

TOWARDS A FORMALISATION OF INFORMAL WORKING?

SOME INTRODUCTORY REMARKS

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Social legislation as it has developed in industrialised countries since the end of the 19th century has been built around employment relationships in industrial companies. The systems put in place by labour law and social security laws, in particular collective bargaining and social insurance, have this model as their starting point and are designed to protect workers working under employment contracts for industrial companies. Now, this way of seeing social legislation, found in many countries over the course of the 20th century, has long masked the fact that these protective laws, although they developed fast, did not reach workers in the informal economy, that is to say “all the activities of workers and economic units that are not covered - under the legislation or in practice - by the formal provisions”.¹ From the point of view of informal workers, social legislation looks like a system of privileges from which they will never be able to benefit. The forms of employment that exist in the informal economy are extremely diverse and include activities as different as self-employment (for example street vendors, shoe shiners), small farmers or tradesmen selling their wares or services on the street or local market, unpaid family labour and domestic work. These workers in the informal economy are particularly vulnerable and constitute, particularly in developing countries, a very high percentage of the economically active population. For example, in sub-Saharan Africa, informal employment accounts for 80 to 90% of total employment.

It is no longer possible to close our eyes to this economic and social phenomenon that affects a considerable number of countries, all the more so as it has grown in the last few decades and it no doubt now represents one of the biggest challenges for labour law and social security law in our times. Over the past three decades, many studies have been conducted on the issues of labour and employment through the concepts of the informal sector and the informal economy. These studies, whatever the disciplinary field to which they have been attached (economics, statistics, sociology, etc.), have all contributed

¹ See paragraph I.2. of Recommendation no. 204 of the International Labour Organisation (ILO) on the Transition from the Informal to the Formal Economy (2005).