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Beyond Bargaining Councils: Non-Union Worker Voice in South Africa's Informal Economy

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ABSTRACT

This article explored the dynamics of the voice of non-union workers within South Africa's informal economy, a vital but institutionally marginalised sector. It investigated how informal workers, excluded from formal structures such as trade unions and bargaining councils, create alternative forms of collective representation, resistance, and negotiation. Using a qualitative, interdisciplinary approach that blends labour studies, socio-legal analysis, and grounded case studies, the research uncovered diverse mechanisms of worker voice, including informal associations, faith-based initiatives, digital platforms, and NGO-led advocacy. The findings revealed that while these forms of expression demonstrate adaptability and contextual sensitivity, they are hampered by legal invisibility, weak institutional support, and fragmented structures. Despite these challenges, they highlight innovative pathways through which labour agencies can thrive under conditions of informality and state disengagement. The article contributes to debates on inclusive labour governance by proposing a hybrid model that moves beyond union-centric paradigms. It calls for the formal recognition of alternative voice mechanisms, the integration of grassroots organising into labour policy, and broader multi-stakeholder support. These recommendations seek to foster a more equitable and representative industrial relations framework that aligns with the lived realities of informal workers in South Africa and comparable global contexts.

Keywords: Informal, Economy, Non-Union Voice, Collective Representation, Labour Relations, Worker Agency, Advocacy Campaigns, South Africa

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INTRODUCTION

South Africa's industrial relations system has long been shaped by a robust architecture of formalised institutions, most notably trade unions, collective bargaining frameworks, and tripartite mechanisms such as the National Economic Development and Labour Council (NEDLAC). These structures have historically served as foundational pillars of post-apartheid labour democracy, facilitating workers' voices, protecting labour rights, and ensuring dialogue between the state, employers, and organised labour.[1] Trade unions in particular have played a critical role not only in negotiating better wages and working conditions but also in shaping broader socio-economic and political reforms during and after apartheid. Therefore, the South African model of corporatism has provided a relatively stable platform for industrial engagement within the formal economy.

[1] S. Buhlungu, *A Paradox of Victory: COSATU and the Democratic Transformation in South Africa* (University of KwaZulu-Natal Press, 2010).

However, this formalist orientation has left significant segments of the labour force excluded, most notably the millions of South Africans engaged in informal work. The informal economy, which accounts for approximately 30% of total employment, remains largely outside the purview of traditional labour institutions.[2] Workers in this sector include street vendors, domestic workers, informal waste pickers, taxi operators, spaza shop owners, and, more recently, platform-based gig workers. Despite their vital contributions to livelihoods, local commerce, and urban economies, these workers lack access to standard labour protections such as minimum wages, collective bargaining rights, unemployment insurance, and health and safety regulations.[3]

Informality is not a marginal or transitional feature of South Africa's labour market; rather, it is a structural reality deeply intertwined with the country's history of racial exclusion, economic inequality, and spatial segregation. Many informal workers are black, female, poor, and located in peripheral urban or rural areas - demographics that bear the imprint of apartheid's legacy and the failures of neoliberal restructuring in the democratic era.[4] As such, informal work is not only precarious in material terms but also politically disenfranchised. The dominant frameworks of worker representation - rooted in Fordist models of formal employment - fail to accommodate the complexities of informal livelihoods.

This exclusion from formal industrial relations institutions has prompted a rethinking of how "worker voice" is conceptualised and practised in the informal economy. Traditional definitions of a worker's voice often presuppose a formal employment relationship, an identifiable employer, and access to collective bargaining machinery.[5] However, informal workers, who typically lack written contracts, formal workplaces, or legal recognition, must forge alternative pathways to representation and agency. These pathways are diverse and contextually dependent, encompassing informal worker associations, neighbourhood and faith-based networks, mobile communication platforms, and NGO-facilitated advocacy campaigns.[6] Such mechanisms demonstrate that voice can be exercised beyond the institutionalised spaces of trade unions and bargaining councils.

Importantly, these emerging voice forms are not simply compensatory or reactive. They represent innovative strategies of self-organisation, resilience, and political engagement. Informal workers are not passive recipients of state neglect; they are active agents constructing new modalities of collective action. Whether through street traders mobilising against municipal by-laws, domestic workers seeking inclusion in social protection schemes, or gig workers protesting algorithmic exploitation, these actors are reshaping the terrain of labour struggle in ways that challenge the formal/informal binary.[7]

This article aims to explore the multiple and dynamic forms of non-union worker voice that have emerged within South Africa's informal economy. Its central contention is that informal workers, far from being voiceless or disorganised, have developed sophisticated and context-specific mechanisms for representation, advocacy, and negotiation. Drawing on an interdisciplinary literature base and grounded empirical studies, the article aims to map these alternative voice forms and examine their capacities and limitations in securing worker agency.

To this end, the article is structured as follows: Section 2 presents the conceptual framework for understanding the voice workers in informal settings, challenging traditional union-centric models. Section 3 identifies and discusses various typologies of non-union voice mechanisms currently practised in South Africa's informal economy. Section 4 outlines the structural challenges that inhibit the effectiveness of these forms, including legal exclusion, fragmentation, and gendered marginalisation. Section 5 proposes a hybrid framework for inclusive labour governance that incorporates both formal and informal mechanisms of representation. Finally, Section 6 concludes with a normative argument for reimagining labour relations to reflect the plural realities of work in South Africa today.

In undertaking this analysis, the article contributes to a broader discourse on labour rights in the global South, where informality is the norm rather than the exception. Recognising and valuing the

[2] Statistics South Africa, *Quarterly Labour Force Survey, Q4 2023* (Pretoria: Stats SA, 2023), https://www.statssa.gov.za.
[3] Martha Alter Chen, "The Informal Economy: Definitions, Theories and Policies," 2012.
[4] J. Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983-1991* (David Philip Publishers, 2010).
[5] R. B. Freeman and J. L. Medoff, *What Do Unions Do?* (Basic Books, 1984).
[6] Edmund Heery, "The Representation Gap and the Future of Worker Representation," *Industrial Relations Journal* 40, no. 4 (2009): 324–36.
[7] L. Alfers, F. Lund, and R. Moussie, "Informal Workers and the Social Protection Response to COVID-19," *International Social Security Review* 71, no. 2 (2018): 95–11.

multiplicity of forms of worker voice, the study offers a critical intervention in contemporary debates on labour justice, social inclusion, and democratic participation in fragmented economies.

CONCEPTUAL FRAMEWORK

Rethinking Worker Voice in Informality

The notion of "workers' voice" has been a central theme in industrial relations scholarship, typically conceptualised as the ability of workers to express grievances, contribute to workplace decision-making, and influence organisational or policy outcomes through recognised channels such as collective bargaining, consultation procedures, or union representation.[8] Within formal employment contexts, these channels are legally and institutionally embedded: Trade unions are recognised as legitimate representatives, grievance procedures are codified in employment contracts, and labour statutes guarantee minimum conditions and protections. Voice, in this traditional sense, is both a legal entitlement and an institutionalised practice.

However, the rise of informal employment in both the global South and North challenges this classic formulation. Informal work is characterised by the absence of legal contracts, social security coverage, and clear employer-employee relationships.[9] As such, the standard mechanisms of a worker's voice become either inaccessible or ineffective. Informal workers are often atomised, working from homes, streets, or digital platforms, and lack the organisational infrastructure necessary to engage in formal industrial relations. Moreover, the legal frameworks that govern labour relations in South Africa - such as the Labour Relations Act (LRA) - tend to assume the existence of identifiable employers and workplace-based collectives, assumptions that do not hold in most informal settings.[10]

In response to these structural exclusions, scholars have broadened the concept of the worker's voice to encompass a wider array of practices that do not necessarily rely on formal recognition or institutional support. This includes what is increasingly referred to as *non-union voice* - a heterogeneous field of practices through which workers articulate demands, negotiate power relations, and contest injustice outside conventional union structures.[11] Non-union voice may take the form of informal negotiations with authorities, social media campaigns, alliances with community-based organisations, or participation in political protests and legal advocacy. These forms are often decentralised, episodic, and situated within broader socio-economic and spatial contexts.

Unlike institutionalised voice, which typically functions within predefined rules and bureaucratic procedures, non-union voice is characterised by its improvisational and often disruptive nature. It is frequently mediated through networks of solidarity, localised forms of knowledge, and hybrid governance arrangements. For instance, in many South African cities, street traders have developed informal associations that collectively negotiate with municipal authorities for trade permits or defend against evictions.[12] Similarly, domestic workers - often operating in private households - organise through faith-based networks, WhatsApp groups, or support from NGOs to advocate for better conditions and policy recognition.[13]

Importantly, these alternative expressions of voice are not necessarily less legitimate or less effective than formal mechanisms. On the contrary, they reflect a contextually grounded form of labour agency that is both adaptive and resilient in the face of marginalisation. Non-union voice strategies demonstrate that informal workers do not passively accept exploitation; rather, they actively construct new modes of engagement that align with their lived realities, social networks, and political environments.[14]

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[8] Freeman and Medoff, *What Do Unions Do?* ; A. O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organisations, and States* (Harvard University Press, 1970).

[9] Chen, "The Informal Economy: Definitions, Theories and Policies."

[10] "Labour Relations Act of 1995 (LRA)." (n.d.).

[11] Heery, "The Representation Gap and the Future of Worker Representation."

[12] C. Skinner, "Challenging City Imaginaries: Street Traders' Struggles in Warwick Junction," in *Urban Africa: Changing Contours of Survival in the City*, ed. E. Pieterse and A. Simone (Zed Books, 2010), 242–64.

[13] S. Ally, *From Servants to Workers: South African Domestic Workers and the Democratic State* (Cornell University Press, 2009).

[14] Marcel Paret, "Violence and Democracy in South Africa's Community Protests," *Review of African Political Economy* 42, no. 143 (2015): 107–23.

In the South African context, conceptualising worker voice outside formal unionism also necessitates an intersectional approach. Informal workers face overlapped vulnerabilities rooted in gender, race, class, migration status, and spatial inequality. For example, female domestic workers often face gendered hierarchies that silence their concerns while undocumented migrant workers may fear retaliation or deportation if they engage in open protest or formal complaints.[15] Consequently, the voice strategies they employ are shaped not only by economic insecurity but also by social exclusion and legal invisibility. These dynamics underscore the importance of analysing voice as a relational and situated practice, rather than a purely institutional or procedural one.

This article, therefore, adopts a grounded and interdisciplinary conceptual framework for understanding non-union worker voices. It draws on labour studies, political sociology, feminist theory, and urban governance to examine how voice is exercised, constrained, and negotiated in the informal economy. Rather than assuming the absence of organisation or political engagement, the article recognises the multiple, hybrid, and often subversive ways in which informal workers articulate their claims. By doing so, it aims to illuminate the broader possibilities for inclusive labour governance and democratic participation in contexts where formal labour institutions have limited reach or legitimacy.

In summary, rethinking worker voice in conditions of informality requires moving beyond the binaries of formal/informal, legal/illegal, and unionised/unorganised. It involves recognising that power operates not only within state-sanctioned institutions but also within everyday struggles, social ties, and community-based formations. The task of labour researchers and policymakers, then, is not simply to replicate existing models of representation but to engage seriously with the diverse and evolving realities of how workers, particularly those on the margins, seek to be heard and to transform their conditions of work.

Typologies of Non-Union Voice Mechanisms in the Informal Economy

Informal Worker Associations and Sectoral Organising

One of the most prominent and impactful forms of non-union worker voice within South Africa's informal economy is the emergence and proliferation of informal worker associations. These grassroots organisations represent a collective response by informal workers to the structural exclusion from formal labour relations institutions such as trade unions and bargaining councils. Despite the lack of formal legal recognition under South African labour law, these associations operate as de facto representatives and advocates for the economic and social interests of informal workers across diverse sectors.

Notable examples include the South African Informal Traders Alliance (SAITA), the South African Domestic Service and Allied Workers Union (SADSAWU), local street trader committees, and sector-specific groups representing waste pickers, market vendors, and taxi operators. These bodies have developed organically from the workers themselves or with the assistance of supportive NGOs and community activists.[16] Their formation responds directly to the pressing need for collective organisation in the face of frequent harassment, displacement, and socio-economic marginalisation.

These informal worker associations engage with a wide array of issues critical to their members' survival and dignity. Marketspace allocation is a primary concern, as access to safe, affordable, and legal trading locations often determines the viability of livelihoods. Municipal by-laws and regulatory enforcement frequently criminalise or restrict informal trading activities, resulting in evictions, confiscation of goods, and fines.[17] Associations thus mobilise collectively to negotiate or contest such regulations, often advocating for more inclusive urban policies that recognise informal traders as legitimate economic actors.[18]

In addition, access to basic sanitation, water, shelter, and infrastructure is a key organising platform for these groups. Many informal workers operate in precarious physical environments, lacking the amenities and protections afforded to formal workplaces. Associations demand improved service delivery

[15] Alfers, Lund, and Moussie, "Informal Workers and the Social Protection Response to COVID-19."
[16] Skinner, "Challenging City Imaginaries: Street Traders' Struggles in Warwick Junction."
[17] Skinner, "Challenging City Imaginaries: Street Traders' Struggles in Warwick Junction."
[18] S. Roever and C. Skinner, "Street Vendors and Cities," *Environment and Urbanisation* 28, no. 2 (2016): 359–74.

and infrastructure investments, linking their economic rights to broader urban governance issues.[19] This spatial dimension of informal work is critical, as the presence of informal workers in urban public spaces is both an economic necessity and a site of political contestation.

Protection against harassment and violence by state authorities, such as municipal enforcement officers and the police, constitutes another core area of advocacy. Informal worker associations frequently document and publicise instances of police brutality, extortion, and arbitrary arrests, using collective action - including petitions, protest marches, and media campaigns - to hold authorities accountable.[20] These efforts highlight the precarious legal and social position of informal workers and the urgent need for human rights-based approaches to urban regulation.

To advance their causes, informal worker associations deploy a diverse repertoire of tactics. Petitions and open letters to municipal councils or government departments articulate demands and seek formal engagement. Public demonstrations and marches, often in alliance with civil society organisations, create visibility and political pressure. Media campaigns that use traditional outlets and social media platforms amplify the voices of workers beyond local constituencies.[21] Participation in consultative forums and local government structures, when accessible, provides opportunities for dialogue and negotiation.

Despite these important roles, informal worker associations often face significant constraints. Organisational capacity is frequently limited by scarce financial and human resources, reliance on volunteer labour, and the absence of steady funding streams.[22] Leadership turnover and internal conflicts can hinder sustained mobilisation. In addition, the heterogeneity and fragmentation sometimes result in competing or overlapping groups within the same sector or locality, diluting collective bargaining power.

Nevertheless, the resilience and adaptability of these associations demonstrate their centrality as non-union sites of worker representation. They fill a critical gap left by formal labour institutions, enabling marginalised informal workers to articulate their needs, negotiate with power holders, and build collective identities.[23] Recognising and supporting the legitimacy of these associations is vital to advance inclusive labour governance and social justice in South Africa's informal economy.

Community-Based and Faith-Based Solidarity Networks

In the absence of formal workplace institutions and statutory labour protections, many informal workers in South Africa turn to community-based and faith-based structures as vital sources of collective support, representation, and voice. These networks function not merely as social safety nets but as dynamic spaces where informal workers can articulate grievances, organise collective action, and negotiate power relations within their broader socio-economic environments. Given the fragmentation and precariousness of informal livelihoods, such solidarity networks often represent the most accessible and effective means of sustaining worker agency and fostering resilience.

Religious institutions - notably churches, mosques, and traditional faith groups - play a particularly influential role in this regard. Historically, churches in South Africa have been deeply entwined with anti-apartheid activism and social justice movements, providing platforms for community mobilisation, political education, and moral framing of labour struggles.[24] Within the informal economy, churches continue to serve as important sites of mobilisation by offering venues for meetings, disseminating information, and legitimising collective claims for dignity and rights. Many informal workers view their faith communities not only as spiritual homes but as forums where economic injustices are named and contested collectively. For example, church gatherings often include discussions about unfair treatment

[19] Ivan Turok and Jacqueline Borel-Saladin, "Is Urbanisation in South Africa on a Sustainable Trajectory?," *Development Southern Africa* 31, no. 5 (2014): 675–91.
[20] C. Bénit-Gbaffou and S. Oldfield, " Living Informality: Everyday Practices and Politics of Street Trading in Durban, South Africa," *African Studies* 70, no. 2 (2011): 235–55.
[21] L. Alfers, "'If I Do Not Have a Home, Where Do I Go?': Home and Housing for Women in the Informal Economy," *Environment and Urbanisation* 28, no. 2 (2016): 525–36.
[22] C. C. Williams, *Beyond Business Informality: Understanding the Informal Economy in Developing Countries* (Routledge, 2014).
[23] Skinner, "Challenging City Imaginaries: Street Traders' Struggles in Warwick Junction."
[24] A. Devenish, " Churches, Workers, and Social Justice: Reimagining Alliances in the Post-Apartheid City," *Journal of Southern African Studies* 46, no. 5 (2020): 893–910.

by municipal authorities, wage theft, or unsafe working conditions, linking faith-based values to demands for economic justice.

Beyond religious spaces, burial societies and stokvels - traditional forms of rotating savings and credit associations - play a critical role in fostering social cohesion and mutual aid among informal workers. These financial cooperatives are widespread in South African townships and informal settlements, where formal banking access is limited. By pooling resources and sharing financial risks, stokvels not only enhance economic security but also create dense social networks of trust and reciprocity. Such groups often double as platforms for collective deliberation on work-related challenges and community issues, effectively functioning as grassroots forums for worker voice and collective problem-solving.[25]

Moreover, civic associations and local community groups often provide informal workers with important avenues for participation in municipal governance and urban policymaking. These groups can range from tenant associations to local development committees and neighbourhood watch forums. Because the livelihoods of informal workers are closely linked to public spaces and municipal regulations, these community organisations serve as important intermediaries between workers and local authorities. They offer opportunities for informal workers to voice concerns about urban infrastructure, access to markets, harassment by enforcement officials, and social services. Through participation in such bodies, informal workers can influence local decisions that directly impact their economic survival.[26]

An important characteristic of community and faith-based solidarity networks is their ability to transcend occupational and sectoral boundaries, thereby fostering solidarities that are more inclusive than those typically formed through workplace-based unions. For example, stokvels and church groups bring together informal traders, domestic workers, casual labourers, and unemployed community members, creating a shared sense of identity rooted in common social and economic marginalisation rather than specific job categories. This cross-cutting solidarity is critical in fragmented informal economies, where workers' precariousness is compounded by intersecting identities such as race, gender, and migration status.

In addition to facilitating collective voice and action, these networks provide crucial emotional and psychosocial support. Informal work is often isolating, stressful, and precarious, and the mutual encouragement and care fostered within solidarity networks contribute significantly to workers' capacity to endure economic hardships and to sustain collective mobilisation over time. Such affective dimensions of worker organisation are frequently overlooked in formal labour relations analyses, but are central to the lived experiences of informal workers.

However, while community-based and faith-based networks offer important spaces for non-union voices, they also face challenges. Their informal and often voluntary nature can limit organisational capacity and political leverage. Additionally, power imbalances within communities, such as patriarchal structures or leadership monopolies, may constrain the inclusiveness and representativeness of these networks, especially for women, youth, and migrant workers. Despite these limitations, these solidarity networks remain a vital and resilient cornerstone of worker voice in South Africa's informal economy.

Digital Platforms and Mobile Communication

The rapid expansion of mobile technologies and social media has fundamentally transformed the landscape of worker voice within the informal economy of South Africa, opening unprecedented avenues for communication, mobilisation, and collective action. Digital platforms such as WhatsApp, Facebook, Twitter, YouTube, and community radio stations have become indispensable tools that informal workers increasingly use to share vital information, coordinate protests, advocate for rights, and amplify their struggles beyond local geographies.[27]

One of the most significant advantages of digital platforms is their ability to facilitate real-time, low-cost, and mass communication. WhatsApp groups, for instance, have become popular organisational

[25] Seekings, *The UDF: A History of the United Democratic Front in South Africa, 1983-1991*.
[26] S. Oldfield and C. Bénit-Gbaffou, "Negotiating Urban Governance: Community Associations and Local Government in Johannesburg, South Africa," *Urban Studies* 56 (2019): 2736–53.
[27] J. Berg et al., *Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World* (Geneva: International Labour Organisation, 2021).

spaces for informal worker collectives, allowing members to rapidly disseminate news about labour conditions, upcoming strikes, or harassment incidents.[28] These messaging groups often function as virtual forums where workers exchange advice, report employer abuses, and strategise joint actions, effectively replacing traditional physical meeting spaces, which may be inaccessible or unsafe.

In the burgeoning gig economy, digital communication tools are particularly salient. Gig workers affiliated with food delivery and ride-hailing platforms - such as Uber Eats and Bolt Food - have leveraged WhatsApp and social media campaigns to coordinate mass walkouts and protests against exploitative pay structures, algorithmic management, and arbitrary deactivations.[29] These digital protests have not only drawn public attention, but have also pressured platform companies and policymakers to engage with workers' demands, illustrating the capacity of digital voice to translate into tangible advances in labour rights.

Community radio stations, often coupled with social media, provide additional layers of voice amplification. These stations serve linguistically and culturally diverse informal worker populations by broadcasting labour rights information, worker testimonials, and calls to action in local languages, bridging gaps in literacy and formal education.[30] This hybrid digital-traditional media strategy strengthens the inclusivity and reach of informal worker organising.

Digital platforms also enhance the visibility and scale of informal worker struggles, allowing localised issues to gain national and even global resonance. Viral social media campaigns, hashtags, and online petitions can mobilise solidarity from civil society, NGOs, and international labour rights organisations. This digital visibility challenges the invisibility that often hides informal work and elevates informal workers as active political subjects rather than passive victims.[31]

However, the adoption of digital voice mechanisms is not without challenges and risks. The digital divide remains a critical barrier - unequal access to smartphones, affordable data, and stable internet connectivity disproportionately excludes women, rural workers, and the poorest informal workers from participating fully in digital organising.[32] This uneven access risks exacerbating existing inequalities within informal worker communities.

Moreover, digital platforms expose informal workers to new forms of surveillance and control. Platform companies employ algorithmic monitoring that shapes workers' access to jobs and earnings, often without transparency or recourse.[33] State authorities may also survey online organising activities, censor dissent, or spread misinformation to undermine worker mobilisation efforts. The ephemeral and fast-moving nature of digital communication can sometimes lead to the rapid spread of misinformation or factionalism, potentially fragmenting collective efforts.

Despite these vulnerabilities, digital platforms represent an important and expanding frontier for non-union worker voice in the technologically mediated world of work. They complement offline organising strategies, providing flexibility, speed, and broad reach that traditional methods lack. Furthermore, they open new possibilities for cross-sectoral alliances, enabling informal workers to connect across urban and rural divides and build transnational solidarities with informal workers globally.[34]

NGO and Legal Support Interventions

Civil society organisations and legal advocacy groups are a vital pillar in the ecosystem of non-union worker voice within the informal economy of South Africa. These organisations play a pivotal role in amplifying the concerns of informal workers, bridging the gap between marginalised grassroots

[28] Fairwork Foundation, " Fairwork South Africa Report 2022: Labour Standards in the Platform Economy," 2022, https://fair.work/wp-content/uploads/sites/97/2022/10/Fairwork-South-Africa-Report-2022.pdf.

[29] Mark Graham, Isis Hjorth, and Vili Lehdonvirta, "Digital Labour and Development: Impacts of Global Digital Labour Platforms and the Gig Economy on Worker Livelihoods," *Transfer: European Review of Labour and Research* 23, no. 2 (2017): 135–62.

[30] B. Mutsvairo and D. Katamba, "Community Media, Digital Activism, and Social Change: The Role of Community Radio in the Digital Age," *Journal of African Media Studies* 12, no. 3 (2020): 373–88.

[31] T. Scholz, *Platform Cooperativism: Challenging the Corporate Sharing Economy* (Rosa Luxemburg Stiftung, 2016).

[32] Graham, Hjorth, and Lehdonvirta, "Digital Labour and Development: Impacts of Global Digital Labour Platforms and the Gig Economy on Worker Livelihoods."

[33] A. Rosenblat and L. Stark, " Algorithmic Labour and Information Asymmetries: A Case Study of Uber's Drivers," *International Journal of Communication* 10 (2016): 3758–84.

[34] Fairwork Foundation, " Fairwork South Africa Report 2022: Labour Standards in the Platform Economy."

communities and formal institutions of power. They offer critical forms of support - ranging from legal aid and policy advocacy to research, public education, and organisational capacity-building - that enable informal workers to assert their rights and engage meaningfully with state and corporate actors.

Key organisations such as the Socio-Economic Rights Institute of South Africa (SERI), Women in Informal Employment: Globalising and Organising (WIEGO), and the Centre for Applied Legal Studies (CALS) exemplify this engagement. Through strategic litigation, research, policy lobbying, and grassroots empowerment initiatives, these NGOs facilitate the translation of localised worker grievances into legally and politically actionable claims.[35] Their work is essential in contexts where informal workers lack direct access to formal labour protections and legal recourse.

One of the primary functions of these organisations is to act as intermediaries between informal workers and the state. Informal workers often face significant barriers in navigating complex legal systems or engaging in government bureaucracies. NGOs and legal advocacy groups therefore serve as critical translators, mediators, and advocates - helping to articulate worker demands in legal terms, drafting court submissions, and engaging in policy dialogues. By doing so, they extend the reach of the informal worker voice into the corridors of power where labour laws and urban regulations are shaped and enforced.[36]

Their interventions have yielded important and tangible outcomes. For example, SERI-supported strategic litigation has successfully challenged unlawful municipal evictions of street traders, with courts affirming informal workers' rights to livelihood and protection against arbitrary displacement.[37] These victories not only secure immediate protections for affected workers but also set important legal precedents that enhance the broader regulatory environment for informal work. Similarly, WIEGO's research and advocacy have contributed to international and national policy frameworks that seek to extend social protection, occupational health and safety standards, and formal recognition to informal workers, particularly women.[38]

Beyond legal challenges, non-governmental organisations (NGOs) actively engage in capacity-building efforts to strengthen the organisational and advocacy skills of informal worker groups. This includes training in leadership development, rights education, negotiation tactics, and strategic planning. Such initiatives empower informal workers to articulate their claims more effectively, participate in governance forums, and sustain collective mobilisation over time. By building the organisational infrastructure necessary for collective voice, NGOs contribute to more democratic and self-sustaining forms of worker representation.[39]

Despite these significant contributions, NGO and legal support interventions are not without limitations. Critics note that NGOs may not always be fully democratically accountable to grassroots constituencies, raising questions about representation and legitimacy.[40] The dependency on donor funding can also influence priorities and sustainability. Furthermore, legal and policy reforms achieved through NGO advocacy can be slow to translate into effective enforcement on the ground, especially when local authorities lack capacity or political will. The diverse and fragmented realities informal workers sometimes resist neat categorisation within legal frameworks, complicating efforts to extend formal rights and protections.[41]

Nevertheless, the role of civil society organisations and legal advocates remains indispensable in the broader project of expanding worker voice and labour rights in South Africa's informal economy. Their capacity to link grassroots struggles with institutional change, provide expert knowledge, and mobilise international solidarity improves the prospects for more inclusive, just, and responsive labour governance. Moving forward, deepening partnerships between NGOs, informal worker organisations, and

[35] Women in Informal Employment: Globalising and Organising (WIEGO)., " Informal Economy Monitoring Study, South Africa Report.," 2020, https://www.wiego.org.
[36] F. Lund and C. Skinner, " Transforming the Informal Economy: The South African Experience," *Development Southern Africa* 32, no. 2 (2015): 132–47.
[37] Lund and Skinner, " Transforming the Informal Economy: The South African Experience."
[38] M. Chen, J. Vanek, and M. Carr, " Women and Men in the Informal Economy: A Statistical Picture (3rd Ed.)," International Labour Organisation and WIEGO, 2019, https://www.wiego.org.
[39] L. Alfers, "Organising for Social Protection: Grassroots Women Workers' Experiences in the Informal Economy," *Development Southern Africa* 36, no. 3 (2019): 357–71.
[40] N. Banks, D. Hulme, and M. Edwards, " NGOs, States, and Donors Revisited: Still Too Close for Comfort? ," *World Development* 66 (2015): 707–18.
[41] Lund and Skinner, " Transforming the Informal Economy: The South African Experience."

state actors will be crucial to building sustainable and equitable labour institutions that genuinely reflect the lived realities of informal work.

Three detailed case studies and NGO campaign profiles

These cases underscore significant victories and advocacy efforts that have played a crucial role in shaping informal worker representation in South Africa. They demonstrate how civil society and legal interventions have effectively expanded non-union worker voices and strengthened protections for those working in the informal economy.

SERI's Legal Victory Against the City of Johannesburg's Evictions of Street Traders

The Socio-Economic Rights Institute of South Africa (SERI) has played a critical role in defending informal workers' rights to trade in urban public spaces. One landmark case involved the City of Johannesburg's frequent and often unlawful evictions of street traders, many of whom operate in inner-city precincts such as Braamfontein and Hillbrow.

In 2015, SERI supported a collective legal challenge against the City's aggressive enforcement actions that resulted in the confiscation of the property of goods and destruction of informal traders without adequate notice or consultation. SERI argued that these evictions violated constitutional protections under Section 26 (right to housing) and Section 22 (right to trade) and contravened procedural fairness requirements. The Johannesburg High Court ruled in favour of the traders, emphasising that the City must respect informal workers' constitutional rights and follow fair administrative procedures before any evictions.[42] The judgment also affirmed the right to livelihood and stressed the need for inclusive urban governance that recognises informal work as a legitimate economic activity. This victory not only secured immediate relief for affected traders but also set a legal precedent that constrained arbitrary municipal evictions and promoted the inclusion of informal worker representatives in urban planning forums. The case also empowered informal worker organisations by providing a legal framework for collective bargaining with municipal authorities.

WIEGO's Campaign for Domestic Workers' Labour Rights

Women in Informal Employment: Globalising and Organising (WIEGO) has been at the forefront of advocating for the rights of informal workers, especially women domestic workers, who form one of the largest but most vulnerable sectors of the informal economy. WIEGO's campaign in South Africa has focused on raising awareness of domestic workers' labour rights, facilitating organisation among domestic worker groups, and lobbying for legal reforms. Working closely with grassroots domestic worker associations, WIEGO has helped document abuses such as wage theft, excessive working hours, and lack of social protection.

A significant achievement of this campaign was the incorporation of the voices of domestic workers in the discussions leading to the Employment Services Act and the Sectoral Determination for Domestic Workers, which established minimum wage and working conditions standards.[43] WIEGO also supported community-led workshops to educate domestic workers about their rights and provided tools to organise collective advocacy.

Through a combination of research, public campaigns, and policy engagement, WIEGO has strengthened the collective bargaining capacity of domestic workers and promoted their inclusion in formal labour dialogues, thereby enhancing their non-union voice in a historically marginalised sector.

CALS and the Informal Food Vendors' Campaign for Market Access in Cape Town

The Centre for Applied Legal Studies (CALS) has been instrumental in supporting informal food vendors in Cape Town who have struggled against restrictive municipal regulations that limited their access to trading sites and imposed onerous licensing requirements.

[42] Socio-Economic Rights Institute of South Africa (SERI), "The Rights of Informal Traders in South Africa: A Legal Analysis and Case Studies," 2015, https://seri-sa.org.

[43] Chen, Vanek, and Carr, " Women and Men in the Informal Economy: A Statistical Picture (3rd Ed.)."

CALS partnered with local vendor associations to challenge discriminatory bylaws and advocate for more inclusive municipal policies. A key success was the 2018 amendment of Cape Town's informal trading bylaws to simplify licensing procedures, expand designated trading areas, and establish dispute resolution mechanisms involving vendor representatives.[44]

CALS also facilitated vendor participation in formal municipal forums, ensuring that their voices were heard in decision-making processes related to urban food economies. By combining legal expertise with community organising, CALS helped build vendors' capacity to negotiate effectively with authorities and defend their rights.

This campaign illustrates the crucial role of NGOs in transforming adversarial relations between informal workers and local governments into collaborative engagements that promote sustainable livelihoods and urban inclusion.

Structural Challenges and Organisational Limitations

Although the vibrancy and diversity of non-union worker voices in South Africa's informal economy are notable, several enduring structural challenges and organisational limitations constrain the efficacy, sustainability, and transformative potential of these voices. Understanding these barriers is crucial for policymakers, civil society, and worker organisations looking to enhance labour governance frameworks that meaningfully include informal workers.

Legal Exclusion and Institutional Marginalisation

One of the most significant structural obstacles faced by informal worker organisations is their legal and institutional exclusion. South Africa's principal labour law, the Labour Relations Act (1995), primarily governs formal sector employment and collective bargaining through registered trade unions and employers' organisations. However, informal workers and their associations are largely excluded from these statutory frameworks due to the absence of formal contracts, employer entities, or recognised bargaining units.[45] This exclusion precludes informal workers from engaging in legally protected collective bargaining, arbitration, or dispute resolution processes.

The lack of formal recognition means that informal worker organisations often have no legal standing in negotiations or challenging unfair labour practices. This systemic marginalisation undermines their bargaining power and perpetuates informality as a zone of unregulated labour relations. Furthermore, the emphasis of the legal framework on formal employer-employee relationships neglects the complex, often hybrid arrangements characteristic of informal work, limiting the applicability of labour protections and leaving informal workers vulnerable to exploitation.[46]

Precarity, Heterogeneity, and Organisational Fragmentation

The inherent heterogeneity of the informal economy poses another major challenge to sustainable collective organisation. Informal work encompasses a vast array of sectors - from street vending and domestic work to waste picking and gig economy platforms - each with distinct occupational cultures, risks, and organisational needs. This diversity makes it difficult to establish unified representative structures that effectively articulate collective interests across the informal workforce.[47] Moreover, many informal workers experience high levels of precarity, with fluctuating incomes, irregular working hours, and often seasonal or temporary employment. This economic instability inhibits consistent participation in organisational activities and reduces incentives for long-term commitment to collective action. Informal worker organisations often suffer from leadership turnover, as leaders may move on due to burnout, financial pressures, or alternative livelihood opportunities, weakening organisational continuity.[48]

Internal competition and factionalism also hinder cohesion. Rivalries between different informal worker groups or within the same sector can arise over access to limited resources, political patronage, or differing strategic visions. These divisions are exacerbated by the absence of formalised governance

[44] Lund and Skinner, " Transforming the Informal Economy: The South African Experience."
[45] Lund and Skinner, " Transforming the Informal Economy: The South African Experience."
[46] Williams, *Beyond Business Informality: Understanding the Informal Economy in Developing Countries*.
[47] Skinner, "Challenging City Imaginaries: Street Traders' Struggles in Warwick Junction."
[48] Alfers, "Organising for Social Protection: Grassroots Women Workers' Experiences in the Informal Economy."

mechanisms within many organisations, leading to disputes that distract from collective advocacy efforts.[49]

Resource Scarcity and Financial Constraints

Most informal worker organisations operate with severe resource constraints that critically limit their operational capacity and impact. Unlike formal unions, which may receive funding from membership dues, collective bargaining levies, or employer contributions, informal worker groups often rely heavily on volunteer labour and ad hoc funding from external donors or NGOs.[50] This financial precarity restricts the ability to hire paid staff, maintain office infrastructure, conduct member outreach, or engage in sustained advocacy campaigns. The reliance on donor funding also subjects organisations to the volatility of external priorities, potentially forcing shifts in focus or organisational strategy to align with donor agendas rather than grassroots needs.[51] Furthermore, the lack of stable financial resources affects organisational legitimacy and capacity to scale up activities or form alliances with other labour or social movements. Without adequate funding, informal worker organisations remain vulnerable to co-optation, fragmentation, and operational burnout.

Gendered Barriers and Migrant Exclusion

The informal economy in South Africa is disproportionately composed of women and migrant workers, two groups that face unique and intersecting barriers to meaningful participation in non-union worker voice mechanisms. Women informal workers often carry disproportionate domestic and care responsibilities, limiting their availability to participate in organisational meetings, leadership roles, or protest actions.[52] Social norms and patriarchal structures within both communities and informal workplaces can also restrict women's agency and voice, marginalising their concerns even within ostensibly inclusive worker groups.

Informal migrants workers, many of whom are undocumented or have a precarious legal status, face additional language barriers, xenophobic attitudes, and fear of deportation or harassment by authorities. These factors inhibit their willingness to organise openly or engage with formal institutions, leading to their exclusion from many collective structures.[53]

Towards an Inclusive and Pluralistic Framework for Labour Voice

South Africa's informal economy presents complex and multifaceted challenges to traditional labour representation models, necessitating a profound reimagining of institutional frameworks to foster a truly inclusive and pluralistic system of labour voice. The prevailing regulatory architecture - largely designed for the formal sector - fails to accommodate the diversity, precarity, and nonstandard work arrangements characteristic of informality. To redress this gap, a hybrid model of labour governance is required, one that integrates formal legal recognition with grassroots empowerment, participatory local governance, and technological innovation. This article proposes several interconnected elements as the basis for such a hybrid model, each addressing key structural barriers identified earlier and reflecting emerging best practices in inclusive labour governance.

Legal Reform for Recognition and Bargaining Rights

The first of the necessary reforms is the amendment of the Labour Relations Act (1995) and associated labour legislation to extend formal recognition and collective bargaining rights to informal worker associations. This legal reform would entail broadening the definition of "employee" and "trade union" to

[49] Williams, *Beyond Business Informality: Understanding the Informal Economy in Developing Countries*.

[50] L. Alfers, F. Lund, and R. Moussie, " Women's Informal Workers and Care: A Review of Evidence on the Gendered Nature of Informal Work and Unpaid Care Responsibilities," 2018, https://www.wiego.org.

[51] Banks, Hulme, and Edwards, " NGOs, States, and Donors Revisited: Still Too Close for Comfort? ."

[52] Alfers, Lund, and Moussie, " Women's Informal Workers and Care: A Review of Evidence on the Gendered Nature of Informal Work and Unpaid Care Responsibilities."

[53] J., Crush and G. Tawodzera, " Xenophobia, International Migration, and Development," *Development Southern Africa* 31, no. 2 (2014): 148–52.

encompass workers in nonstandard and informal employment, as well as legitimising diverse organisational forms beyond registered unions.[54]

Granting informal workers the right to organise, bargain collectively, and participate in dispute-resolution processes would confer legal protections that currently elude them. Such recognition would help institutionalise non-union voice mechanisms, ensuring they have a binding influence in negotiations over wages, working conditions, and social protection. Importantly, reforms must be accompanied by simplified registration procedures and protections against employer or municipal harassment, recognising the resource constraints and vulnerabilities faced by informal worker groups.[55]

Local Social Dialogue Forums

Given the centrality of urban spaces in informal livelihoods - especially for street vendors, market traders, and waste pickers - the establishment of municipal-level social dialogue forums emerges as a vital mechanism for inclusive governance. These platforms should institutionalise the participation of informal worker representatives alongside local government officials, urban planners, business chambers, and civil society.[56]

Such forums would provide democratic spaces where informal workers can influence policies and regulations affecting urban markets, street trading bylaws, public infrastructure, sanitation, and municipal service delivery. By situating labour voices at the local governance level, these forums facilitate pragmatic negotiation and co-creation of solutions tailored to specific urban contexts. Furthermore, they contribute to reducing conflict, enhancing compliance with regulations, and fostering recognition of informal work as a legitimate economic activity.[57]

Capacity Building for Grassroots Leadership

Transforming the voice of the informal worker into effective, sustainable representation requires substantial investment in capacity building, particularly in targeting grassroots leaders who often operate with limited formal education and organisational experience. Training programmes should prioritise women and youth, groups disproportionately represented in informal work but often marginalised in leadership structures.[58]

These programmes would encompass leadership development, rights education, negotiation and advocacy skills, and financial management. Empowering informal worker leaders strengthens internal organisational governance, enhances strategic engagement with state and private actors, and builds resilience against co-optation and fragmentation. Capacity-building initiatives can be implemented through partnerships between NGOs, worker organisations, government agencies, and academic institutions, fostering networks of peer learning and support.[59]

Digital Inclusion Strategies

In an increasingly digitalised world, digital inclusion is indispensable for equitable access to information, communication, and collective organising. Promoting affordable access to smartphones, data, and reliable internet infrastructure, especially in marginalised and rural areas, is essential to closing the digital divide that currently disadvantages many informal workers.[60] Digital literacy training should accompany infrastructure investments, allowing workers to harness social media, messaging apps, and digital platforms effectively to organise, advocate, and accessing social protection services. Policymakers and civil society must also advocate for data privacy and protection regulations that safeguard informal workers from surveillance and exploitation by platform companies or state actors. Digital inclusion

[54] Lund and Skinner, " Transforming the Informal Economy: The South African Experience."
[55] Williams, *Beyond Business Informality: Understanding the Informal Economy in Developing Countries*.
[56] Oldfield and Bénit-Gbaffou, "Negotiating Urban Governance: Community Associations and Local Government in Johannesburg, South Africa."
[57] Skinner, "Challenging City Imaginaries: Street Traders' Struggles in Warwick Junction."
[58] Alfers, "Organising for Social Protection: Grassroots Women Workers' Experiences in the Informal Economy."
[59] Women in Informal Employment: Globalising and Organising (WIEGO)., " Informal Economy Monitoring Study, South Africa Report."
[60] Graham, Hjorth, and Lehdonvirta, "Digital Labour and Development: Impacts of Global Digital Labour Platforms and the Gig Economy on Worker Livelihoods."

strategies thus constitute a critical enabler of modern, scalable, and flexible worker voice mechanisms that complement traditional organising.

Policy Coherence and Integration

Finally, the successful realisation of inclusive labour voice depends on the coherence and integration of informal worker concerns into national policy frameworks across employment, social protection, urban development, and economic growth sectors. Informal work should no longer be treated as a residual or exceptional category, but as a core component of the economy, which deserves dedicated policy attention. This integration requires cross-sectoral coordination among government departments and alignment with international labour standards, such as those articulated by the International Labour Organisation (ILO) Recommendation 204 on the transition from the informal to the formal economy.[61] Policies must address multifaceted vulnerabilities of informal workers - such as access to health care, social security, skills development, and credit - while supporting their economic inclusion and empowerment.

Such policy coherence strengthens the institutional environment for non-union worker voices and enhances the responsiveness of labour market regulations and social protection systems to the lived realities of informality.[62]

Together, these interventions hold the promise of transforming worker voice from a peripheral and informal activity into a central pillar of democratic and developmental governance in South Africa. An inclusive, pluralistic labour voice framework recognises the diverse identities, experiences, and strategies of informal workers, offering them real channels to influence the social and economic policies that shape their lives.

CONCLUSION

The persistent exclusion of informal workers from formal labour institutions should not be mistaken for silence or passivity; rather, it reveals a dynamic redirection of workers' voices into diverse, innovative, and resilient spaces beyond traditional union halls and bargaining councils. South Africa's informal workers are actively claiming agency and shaping their narratives of representation through a rich mosaic of grassroots associations, digital platforms, faith-based networks, and community solidarities. Their voices are vibrant, adaptive, and deeply rooted in lived realities. Recognising and empowering these multifaceted expressions of workers' voice is not simply a matter of social justice, which is fundamental to forging a truly inclusive and democratic labour system that reflects the complexities of twenty-first-century work. The challenge facing policymakers, academics, and civil society is to transcend outdated institutional paradigms and co-create governance frameworks that validate, protect, and amplify the voices of all workers, formal and informal alike. In doing so, South Africa can pioneer a transformative model of labour representation that not only safeguards rights and livelihoods, but also embraces the diversity, innovation, and resilience at the heart of informal work. Such a model would not only bridge historic divides but would also embody the promise of a labour democracy where every worker's voice counts and contributes to shaping a just, equitable, and inclusive economy.

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