese kinds of jobs offer flexibility in terms of working hours (Chen, 2001; Ramani et al., 2013, p. 2 and Das, 2017, p. 111).However, the working condition and the rights of workers in the informal economy are very difficult to protect. Although it provides work and financial assistance to many women, the work conditions are unregulated, unprotected and sometimes precarious. The jobs in the informal economy are mostly low-wage, low-skilled, dead-end, and the workers are easily dispensable (Akubue, 2001, p. 3; Chen, Vanek& Heintz,2006, p. 2133; Albin, 2012, p. 2 and Janardhanan, 2015).

In terms of wages, women workers are paid less as they are viewed as unskilled workers. There is a disparity in average wages between salaried

men and women both in developed and developing countries. The wage gap is more in the informal economy where women are engaged in casual and piece work. Although the formal sector is regulated, the gap persists. (International Labour Office, 2010, p. 52; Nghia, 2010, p. 3; International Labour Conference, 2011 and World Bank, 2012, pp. 201-202). The Global Wage Report 2018-19 of ILO states that the global gender pay gap is around 16 per cent (Pillay, 2018).

By narrating the case of the garment industry, Enloe (2014, pp. 263-67) has illustrated how women's work is made low-priced because of norms constructed by a patriarchal society. According to her women are considered 'naturally' and 'traditionally' good at sewing and are paid a low wage on that account. The employers believe that a work which someone does 'naturally' is not a skill. By elucidating the case of women lace makers from Narsapur, Andhra Pradesh, Mies (2012, pp. 55-56) shows how home-based wage labourers are not even considered workers. The manufacturers and local officials consider that lace making is a way to spend leisure time for those women who actually devote six to eight hours per day to that task. Most women have to work more than eight hours a day as they have to perform household work too. As a result, the real work involved is ignored (Daniels, 1987, p. 405 and Hale, 1997, p. 14).While work from home is different from home-based work, the home has become the domain of work at a time of the pandemic. However, the home has always been a workplace, with clear-cut division of labour endorsed by tradition and societal norms. This renders women's work invisible and unrecognized in official surveys (Bergan, 2009, p. 221). Women work as subsistence farmers, and at home as unaccounted caregiver. According to an ILO report, women perform 76.2 per cent of total unpaid care work (James, 2012, p. 67 Federici, 2014, International Labour Organization, 2018b). Women's work is also presumed to be safe and therefore little attention is paid to their occupational safety and health. If they start facing health problems, usually, the reason is attributed to either unfitness for the job or hormonal factors (Forastieri, 2010, p. 5; Morse, 2010 and Stellman,Lucas & Anderson, 2012, pp. 245-46).

The pandemic and post-pandemic period are particularly difficult for these workers in the informal economy. According to an ILO report, 1.6 billion workers in the informal economy are severely affected by COVID-19 in the first wave (International Labour Organization, 2020). Already in precarious job condition, these workers have suffered unprecedented hardship

due to the global health disaster. In India alone, the influx from metros, and major cities uprooted many migrant workers from their workplaces without any assurance of security or protection. The volume of unpaid care work also increased for women during this time. The Pandemic was not just a global health crisis but a socio-economic crisis too.Rather than the proverbial 'we are in this together,' the norm of 'social distancing' prevailed in the war against the disease by distancing people of different strata. The disproportionate level of suffering and burden sharing on the part of the poorest of the poor is a wake-up call to consider these people in the informal economy in protective legislation and policies.

Although recognized, all these issues are not resolved, even after so many years of the trade union movement. Therefore, women themselves have to raise their concerns in forums related to workers' conditions. The ILO being the International Organization dedicated to social justice, betterment of workers' condition and protection of their rights gives that platform. Within the ambit of ILO, the tripartite constituents- government representatives, International Organization for Employers (IOE) and International Trade Union Confederation (ITUC) representing employers and trade unions respectively, can negotiate and bargain in the International Labour Conference (ILC) for their interests. However, is it easy for women's group to register their concerns in the ILO as workers? The answer to this question requires examiningtheir representation and participation in trade unions.

The Participation and Representation of Women in Trade Unions

The ILO is a unique organization with a tripartite decision-making structure. In the ILO each member state is represented by two Government delegates (in most cases Cabinet Ministers), one representative from employers' groups and one from employees' groups. While this feature sets the ILO aside from other organizations and is also credited as the reason why it survived the First World War unlike the League of Nations, the same feature is criticized for not being able to give space to the expanding unorganized sector. It is basically the mainstream trade unions that represent workers in the tripartite structure (Faupl, 1969, p. 44 and Razavi& Miller, 1995, p. 49). Representation and participation of women in mainstream trade unions are in a poor state even to date.

However, before dealing with their membership in trade unions a brief look at what agency mean is needed. The theoretical conceptualization

of agency is very meticulous in Sociology. Many sociologists and theorists have given their interpretation of the term. Nonetheless, the idea of agency refers to 'freedom, free will, action, a possibility of change through an act of a free agent.' Agency is socially constructed and differentially distributed resources that determine its expanse. As a result, some actors can exercise more agency compared to others (Barker, 2003, pp. 236-237). In this paper, women workers' agency within the ILO is examined with reference to their agency within the trade unions. Trade unions have an important role in the ILO as representatives of the employees. However, the membership of women in trade unions and their ability to influence decisions within trade unions needs a critical look.

A trade union, by definition, represents the interests of workers or employees in the non-agricultural sector. Initially, unionism happened among male factory workers. However, with the evolution of the capitalist economy and developmental process, trade unions became more representative. Nonetheless, the formal sector is the focal point of such unionization with the domination of a specific segment of workers-male, blue-collared workers. As a result, women, who over-represent the informal economy as contingent workers, i.e., part-time, casual, temporary, and contract workers, along with immigrant workers are numerically weak in trade unions. Since the number of such workers is increasing in the present global economy, they should not be neglected in any form of representation meant for the betterment of workers' conditions. Indeed, the ILO has adopted amelioratingmeasures for these workers in its present agendas and frameworks on numerous occasions. However, there are inherent limitations in organizing these groups of workers. These flexible groups of workers came into being in the global economy because they are non-unionized andeasily expendable for employers. As they do not enjoy permanent or even long-term employment in a particular firm or place, it is difficult to establish a point of contact. In addition to such complexities, they might have dual employers, one principal employer and the other a contractor. These kinds of employment also lack contractual agreements and rights for the workers. Thus, unionization among such workers is a real challenge (Ledwith& Colgan, 2001, p. 3; Sundar, 2007, pp. 713-714 andKhan, 2010, p. 6). In a research report compiled by Global Labour University alumni, a few barriers have been identified that limit women's participation in trade unions. These barriers are patriarchal culture, male hostility and resistance, sexual harassment, unwillingness to share power, and household work (Chong & Ledwith, 2010, p. 9).

However, it does not mean that the informal economy and women workers are completely excluded from the trade union movement. The growing number of such workers makes it pertinent for the trade unions to consider them within their ambit. These categories of workers have also become vocal about their rights as workers. Thus, trade unions started to include women workers in their membership. Undoubtedly, membership provides strength to these unions as an entity. Otherwise, a fragmented and heterogeneous working class would create a crisis in the union movement. Membership of these workers not only increases the number of trade unions but also strengthens them. By including women workers, trade unions also enjoy legitimacy because of the added social dimension (Sundar, 2007, pp. 719-720). Although the door of membership opened for women and informal workers because of transitions in the global economy and labour market, the concerns of these groups of workers have not found their place in the unions' main agenda. Ideally, trade unions' priorities should include the needs and expectations of their members (Ratnam, 2007, p. 626).

Forrest (2001, pp. 658-659) identified a prominent problem of industrial relations that emphasises on similarities between men and women, although there is proper documentation of women's paid and unpaid work. Based on interviews conducted among workers and union representatives of an auto parts packaging plant in Canada she found that gender dimension was not given much importance in union campaigns. The workers' concerns, i.e., job security, fairness, and dignity did not seem to be gender specific by the interviewees. Some women interviewees acknowledged certain issues that they face for being women, such as unfair treatment, precarious job security etc. Dash (2019, pp. 32-34) conducted such aninterview-based study among committee members of Contract Workers' Union in India and drew three findings- (i) full participation of women is a myth, (ii) masculine leadership dominates unions, (iii) participation is monopolized by certain individuals holding an important position.

Hence, women workers' concerns are yet to become a priority issue in the agenda of many trade unions. Studies have found that trade unions exclude women from the decision-making structure. Gill Kirton, an employment relation expert, finds out about this in the United Kingdom. According to her, there is a democratic deficit in the union as women are underrepresented in the decision-making structure from the local level of workplace representatives to paid officials and executive bodies. Linda Dickens, Professor of Industrial Relations at Warwick Business School also finds that women workers' concerns are not adequately addressed. Women workers have other inherent constraints because of the double workloads at the workplace and at home. This puts them in a difficult position to take responsibility as union officeholders. According to another report by Global Labour University alumni, prepared in 2011, women comprise only 20 per cent of bargaining teams. Even when women have representation in the decision-making structure it does not necessarily mean that they represent the interest of working women. There are some unions like UNISON (UK) which have tried gender democracy strategies, i.e., reservation of seats in proportion to the number of women in the constituency but the desired result of empowerment has not been achieved. Many observe that the quota system would not bring change if it is not coupled with a change in the gendered division of labour between men and women (Yilmaz, 2014, p. 107). In most cases, new women members of unions are less likely to take part in the bargaining process. As result, men who are deemed to be experienced remain in an important position. Women members exercise self-censorship as they do not want to be accused of dividing issues of a larger movement. Women's issues like pay inequality and menstrual leave are considered subordinate to other demands within trade unions. At the time of negotiation with employers, these items are traded off from the agenda of trade unions. Employers often disagree with provisions which deem to be costly such as day-care facilities for working mothers or special leave for women workers. Barring reproductive health and protection against sexual harassment, all other women-related proposals in collective bargaining are traded off most of the time. Indeed, many unions do not pursue legal provision related to women workers and in many cases, workers' right is considered gender-neutral (Baker & Robeson, 1981, p. 26; McBride, 2001, pp. 1-8; Gracia,2002;Britwum& Ledwith, 2014, p. 8 and Lurie, 2014, pp. 94-96).

As a result of such discrimination and biases, women still find it difficult to have agency in trade unions. Their weak position in trade unions weakens their stand in the ILO. Thus, the tripartite structure comes into the picture again. In a personal interview, an ILO official expressed thatthe representative nature of ITUC and the IOE is very limited. Trade Unions do not represent the diverse world of work. The exclusive nature of the ILO's tripartism is also addressed by R. Cox (1971). According to him, the representational gap within the organization due to the lack of representation of informal, unorganized workers from developing countries became more

noticeable. In these countries, the size of the formal sector is minuscule so the trade unions are weak and employers' organizations hardly exist (Webster, 2011, p. 10). As a result, large numbers of the working population are also excluded from the decision-making process in the ILO.

However, there are instances of resilience when many women workers and activists fought their way to be part of not only the decision-making process in the ILC but also influence the standard setting process of ILO. SEWA was ironically formed around the same time when scholars were debating the limitation of the tripartite system and eventually became a trade union to be reckoned with.

SEWAand the Tale of Home-Work Convention (C177)

SEWA, which is based in a developing country, India, has made its mark as a women workers' trade union and has been a strong mover of some of the frameworks of the ILO ever since its formation.

India has a long history of trade unionism, one of the first unions Madras Labour Union was formed in 1918 and the first union movement happened after the First World War to coordinate activities of individual unions (Elembilassery, 2018, p. 437).However, unionization is still low in Indian working class. The density of trade unions is also lowest in India in the Asia Pacific region (Kapoor, 2007, p. 557). Unionization is even lower in the informal economy where women overrepresent (Spooner, 2004, p. 25 and Chatterjee, 2014, p. 45).In the case of India, women are underrepresented in trade unions. Sen (2021, p. 378) traced women's membership and leadership in trade unions in India during the colonial period. Although she talked about upper-class women steering union activities when male leaders were in jails, their participation dwindled from the 1950s. As per her a form of hypermasculinity in unionism emerged, as middle-class male leaders and working-class intermediate leaders capitalized on the helm of affairs. When the Centre of Indian Trade Unions (CITU), one of the major central unions of India was formed in 1970 there were no women members. By 2011 the membership of women was 31.9 per cent, which is an improvement. So, out of 5796033 members from 4487 unions, 1850892 were women members in 2011 (Rashmi, 2018, p. 618). Given this background and even the present condition, SEWA is incontrovertibly a union that deserves accolades. The section- *Women in the World of Work* has already portrayed the condition of women workers in the informal economy and how they are discriminated against. The previous section establishes how women workers lack decision-

making power in trade unions. Therefore, SEWA holds a unique position by being a trade union of unorganized women workers.

SEWA was founded in 1972 as a trade union by self-employed women workers in India comprising 14,12,148 members by 2017 (Kapoor, 2007, p. 557 and Self-Employed Women's Association, 2020). Ela Bhatt's role in the foundation of SEWA deserves special attention. Bhatt herself documented how the condition of women in the informal economy moved her to form SEWA in her book *We are Poor but So Many: The Story of Self-Employed Women in India*(2006). Even after a lifetime of service to women in the informal economy, she proceeded to describe the formation with a humble note that she could not claim to speak for these women but for herself. She through her account of experience and actions captured the history of SEWA as well as the state of women in the informal economy. She also credited her husband Ramesh Bhatt's support and help while charting this history.

Her journey with trade unions began in 1955 when she joined the legal department of TLA, which already had a unique origin. TLA was founded by Anasuya Sarabhai, the first woman trade union leader in India, and Mahatma Gandhi in 1920. Sarabhai also opened a women's wing in that union (Pathak, 2018).

A gradual decline of the textile industry in Ahmedabad in the 1960s led Bhatt to realize the unaccounted role of women in the informal economy. In 1968 when two major textile mills closed down Bhatt was tasked with a survey to assess the impact of the closure on families that depended on those mills. During her survey, she came across the reality that when men were protesting for the reopening of the mills, women shouldered the responsibility of running the homes. Bhatt recounted-

It was women who were earning money and feeding the family. They sold fruits and vegetables in the streets; stitched in their homes at a piece rate for middlemen; worked as labourers in wholesale commodity markets, loading and unloading merchandise; or collected recyclable refuse from city streets... These were informal, home-based jobs operated outside of any labour laws or regulations. They were jobs without definitions. I learned for the first time what it meant to be self-employed. None of the labour laws applied to them; my legal training was of no use in their case. Ironically, I first glimpsed the vastness of the informal sector while working for the formal sector. One was unprotected, the other protected-although both contributed to the national economy… to lump, such workforce into categories viewed

as ‘marginal,’‘informal,’‘unorganized,’‘peripheral,’‘atypical,’ or ‘the black economy’ seemed absurd to me. Marginal and peripheral to what, I asked. The mainstream was shrinking and the margins were getting wider! In my eyes, they were simply ‘self-employed.’ The diverse occupations of the self-employed evolved out of traditional, inherited occupational skills adapted to the changing needs of the times. Such diversity and adaptability signified the strength of the women! What they needed was the support of society and their government (Bhatt, 2006, pp. 8-9).

Hence, to give them a voice as workers Ela Bhatt or Elaben as she was called, not only founded a union but also initiated a movement. As an organization as well as a movement, SEWA exhibits an unprecedented commitment to improving the condition of the poorest in the informal economy, like petty vendors, domestic workers, laundry workers, contract labours, landless agricultural labours, construction workers, home-based workers, artisans and craftswomen, weavers, potters and the like. Through cooperatives, SEWA provides direct benefits to women workers in the informal economy and also helps unionization among the most unorganized (Saini, 2007,p. 826; Self-Employed Women’s Association, 2020 and Bonner, Horn &amp Jhabvala, 2018, p. 180).

As a result of SEWA’s work in the informal economy, the ILO India Office contacted it for a legal and policy research project aiming at increasing knowledge of informal women workers in 1980. The study initially tried to see how the workers could be included within the ambit of existing labour laws. However, it was soon decided that instead of bringing these workers within the ambit of existing laws, a new law would offer a better solution. So, based on the research, SEWA prepared a bill to address the labour rights of home-based workers. Bhatt, who was a Member of the Parliament of India then, presented the draft bill. Although the bill was not passed as an Act, it was the first time in the country that the informal workers became visible in the policy-making parlance. Nonetheless, SEWA continued its work for the informal workers both in the national and international domains. At the national level, the union has extended its branches far and wide in India. SEWA’s hard work has also brought policy changes in the country. In 2004, the Government of India approved a policy protecting street vendors and in 2008 passed legislation on the social security of informal workers (International Labour Organization, 2012 and Bonner et al., 2018, pp. 182).

The organization is also associated with international networks; SEWA collaborated with the International Federations of Food Workers (IUF) and

Textile, Garment, and Leather Workers (ITGLWF) and with some national trade unions to propagate home-based workers’ concerns. SEWA also assumed a pivotal position in the development of national and transnational networks. It founded the National Alliance of Street Vendors of India (NASVI), Street Net International and HomeNet International. Along with Harvard University and UNIFEM, SEWA initiated the Women in Informal Employment: Globalizing and Organizing (WIEGO) network in 1997 to bring together organizations of informal women workers. The network helps other membership-based organizations (MBOs) to organize, advocate, and also in fundraising. WIEGO also plays an important role in incorporating its research into mainstream labour economics (Crowell, 2003; Datta, 2003, pp. 355- 364 and Kapoor, 2007, pp. 557- 560).

Along with these networks and MBOs, SEWA continued its work to give home-based workers a framework to safeguard their rights as a worker. Women’s trade unions from other countries also recognized the need to have a framework for these neglected workers. SEWA connected with many home-based workers’ organizations from other countries like- Australia, Brazil, the United Kingdom, Italy, and Spain. These organizations were trade unions and NGOs dedicated to the cause of home-based workers. These organizations came together along with SEWA to have a Convention for home-based workers. HomeNet International became the lobbying front, and trade unions like the Dutch Trade Union Federation (FNV- *Federatie Nederlandse Vakbeweging*) and the German Trade Union Federation (DGB- *DeutscherGewerkschaftsbund*) helped HomeNet with fund and advocacy.UNIFEM helped in making contacts with governments. These organizations are also associated with ILO’s tripartite committee for the clothing industry, the staff of the Programme on Rural Women of EMPLOI andone of the Technical sections of the International Labour Office. The contribution of individuals like Martha Chen and JenneferSebstad is mention-worthy, as they provided much-needed statistical data to establish the case of home-based workers internationally (Bonner et al., 2018, p. 183 and Boris, 2021, p. 123).

In 1991, a Meeting of Experts on the Social Protection of Home Workers in Geneva was organized by the ILO in response to the campaign led by SEWA. Since then, home-based work has become a part of the ILO and the European Union’s agenda. However, it took a few more years to have a Convention on home-based workers. In the 82nd session of the ILC in 1995, the Committee on home-based workers carried out a contentious

discussion among employers, governments and workers' groups. The employers' group was against any Convention on home-based workers as they considered that it was difficult to ascertain their number and their work and there was no statistical evidence to determine these issues. The governments were also uncertain because of the same reason. Some trade unions also disputed the issue of home-based workers. They opined proposition of the Convention would undermine the wage agreements reached in factories and also render trade union movements weak. The presence of SEWA, which only had an observer status along with HomeNet, was also viewed with contempt by many trade unions. Some remarked that it was not a 'real' trade union (Datta, 2003, p. 364 and Bonner et al., 2018, p. 184). Thus, the discussion in the Committee was intense regarding the Convention.

The workers' group had compelling arguments. The IUF UITA IUL (Uniting food, farm and hotel workers worldwide) expressed-

The expansion of home-based work at the expense of formal, regulated employment deepens labour market inequalities both internationally and at the national level. Without international standards establishing minimal conditions and terms of employment, home-based workers are trapped in a global race to the bottom as employers compete internationally to produce at the lowest possible unit cost. Society as a whole is the loser in this global competition...there is no proof that minimum standards have reduced employment opportunities. What is true, however, is that the absence of minimum standards has contributed to the growth of child labour as the wages paid to home-workers are often far below the minimum requirement...the function of a Convention is to establish minimum standards. The proposed Convention is a flexible one, whose application, like all international Conventions, can under no circumstances serve to weaken existing national legislation which may contain specific provisions to the minimum standards (WIEGO).

In the 83rd session of ILC in 1996, the workers' group were ready with statistical evidence to show that the informal sector is expanding in the present global economy. According to Barbro Budin's account (2018) after the conclusion of the previous year's ILC, Ela Bhatt realized that it would be essential to have statistical data to present to the Committee in the next year's meeting. Therefore, she contacted Martha Chen, Lecturer at Harvard Kennedy School for help. Chen managed to get some statisticians to assemble the data. Hence, for the second meeting in 1996, there was a small booklet of data with Harvard University's stamp on it and that proved the credibility

of the research work. As a result, the employers could not keep arguing that there were no data. Thus, the process of negotiation had to be initiated for a Convention.

The negotiation process of the Convention was litigious. The definition of a home-based worker was debated in the Committee. There were two types of home-based workers in SEWA and in the Global South, the first type- individuals who work under a contractor and are paid by the piece rate and the second type-individuals who directly sell their produce in the market. On the other hand, in the Global North, the second category of self-employed workers doesn't exist, therefore, many trade unions from developed countries were not ready to consider this second category of workers. Thus, a compromise had to be made and self-employed home-based workers were not considered in the Convention. It was only after 2002 when Resolution concerning Decent Work and the Informal Economy was adopted, that the ILO officially recognized self-employed individuals as workers (Bonner et al., 2018, p. 184).

Interestingly, SEWA and HomeNet had observer's status in the Committee; however, their years-long lobbying along with WIEGO, led to the adoption of the *Home Work Convention* (C177) in 1996. Ela Bhatt was also in the Expert Committee to help draft a report to outline the course of the discussion. Thus, despite hostility from the employers' groups, the Committee succeeded in achieving enough votes in favour of the Convention. Lobbying in national government paid off as many governments supported the Convention. It also broadened ILO's narrow definition of work by including informal and home-based workers. According to Ela Bhatt, before this Convention was adopted, the ILO had a narrow vision of the definition of work as employer-employee transactions (Rowbotham, 1995; Vosko, 2002, p. 35; Nayak, 2003, pp. 410-411; Boris & Jensen, 2012, p. 7; International Labour Organization, 2014 and Bonner et al., 2018, pp. 184-185).

The broadened approach of the ILO towards the definition of work subsequently led to the adoption of the *Domestic Workers Convention (C189)* in 2011. SEWA again played a crucial role in the adoption of this Convention. The field study conducted by the SEWA to understand the migration of women and girls to work in the domestic sphere which also leads to trafficking at times is one of the pushes behind the adoption of the mentioned Convention. However, the most remarkable role is played by the International Domestic Workers Federation (IDWF), a WIEGO affiliate and federation of domestic workers of the world. This network was instrumental

in mobilizing domestic workers to come together and raise their voices for their rights (International Labour Organization, 2015 and Fish, 2017).

Thus, SEWA, a union of informal, unorganized workers has exerted a considerable impact on these frameworks of the ILO. Its partner unions and organizations have provided a voice to neglected and excluded sections of the economy. Now that their concerns have become clauses in the mentioned Conventions, the agency of women within the tripartite structure and trade unions can be assumed to be improved. However, SEWA has been subjected to humiliation and non-recognition as a trade union by other leading trade unions. The cold war between conventional trade unions and SEWA upholds the former's inclination towards the status quo. SEWA which was initially associated with TLA was no longer tolerated by the latter. There were often clashes regarding the demands of SEWA within TLA. Thus, in 1981 SEWA started an independent journey (SEWA 2016). However, the obstacles were not over. In 2005 SEWA applied for the status of a central trade union. But they faced rejection by a Standing Committee comprised of twelve members of Central Trade Union Organizations (CTUOs). The reason for rejection was that SEWA was not registered in four states of India. SEWA took legal recourse and emerged victorious to become a central union. The same thing happened again when it applied to the International Confederation of Free Trade Unions (ICFTU) for membership in 2005. The opposition came from the existing Indian affiliates of the ICFTU. Fortunately, a Mission from the ICFTU visited the SEWA to examine these objections. Subsequently, SEWA has been admitted to its fold later. These incidents are an indication of the fact that new forms of labour organizationsare not welcomed by mainstream, conventional trade unions (Ratnam, 2000, p. 87; Sundar, 2006,p. 911 and Sundar, 2007, pp. 727-729).

Recalling such an ordeal, Ela Bhatt in the inaugural speech of National Centre for Labour, (1995) quoted-

How can I forget the day at an Annual Conference of one Central Labour Union where I was a delegate of SEWA, representing the unorganized women workers and speaking about their problems of exploitation and I was hooted out. The others made me sound ridiculous! There was no one delegate to support me there at that time except my own members! We had to swallow the humiliation... what place it (unorganized sector) has in the labour movement? The labour of the unorganized sector remains totally unrepresented at all the significant forums of decision-making. We want our representation there... I say that the unorganized sector labour remains

unrepresented because of the combined bias of our Government and the Organized Trade Unions who have merely 7% workforce of the country within which only 25% to 30% are unionized. Let us build up our organized strength to reclaim our rightful place in the mainstream. When unorganized labour will be recognized by the mainstream (we are the mainstream, in fact), the whole structure of society - economic and social - will be changed. Private and Public Sectors, of course, will remain, but the People's Sector will become the most important backbone of the national economy. And we are the People's Sector. We are the majority (Ratnam, 2007, pp. 632-633).

Renana Jhabvala, National Coordinator of SEWA also recounts:

We are workers and want to register a trade union, Ela Bhatt, the founder of SEWA, and a group of head-loaders and street vendors told the Registrar of Trade Unions in Ahmedabad, India, 40 years ago. "We want to name it the Self-Employed Women's Association." The Registrar was uncertain, "You don't have any employer, you don't work in factories, how can you be called workers?" he asked. "And you are all women. We cannot have a trade union with only women" (Bonner et al., 2018, p. 179).

These statements by Bhatt and Jhabvala succinctly capture how conventional trade unions consider women workers and union by them. This aversion by conventional trade unions coupled with the complexities that they encounter many women's trade union leaders feel that their role and responsibilities are more difficult than male union leaders. They have to be exemplary to lead un-unionised women. They are also burdened with household work that male leaders do not have. Thus, in their comparison male leaders find more time to devote to their union work (Britwum, 2014, pp. 127-28). Notably, Bhatt was not even allowed to talk in the Plenary session for the *Home-Work Convention* because of the exclusionary nature of tripartism. Ironically, she was one of the ardent initiators of this Convention (Budin, 2018). As it is apparent, mainstream trade unions at times try to create an obstacle for unions by women workers. These constraints prove that it was not an easy journey for SEWA to reach out to the ILO with the concerns of women workers. It has also become obvious that agency within trade unions determines agency within the ILO. Luckily, the determination of Bhatt bore fruit and SEWA has become one of the mainstream and influential trade unions today.

Conclusion

It is difficult to quantify something such as the agency of women workers within the ILO. The conventional and mainstream trade unions are not representative of women workers or their concerns. This impacts women who work in the informal economy or perform unconventional work. The expansion of the Global economy and subsequent transition in the world of work requires the Organization to expand its vocabulary, standards and frameworks. Thus, the unconventional unions are not only lobbying and campaigning for the interests of the groups that they represent but also drawing ILO's attention to the ever-changing labour market. In the process, they have achieved or have been trying to achieve agency within the Organization. SEWA along with UNIFEM, WIEGO, and HomeNet have earned the distinction of having some amount of agency within the organization. However, does their work and having a Convention impact the lives of home-based workers needed to be addressed. More than twenty years have passed since the adoption of this Convention; so, it is expected that there is an improvement in the lives of home-based workers. However, there is still an ongoing movement by these workers for their rights. The ratification rate of the Convention draws the real picture. There are only ten countries that have ratified the Convention so far including- Albania, Argentina, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, Ireland, the Netherlands, Tajikistan, and the former Yugoslav Republic of Macedonia. Ironically, India has not ratified the Convention, although SEWA played a crucial role in the adoption of this Convention. Nevertheless, the positive development lies in the fact that a movement has emerged from this process and workers worldwide have become more united. Attention is drawn to the informal economy, and unconventional work and subsequently another movement has emerged- the movement by the domestic workers, for an International Convention. In terms of ratification, the *Domestic Workers Convention* is more successful than the former. So far, twenty-five countries have ratified it in the last seven years. According to Barbro Budin (2018), when the *Home-Work Convention* was adopted, the World was not yet ready for such a framework; which may explain the low rate of ratification.Indeed, ratification or non-ratification by states is a curious case and a lot of literature exists explaining such behaviour of the states. Most often many states do not ratify a Convention on the ground that there are already existent national policies in the country dealing with the issue. In fact, constituents of the tripartite structure of a particular country continue with their lobbying within the country when the government considers a Convention for ratification or non-ratification.

Nonetheless, a movement has emerged and workers in the informal economy have become aware of their rights as workers and the role of organizing for collective bargaining. Thus, the inclusive nature of trade unions and broader outlook would make the world of work much better for workers, even for those who are in the informal economy. But the path remains long as the informal economy is becoming more complex and unregulated. Therefore, there are many more issues that the ILO also needs to consider as a world forum dedicated to workers' betterment. Even though the ILO's credibility is questioned because of its lack of sanctioning authority, this organization will remain an important one in today's world. Its unique tripartite structure (which needs reform to become more inclusive) and frameworks including Conventions, Recommendations and Declarations definitely influence the world of work.

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