Discourse Democracy and Labour Relations

A case study of social dialogue and the socio-economic situation of informal workers in Gujarat, India

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ABSTRACT

This thesis firstly explores the process and effects of social dialogue in the context of informal home-based workers in Gujarat, India, and secondly the applicability of Dryzek’s theory of discourse democracy on this case study. In doing this, the study investigates the potential of social dialogue and discourse democracy to work as instruments for improving the social and economic situation of the workers.

The case study consists of how the organisation and trade union Self Employed Women’s Association (SEWA) communicate with influential actors in order to improve the social and economic situation of the informal home-based workers. The material is gathered through interviews with four organisers at SEWA, and observations made when visiting three areas of home-based workers. The empirical results are presented in a chapter demonstrating the process of social dialogue and its effect on the workers situation in this particular context. The second part of the results is a discussion where the theoretical framework, consisting of Dryzek’s discourse democracy and the critique of Habermas’s deliberative democracy that structure his theory, and the empirical findings are scrutinised in relation to each other; by discussing traits of the theories in connection to the case study.

The thesis concludes that there are similarities between social dialogue in this case and the theory of discourse democracy, but the theory cannot wholly be used to conceptualise social dialogue. It demonstrated the importance of the communicative decision-making to admit a wide variety of kinds of communication and to involve an active civil society with support in the constitutional framework for improving the social and economic situation of the workers. However, it also indicates that other practices than communicative ones are necessary in this struggle.

Keywords: Discourse Democracy, Labour Relations, Informal Labour, Human Rights, Workers Rights, Recognition, Social and Economic Welfare
PREFACE AND ACKNOWLEDGEMENTS

The idea for this study formed during my internship at the Swedish Trade Union Confederation (LO Sverige), where I came in contact with The Global Deal initiative. This initiative involves partnerships that focus on social dialogue as an instrument for meeting challenges in the global labour market and enabling the positive aspects of globalisation to benefit all people. This made me wonder how and if social dialogue can function in contexts with informal labour relations and if it can help to improve the lives of poor informal workers. In the idea of social dialogue I saw similarities with the theories of deliberative democracy that had been presented during the course of the master programme at Uppsala University. They shared the same emphasis on inclusive communication for the people concerned or affected as the fundament for decision-making. This original idea led to deeper investigations in the field, and eventually to the conduct of this research.

The conduct of this study would not have been possible without the support and guidance from the people around me. Therefore, I would like to say thanks to…

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1. INTRODUCTION

1.1. LABOUR MARKET, SOCIAL DIALOGUE AND DELIBERATIVE DEMOCRACY

The economic globalization and the neoliberal political economy with basis in the Washington Consensus have affected the power relations in the world.¹ States are increasingly, especially in the Global South, becoming dependent on large enterprises, with implications such as weakening human rights protection in favour of economic incentives. The asymmetry of power and degradation of human rights are most evident when it comes to the labour market conditions. To fight back and gain recognition, workers organise in single workplaces, on branch level and on local-, national-, regional- and global-level.

One instrument commonly used in order to create change in the labour market, with emphasis on improved respect for human dignity and the workers social and economic situations, is social dialogue. According to the International Labour Organization (ILO), social dialogue includes; all types of negotiation, consultation or exchange of information between or among social partners; collective bargaining; dispute preventions and resolution; Corporate Social Responsibility (CSR) and international framework agreements.² Social dialogue can be positive for businesses, workers and governments; constituting a “win-win-win-opportunity” for all actors of the labour market according to the Global Deal.³ According to the ILO, the aim of social dialogue is inclusive decision-making, to foster social and economic progress for all and to “ensure that it serves the needs of working women and men”.⁴ The essence of social dialogue can therefore be said to be communicative decision-making amongst concerned and/or influential actors on labour market issues, which includes a participatory element since the concerned parties are direct involved in the decision-making.

Andreas Georg Scherer and Guido Palazzo have approached social dialogue from the perspective of firms in the form of CSR, suggesting it should be conceptualised in line with Jürgen Habermas’s theory of deliberative democracy. They argue that deliberation between

¹ See for example Kristina Jönsson, Anne Jerneck and Malin Arvidson, Politik och Utveckling I en Globaliserad Värld – en Introduktion, Lund: Studentlitteratur AB, 2011, p. 75
³ The Global Deal, About. http://www.theglobaldeal.com/about/globaldeal/, derived 14 February 2018
⁴ International Labour Organization, How The ILO Works, 2017
firms and NGOs would create better legitimacy of CSR-activities. Building on this research Geraint Harvey, Andy Hodder and Stephen Brammer suggested trade unions as the ‘other part’, instead of NGOs, in this deliberative process of CSR. This would enable an even more legitimate CSR approach.

Both of these studies focus on communication between the social partners of the labour market in terms of CSR; taking the perspective of the enterprises and how they can use deliberation to legitimise their operations and power. I question this perspective and argue that deliberation should be used from the perspective of workers, to empower the weaker part in the labour market and to create a more symmetric power relation. Therefore this study will focus on how communication, or deliberation, in the labour market can be used for improving the social and economic situation of workers. When appointing democratic deliberation as an instrument for improving social and economic conditions we are simultaneously investigating the connection between democracy and human rights, which further appoints the relevance of this study for the field of Human Rights.

1.2. SOCIAL DIALOGUE AS DISCOURSE DEMOCRACY

This study is concerned with social dialogue from the perspective of workers; as an instrument to improve their social and economic situation through communication with influential actors. As previously mentioned the essence of social dialogue is communicative decision-making amongst concerned and/or influential actors on labour market issue. Since this study focuses on how social dialogue can be used as an emancipatory tool for workers, the concept should be understood as decision-making through communication with influential actors. Influential is an actor in a position to affect the social and economic situation of the workers. This concept of social dialogue and the comprehension of social and economic situation in this study are explored in more detail in section 1.4.

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5 Andreas Georg Scherer and Guido Palazzo, “Toward a Political Conception of Corporate Responsibility: Business and Society seen from a Habermasian Perspective”, The Academy of Management Review, vol. 32, no. 4, 2007, p. 1096-1120. (Palazzo is a Professor of Business Ethics at HEC Lausanne, University of Lausanne, with a PhD in philosophy. Dr. Scherer is a Professor at the university of Zurich and Chair of Foundations of Business Administration and Theories of the Firm.)

6 Geraint Harvey, Andy Hodder and Stephen Brammer, “Trade Union Participation in CSR Deliberation: An Evaluation”, Industrial Relations Journal, vol. 48, no. 1, 2017, p. 42–55. (Harvey is a Senior Lecturer in HRM and Industrial Relations. Hodder is a Lecturer in Employment Relations and Programme Director of MSc HRM. Brammer is director of faculty for business ethics and corporate social responsibility. They are all active at Birmingham Business School, University of Birmingham, UK.)

I continue from the previous research of Scherer and Palazzo and Harvey, Hodder and Brammer using theories of deliberative democracy to analyse the communication between the labour market actors. Instead of using Habermas I use the discourse democratic model constructed by John, S. Dryzek, which he forms based on critique appointed toward Habermas.\(^8\) Discourse democracy is a form of deliberative democracy meaning that they both focus on *rational communication among concerned actors as the basis for legitimate democratic decision-making*. People affected by the outcomes of the communication should be able to participate in the decision-making, and they should be open to changing their stance upon reflection without any form of coercion.\(^9\) However, Dryzek has a slightly different understanding of what this implies, and he argues that his theory is more inclusive to marginalised voices and better at solving complex social problems.\(^10\) His theory of discourse democracy is further discussed in chapter two.

The **general** purpose of this study is twofold. Firstly, the study aims to develop a deeper fathoming of the practice of social dialogue; defined as different forms of communicative decision-making between workers and influential actors, in order to improve the social and economic situation for workers. This part also includes an investigation in how social dialogue in a particular context relates to a de facto improved social and economic situation for workers. Secondly, the study will contribute to a deeper fathoming on the potential of discourse democracy for improving the social and economic situation for workers, based on the hypothesis that social dialogue is a form of discourse democracy.

### 1.3. CASE STUDY OF INFORMAL HOME-BASED WORKERS IN GUJARAT

Since the process and effects of social dialogue, in terms of improved social and economic living standards for workers, is context dependent, the general aim will be studied through a case study. This will enable a deeper analysis of the process and outcome of social dialogue. To enable a deeper analysis the concept of Social dialogue in this study refers to: *forms of communication between workers (or their representatives) and important influential actors, from the perspective of the workers; with the purpose of improving the social and economic situation for the workers.*

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\(^8\) John S. Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, Oxford New York: Oxford University Press, 2000. (*Dryzek is a Australian Research Council Laureate Fellow and Centenary Professor at the Institute for Governance and Policy Analysis, University of Canberra*)

\(^9\) Ibid., p. 1; Scherer and Palazzo, "Toward a Political Conception of Corporate Responsibility: Business and Society seen from a Habermasian perspective", p. 1107

\(^10\) Ibid.
The case in focus concerns the organisation Self Employed Women’s Association, SEWA, their use of social dialogue, and the informal home-based workers that they organise in Gujarat, India; with special focus on Ahmedabad city since this is where SEWA’s head office is located. SEWA is the first trade union and movement for women in informal work in India. The main criterion for the selection of this case is the informality and the precariousness that this involves. Informal workers are not recognised as workers and therefore do not get the same protection, from the state and employers, as do formal workers. State protection in terms of social security, healthcare, childcare, pension etcetera is often lacking or weak for informal workers. This marginalised situation of the informal workers further appoints the relevance of this study for human rights.

In order to for this study to take form it is delimited to informal home-based workers, which is one of the many groups of informal workers that SEWA organise. These workers have an even more precarious social and economic situation since they are dependent on their own facilities for their livelihood and are next to invisible in society. The interest of investigating social dialogue in the context of informal workers is also interesting since “unions of informal labour need to negotiate with a multitude of actors who are often not ‘employers’ but contractors or sellers or even buyers”.11 This means that the traditional labour market relations are lacking and the workers have no evident counterpart. The informal home-based workers special precariousness, the absence of traditional employee-employer relation and the difficulty of gaining visibility and recognition composes this as a “worst case scenario”. This can enable more plausible generalisations. This means that if the hypothesis holds, then it is more plausible that the same goes for social dialogue in other contexts where the workers are less vulnerable, the employee-employer relation more evident and the power relations more symmetrical. The delimitation and relevance of this case will be further appointed in section 1.4.

The delimited purpose of this case study is on the one hand to develop a deeper fathoming of the process of social dialogue, as practiced by SEWA, in the context of informal home-based workers in Gujarat and how it relates to improved social and economic situation for the workers. On the other hand it contributes to deepening the comprehension of discourse democracy, and how this theory relates to the improvement of the social and

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economic situation for informal home-based workers in this context.\textsuperscript{12} Therefore this study pursues answering two questions. First the study elaborates on how the process of social dialogue, as used by SEWA, can be understood and scrutinised in relation to Dryzek’s theory of discourse democracy. The process of social dialogue refers to how SEWA and their members communicate with influential actors in order to improve the social and economic situation for the workers. What SEWA says and do in order to effect influential actors so that the social and economic situation for the workers can improve is scrutinised in relation to discourse democracy and the critique this model poses against Habermas. The theoretical framework and the empirical results are therefore discussed in circular argumentations.

For this argumentation to matter the empirical results on the relation between social dialogue and the improved social and economic situation for the workers is also added to the discussion. Therefore, the second part of the analysis investigates how the potential of social dialogue and discourse democracy as instruments to improve the social and economic situation for informal home-based workers can be scrutinised; based on the social and economic situation of informal home-based workers in relation to the process of social dialogue and to the first question. When considering “the social and economic situation” in this study the focus is on the actual living situation and not on the situation as perceived by law.\textsuperscript{13} The first part shows similarities and discrepancies between social dialogue and discourse democracy. Based on the results of part one and the empirical findings on the improvement of the social and economic situation for the workers, the second part is able to critically analyse firstly; the relation between social dialogue and improved social and economic situations for the informal home-based workers, and secondly; the relation between discourse democracy and the improved social and economic situation for the informal home-based workers.

To sum up, this study centres on the hypothesis that social dialogue, in this context, can be conceptualised as a form of discourse democracy, and as such a suitable instrument for improving the social and economic situation for informal home-based workers. This hypothesis will be investigated through answering the following two questions:

1. How can the process of social dialogue, as used by SEWA, be understood and scrutinised in relation to Dryzek’s theory of discourse democracy?

\textsuperscript{12} I must emphasise that the improvement of the social and economic situation for workers is not the only, or main, “use” of discourse democracy but that this is one possible “complex social problem”, which the theory according to Dryzek is designed to solve.

\textsuperscript{13} This understanding is further elaborated under central concepts
2. Based on the social and economic situation of informal home-based workers in relation to the process of social dialogue and the first question, how can the potential of social dialogue and discourse democracy as instruments for improving the social and economic situation for workers be understood and scrutinised?

I have outlined the research problem, aim and questions and the following section consists of central concepts and the research method. Chapter two begins with a critical discussion of the Habermasian conceptualisation of social dialogue; from the perspective of Dryzek and with respect to this studies aim. From this we move on to discuss Dryzek’s discourse democracy. After this the results are presented; first in chapter three presenting the empirical findings and then in chapter four through a critical analysis that scrutinises both social dialogue and discourse democracy in relation to each other and the results concerning the informal home-based workers social and economic situation. Chapter five sums up the study in a conclusion relating back to the research questions and aim, and reflections over the findings.

1.4. CENTRAL CONCEPTS AND BACKGROUND INFORMATION

1.4.1. SEWA, INFORMAL WORK AND HOME-BASED WORKERS

The informal economy constitutes of economic activities, enterprises, jobs and workers that are not regulated or protected by the state.\textsuperscript{14} It manifests itself in different ways between and within economies and it comprises more than half of the global labour force.\textsuperscript{15} Informal work can either be voluntarily or a necessity for survival\textsuperscript{16}. The latter is problematic in terms of human rights since people in informal work have less security, earn less and are more inclined to work part-time than formal workers,\textsuperscript{17} and poverty causes exclusion from many welfare services, such as education and healthcare.\textsuperscript{18}

Informal work can be people informally employed in the formal sector or people working in the informal sector, either on a contract basis or as self-employed. The main

\textsuperscript{14} Women in Informal Employment Globalizing and Organizing, About the Informal Economy, 2018, http://www.wiego.org/informal-economy/about-informal-economy, derived 20 February 2018
\textsuperscript{18} Ibid., p.13
difference between formal and informal work is that the latter is not covered by social protection through their work.\textsuperscript{19} This study focuses on informal work that is out of necessity and is separated from the formal workforce in that it implies deficient social and economic protection. Further this study focuses on \textit{home-based} informal workers who work with production situated in the privacy of their own home. They are the most invisible and precarious group of the informal workers; they “do not appear in the Census or other official statistic”.\textsuperscript{20} This study focuses on home-based workers who are given material by an owner or contractor who pays them for making the finished products.

The labour market in India is divided between one well-paid elite and the other poor, manual, and often informal, workers.\textsuperscript{21} In 2008 only around 10 per cent of the workers had a formal employment\textsuperscript{22} out of which only 18 per cent were women; indicating a clear gendered divide between formality and informality. In cities many informally working women are domestic workers or work with small-scale production, sale or service. One reason for the growth of the informal sector is widespread privatisation and companies refusing to hire workers on a long-term basis.\textsuperscript{23} In Ahmedabad, socio-political marginalisation and exclusion is a great cause for informality.\textsuperscript{24}

Self Employed Women’s Association (SEWA) is a national trade union in India, organising women in informal work.\textsuperscript{25} Today they organise over 1,9 million members, and half of these are in the region Gujarat,\textsuperscript{26} where Ahmedabad is the biggest city and also where SEWA has their head office. SEWA started their work in Ahmedabad and registered as a trade union in 1972.\textsuperscript{27} Gujarat has a long history of trade union activism and an important victory for the workers movement was the strike in Ahmedabad in 1918, where Gandhi’s involvement lead to the first collective agreement in the history of India; the Ahmedabad Textile Agreement.\textsuperscript{28} The foundation of SEWA inspired by Gandhi’s engagement in workers

\textsuperscript{20} Self Employed Women’s Association, \textit{SEWA 1988, Ahmedabad: Mahila SEWA Trust}, 1988, p. 22
\textsuperscript{21} Wingborg, “Indien: Fackliga Strategier i ett Land som Växer”, 2008
\textsuperscript{22} ibid. p. 18
\textsuperscript{23} ibid. p. 13, 19
\textsuperscript{25} Self Employed Women’s Association (SEWA), \textit{About Us}, 2009, \url{http://www.sewa.org/About_us.asp}, derived 15 February 2018
\textsuperscript{26} Union To Union, \textit{Indien}, 2017, \url{http://www.uniontounion.org/indien}, derived 20 February 2018
\textsuperscript{27} Self Employed Women’s Association, \textit{History}, 2009, \url{http://www.sewa.org/About_Us_History.asp}, derived 20 February 2018
\textsuperscript{28} Wingborg, “Indien: Fackliga Strategier i ett Land som Växer”, 2008, p. 23-4
and precarious peoples rights. Based on this, SEWA and their engagement to the home-based workers, especially in Gujarat, are chosen for this study.

### 1.4.2. SOCIAL DIALOGUE

The concept of social dialogue used in this study is fundamentally based on ILOs concept. They define it as bipartite or tripartite communication between the labour market actors; e.g. representatives of employers or enterprises, workers and governments, in order to make decisions on social and economic policy concerning the conditions of the labour market. This includes: all types of negotiation, consultation or exchange of information between or among social partners, collective bargaining, dispute preventions and resolution, corporate social responsibility and international framework agreements. According to the ILO, the aim of social dialogue is inclusive decision-making, to foster social and economic progress for all and to “ensure that it serves the needs of working women and men”.

In order to enable a deeper analysis and not to force any predetermined values about communication onto the results, this study assumes a wide definition of social dialogue in terms of communicative decision-making between SEWA and influential actors, with the purpose of improving the social and economic conditions for informal home-based workers.

### 1.4.3. SOCIAL AND ECONOMIC SITUATION

When considering the social and economic situation of the informal workers we first must emphasise that the focus is on the situation of individuals with special emphasis to their work life. The fundamental understanding of the social and economic situation in this context is based on the goals set up by SEWA and the ILO Decent Work agenda, since ILO is a international framework for work related rights. Theoretical concepts on recognition, human dignity and the International Convention on Economic, Social and Cultural Rights (ICESCR) are also relevant when outlining the pre-understanding of “social and economic situation of workers” relevant for this study.

SEWA’s first goal is full employment, involving security in term of work, income, food and other social services such as healthcare, childcare and shelter. SEWA also aims to ensure self-reliance, meaning that individuals (women) should be autonomous both economically and in terms of decision-making ability. The decent work agenda states in a

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29 Self Employed Women’s Association, History, 2009
31 Self Employed Women’s Association, About Us, 2009
similar way that decent work: “[...] involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men”.

Lacking social security and inadequate income is of main concern here. This is fundamentally related to the misrecognition and invisibility of informal workers; meaning that powerful actors do not recognize the workers right to have rights. According to Recognition Theory, recognition refers to “[...] the positive acknowledgement of a person’s identity by others, the lack of which is assumed to be unjust because it deprives the person concerned of dignity”. Lack of recognition is often correlated to social discrimination and political exclusion, and the ability to claim and exercise human rights is dependent on social recognition of individuals. Recognition is consequently paramount for improving the social and economic situation of workers.

When on the subject of human dignity it is suitable to make a connection to the Universal Declaration of Human Right, and especially the ICESCR focusing on the obligation of states to ensure citizens enjoyment of the minimum essential level of economic and social (and cultural) rights.

The important factor of the social and economic situation in this study has to be based on the context and on the narratives of the informants. The above outlined pre-understanding is however important for the transparency of the hermeneutical analysis. The study focuses on how communication can contribute to improving the social and economic situation for workers. From the per-understanding an improved situation will therefore constitute of factors such as higher wages and better working conditions, influential actors and societies recognition of informally working women as workers with entitlements to rights, and improved access to welfare services such as education and healthcare.

1.5. METHOD

In short, this research constitutes of a qualitative case study where the primary material is gathered through interviews. In the following I present and discuss the methodological presumption and method for gathering and interpreting the material. How the theoretical analysis is done is also introduced here but will become increasingly clear in chapter two.

1.5.1. QUALITATIVE CASE STUDY: FIELD RESEARCH AND CRITICAL THEORETICAL ANALYSIS

The main method for this research is qualitative case study through field research. A qualitative case study enables a deeper comprehension of the empirical context, than for example a comparative study, which is crucial for the purpose of this study. Semi-structured interviews enable narratives, allow follow-up questions and enable a deeper understanding of the situation at hand. This is the reason for choosing this method when interviewing four SEWA organizers and leaders of the home-based workers. Since the interviews are used to give information about social dialogue in this context, its relation to the social and economic situation of the informal home-based workers and in relation to the theoretical framework, the interviews consisted of questions developed from the theoretical framework and in relation to the study’s aim and concepts.

The interviews started with me giving general information on the theme of the study after which the informants started to give an indebt narrative on SEWA’s work with a certain home-based trade, that they organise and/or have themselves previously worked in. During these narratives the interview guide helped to focus the follow up questions in adherence to the study. The questions in the guide were not asked in the same order as given by the guide, and sometimes they were reformulated as demanded by the context and given narratives, but the essence of these questions were still captured by the interviews wherefore this guide served its purpose. Since all the informants themselves previously worked as home-based workers, and still today are part of these communities, they both served as experts and respondents. This was appropriate since they are both involved in communications with influential actors and informed on the social and economic situation of home-based workers.

39 See appendix
The interviews were transcribed to reduce the material to the substantial information based on the narratives and the context surrounding the interview.

For deeper comprehension of the context I visited three areas where home-based workers live and work, and here conducted informal conversations with some women through the interpreter and made observations on living and working conditions. Since these women are dependent on their work it was not possible to do formal interviews, but the information gathered was helpful for better comprehending the context and the interviews. Because of the risk of subjective interpretations, both when interpreting observations and interviews, I have tried to be as transparent as possible when presenting the results; through for example the use of quotes. The fact that the study is dependent on SEWA is not problematic but a necessity for this study. The main problems during these interviewing constitutes foremost of misunderstandings due to cultural and lingual differences, which are reduced by clarifications and by recording the interviews.

The transcribed interviews were subjected to the hermeneutical methodological position presumed in this study. The hermeneutical circle highlights the connection between the interpreted, its context, the interpreter’s pre-understandings and the continued interchangeability of this understanding through interactions.\(^\text{40}\) To understand a text is to interpret it, meaning that a person different from myself could interpret the material of this research differently. This power of interpretation cannot be avoided since interpretation is essential for this study, which can affect the inter-subjectivity of the study.\(^\text{41}\) To validate the inter-subjectivity of this study I have outlined my understanding of central concepts, and I am trying to be transparent and self-reflective in the hermeneutical and theoretical analysis.\(^\text{42}\)

The empirical results and the theoretical framework, consisting of Dryzek’s discourse democracy and the critique toward Habermas’s deliberative democracy that he builds his theory on, are critically scrutinised in relation to each other. The theory’s empirical applicability is hence tested on the case of SEWA’s social dialogue. In other words, the theory and the practice are compared to establish similarities and differences, by discussing traits in the theories in connection to the case study. In a second step the potential of both


\(^{42}\) Grenholm, *Att förstå religion – Metoder för Teologisk Forskning*, p. 250-2, 275-6
social dialogue in this case and discourse democracy to function as instruments for improving informal home-based workers social and economic situation are carefully considered.

1.5.2. MATERIAL

Research reports and other written information published by SEWA, WIEGO and Union-to-Union, and Aditi Kapoor’s research article have been used in order to establish a basic comprehension of SEWA and the informal labour sector. Written information from the ILO and the Global Deal have also been in order to gain a deeper understanding of the concept of social dialogue. As shown above the main material of this study consists of information transcribed from interviews, but also from the observations and informal conversations in the areas that have contributed to the contextual comprehension. The material contracted from the interviews consists of information concerning the process of social dialogue, today and how it has changed from when SEWA started. The material also concerns how SEWA’s work, including social dialogue, has affected the social and economic situation for the informal home-based workers. The material from the interviews has been reduced to the substantial information in relation to this study, which enabled the material to be analysed accordingly.

1.5.3. ETHICAL CONSIDERATIONS

The ethical considerations of this study concerns general respect toward informants but also take notice of the legal ethical guidelines on research involving humans, as stated in SFS act (2003:460) concerning the ethical review of research involving humans. I do not perceive this research as delicate and not inline with the criteria’s given under 3§ of this law, which is why this law doesn’t apply. However, if something of sensitive character comes up during the interviews the ethical standards are followed. This means that the processing of personal data follow the provision in the SFS act (1998:204) on Swedish personal data protection, with special emphasis on 13§. In accordance with 16§, 17§ and 19§ of the SFS act (2003:460) concerning the Ethical Review of Research Involving Humans I also ensured informed, unconstrained, consent, the informants’ awareness of the possibility to withdrawn from consent at any time and practiced transparency around the purpose of the study and the use of material. General respect for human dignity, personal integrity, individual health and security has also been taken into consideration, in line with 7§, 8§, and 9§, of SFS act (2003:460).

43 Aditi Kapoor, “The SEWA way: Shaping Another Future for Informal Labour”
2. DELIBERATION AND DISCOURSE DEMOCRACY

Since the 1990s theories of deliberative democracy have emerged in the academic debate on democracy in a modern, pluralistic, society. These theories define democratic legitimacy in terms of participation in effective deliberation as fundamental for collective decision-making. This means that the people affected by a decision should be participants in the deliberation concerning the decision. The participants’ ability to change their minds upon reflection and the absences of coercion in communication are important to these theories. Communicative decision-making is thought of as an effective, legitimate and inclusive form of democracy that is designed to meet the challenges of a globalised world, such as pluralism, marginalisation and exploitation. Social dialogue shares this focus on communication as fundamental for decision-making in order to meet the challenges of a modern world.

In the following chapter the use of Habermas’s theory of deliberative democracy as a way to conceptualise social dialogue, as Palazzo and Scherer suggests, is discussed criticised from the perspective of Dryzek and with consideration to the aim of this study. This discussion centres at the conclusion that Dryzek’s discourse democracy is theoretically preferable for this study and will therefore be tested empirically. Dryzek’s model is thereafter discussed in relation to the study’s aim, indicating how it is used in the analysis.

2.1. CRITICAL DISCUSSION ON HABERMAS’S DELIBERATIVE DEMOCRACY

Guido Palazzo and Andreas Georg Scherer suggest that Habermas’s theory of deliberative democracy should be used to conceptualise CSR, which according to the ILO is a form of social dialogue, in order to appropriately convey corporations as political actors. They mean that this would increase the legitimacy and ethical validity of business. Even though this can contribute to greater respect for human rights in the operations of the firm it is not

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44 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 1
47 Based on his work from 1996 onward. For further reading: Jürgen Habermas, *Between Facts and Norms*, Cambridge, MA: MIT Press, 1996
48 Scherer and Palazzo, “Toward a political conception of corporate responsibility: business and society seen from a Habermasian perspective”
49 International Labour Organization, *Tripartism and Social Dialogue*, 2017
50 Scherer and Palazzo, “Toward a political conception of corporate responsibility: business and society seen from a Habermasian perspective”, p. 1106
guaranteed. It does, however, favour the business in terms of competitive advantage.\textsuperscript{51} This study focuses on how social dialogue can serve the weaker part in the asymmetric power relations of the labour market. The critique that Dryzek appoints toward Habermas, based on choice theory, critical theory and theories on democracy and difference, is therefore interesting in this study, which I will try to explain in the following.

According to Palazzo and Scherer the Habermasian conceptualisation of CSR challenges the liberal conception of the political actor since it renders corporations as subjected to processes of democratic legitimacy and moral responsibility.\textsuperscript{52} According to Palazzo and Scherer, Habermas emphasises that existing democratic institutions, the state, should include civil society actors in deliberation; where they should advocate their causes and perform as core actors in democratic will-formation.\textsuperscript{53} Even with this inclusion of civil society the liberal state plays an important part in the implementation and institutionalisation of the deliberative decision-making process:

“[…] it gives centre stage to the process of political opinion- and will-formation, but without understanding the constitutional as something secondary, rather it conceives the principles of the constitutional state as a consistent answer to the question of how the demanding communicative form of democratic opinion- and will- formation can be institutionalized”.\textsuperscript{54}

The liberal constitutionalism is important in Habermas’s deliberative democracy since elections and the legal framework is crucial for the transformation of public opinion into administrative power: “Informal public opinion-formation generates ‘influence’; influence is transformed into ‘communicative power’ through channels of political elections; and communicative power is again transformed into administrative power through legislation”.\textsuperscript{55}

Dryzek criticises Habermas’s emphasis of the liberal constitutionalism, with elections and legislation as the only transformative tools of public opinion.\textsuperscript{56} Dryzek argues that if elections and legislation are the only means of turning public opinion into administrative power, then “what are we to make of the multiple channels of influence that for better or worse do not include elections – such as protests, demonstrations, boycotts, information

\textsuperscript{51} Maria Grafström, Pauline Göthberg and Karolina Windell, CSR: Företagsansvar i Förändring, 2nd Edition, Malmö: Liber, 2015, p. 176
\textsuperscript{52} Scherer and Palazzo, “Toward a Political Conception of Corporate Responsibility: Business and Society seen from a Habermasian Perspective”, p. 1105-6
\textsuperscript{53} Ibid., p. 1107
\textsuperscript{54} Jürgen Habermas, “Three Normative Models of Democracy”, in Democracy and Difference: Contesting the Boundaries of the political, Seyla Benhabib (Ed.), Princeton and New Jersey: Princeton University Press, 1996, p. 27
\textsuperscript{55} Ibid., p. 28
\textsuperscript{56} Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 24-5
campaigns, media events, lobbying, financial inducements, economic threats, and so forth?". Even Harvey, Hodder and Brammer’s suggestion to also include Trade Unions in this deliberation would therefore not be adequate according to Dryzek.

In Habermas’s theory the “state should be structured so as to guarantee constitutional support and protection to civil society […] ensured foremost by a set of human rights inscribed in law’, wherefore the state, with emphasis on the judicial and legislation system is central to the theory. Dryzek is critical to this point since this make the civil society deliberation dependent on the state: “the discursive democratic well-being of the civil society depends crucially on how the state organise or obstructs interest representation”. He argues that “deliberation can occur within representative institutions and the legal system, but they should not be its only homes”.

In Dryzek’s discourse democracy contestation of discourses is at the centre. In order for contesting discourses to meet and challenge each other, which is fundamental for decision-making, they cannot be confined by the liberal constitutionalism. Deliberation confined to the liberal constitution cannot be used to fight dominant discourses and cannot be emancipating. He means that this deliberation “fail[s] to recognise extra-constitutional agents of distortion that cannot easily be counteracted through such means. These agents include dominant discourses and ideologies, often intertwined with structural economic forces”. On these grounds Dryzek argues that Habermas’s theory doesn’t fit the fundamental requirement of a critical theory, to “strive for the progressive emancipation of individuals and society from oppressive forces”.

I understand this critique as suggesting that Habermas’s theory is insufficient for recognising and questioning dominant discourses, and consequently for emancipation. The focus of this study is to investigate how social dialogue can be instrumental for workers when trying to improve their social and economic situation, e.g. fighting for emancipation. Dryzek’s argues that his model can be used to challenge “dominant discourses and ideologies, often intertwined with structural economic forces”, wherefore it appears

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57 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 26
58 Harvey, Hodder and Brammer, “Trade Union Participation in CSR Deliberation: An Evaluation”, 2017
59 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 25
60 Ibid., p. 81
61 Ibid., p. 170
62 Ibid., p. vii, 72, 173
63 Ibid., p. 21
64 Ibid., p. 20-21
65 Ibid., p. 21
appropriate for the analysis of labour market emancipation. The theory will, however, be put to test when scrutinised in relation to the empirical results of social dialogue.

Another point of critique concerns what kind of communication that should be allowed in deliberation. Both Dryzek and Habermas have criterias of “rational communication” that deliberation must fulfil. Dryzek argues that since Habermas uses the term ‘deliberation’ he confirms to the connotations of “calm, reasoned, argument”.

66 This is according to Dryzek “unnecessarily constraining”. To concretise, Habermas argues for deliberative democracy and legitimate decision-making through the “forceless force of the better argument”, while Dryzek favours “the forceless force of the better communication”.

67 For example, Dryzek point out that rhetoric is associated with emotional manipulation or propaganda in Habermas’s theory, and so not allowed in deliberation. Dryzek argues for a more expansive acceptance of different forms of communication, since this will enable marginalised voices and discourses to challenge dominant discourses in deliberation.

68 Home-based workers are as mentioned rendered invisible and so marginalised. This creates an interesting entry for investigation, where the empirical results can indicate what form of communication is needed for the inclusion of these marginalised voices.

The critique raised against the Habermasian conceptualisation of deliberation appears relevant for the analysis of social dialogue and its effect on the social and economic situation of informal home-based workers. Therefore I have formed the hypothesis that social dialogue can be perceived as a form of discourse democracy, and that it as such is an adequate way for improving the social and economic situation of the informal home-based workers. This hypothesis is tested through scrutinising the theory in relation to the empirical findings, in a circular argumentation on the actual communication and the theory. Even though Dryzek is critical toward Habermas’s theory of deliberative democracy it is important to also remember their similarities, summarised in the introduction of this chapter.

2.2. DRYZEK’S DISCOURSE DEMOCRACY

I propose that social dialogue can be conceptualised as a form of discourse democracy, and can be an adequate instrument for improving the social and economic situation for workers. Since discourse democracy is not an empirical model but more abstract, there is a need to concretise the relevance of the theory for this case study and to explain how the theory will

66 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. vi
67 Ibid.
68 Ibid., p. 172
69 Ibid., p. vi, 1, 52
be used. Above I touched upon the main discrepancies between Dryzek’s discourse democracy and the Habermasian deliberative democracy. In the following I go deeper into what Dryzek suggests, both the things that are different from Habermas and things that they have in common as this is important for the theory as a whole.

### 2.2.1. CONTESTATION OF DISCOURSES

Dryzek’s concept of discourse democracy combines two traditions of political theory. Firstly the Foucauldian understanding of “discourse”, as a prison that conditions the way people think. Secondly, as discourse according to Habermas, meaning pure freedom in the ability to raise and challenge argument.70 Discourse democracy and deliberative democracy share the fundamental understanding of *rational communication among concerned actors as the basis for legitimate democratic decision-making*. In this communication, the people affected by the outcome are involved in the process, either through representatives or directly.71 From this fundament they both can be viewed as possible conceptualisations for social dialogue; as they are all centred on *communicative decision-making amongst concerned and/or influential actors*. Only that social dialogue is focused on labour market issues.

Dryzek argues that since Habermas’s deliberative democracy is bound to liberal constitutionalism it cannot accommodate contestation of discourses, which he argues is of importance for communicative decision-making. Hence contestation of discourses is at the centre of discourse democracy.72 Following Dryzek’s theory, discourses are constructing reality wherefore contesting dominant discourses can create change; making discursive democracy effective in solving complex social problems.73 From this argumentation the discourse democracy seams theoretically superior to appropriate the case study, that centres on the complex problem of improving the situation for the informal home-based workers. The empirical results demonstrate if social dialogue is dependent on liberal constitutionalism or not, and if the dependence is important in order to improve the workers situation. This indicates whether or not communicative decision-making confined to liberal constitutionalism can accommodate contestation and if social problems can be solved.

Discourse democracy requires that the quality of deliberation be measured in terms of rational outcomes and not in the procedures themselves.74 The concept of rationality involved

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70 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. vi
71 Ibid., p. 1; Scherer and Palazzo, “Toward a Political Conception of Corporate Responsibility: Business and Society seen from a Habermasian Perspective”, p. 1107
72 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation* vii, 72,173
73 Ibid., p. 173
74 Ibid., p. 174
here must be defined during the process of deliberation by the participants and cannot be set by some predetermined values, which is similar in Habermas’s theory. In the analysis of the empirical results this is tested by investigating on what grounds the participants value the outcomes as rational; based in predetermined values or through the process of communication. When assessing rational outcomes we also take notice of Dryzek’s standard of communicative rationality, which we will come to later, and focus on the perceived improves social and economic situation of the workers.

It is evident that one main element of the discourse democracy is the belief in the process of deliberation as self-regulatory wherefore there is no need for predefined values: “the power of deliberation itself will root out bad arguments and sectarianism”. Therefore Dryzek argues that prejudice, racism, sectarianism and rational egoism should not be excluded from deliberation as a precondition. On the contrary, this is exactly the kind of difference and contestation of discourses that the discourse model is made to accommodate. When these forms of speech, or discourses, are included in public deliberation they can be challenged by counter-discourses, where ‘the forceless force of the better communication’ will determine a rational outcome. According to Dryzek, discourse democracy is therefore more inclusive to marginalized perspectives or discourses.

2.2.2. THE STATE AND THE PUBLIC SPHERE

According to Dryzek the state, meaning the representative institutions and the legal system, should not be the single arena for deliberation and democratic decision-making. Taken together with Dryzek’s emphasis on contestation of discourses, deliberation confined to the liberal constitutionalism is “exclusive and constraining in what kinds of voices and kinds of people that it can hear”, and can therefore in itself be said to be a dominant discourse. As previously mentioned, Dryzek argues that the focus on elections and the judicial system makes Habermas’s deliberative democracy inadequate for accommodating contestation of discourses. Dryzek suggests that dominant discourses can only be contested through civil

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75 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 172, 174
76 Ibid., p. 169
77 Ibid., p. 168
78 Ibid., p. 169
79 Ibid., 172 (The standard of rationality underlying this theory is further elaborated in the section 2.2.3)
80 Ibid., p. vi, 67
81 Ibid., p. 81, 170
82 Ibid., p. 4
83 Ibid., 20-21, 72, 173
society and public spheres as sources of democratic critique, and highlights civil society as the most important location for deliberation. Civil society has according to Dryzek a better ability to adequately handle repressive discourses and is better at including marginalised groups.

The state still plays an important part in the democratic decision-making, just not as the single decision-making actor or arena. If the state is reflective to the discourses in civil society, and so if the state imperatives and the civil society interests can be submerged, the state could still be an important arena for deliberation. From this background it is evident that in order to test Dryzek’s theory, we will need to pay attention to the role of the state and the legal framework in the process of social dialogue in the present case. This implies a focus on whether or not the state is reflective to the discourses in civil society and if these can be submerged. Another point of relevance will be to highlight the main actors of the communication and to what “sphere” of society they belong; the state or civil society. The relationship between the state and the civil society will be analysed circularly. According to Dryzek, democratic deliberation should occur when difference is present and on issues that transcend community boundaries.

Dryzek emphasises “workable agreements in which participants agree on a course of action, but for different reasons” instead of praising consensus. Therefore, what is important is not why the participants agree but that they do. Also important is that this follows by a “moment of decisive collective action”, which means to make it binding and fixed in some way. In discourse democracy public opinion can be translated into administrative power of the state through a number of transmission mechanisms, most importantly through rhetoric, wherefore the civil society deliberation is not powerless. Dryzek exemplifies his theory with empirical situation such as Sweden, where communication between corporation and trade unions result in policy that is not constitutional. He argues that “some inequalities and exclusions cannot be remedied by constitutional means: in particular, inequality between the

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84 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 4
85 Ibid., p. 171
86 Ibid., p. 75
87 Ibid., p. vi, 67
88 Ibid., p. 81
89 Ibid., p. 5
90 Ibid., p. 175
91 Ibid., p. 170
92 Ibid., p. 78-9
93 Ibid., p. 68,171
94 Ibid., p. 18-19
voice of business and the voice of everybody else”. This shows the theory special relevance for studies concerned with the inequalities in the labour market, such as the present one. Therefore we need to investigate what kinds of decisions and agreements are made through social dialogue in the case of SEWA and informal home-based workers.

2.2.3. STANDARD OF COMMUNICATIVE RATIONALITY

Discourse democracy is inclusive when it comes to what forms of communication it allows. It includes but is not limited to argument, rhetoric, humour, emotion, testimony, greeting and storytelling, which can be compared to the “connotations of calm, reasoned, argument” in deliberative democracy. Opening up for a wider range of communication contributes according to Dryzek, to a more inclusive form of democracy where marginalised discourses and groups can partake. Informal home-based workers are, as previously explained, a marginalised group. Therefore, it is relevant to scrutinise this part of the theory through the empirical case. This can give indications to if this wider form of communication is necessary or not for the inclusion of marginalised voices. Dryzek includes both written and spoken communication, as well as communication in small groups in his theory, wherefore I argue that the theory is possible to be applied to the analysis of this case study.

Dryzek accepts Habermas’s understanding of communicative rationality in that it must be “free from coercion, deception, self-deception, strategizing and manipulation”. This implies that it “rules out domination via the exercise of power, manipulation, indoctrination, propaganda, deception, expressions of mere self-interest, threats and attempts to impose ideological conformity”. Since Habermas only recognises rational argument as valid communication, the theories somewhat differ in their understanding of the limitations of communicative rationality.

As mentioned in the beginning of this chapter, Dryzek combines the Foucauldian idea of discourse as power/knowledge, which is producing and reproducing the perceived reality and “truth”, and the Habermasian meaning of discourse as the ability to raise and challenge
argument. Because of the fact that Dryzek’s model centres on the contestation of discourses, exercise of power in the Foucauldian power/knowledge-way must therefore always be inherent in the communicative decision-making. The main indication of exercise of power must therefore be when one part in the communication is trying to force his/her stance upon the opponent without being open to the possibility of changing one’s own mind upon reflection, since this is what the Habermasian conception of discourse brings to the table.

According to Dryzek, in order to ensure that the communication doesn’t become dangerous, all forms of communication should always be tested against the standard of rationality. This means that all communication should be excluded if it involves coercion, threat of coercion or if it cannot connect the particular to the general. Dryzek exemplifies that communication can be coercive when group norms constrain the range of acceptable stories, when greeting involves elements of intimidation or when rhetoric is deployed by demagogues or involves emotional manipulation.

For communication to connect to the general, it needs to be capable of resonating with individuals who do not share the situation but share other characteristic, for example by appealing to universal standards such as human dignity or rhetoric oriented to reciprocal understanding. Dryzek suggests that argument is coercive when made in terms of the particular; when it appeals to the superiority of the constitution, the authority of tradition or precedent and while these particularities are suppressing some groups. The argument then neglects actual suffering and reproduce dominant, suppressive, discourses.

Connecting the particular to the general does, according to Dryzek, not mean that all arguments must be formed in terms of public interest. He argues that “partial interests can also be legitimate”. The mechanisms inherent to the process of deliberation promote the articulation of interest in public terms, wherefore they will “achieve balance between private and public interest, partial and impartial concerns”.

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104 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. vi; More on Foucault see example Mats Börjesson & Alf Rehn, Makt, Malmö: Liber, 2012, p. 45-50
105 Ibid., p. 68,167
106 Ibid., p. 68
107 Ibid., p. 69
108 Ibid.
109 Ibid.
110 Ibid., p. 71
111 Ibid., p. 169
to “curd strategic action and induce individuals to reflect on the interests of themselves and others, and also upon common interests”, allowing non-arbitrary bargains in deliberation.\textsuperscript{112}

Similar to Habermas, Dryzek emphasises that the quality of deliberation must be measured in terms of rational \textit{outcomes},\textsuperscript{113} and that the participants must define the concept of rationality during the process of deliberation.\textsuperscript{114} But as explained on page 16, they differ in that Dryzek stress the models inherent ability to sort out rational communication from irrational through the internal “forceless force of the better communication”, whereas Habermas highlights the narrower “the better argument”.\textsuperscript{115}

Political equality is fundamental in all theories of deliberative democracy, but since in the model of discourse democracy the only power exercised is “the forceless force of the better communication”\textsuperscript{116} (measured in terms of rational outcomes) democratic legitimacy is not measured in terms of \textit{full participation} but instead \textit{the right to participate}.\textsuperscript{117} Since the focus is not on the individual participation but rather on giving room for different discourses to be articulated in the deliberation, I argue that the right to participation should be understood as a right to have one’s discourse represented in an effective way. Therefore, it is important to analyse how representative SEWA is of their members.

\textbf{2.3. CONCLUSION}

Dryzek’s critique appointed toward Habermas’s deliberative democracy, that grounds his theory of deliberative democracy, appears relevant for conceptualising social dialogue in the context of informal home-based workers. Therefore discourse democracy is scrutinised against the empirical results on social dialogue in chapter four. Since Dryzek’s theory builds on Habermas’s I am attentive to the possibility of Habermas’s theory being more applicable.

The central critique is directed toward the dependency on the liberal constitution, where the electoral and judicial system becomes the centre of decision-making. This implies that deliberation is exclusive to certain kinds of speech, cannot accommodate contestation of discourses and cannot work as an emancipatory tool. Discourse democracy centres instead on the contestation of discourses; emphasising civil society as the main arena for deliberative decision-making in order to be more inclusive to marginalised perspectives. According to Dryzek, this makes his theory more appropriate for solving complex social problems.

\textsuperscript{112} Dryzek, \textit{Deliberative Democracy and Beyond - Liberals, Critics, Contestation}, p. 170
\textsuperscript{113} Ibid., p. 174
\textsuperscript{114} Ibid., p. 172, 174
\textsuperscript{115} Ibid., p. 172
\textsuperscript{116} Ibid.
\textsuperscript{117} Ibid., p. 172-3
Inclusion of marginalised voices and solving complex social problems are two apparent similarities between discourse democracy and the aim of social dialogue in the studied context. One core focus in analysing social dialogue of SEWA therefore concerns the actors involved in the communication and how this relates to the electoral and legal framework. Social dialogue cannot be fundamentally bound to the legal framework in order for it to be considered a model of discourse democracy. However, if the state imperatives and the civil society interests can be submerged the state could still be an important arena for deliberation. It is also important to analyse to what extent the marginalised voices of home-based workers are represented and heard in the communication, and to include the effects that social dialogue have on the social and economic situation of the workers.

Discourse democracy focuses on rational outcomes rather than rational procedures, where the participants determine the concept of rationality. This implies that the focus is not on consensus but rather on workable agreements and that these agreements are followed by decisive collective action. Consensus behind the rationality is not desirable but the involved actors must agree on that these outcomes are rational. Based on this the analysis includes an investigation on what kinds of decisions and agreements are made through social dialogue.

Discourse democracy is self-regulatory and doesn’t need any predetermined values to regulate the communication. Dryzek argues for a wide range of different forms of communication to be allowed in deliberation; including argument, rhetoric, humour, emotion, testimony, greeting and storytelling; compared to Habermas’s “calm, reasoned, argument”. Hence the importance to consider the type of communication used in the case and how the opponents’ response to it, and what this means for the inclusion of marginalised voices.

Discourse democracy includes a requirement of communicative rationality, which implies that all communication should be excluded if it involves coercion of threat of coercion or if it cannot connect the particular to the general. This rules out coercion, deception, self-deception, strategizing and manipulation. In order for communication to connect to the general it needs to be capable of resonating with individuals who do not share the situation but share other characteristic. For analysing the communicative rationality of social dialogue these standards are used to scrutinise the narratives given by the informants. Discourse democracy favours the right to participate rather than full participation, which emphasises attention toward workers participation and representation in communication.

Even though the hypothesis of this study is that social dialogue can be conceptualised through discourse democracy, I am open to the possibility of discrepancy between the theory and the process of social dialogue.
3. HOME-BASED WORKERS AND SOCIAL DIALOGUE

SEWA started to organise home-based workers from the very beginning of their operation in 1972. This study highlights the procedure of SEWA’s communication with influential actors from this period until today, and takes notice of how the communication has changed and its effect on the social and economic situation for informal home-based workers. This is necessary for understanding the communication, for analysing it in relation to the theoretical framework and in relation to the workers situation. This material has been gathered through interviews with SEWA organisers and team leaders, and through visiting three areas where home-based workers live and work. The study focuses on home-based workers rolling bidi (Indian cigarettes), rolling incense sticks or making ready-made garments.

3.1. THE FUNDAMENTALS: INFORMATION, MOBILISATION AND EMPOWERMENT

“SEWA work with the owner, SEWA work with the ward, SEWA work with the government, parallel actually”\(^\text{118}\). The ‘influential actors’ that SEWA communicate with are primarily owners, contractors or government officials. SEWA’s central communication strategy consists of gathering as much information as possible concerning the workers’ reality and difficulties: “We also get the information from our members [...] how much bidi they prepare per day, how much is the income of that, how many leaves they get, what are the problems during the making of the bidis, different types of basic information”.\(^\text{119}\)

To get this information SEWA is working at a grass root level, meaning that they visit workers in their homes, conduct surveys and organise meetings. These methods are not only used to reach out to members but additionally provides SEWA with crucial data for communication with owners, contractor and government officials, but also in order to reach out to the members. For example: “SEWA first needed to make a record of how many workers of this kind there was, so they made a survey. From this survey they understood that the problems was that the women didn’t get equal pay, and SEWA made a record of who the different women worked for”.\(^\text{120}\) This information was used in order to know whom to negotiate with and on what grounds. SEWA also have meetings, or Sammelans as they call it, where workers of a common trade gather to discuss their issues: “in the meeting different work related issues are discussed, which type of issues they face: shortage, back ace, if they

\(^\text{118}\) Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
\(^\text{119}\) Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
\(^\text{120}\) Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03; about incense stick workers
get raw material and is it good, if they get less material and not enough material to prepare 5000 bidis”.  

In the communication SEWA highlight their “strong leaders”, who have been selected from the workforce and educated in basic knowledge on how SEWA work. This makes the arguments well founded in the workers’ situation: “I got the basic training from SEWA and since I know the bidi workers situation, because I belong to this community, it is easier for me [...], I convey the masses of the benefits of organising, if you have unity you will get many benefits. And I belong to this community so they trust me, obviously”.  

Lack of awareness on benefits and legal rights was previously a considerable issue among informal home-based workers. For example, the bidi workers were not aware of the rights and benefits that they were entitled to under the “Bidi Workers Law”: “In this law there was a mention of minimum wage and of welfare benefits for the bidi workers [...], to change this situation the four organisers of SEWA that look after the bidi workers frequently go to the area [where the workers live] and explain to them about the law and which benefits they can get”. SEWA and the leaders inform the workers of their legal rights and try to make them aware of their entitlements: “we give the workers education class, we give the legal information, to which type of benefits they get”.  

Besides simply informing the workers about their legal right, they also encourage them to demand these rights. This is done by explaining their entitlement to rights based on their economic contribution to society: “you are workers and contribute to the economy, therefore you have rights”. All of these activities have empowered the workers: “SEWA has empowered them to go outside. So some leaders also, if we have high court situation, they also go in the court and they face them and they talk. That type of empowerment”. Since the leaders are directly involved in the communication and negotiations, empowerment is important in this process. Empowered workers are less afraid of speaking their mind and demanding what they are entitled to, in relation to their work.  

Other essentials for the communication to be successful are mobilising and organising. For example, in order to convince the government to improve the situation for a certain group of workers they need to be at least 5000 workers: “there is a law, if there are
minimum workers of 5000, government has to work for that”. Another example also concerns organising enough people to feel confident that the government will listen: “after 5 years, SEWA had organised 10 000 bidi workers [...] why should we not do the work for these bidi worker rollers they are huge workers so we can negotiate and lobby with the government”. These examples indicate the importance of organising and mobilising.

3.2. COMMUNICATION WITH GOVERNMENT: WELFARE AND RECOGNITION

When it comes to communication with the government the issues are foremost related to inadequate access to welfare services. SEWA uses the legal framework and information based in the reality of the workers situation in order to convince the government to recognise and care for the home-based workers: “SEWA knows the situation of the workers, so SEWA discuss with the government officials; ok its this type of problem they are facing actually they are not rich, if they cannot get the machines and get good quality material, so you should give some subsidy or some law, so that they can get good quality machines and earn more money”. This explicitly demonstrates that the communication with the government is based on the reality of the workers.

It also happens that labour officials attend sammelans, which has shown to be effective for the improvement of the workers social situation: “SEWA explained that the minimum wage, as per the law, was 20 Rupees, but that the workers only got 2-2,50 Rupees. They also explained what type of benefits and bonuses that they were entitled to through the bidi workers law, and highlighted issues of the workers. After this meeting the government opened a particular dispensary for the bidi workers where they can go and get medicines”. Since this was a particular dispensary, only accessible for people who could be identified as the problem of lack of identification surfaced. SEWA therefore had another meeting with the labour officials and the workers, which resulted in ID-cards being distributed by the government. But first they also had to go to the areas of the bidi workers and make sure that the women in question were actually working with rolling bidis, “they come to the area and they require the basic information”. This reflects that it is not always enough for SEWA to inform the government about the workers’ situation; the government has at times required first hand information in order to intervene. For example, there used to be a program

127 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
128 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
129 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
130 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
131 Ibid.
132 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
where the government official came to live with the incense stick workers for three days in order to get to know the reality of the workers situation. This resulted in a law on social security for the workers, including ID-cards, medical treatment and health care, training and skill upgrading.133

SEWA also conduct surveys to gain information on the workers situation, which is used for underlining their arguments. They made one socioeconomic survey concerning basic amenities such as electricity and water. The information showed that “they are many, approximate 5000 to 7000 women [...] , they have not good facilities, and required facilities are not there”.134 SEWA used this information and “frequently did the meeting[s] with AUDA”.135 The situation has successively improved and, from observations, it is evident that most of the home-based workers in Ahmedabad city have electricity and water in their homes today.

It appears as if convincing the government is easy and only requires SEWA to show them the situation of the worker. When going deeper however, it becomes apparent that the process of this has taken a lot of time and effort: “after 12-15 years of struggle, because of change in the government’s office SEWA finally got the ID for the workers”.136 Shifting government is apparently one cause of the struggle, but SEWA also have needed to “frequently do[ne] the meetings”137 in order to get results.

This struggle has resulted in that, today, SEWA has “good relationship with the government officials”138 and they have mutual trust in each other: “when they come in the area they also see; okay, SEWA is here actual working in the area”.139 This trustworthy relationship has developed since the government could get first hand knowledge of the workers situation and could see that SEWA do not have any ulterior motive. They have confirmed that SEWA are telling the truth about their operation and the situation of the workers and so recognised SEWA as a legitimate partner in communication as a voice for the informal workers.

133 Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03
134 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
135 Ibid. (AUDA is short for Ahmedabad Urban Development Authority)
136 Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03
137 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
138 Ibid.
139 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
3.3. COMMUNICATION WITH OWNERS AND CONTRACTOR

When regarding the communication with owners and contractors it is important to comprehend the structure of their relationship. Most home-based workers are part of production chains. At the top of this structure there is an owner, selling the finished products to the consumers or other middlemen. Under the owner there is a (or many) contractor(s), and sometimes even a sub-contractor under the contractor, who supply the women work in order to fulfil the production order from the owner. The home-based women, who are getting some or all material from the contractor and often get paid on a piece rate, do the production\textsuperscript{140}.

3.3.1. RECOGNITION, WAGES AND CONDITIONS AT WORK

The communication with owners and contractors is foremost concerned with wages. Work-related issues such as the quality and quantity of material and the delivery time for the material and finished products are however also important. When meeting with owners, involving the government has proven to be effective: “\textit{because we always do the meeting in presence of the government, so whatever happens in the future they come to know the situation [...] if we argue with government without owner so we cannot reach [agreements]}”.\textsuperscript{141} For example when the owner refused to negotiate on a rate increase for ready-made garment workers, the triplicate meeting helped: “we have done the frequent meeting with the traders on the rate increase but they have not agreed [...] then SEWA has approached the labour officer and done the meeting with the labour officer, traders and workers, and the rate increased from 4 to 6, two rupees increase per dozen petti coats”.\textsuperscript{142}

Another example that demonstrates the effectiveness of the government’s involvement is when they have conducted surveys together with SEWA: “\textit{SEWA has done a time-motion study with the government and the welfare ward [...] we come to know whatever wages they are getting, it is not satisfying for their work, so SEWA has negotiated with the owner also [...] from this they got 2 rupees increase}”.\textsuperscript{143}

The information gathered from this survey helped convinced the owner to agree on a wage increase. The government’s involvement can have an effect on the owners’ compliance. This indicates that SEWA’s communication is well founded in the workers situation.

When SEWA started their operation, the relationship between them and owners and contractors was maleficent. The owners made threats against the workers that they would

\textsuperscript{140} Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
\textsuperscript{141} Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-14
\textsuperscript{142} Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
\textsuperscript{143} Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
lose their job if they affiliated with SEWA: “First we get the information with whom [is the] owner, [and] how many workers are there [in his operation][...] this task is also very challenging for SEWA, because if the owner come to know that we are getting that information, they might stop the work”. On one such occasion the owner and the leaders had a direct meeting where the owner tried to bribe the leader in order to sort out the problem. The leaders didn’t fall for this but took it to a triplicate meeting where SEWA explained: “How many bidi workers that worked under one owner, who the owner was, how much work they [the women] got and how much money. On that base [they got an increase to] Rs. 200 per month”.

This example accentuates that SEWA needed government support to reach agreements with the owner and also they base their communication in facts based on the reality of the workers. Previously many owners perceived SEWA as enemies, which was one of the main reasons for the difficulties in communication. The owners and contractors would often deny their relationship to the workers in order to avoid responsibility, stating: “they are not our worker, they buy material from us and then sell it”. Because of this antagonistic relation, direct communication through meetings was not the only method used when dealing with the owners and contractors. They both held rallies and informed the media. For example, at one occasion SEWA gathered their members and sat outside an owners shop. The active leader at that time tried convincing the owner: “We are not your enemy, but we want to give the work to the members. Why have you stopped giving the work? We are not your enemy, we try to give them best wages as per their labour”. SEWA also told this owner that if the rates did not increase, then they would take this case to the labour court, even though they would rather not do this. They eventually didn’t have to since they came to an agreement.

On another occasion, the communication was directed to both the owner and the government. This concerned a situation where a big factory had influenced the government to stop the passing of a minimum wage law. SEWA therefore encouraged a newspaper (patrika) to report on this unfair situation and also held a rally of between 1000 to 1500 workers

144 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
145 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
146 Ibid.
147 Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03
148 Ibid. (according to her this was what the owners or contractors would argue)
149 Ibid. (according to her this was what the owners or contractors would argue)
150 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
151 Ibid.
chanting: “why you stop to implement this minimum wages”. These methods were both aimed to shame the factory to stop intervening in the government business and toward the government to implement justice and they eventually lead to the minimum wage law being passed by the government.

These struggles paid off as the word of SEWA’s work spread “every owner comes to know if we exploit our workers they go to SEWA, SEWA is a strong union so obviously they have given good quality leaves, they get enough quantity of the material and they also give good wages”. Eventually SEWA managed to explain that they are not the enemies and that all they want is to improve the conditions of the workers, so that they are able to live on the work that they do. Today the relations are good, which will be shown in the following.

3.3.2. MUTUAL UNDERSTANDING AND INTERDEPENDENCE

The good relation between the owners, contractors and workers today is based on mutual understanding and dependency: “he (the owner) knows the whole situation of the workers also in every state, and he knows whatever he earn it’s because of the workers”. Important for this relation is that SEWA, with members, also regard the owners and contractors situation: “SEWA only see the women workers but they understand the difficulty of the owner also, it becomes easier to negotiate with the owner”. This was exemplified on numerous occasions in the interviews concerning the question of minimum wages: “SEWA not only say: ‘you have to follow the government wages’, but which is convenient for both. We understand the owner, basically not only focus workers and government, but what is the mutual understanding. That type of approach develops a good relation”.

Because of this reciprocal relationship, the parties today recognise each other as legitimate partners and come to agreements among themselves rather than involving the law: “whatever you see on the minimum wages on paper, the actually do not reach to the workers, if, because we see the both conditions […]”. SEWA has to balance the workers needs against what is possible for the owner or contractor to manage, based on their economic situation, and compromise: “it depends on the situation, its not that you are stubborn, you should be flexible as per the demands and as for the situation”.

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152 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
153 Ibid.
154 Ibid.
155 Ibid.
156 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
157 Ibid.
158 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-14
Trust between the parties has also been established through SEWA’s struggle: “when they come to know the reality, why SEWA is doing that, then we have a good relation”. This trust is attained by SEWA having regular contact with the owners and contractors and show concern for them not only when they have an issue: “We frequently go in the area, and the members are working in the same area, and the contractor and the owner might live in around that area. So we frequently go in the area for our workers, and we also say hi to the workers owner, so we have developed a good relation with the owners. Its not only when we have some issue that we go to the owner”.

The contractor usually belongs to the same community as the workers and can also be covered by the workers law: “The contractor also belongs to the bidi workers, contractor is a bidi worker, so if his children have benefits of the scholarship and schemes of government so we also convey the masses to them also, that type of relation with them”. Since SEWA is and has been working for improved social benefits for the workers, the contractor can also sometimes benefit from the work of SEWA, which also contributes to this good relation.

Even though the representatives of SEWA describe the relationship today as “good”, there appears to be a level of distress concerning the fact that the owner or contractor can stop giving the women work if their demands are too high: “SEWA also keep it in mind that if SEWA pressurise too much for higher wages so they have not safety for the work”. This also affects the relationship and limits the frames of possible communication. Another weakness in this relationship concerns the fact that the agreements are not legally binding: “There is not a legally agreement with the contractor and the workers, it’s a mutual understanding [...] its oral, how much rupees you will get it there is not any legal. Because it’s a chain, owner [do] not directly interacts with the workers, owner contractor subcontractor and then workers”. The fact that the workers have a legal minimum wage to lean on, which is as mentioned often higher than that of the agreements, can however contribute to a power balance between the parties.

Today negotiations are usually not required since all parties keep to the agreement and respect each other: “Previously we also do the rally, sammelan, mass media, and everything,

159 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
160 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
161 Ibid.
162 Ibid.
163 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-04-14
164 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
but now we have passed that communication so now we don’t do the rally or anything. Now the workers have awareness […] everybody have awareness how much rate they can get”.

However, SEWA still has an important role in the relationship: “if it is required SEWA will intervene, but it is not required”.

### 3.4. IMPROVING WORKERS SITUATION THROUGH SOCIAL DIALOGUE?

The organiser Sharda explains that when SEWA started to organise the bidi workers, at the time when she was still a bidi worker, they “didn’t have any support from the government or from owners or contractors”. Because of this she expresses gratitude toward SEWA for the work they have done to help the workers: “I am so happy to know that someone came to listen to our problems”. In terms of recognition a lot has happened through SEWA’s organisation of the home-based workers.

As previously mentioned, SEWA’s struggle has made the government recognise them and the workers they represent as legitimate parts in social dialogue. This is due to the fact that the government has realised that SEWA don’t have any ulterior motives and that they are truthful when explaining the workers situation: “when they [the government officials] come in the area they also see; okay, SEWA is here actual working in the area”. The recognition of SEWA and of the workers as legitimate partners in communication has resulted in, among other things, the workers attaining identity cards. This is the biggest achievement of SEWA and “has impact to the workers and also that they have welfare ward”. This means that the workers are given ID-card that recognises them as workers of their trade, and on that basis they can get improved access to welfare services such as dispensaries and educational scholarships.

The government’s recognition of home-based workers is often dependent on the owners and contractors being transparent with their relationship to the workers. This has been problematic in the past, when owners and contractors wouldn’t account for their connection to the workers. Today the parties have a mutual understanding and are aware of their dependency: “he [the owner] knows whatever he earn it’s because of the workers”, “when

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164 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
165 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
166 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
167 Ibid.
168 Ibid.
169 Ibid.
170 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
they come to know the reality, why SEWA is doing that, then we have a good relation”\textsuperscript{171}.

Since SEWA now are recognised as legitimate partners in communication, this there is no need for them to continue with the more aggressive communication they previously used. This recognition, “[…] the positive acknowledgement of a person’s identity by others, the lack of which is assumed to be unjust because it deprives the person concerned of dignity”,\textsuperscript{172} has been important for the improvement of the workers situation.

The negotiation and lobbying with the government has in some instances resulted in the opening of dispensaries, which is positive in terms of the workers social and economic situation: “Actually how they survive […] if they are below poverty level the government will give them grains at low cost […] they also prefer to go in the government dispensary for medical benefits because they are not financially sound to afford to go in a private […] also they [do] not send [their children] to private school, government school they send to, [it is] free of cost\textsuperscript{173}”. With for example the scholarship scheme “they are able to get the higher education to their children so they can become engineers or doctors\textsuperscript{174}”. This denotes how SEWA, through mediating with government and helping the workers with important paperwork, has managed to improve the workers situation in terms of food, health and education. It is also evident that communication with owners and contractors has improved wages and working conditions. This was demonstrated in the previous section through examples where direct communication and other activities resulted in increased wages and improvements of the quality and quantity of the material and work security.

Even though social dialogue has helped to improve the social and economic situation for the workers, the study indicates that social dialogue has not been the only method in doing this. The labour court has been used in situations where the owner or contractor wouldn’t negotiate: “SEWA has filed a case in the labour court and SEWA won the case\textsuperscript{175}”. This example happened when a contractor stopped giving work to 200 women because they asked for a wage increase. SEWA-initiatives, such as the co-operations, have also helped when direct dialogue failed. The ready-made garment co-operation SABINA, for example, started after SEWA was struggling with a contractor who had excluded some women from work: “the women did not lose faith and took the matter in their own hands and started a co-

\begin{footnotesize}
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\item Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
\item Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-14
\item Ibid.
\item Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
\end{itemize}
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operative”. Through SABINA, SEWA could cut out the contractor and get the material directly from the textile mills and supply their members with work. This created a big challenge for the traders when setting wages, since SEWA’s ability to pay more forced them to raise the wages. This indicates that the co-operations affect the relationship between the social partners and also directly effects the workers situation.

Concerning today’s wages, the workers usually don’t get as much as the minimum wage states, “they don’t get as per the minimum wages because minimum wages are high, at present”. The balance that SEWA has to keep with the contractor and the owners when it comes to wages demonstrates how social dialogue only can be effective to a certain point. The wages cannot be pushed further since this could result in either the owner or contractor transferring the work or having to shut down the business, resulting in the workers loss of livelihood. This indicates that the situation of the social partners are structured by global economic forces beyond their control. Social dialogue between SEWA, government, owners and contractors is therefore not enough.

The social and economic situation of the workers has improved through social dialogue, and other of SEWA’s activities, but there is still a lot of room for improvement. The home-based women often get the material from the contractors, but at times they are required to purchase supplementary material out of their own pocket. They have to provide with the location for production, which is why the production is done from home, thus requiring them to pay for electricity and the necessary machinery themselves: “they have to use their own home, their own machines and electricity to do their work, which of course also is a cost for the workers”. So the women are still dependent on the owner or contractor, and also on their own facilities, in order to provide for themselves.

Production from home is problematic in many ways: “they have only one room house, the child also study there, the women cook there”. These small houses are the living- and working- space for around 5 to 12 people. This means that the circumstances are hard for the whole family: “sometimes it has happened that if it’s disturbance to family and the children, like to study, so she go under the street lights and she work there”. They are living their life day by day, meaning that every single pay is vital for their sustainment. They often have to buy their groceries by instalments, which is more expensive: “they always buy as an

176 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
177 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
178 Ibid.
179 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
180 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-14
181 Ibid.
instalment, clothes, groceries like utilities whatever, because many peoples around in that area they are poor because of that he [the trader] take more money compared to stock”.

Technological advances have also created hurdles for the home-based workers, and machines have taken over many jobs: “10 women has done that work, now the scenario with technology only one person can do the work of 10 women”. Because of this, and fluctuating economic demands, the women are forced to divert into different trades: “Many do not get regular work and no fixed income. They take whatever work they get which might be 10 or 15 instead of 30 [days per month]”. The workers are, as stated before, subjected to economic forces beyond their control and “have no other choice” than to follow the demands of the market.

3.5. CONCLUSION

There are some features similar in how SEWA communicate with the government, owners and contractors. These are mainly that they use arguments based on the social and economic reality of the workers, they empower the workers to be active in communication and they mobilise and organise the workers around their common issues. There are also some variations in the communication depending on the involved actors. Social dialogue including the government often concerns issues of social welfare and result in something fixed and institutional such as a medical dispensary, ID-cards or a law on minimum wage. Communication with owners and contractors concerns particularities of work such as wages, work material or timing of delivery, and the outcomes are more “unstable” in the sense that they are not legally binding and based on mutual understanding.

The communication toward government officials is foremost focused on arguments based in the social and economic reality of the workers. At times, argument has not been enough and the government has inquired first hand information by visiting areas where the women live and work. SEWA’s word today is respected and they have established trust toward the government. In order for SEWA to have an effective communication with the government, there has to be at least 5000 workers in the concerned trade, since the law states that this indicates governmental responsibility.

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182 Johra, Organizer at SEWA for Home-based workers, from interview with Sharda 2018-03-14
183 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
184 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
185 Woman1, Home-based worker and leader, personal communication from visiting the area Vinoba Bhave, where Home-based women work in ready made garment, 2018-03-07
The communication to owners and contractors is somewhat different. In the beginning the relationship was maleficent and so was the communication. The owner or contractor used threats of terminating workers and refusing to recognise the workers. This resulted in SEWA communicating in the form of rallies and though reporting to newspapers about the unjust treatments. SEWA also threatened the owners and contractors with using the labour court, which was necessary when agreements could not be reached through direct communication. Instead of agreeing on the terms that the workers demanded the owners sometimes tried to bribe the SEWA leaders and the government. Government officials are often present when SEWA negotiate with owners and contractors. This makes the process more legitimate, enables the government to put pressure on the parties to agree and make the government aware of the labour market situation. Involving the government in the communication has sometimes been vital for SEWA to convince owners or contractors to negotiate.

After long periods of struggle, today’s relations are “good” and the partners are aware of their interdependence and empathise with one another. Even though some trades have legal minimum wages for the workers the partners agree on reasonable wages that are manageable for all parties. They are in frequent contact, but direct action such as negotiation is usually not needed, due to the mutual understanding. SEWA has made the workers aware of their legal rights and empowered them to speak up for themselves and demand what they are entitled to as workers.

From the narratives it is evident that in some instances social dialogue had a direct effect on the improved social and economic situation for the workers; such as increased wages, improved quality and quantity of material for making the products and improved access to healthcare and scholarships through ID-cards. But social dialogue has not been the only method that has improved the situation of the workers. When communication was inadequate, SEWA for example started co-operatives to cut out the middlemen (owners or contractors) and other times took the issue to the labour court. Social dialogue does lead to improved social and economic situations, but not under all circumstances and in all cases.

The home-based workers social and economic situation has only improved to a certain degree; the workers are still dependent on the work they get, they still live in small houses where they are dependent on their own facilities for their livelihood and they still survive each day through their daily earnings. They are still governed by the global economic forces that situate them and these cannot easily be changed through the communicative actions between SEWA, owners and contractors, and government officials.
4. SCRUTINISING DISCOURSE DEMOCRACY AND SOCIAL DIALOGUE

The following analytical discussion inspects Dryzek’s theory of discourse democracy and the empirical results concerning the process of social dialogue in relation to each other; and in relation to their potential for improving the social and economic situation for informal home-based workers. The first part of the analysis centres on SEWA’s communication with the government, owners and contractors in relation to the Dryzek’s discourse democracy, and the critique toward the deliberative democracy that underlines his theory. In the next section the discussion centres on the potential for discourse democracy and social dialogue to be instrumental in improving the social and economic situation of informal home-based workers. This analysis enables through connecting the conclusion from the first part of the analysis to the empirical findings concerning the social and economic situation of the informal home-based workers.

4.1. SOCIAL DIALOGUE AS DISCOURSE DEMOCRACY?

This section aims to scrutinise social dialogue, based on the empirical results, and the theory of discourse democracy in relation to each other. Through comparing the traits of discourse democracy with that of social dialogue, and acknowledging similarities and differences between the theory and the empirical results, this demonstrates the applicability of the theory of discourse democracy as a conceptualisation of social dialogue.

4.1.1. RATIONAL OUTCOMES AS WORKABLE AGREEMENTS

Rational outcomes are emphasised over procedures in discourse democracy, same as in deliberative democracy. Rational outcomes should, according to Dryzek, not be concerned with consensus but settle for workable agreements; where the participants agree on a course of action but the reasons behind the agreement might differ.\(^\text{186}\) The empirical results on SEWA’s social dialogue reveal that they are able to reach agreements with both government and the social partners. Sometimes these agreements have been reached due to apparent compromises, which is especially evident in the communication with owners and contractors:

“[…] you should be flexible as per the demands and as for the situation, […] convenient for both, we understand the owner, basically not only focus workers and government, but what is the mutual understanding. That type of approach develops a good relation”.\(^\text{187}\) And in another example: “[…] [SEWA] understand the difficulty of the owner, it becomes easier to

\(^{186}\) Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 170

\(^{187}\) Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
negotiate with the owner”. Compromises imply that the parties have conflicting interest and do not fundamentally agree but that they can come to agreements that are reasonable for both, similar to Dryzek’s workable agreements.\(^{189}\) The social partners have a mutual understanding and awareness of their interdependency, which is why they have to compromise in order for the agreement to be workable and rational for both. This ability to compromise signifies another important part relevant for both discourse democracy and deliberative democracy, namely the ability to change one’s mind upon reflection.\(^{190}\)

In the communication with government officials, it doesn’t appear to be any evident compromising involved. However, slightly diverting interests between SEWA and the government can be made visible. In SEWA’s formulation of goals,\(^{191}\) rational outcomes appear to be outcomes favouring individual workers. The government on the other hand are more concerned with the workers as a group, which is evident due to the law stating that the government’s obligation to care for the workers only starts when they are at least 5000 workers in the concerned trade.\(^{192}\) This suggests the government is not as concerned with individual workers as SEWA, but more driven by the economic utilitarian incentives that a big trade can offer to a nation. Based on these workers big contribution to the economy the workers can be said to have ‘earned’ these welfare benefits. In a way SEWA also uses this argument when connecting the entitlement to rights and benefits on the workers contribution to society: “you are workers and contribute to the economy, therefore you have rights”.\(^{193}\) The problem with this argumentation concerns the fact that the right to have rights becomes connect to the economic contribution instead of to the shared humanity. This is further discussed in the next section, 4.2.

Another suggestion of the government’s economic incentives is due to the pressure that big businesses have had on the government. The empirical results revealed a situation where a big factory intervened in the government process of passing a minimum wage law for workers. In this case SEWA managed to fight the economic incentives through making the situation public; by contacting a newspaper and rallying.\(^{194}\) The fact that these methods managed to impact on the government decisions indicate that the government are also

\(^{188}\) Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06

\(^{189}\) Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 170

\(^{190}\) Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 1;

\(^{191}\) Scherer and Palazzo, “Toward a Political Conception of Corporate Responsibility: Business and Society seen from a Habermasian Perspective”, p. 1107

\(^{192}\) Self Employed Women’s Association, About Us, 2009

\(^{193}\) Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08

\(^{194}\) Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03

\(^{194}\) Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
concerned with how they are perceived by the public. This demonstrates that when transparency is a feature of the communicative process, the parties can easier come to agreements that become rational for both. The government might have these ‘ulterior motives’ for helping the workers, but they manage to come to agreements by submerging these motives with the interest of SEWA. This is an important point in Dryzek’s theory that will be further elaborated later in this chapter.

4.1.2. FORCELESS FORCE OF THE BETTER COMMUNICATION

Discourse democracy admits many different kinds of communication in communicative decision-making, including but not limited to argument, rhetoric, humour and emotion, while the deliberative model is limited to “calm, reasoned, argument”. As presented by the empirical result, the fundamental strategy for SEWA is to base their communication in the reality of worker: “we also get the information from our members [...] how much bidi they prepare per day, how much is the income of that, how many leaves they get, what are the problems during the making of the bidis, different types of basic information”. This is presented in different ways and often as “calm, reasoned, argument” in meetings or as “[...] memorandum[s] with labour matter[s]”. This indicates that rational argumentation is one kind of communication in the social dialogue.

According to the standard of communicative rationality in the model of discourse democracy, all communication should be excluded if it involves coercion, threat of coercion or if it cannot connect the particular to the general. This second part means that the communication needs to be capable of resonating with individuals who do not share the situation but share other characteristic. The argumentation based in the reality of the workers live up to at least this second part of the standard, since the reality of the workers is the particular in this context. The fact that SEWA also in the communication relate this reality to the question: “is it enough [money] to survive?”, indicates that they connect the particular reality to the broader generality of humanity and what one needs in order to live a decent life. The first part of the standard of rationality, non-coerciveness, is discussed further on in the analysis.

195 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. vi, 1, 167
196 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
197 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. vi, explaining Habermas’s use of “deliberation” with connotations of calm, reasoned, argument.
198 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
199 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
“SEWA first needed to make a record of how many workers of this kind there was, so they made a survey. From this survey they understood that the problem was that the women didn’t get equal pay, and SEWA made a record of who the different women worked for.”

As indicated, surveys are also used to underline the rationality of SEWA’s arguments. Surveys can give the impression of “expert” or “true” knowledge, which can be perceived as harder to question. Another power-dimension is added to this communication when SEWA conducts surveys together with the government to use in the communication with owners and contractors: “SEWA has done a time-motion study with the government and the welfare ward [...] we come to know whatever wages they are getting, it is not satisfying for their work, so SEWA has negotiated with the owner also [...] from this they got 2 rupees increase”.

The involvement of government in the communication with owners and contractors appears to be favourable for SEWA, and sometimes even crucial for an agreement to be reached: “we have done the frequent meeting with the traders on the rate increase but they have not agreed [...] then SEWA has approached the labour officer and done the meeting with the labour officer, traders and workers, and the rate increased from 4 to 6, two rupees increase per dozen petti coats”. When an argument is based in a survey it is more likely that it is taken seriously. Furthermore, when the government supports SEWA in their argument it is more likely that the owners and contractors will listen and agree. This indicates that Habermas’s “forceless force of the better argument” is not at the centre, but rather Dryzek’s “forceless force of the better communication”.

Now turning back to the standard of rational communication and the demand for the communication to be non-coercion. According to both Habermas and Dryzek, communication is irrational and coercive if it involves “domination via the exercise of power, manipulation, indoctrination, propaganda, deception, expressions of mere self-interest, threats and attempts to impose ideological conformity”. It is evident that power is present in SEWA’s communication in for example how they underline their argument with “expert knowledge” thru surveys and in the support of the powerful government.

Concerning the use of surveys, the Foucauldian idea of power/knowledge comes to mind. Dryzek argues for a conception of discourse that combines the Foucauldian and the

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200 Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03; about incense stick workers
201 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
202 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
203 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 172
204 Ibid., p. 2
205 Mona Lilja and Stellan Vinthagen, Motstånd, Malmö: Liber, 2009, p. 34; Börjesson and Rehn, Makt, p. 45-46
Habermasian understanding, as demonstrated in chapter two. The Foucauldian conception carries that the exercise of power through a legitimised form of knowledge is an integral part of the communicative decision-making through the contestation of discourses. Hence the main indication of irrational “exercise of power” must be when one part in the communication is trying to force his/her stance upon the opponent without being open to changing one’s own mind upon reflection. Since all parties have proven to be able to change their stance upon reflection, I argue that the use of surveys in this case is not coercive.

The government involvement facilitates negotiation and agreements between the social partners. This should be seen in the light of the government’s legislative power, meaning that if the parties do not agree the government can implement laws to force them in a certain direction. To avoid that the government use argument based in the “superiority of constitution”, which can be coercive for both parties, they negotiate and come to agreements. Since this involvement help the parties to come to workable agreements and not for SEWA to “get their way”, it can not be seen as a case of strategizing why it is not coercive. We could go deeper into the discussion of power relations inherent in this communication, but because of the contested nature concerning the concept of power I leave this to future researchers.

Another way that SEWA communicates with influential actors, foremost government, is through inviting them to join the sammelans. These are meetings where the workers of a common trade meet to discuss their problems: “in the meeting different work related issues are discussed, which type of issues they face: shortage, back ace, if they get raw material and is it good, if they get less material and not enough material to prepare 5000 bidis”. The government officials come to directly listen to the workers talk about their social and economic issues. This communication has connotations of storytelling but even more so of emotional rhetoric, since this can invoke an emotional response from the government officials attending the meeting. Again this points toward Dryzek’s idea of admitting different kinds of communication in the decision-making process. According to Dryzek, this rhetoric can be coercive if it involves emotional manipulation. Since the fundamental of this communication still is connecting the particular to the general, I would argue that it is not a form of manipulation but rather a way of invoking recognition of their shared humanity and

206 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 71
207 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
208 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 22
vulnerability. Therefore it is rather a *rhetoric oriented to reciprocal understanding*, and it should not be considered as coercive.

At times SEWA also sort out disagreements with owners through the labour court. This is however not the first choice for any part and it can be enough for SEWA to warn the disagreeing part about taking the case to court. I would argue that this is not a coercive threat but rather the opposite; trying to sort the issue between the parties directly before involving the law.

Another important kind of communication that SEWA previously had to use was rallies. They held rallies directed at the owners: “we are not your enemy, but we want to give the work to the members. Why have you stopped giving the work? We are not your enemy, we try to give them best wages as per their labour”; and the government “why you stop to implement this minimum wages”. This demonstrates that the communication in the rallies is fundamentally argumentative, but since the contextual surroundings being rallies, they must be considered as more aggressive than “calm and reasonable”. Another important feature of rallies is that they publicise the issues. This impacts on the owner and government’s willingness to cooperate. Making the issue public could conceived as a form of strategizing, but I would rather argue that transparency in the communication on labour market issues is a necessity for the right to participate. The empirical results do not demonstrate any indications that would render SEWA’s communication as coercive according to Dryzek’s standard of rational communication.

Through the argumentation above it is once again demonstrated that this way of communicating invites the participant to be reflective, meaning that it is possible for them to change their mind through the “forceless force of the better communication”. However, one could discuss if the communication is completely “forceless”. The communication of SEWA has been concluded as non-coercive from the standard of communicative rationality, but the owners’ and contractors’ past behaviour can be questioned. There are signs of deception in cases when owners and contractors have denied the relationship to the workers in order to avoid responsibility. This is clearly a deception based in self-interest, wherefore it should be considered as coercive based on Dryzek’s standard of rational communication. Another

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209 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 71
210 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
211 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
212 Subadra, Organizer at SEWA for Home-based workers, interview 2018-02-27
213 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
214 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 22
215 Dryzek, *Deliberative Democracy and Beyond - Liberals, Critics, Contestation*, p. 2, 22
form of coercion is the exercise of economic power that has been used by owners in order to manipulate the government and SEWA. The economic incentives in these cases were not enough to affect the decision but it still indicate a historical exercise of economic power targeted to affect decisions.

The communication today doesn’t indicate this kind of coercion, and according to SEWA-organisers all relations are now “good”. The organisers in fact suggest that there is little need for direct negotiation since all parties are aware of their interdependence and understand each other’s situation, implying that they recognise each other as partners. However, the results present indications of fear that could be of concern: “SEWA also keep it in mind that if SEWA pressurise too much for higher wages so they have not safety for the work”. This can be viewed as a feature of coercive communication. But it has become evident that the wage rate is not set in order for the owner or contractor to exploit the workers in favour of high profits, but a necessity for their own survival. Higher wages might implicate loss of work since the owner/contractor cannot continue the business on these terms. This doesn’t mean that the workers are powerless, which has been demonstrated above and will be highlighted in the following.

4.1.3. LIBERAL CONSTITUTIONALISM

The kinds of communication involved in social dialogue, concerning the informal home-based workers situation, between SEWA and influential actors has been framed above. Now we turn to discuss where this communication takes place, and if and how it is turned into administrative power. Dryzek argues against Habermas’s idea that “informal public opinion-formation generates ‘influence’; influence is transformed into ‘communicative power’ through channels of political elections; and communicative power is again transformed into administrative power through legislation”. Dryzek means that elections and legislations are not the only two mechanisms that can turn public opinion into administrative power, but that this can occur through a number of transmission mechanisms. He highlights discursive mechanism, such as rhetoric with “emotional appeals to an audience”, for this transition; since it can be helpful in order to overcome differences between the state and civil society

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216 For example a case of bribery toward SEWA mentioned by Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06, and toward the government by Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
217 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-04-14
219 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 68,171
actors. It is evident that both Habermas and Dryzek emphasises the importance of civil society in communicative decision-making, but while Habermas encourage existing democratic institutions to include civil society actors in deliberation, Dryzek is more radical in that the state institutions don’t have to be involved in the decision-making, or “moment of decisive collective action”.

SEWA communicate directly with the government in order to improve the social welfare for the workers. This communication results either in binding law such as minimum wage, or in access to services and facilities such as dispensary, ID-cards, electricity and water and scholarships. I argue that since these are part of the state intuitions they are directly, partly through discursive mechanisms that influence the participants’ positions, transferred from public opinion into administrative power. It has previously been demonstrated how SEWA use emotional rhetoric when communicating with the government and how SEWA at times had to expose the issues in public in order for the government to listen and care. This indicates that even though elections are not used for transforming ‘influence’ into communicative power, the electoral system influences the communication since getting re-elected is one reason for the government to care about public opinion. This demonstrated that the existing democratic institutions are crucial for SEWA’s communication.

The communications connection to existing democratic institutions also becomes evident when considering the issue of recognition. The empirical results have demonstrated that access to welfare services at times is dependent on formal recognition in the form of an identity card. These ID-cards, the greatest achievement of SEWA, are supplied and approved by the government wherefore the process of recognition itself is institutionalised into the existing democratic system.

SEWA’s dependency on the state intuitions and the legal framework, is further demonstrated by the fact for effective communication SEWA has to have at least 5000 workers in the concerned trade, since the law then oblige the state to take action for the workers. SEWA’s ability to communicate is framed by this law: “after 5 years, SEWA had organised 10 000 bidi workers [...] so we can negotiate and lobby with the government”.

220 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p.167
221 Scherer and Palazzo, “Toward a Political Conception of Corporate Responsibility: Business and Society seen from a Habermasian Perspective”, p. 1107
222 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 78-9
223 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
224 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
225 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
By this SEWA is to some extent adhering to the states discourse, but the communication has still been effective in improving the social and economic situation of the workers.

The communication is enabled through the existing democratic institutions of the state. But the same constitutional framework can be seen as limiting the emancipatory purposes of civil society. The fact that 5000 workers are needed in a trade in order for the organised workers to get the attention of the government imply that workers that are in trades with less people still are excluded from the discursive arena. Therefore, we must conclude that the existing democratic institutions are both limiting and enabling to the emancipatory process of informal home-based workers. The limits of the social dialogue of SEWA will become increasingly evident in section 4.2.

In the communication with owners and contractors the result are not legally binding, but the legal framework and other democratic institutions are still affecting the frames and the outcomes of this communication. This can be demonstrated by the fact that the government is often present when SEWA is meeting with social partners and the involvement of the labour court in order to sort out disagreements. This shows that the communication is fundamentally connected to the framework of the liberal constitutionalism.

SEWA occasionally use the labour court for their struggle, which indicates that even though the agreements do not have direct bearing in court, they are connected to the legal framework. One such connection is that some trades have legal minimum wages that often are higher than that of the agreed wages. If the agreements are not followed SEWA can demand wages as per the legal minimum wage through the labour court. The reason for why the workers would agree on a rate lower than their legal right is that, as mentioned, they know that there is a limit to the expenses that the business can manage.

This fundamental legal framework enables the social partners to come to agreements that don’t have to be transferred into administrative power for it to be implemented. But this is also dependent on the recognition of the other part as a legitimate partner, the mutual dependency and the understanding of the opponent situation that makes the agreements binding. This is similar to the Swedish model, where the social partners of the labour market are left to form the laws that will govern them. But in Sweden, the agreements are directly legally binding and they can go to court if a part would break the agreement. This partly confirms Dryzek’s argument that: “some inequalities and exclusions cannot be remedied by constitutional means: in particular, inequality between the voice of business and the voice of
everybody else”. 226 I mean that even though the constitutional in this case matters, it is not enough in order to solve the complex problems of the labour market. Based on this we cannot conclude if the communication and agreements between civil society actors or the constitutional is of most importance, but that they both play an essential part.

The legal framework and other existing democratic institution are fundamental for both SEWA’s communication with the social partners and with the government, and therefore affect both the process and the outcome of the communicative decision-making. The empirical results concerning social dialogue indicate that both civil society and the state are important for the workers social and economic situation to improve. This is also emphasised by both Dryzek and Habermas, but in different ways as shown in the theoretical discussion. Habermas’s deliberative democracy: “[…] gives centre stage to the process of political opinion- and will-formation, but without understanding the constitutional as something secondary, rather it conceives the principles of the constitutional state as a consistent answer to the question of how the demanding communicative form of democratic opinion- and will- formation can be institutionalised”. 227 Dryzek’s model of discourse democracy emphasises the civil society arena as the most important location for communicative decision-making, 228 where the process is not dependent on existing democratic institutions but a state reflective to the interests of civil society can still be effective for the decision-making. 229

Section 4.1.1 highlighted that the agreements made with the government could indicate their interests have been submerged with the interest of SEWA. This could, according to Dryzek, entail that the state is a good arena for decision-making, as long as the communicative decision-making is not dependent on liberal constitutionalism. 230 But the above discussion has demonstrated that social dialogue in the studied case is dependent both on the legal framework but also on the civil society actors direct communication. Relating Habermas’s and Dryzek’s views on civil society and the state to this analysis it seams as if Habermas’s deliberative democracy is more applicable in the studied case than discourse democracy, on this note. The effectiveness of this communicative process to improving the social and economic situation of workers is further discussed in section 4.2.

226 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 17-18
228 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 171
229 Ibid., p. 5, 81
230 Ibid., p. 5
4.1.4. RIGHT TO PARTICIPATE

Dryzek emphasises the right to participate rather than full participation.\textsuperscript{231} I understand this as a right to have one’s discourse or stance represented, by others or by oneself, in the communicative decision-making. We therefore turn to discuss how representative SEWA is of their members. SEWA’s main strategy in the communication is basing their arguments in the reality of the workers, as previously concluded. This means that they have to have a good internal communication from which the workers voices can be lifted through the organisation. SEWA do this by visiting their member’s homes and having meeting where the members can discuss common issues and agree on a direction. To represent the trades in direct communication, they select “strong leaders”\textsuperscript{232} from the member base in each trade. The organisers at SEWA, who are also to represent the members in the communication, have themselves previously been home-based workers and “belong to that community”.\textsuperscript{233}

The representatives of the home-based workers are therefore well informed and aware of the situation that the home-based workers experience. But this is not all they do. By empowering the women to speak up for themselves and making them aware of their legal rights and the proper rate to demand from owners or contractors, they encourage the workers to involve themselves directly into communication. Today the workers therefore often speak directly to the contractor or owner if they have any problems. The communication doesn’t require that everyone have to participate, but rather that they have the opportunity to do so. Therefore awareness and empowerment are important for enabling the workers right to participate. All of these activities indicate that the focus for SEWA’s communication is on the right to participate rather than full participation.

4.1.5. CONCLUSION

To sum up the discussion so far, we can conclude that SEWA’s social dialogue with workers, contractors and government cannot be conclusively conceptualised by Dryzek’s discourse democracy. In some aspects Dryzek’s model is however applicable, for example workable agreements, meaning that the outcomes of communication are reasonable for all parties involved even though they might have different interests. Another similarity to the theoretical models communicative decision-making is that SEWA focus rather on the right to participate in communication than full participation. This is why the workers don’t have to be

\textsuperscript{231} Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 172-3
\textsuperscript{232} Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
\textsuperscript{233} Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
directly involved in communication and can be represented through organisers and leaders. Because of the acceptance of different kinds of communication in the dialogue between SEWA and influential actors, such as rallying, storytelling, emotional rhetoric and rational argument, social dialogue in this case is similar to Dryzek’s “the forceless force of the better communication”.

I have argued that in grounding the communication in the reality of the workers SEWA can be considered as connecting the particular to the general, since they manage to resonate with individuals who do not share the situation but other characteristic. I have also demonstrated that the way SEWA communicates, and historically has communicated, is non-coercive. The owners and contractor have however not always lived up to the standard of communicative rationality, being deceptive and using their economic power to manipulate the decisions. Today the relationships between SEWA, the government and the social partners are “good”, meaning that SEWA is recognised as a legitimate partner in decision-making and they can therefore often conform to rational argument in today’s communication.

The mutual understanding and interdependence between the workers and the social partners is an important part of this relationship. Another important part is the constitutional framework that is underpinning all the communication, both with owner, contractors and the government. SEWA communicate directly with the government, and the outcomes are institutionalised directly from this communication through the transfer of public opinion into administrative power. In the communication with owners and contractors the result are not legally binding, but the existing democratic institutions are affecting the frames and outcomes of this communication. This can be shown by the government’s involvement in the communication, the use of labour court and the support in existing legal minimum wages. The combination of the constitutional framework and the mutual understanding between the social partners enables them come to agreements that don’t have to be transferred into administrative power for it to be implemented.

The social dialogue of SEWA is dependent on, and structured by, the constitutional framework. The grounding of communicative decision-making in the framework of the liberal constitution is one of the main sources for Dryzek’s critique toward Habermas. Therefore one might argue that on this point, Habermas’s deliberative democracy is more applicable in the studied case than discourse democracy. The analysis has also indicated limits in the emancipatory process when the communication adhere to the constitutional framework, which is also of importance when evaluating the potential of SEWA’s social dialogue for improving the social and economic situation of the workers.
4.2. POTENTIAL FOR IMPROVING THE WORKERS SITUATION

The previous section scrutinised the theory of discourse democracy in relation to the determined process of social dialogue in the present case. This section analyses the conclusions drawn from that scrutiny in relation to the empirical findings concerning the social and economic situation of the informal home-based workers. The potential of the communicative process of the case and of Dryzek’s discourse democracy for solving complex social problems is discussed.

The empirical results show that SEWA’s communication with government and owners and contractors to some extent improve the social and economic situation for informal home-based workers. According to the organisers their biggest achievement has been the recognition through ID-cards, which has lead to the workers getting access to medical dispensaries and other welfare services. The government has also through the negotiation and lobbying of SEWA opened dispensaries, which has been an important economic help for the workers, increasing their access to affordable medicine and food. The workers children have also been provided with improved access to educational scholarships, enabling the families of home-based workers to secure their economic future. When it comes to wages and working conditions the communication with owners and contractors has been effective. Through compromises and negotiations the wages have increased, the material has improves in both quality and quantity and the security surrounding work has improved.

The improvement of the social and economic situation of the workers is connected to the special process of communicative decision-making that has developed between SEWA, the government and the social partners, demonstrated in the previous section. We concluded that discourse democracy couldn’t conclusively conceptualise social dialogue in this context, as was suggested in the hypothesis. But some parts of Dryzek’s theory have bearing in the studied context, such as the idea of “forceless force of the better communication”, the right to participate, rational outcomes in terms of workable agreements, communicative mechanisms that can transform public opinion into administrative power and civil society as an important arena for communicative decision-making.

234 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
235 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-14
236 Ibid.
237 See section 3.3.1, from interviews with Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01 and Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
It has been determined that SEWA not only use rational argument but also other kinds of communication such as storytelling, rhetoric based in emotion and the power of knowledge through research. On this basis it live up to the acceptance of different forms of communicative styles, and so the “forceless force or the better communication”, in Dryzek’s model. In the previous section we concluded that the communication used by SEWA live up to the standard of communicative rationality in that it is non-coercive and that it connects the particular to the general. Dryzek argues that the reason for discourse democracy being more inclusive to marginalised voices is partly due to this acceptance of a wider range of communication in the decision-making process. Because of this similarity in the process of social dialogue and discourse democracy we can discuss if this is necessary for the inclusion of marginalised voices in the studied case.

The importance to publicise the labour market issue, through rallies and newspapers, was mentioned in the analysis in section 4.1.1. This has proven effective in making the government and owners listen to the marginalised voices of informal home-based workers. We have also seen that emotional rhetoric, and storytelling, can be helpful in this matter and that when the government is involved in the communication between SEWA and an owner, the owner tend to be more willing to negotiate. SEWA’s use of emotional rhetoric oriented to reciprocal understanding is a way of invoking recognition of the parties shared humanity and vulnerability. This indicates that an acceptance of different kinds of communication is favourable, over communication adhering to rational argument, for the inclusion of marginalised views. This becomes more evident if regarding the inclusion of the home-based workers perspectives in decision-making from when SEWA first started to organise.

Through SEWA’s communication, but also through other activities that will come to light later, the previously excluded and invisible perspectives of the informal home-based workers are today an integral part of the decision-making on questions that concern them. SEWA is now recognised as a legitimate part of the decision-making process. Relating this to the theory of recognition, defining recognition as “[…] the positive acknowledgement of a person’s identity by others, the lack of which is assumed to be unjust because it deprives the person concerned of dignity”,\(^{238}\) it becomes evident that this has played an important part in the improvement of the workers social and economic situation. SEWA’s use of different

kinds of communication is inclusive to marginalised voices and in this case a more narrow form of communication did not prove effective to enable this inclusion.

Recognition has lead to the development of good relations between the parties, and they have mutual understanding of each other’s situation. This has made workable agreements possible. The right to participate and the grounding of the communication in the workers reality, implies that the recognition of SEWA also is recognition of the workers. Therefore we can argue that the recognition and inclusion of the home-based workers as legitimate partners in communicative decision-making is in itself an improvement of the workers social situation. This means that important society actors now recognise them, why they are no longer “invisible”. This visibility and recognition has made other improvements of their social and economic situation possible, which explains why the identity cards is perceived as the biggest achievement of SEWA: “it has impact to the workers and also that they have welfare ward”.239

The improvement of the workers social and economic situation depends on this recognition and on the mutual dependence and understanding between the parties. But it is also dependent on the communications connection to the constitutional framework, and mainly the law. Social dialogue of SEWA is fundamentally dependent on the legal framework and the existing democratic institutions. According to Dryzek’s argumentation the dependency on the constitutional framework should indicate that it is not adequate for solving complex social problems or properly include marginalised voices.240 But through the case study it has become evident that the constitutional framework, in this case, enables the improvement of the workers situation, which can be perceived as the main “social problem” in this context. This indicates that Dryzek might be wrong in condemning the constitutional framework, and that it in fact is a necessary fundament for effective communicative decision-making involving civil society actors.

However, we should not completely dismiss that Dryzek’s idea of a separation from the liberal constitution is more effective for emancipatory purposes. As previously mentioned when adhering to the constitutional framework, SEWA’s communication toward the government is only effective if they have at least 5000 workers in the concerned trade. This implies that workers in trades of less people have limited or no possibility for being included in the decision-making. This indicates that the economic discourse is still overpowering the

239 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-06
240 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. vi, 67, 75
discourse of human dignity and justice, and the possibility of contesting dominant discourses through this communication is limited.

Dryzek argues that Habermas’s emphasis on the liberal constitutionalism is not effective in including marginalised voices in decision-making. He argues that his own model of discourse democracy on the other hand is constructed to facilitate difference and issues that transcend community boundaries; meaning that contestation of discourses is at the centre. It has been concluded that social dialogue in the case study has included marginalised voices and that different discourses are involved. But because of delimitations of the legal framework not all marginalised voices are heard. This implies that Dryzek is right in that communicative decision-making independent of the constitutional framework might be more inclusive to marginalised voices and hence enable the contestation of discourses. With this said, the analysis of the empirical results has shown that the frames of the constitution is both enabling and limiting in this case, wherefore we cannot say that Dryzek is right or wrong. If the communication would be independent of the constitutional, as Dryzek argues, it might be more inclusive but it might also be ineffective since it appears to be a necessity in the studied case. According to these results the constitutional framework is a necessity at the same time as it is a hinder for emancipation and for solving complex social problems.

Another issue concerning the level of improvement for the home-based workers is the fact that even with the legal framework, they are not able to demand the legal minimum wage: “they don’t get as per the minimum wages because minimum wages are high, at present”. SEWA has to keep a balance with the social partners concerning wages, since if they demand wages that are too high the contractor or owner will not be able to manage and the business might have to shut down or transfer. In both instances, this would result in loss of livelihood for the workers. Because of this, even though the home-based workers situation has improved I would argue that it is still not sufficient to be perceived as a decent living. As demonstrated by the empirical results in the previous chapter, the families are cramped together in a small one-room house, they have no other opportunities for work and their economic situation is constrained.

241 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. vi, 67
242 Dryzek, Deliberative Democracy and Beyond - Liberals, Critics, Contestation, p. 72, 173, 175
243 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
244 According to the standard of the ILO: International Labour Organization, Decent Work; International Labour Organization, Decent Work Indicators
245 Johra, Organizer at SEWA for Home-based workers, from interview with Sharda 2018-03-14; Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-14
The above demonstrates how the communication is only effective to a certain point. I have argued that this is partly due to global economic forces, which cannot be changed through communication at local or national level, that structure the situation of all parties in communication. This is evident since the work opportunities for both the home-based women and contractors in the case study are determined by technological developments and machines that streamline the production and force the workers to change into other trades. If communication is to be effective in solving the problems that these workers suffer, it needs to be conducted at the level at which the problems are caused.

SEWA’s communicative process has made it possible to establish good relations between the parties and to improve the workers situation. But other practices have also been involved besides direct communication. This was discussed in the previous chapter and involves among other things the SEWA co-operations, for example the ready-made garment co-operation SABINA. Through SABINA, SEWA could cut out the middlemen and supply some of the women with work themselves. Since SABINA was created by the workers for the workers it is not profit driven, why the workers could get a higher wage than under a contractor. In doing this the workers themselves could drive up the wages in the whole trade. Co-operation like these affect the relation between owners, contractors and workers and directly improve the workers economic situation.

The empirical results on SEWA’s social dialogue with owners indicate that other activities than direct communication has been involved in establishing good relationships between the parties, including the recognition of SEWA as a legitimate partner and the outcomes in terms of improved social and economic situation of the workers. On this basis we can question if the use of only communication can solve complex social problems. Communication is not done in a vacuum wherefore other practices also impact on the process of decision-making. In the case of SEWA this struggle involving communication and other practices has resulted in the reciprocal relationship that today exist between the parties, which makes it possible for them to establish workable agreements.

Concerning the rhetoric that SEWA use however, something slightly problematic can be detected. As previously mentioned both SEWA and the government imply, SEWA when trying to empower workers and the government through the law, that entitlements to decent social and economic standards are dependent on the individual economic contribution.

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246 Zaitun, Organizer at SEWA for Home-based workers, interview 2018-03-01
247 Johra, Organizer at SEWA for Home-based workers, interview 2018-03-03
248 Sharda, Organizer and team-leader at SEWA for Home-based workers, interview 2018-03-08
This rhetoric can be seen as problematic from the perspective of the human rights discourse, where entitlement are based in the shared humanity and the thought of human dignity. This indicates that the economic rationality is prevailing in both the government’s and in SEWA’s discourse. This might be a good strategy when it comes to the struggle for workers rights, but in term of human right struggles in general it can be counterproductive. Nevertheless, as the analysis has shown, one hurdle for improving the workers social and economic situation further is that global economic forces situate them. Adherence to the economic discourse in search of emancipation can therefore be problematic. This however needs further investigation, beyond the scope of this study.

4.2.1. CONCLUSION

The main conclusion that can be drawn from this section is that the case of SEWA demonstrates how both the constitutional framework and the relationship and communication in the civil society arena are of great importance for the improvement of the social and economic situation of informal home-based workers. Relevant for this improvement is also the acceptance of different forms of communication in the process of decision-making, and rational outcomes in terms of workable agreements, which has been important for the recognition of SEWA and the workers as legitimate partners in decision-making.

The analysis has demonstrated that the legal framework is both limiting and enabling in SEWA’s struggle, foremost since not all home-based workers have the chance to be represented in the decision-making. This means that Dryzek is neither right nor wrong when claiming that the liberal constitutionalism is inadequate for solving complex problems. Is has also been shown that global economic forces situate the involved parties, wherefore communication between them can only lead to a certain degree of change. For communication to be an effective tool for securing a decent living for the home-based workers, it needs to be directed at the forces that cause the situation.

But this might still not even be effective. The case of SEWA shows that not only communication has affected the outcomes in terms of improved social and economic situation of the workers, activities has also mattered. Communication is not done in a vacuum wherefore other practices also impact on the process of decision-making. Therefore we can question if the use of only communication can work to solve complex social problems, or if other practices are needed.
5. CONCLUSION AND REFLECTION

5.1. CONCLUDING REMARKS

This study had a two-folded purpose, with the first part being to gain a deeper understanding for the process and effects of SEWA’s social dialogue and the second part scrutinising the empirical results and Dryzek’s discourse democracy in relation to each other. When scrutinising the process of social dialogue in relation to discourse democracy, it became evident that they have similarities and differences. This lead to the conclusion that the hypothesis, that SEWA’s social dialogue can be conceptualised as a form of discourse democracy, and as such a suitable instrument for improving the social and economic situation for informal home-based workers, is not completely valid.

Concerning SEWA’s struggle, from when they started until today, I highlighted recognition as an important success in the process of improving the workers situation. One part of this recognition is the ID-card, which according to SEWA is their biggest achievement. SEWA’s use of different forms of communication, such as rallies and emotional rhetoric, their involvement of the workers through empowerment and awareness making, the support of the legal framework and other SEWA activities such as the co-operations, has enabled SEWA and the workers to become recognised as legitimate partners in the decision-making process, on issues that concern them. The importance of recognition in emancipatory struggles and for challenging injustice, discrimination and political exclusion was mentioned in the introduction, and has become evident in this case. Today SEWA, the social partners and the government have good relations and manage workable agreements through compromises or submerging of interests; and SEWA can conform to calm, reasoned, argument in their communication.

This comprehensive use of different forms of communication is the biggest similarity to Dryzek’s discourse democracy. This communication also proved to live up to Dryzek’s standard of communicative rationality in that it is non-coercive and able to connect the particular to the general, where this latter part showed special importance for SEWA since their main strategy is to base their communication in the workers situation. Hence the “forceless fore of the better communication” is used in SEWA’s social dialogue. Similar to Dryzek’s argument, the case of SEWA demonstrated how this extensive communication better enables the inclusion of marginalised voices, than the use of only rational argument, and its important in the struggle for recognition. The case study indicated that this
communication has a special importance in the beginning of the struggle, when fighting for recognition as a legitimate partner in communication. This is therefore the main contribution that Dryzek’s theory brings to the debate on deliberative democracy and has proven to be important in the struggle for improving the workers social and economic situation.

The results demonstrate that discursive mechanisms can be used to transfer public opinion into administrative power, which supports Dryzek’s critique against Habermas’s emphasis on elections and legislation as directly involved in this transfer. But it also showed that the relationships between the parties, the communication and the outcomes are dependent on the constitutional framework. Neither Dryzek’s theory nor Habermas’s is therefore appropriate for conceptualising situation.

The special relationship between the social partners and the fact that the agreements are not legally binding but based in mutual understanding indicate the importance of communicative decision-making directly between civil society actors. However, as I said, this communication and the agreements are still fundamentally connected to the constitutional framework. Dryzek’s argument that the discursive mechanisms of civil society must be independent of the state doesn’t hold up in the studied case. The social dialogue of SEWA is dependent both on the legal framework but also on the civil society actors direct communication. Based on this we cannot conclude that the communication and agreements between civil society actors or the constitutional is of most importance, but that they both play an essential part and are related to each other in complex ways.

The constitutional framework both enables and hinders SEWA’s struggle for improvement of the workers social and economic situation. The results indicate how the support of the constitutional framework is a necessity for SEWA to be recognised in communication, for the parties to negotiate and for the social and economic situation of the workers to improve. Communication without this framework might imply that rational outcomes, e.g. workable agreements, between the social partners would not be possible to reach. Communicative decision-making dependent on the constitutional framework is the main point of critique that Dryzek directs toward Habermas’s deliberative democracy. We can thereby question Dryzek’s theory and argue that the constitutional framework is necessary for the communicative decision-making to be effective.

But since the results also indicated that the constitutional framework limits the possibility of all home-based workers to be heard and therefore the potential for improving
all informal home-based workers situation, we cannot dismiss that Dryzek has a point. He might be right in that the constitutional framework is excluding marginalised voices and do not adequately accommodate difference for it to be a good arena for solving complex social problems. This adherence to the liberal constitutionalism has proven to be both enabling and limiting for social dialogue as an instrument for improving the workers situation. This indicate the potential and the deficiency of Dryzek’s discourse democracy, and we cannot conclusively determine if the communication is a better instrument for improving the workers situation if it is dependent or independent of the constitutional framework.

As mentioned, the communication is not conducted in a vacuum wherefore we cannot say that the outcomes are reached simply through social dialogue. The outcomes are dependent on the good relations that exist today, and the developments of these were dependent on the communication, the legal framework and other practices of the SEWA movement. This indicates that communication might not be enough for improving the situation of the workers, at least in the early stage of emancipation, which demonstrated some of the limits of social dialogue. On this note Dryzek’s discourse democracy can also be questioned for being to simple and not holistic enough. Since deliberative democracy and social dialogue also focus on communication as the instrument for change, these theories and practices can also be criticised from this perspective.

Another limiting factor is the fact that global economic forces, which cannot be challenged through social dialogue on this societal level, structure the conditions of all parties. The struggle needs to be simultaneously done on a global level. It should also be noted that an economic rhetoric is noticeable in the communication, which could also be affecting the struggle, negatively and positively to different extents.

The analysis has demonstrated that Dryzek’s discourse democracy cannot conclusively conceptualise social dialogue in the present case, but neither can Habermas’s deliberative democracy. We can conclude that Dryzek’s comprehensive communication has more potential for improving social and economic situation for workers than simply the use of calm, reasoned, argument, but we can also question his negative view on the constitutional framework of the communication. Both theories have important aspects to bring to the table in the search of a communicative instrument for change and emancipation. We can also question if any theory of communicative decision-making can be enough for emancipation and for solving complex social problems for marginalised groups such as informal home-

\[249\] Due to the law stating that the government have an obligation to listen to workers only if they are at least 5000 organized in the concerned trade.
based workers, since the case study demonstrated the importance of other practices of resistance.

5.2. REFLECTIONS AND PROSPECT FOR FURTHER RESEARCH

The results indicate that there are global forces that are involved in structuring the labour relations in the studied case and that in order to challenge these forces the struggle needs to be conducted at the global level, also. This calls for an investigation in how SEWA operates on internationally and what this implies for the workers situation.

An adherence to the neo-liberal discourse was noticeable in the communication, for example when SEWA empower their members by emphasising their economic contribution as the reason for the entitlement to rights. This might be effective in a short-term perspective but since the neoliberal global forces structure the workers situation, the adherence to this discourse might be counterproductive. I would suggest that in order to challenge this discourse and for social change to occur, the arguments should instead be purely based on the discourse of human dignity. This is another potential prospect for further research.

The research of Palazzo and Scherer and Harvey, Hodder and Brammer mentioned in this study, assume recognition as a precondition. However, this study indicates that a long struggle, involving different forms of communication and other activities, are needed for the recognition of the workers. Therefore, neither Habermas’s nor Dryzek’s model could adequately conceptualise social dialogue in the case.

The fact that communication is not enough, at least not in the early stages, is an important finding in this study. This reminds me of the study of Anne McNevin that highlights different forms of resistance in different contexts needed for marginalised perspectives and peoples to be included and recognised. This should be incorporated into the debate on deliberative decision-making, and be subjected to further research. I mentioned in the introduction that this constitutes a “worst-case-scenario”. With this said I would argue that this study demonstrated that the type of activates and forms of communication necessary in the struggle depends on the context and to what extent the struggling group is being excluded.

REFERENCES


Union To Union, *Indien*, 2017, [http://www.uniontounion.org/indien](http://www.uniontounion.org/indien), derived 15 February 2018


APPENDIX

INTERVIEW GUIDE

This interview guide worked as guidelines for the interview, meaning that in some cases it was not necessary to ask the direct questions since they had been handled through the narratives or the question needed to be tweaked in accordance with certain situations touched upon in the narratives. The order in which the questions were asked was also flexible in relation to the narratives.

Introduction and consent
Introducing the study and myself. Sharing information concerning handling of the material, the right to withdraw from participation, consent on the use of information and recording.

Orientation
Name, occupation and for how long the informant has worked here.

Substantial questions
I would like to know about the situation of the home-based workers (focus incense stick rollers, bidi rollers or ready made garment workers) and how you communicate with owners, contractors and government to improve the situation of workers.

• Who do you (SEWA) communicate with?
• Why do you (SEWA) communicate with these actors? (About what)
• What do you (SEWA) say and do to convince these actors of your point?
• What are the problems in this communication and in coming to an agreement?
• Do the other part respect you (SEWA) in the communication?
• Is the communication meaningful? Do you come to agreements and are these binding? Does it make a difference?
• How do you (SEWA) make sure that workers are represented accurately?
• How would you describe the workers social and economic situation, and how it has changed through SEWA’s work (focus on communication)?
  o Healthcare, childcare, education, social security, income and economic security, housing, facilities, food, working conditions, social standing,
• Any additional information?
LIST OF INFORMANTS

1. Subadra. Organiser at SEWA for the home-based workers. Previously she was a bidi worker and leader of the bidi workers. 2018-02-28

2. Zaitun. Organiser at SEWA for the home-based workers. Previously she was a ready-made garment worker. 2018-03-01

3. Johra, Organiser at SEWA for the home-based workers. Previously she was a bidi worker. 2018-03-03

4. Sharda, Organiser and team leader at SEWA for the home-based workers. Previously she was a bidi worker. 2018-03-06/2018-03-08/2018-03-14

251 I had three interviews with Sharda since she was a key informant and because of limited time during the interviews we had to meet at numerous occasions.