

GROUP 1

Alliance of Taco-vendors Against Exploitation (ATAX)

Working Conditions

Street vending is a dangerous job in all parts the country, but particularly in cities suffering the impacts of organized crime and common delinquency. Taco vendors work throughout the night and often cater to people under the influence of alcohol and/or illegal drugs, as well as to homeless people living on the same street blocks who may not have the money to pay for what they eat. Taco vendors have faced risk of violent attack including murder, physical/verbal and/or sexual assault. Robbery is common.

Beside the environmental risks of their job, taco vendors also face food sector specific occupational health and safety risks such as burns from naked flames, boiling oil and hot griddles; knife injury; respiratory infections and disease from inhaling smoke, gas, and exhaust fumes; as well as skin and stomach infections associated with food preparation where there is no plumbing or waste system.

Because they work on the streets, have limited resources, and overwhelmingly cater to the city's poor, they also face discrimination at the hands of the police, increasingly harsh municipal regulations, and courts devoid of due process.

Most taco vendors work 12 hour shifts up to 7 days per week and earn little pay with no benefits or protection. As a result of the costs of operating a taco stand, borne by the vendor, on a slow day or night the vendor may not break even, or may make less than the legal minimum wage for a 12 hour shift. Increasing basic food and fuel costs are exacerbating this problem, as is the fact that less people eat outside the home during periods of economic recession.

95% of taco vendors do not have any access to social security (which includes access to health care) or government subsidized housing.

Industry Structure

Taco vendors must obtain a license before putting a stand on the street. They do this by buying or leasing a license from license brokers or from stand consortiums (groups of stand owners). Each license may cost up to 150,000 pesos when it is sold.

The license can only be issued by the municipal authorities - in order to allow the city to regulate the number of taco vendors selling food. At the City level, the municipal government's **Taco Stand Commission (Tac.Sta.Com)** regulates all types of taco stand. The Tac.Sta.Com receives a 15% tax on licenses sold to or between owners. Licenses are therefore valued at millions of pesos per city. Some Tac.Sta.Com officials go on to get jobs representing stand consortiums. Licenses were much cheaper before the Tac.Sta.Com existed.

The ownership of stands and licenses has become consolidated into consortiums which are in turn organized into a trade association called the **Taco Consortium Board of Trade (TACO-BOT)**, which is

politically influential. TACO-BOT has its own PR firm, professional lobbyists, and fights for rules and regulations that benefit its bottom line and shift the risks and expenses downwards to vendors. Consortiums are responsible for purchase and maintenance of the stands but are known for keeping them in the worst shape. Consortiums normally comprise between 100 and 250 stands, which can operate for up to 24 hours per day, every day. Some consortium members have become very rich as a result of leasing arrangement.

Taco stand brokers are intermediaries who lease stands and licenses from the consortiums and sub-lease them to vendors. Brokers operate licenses, they do not own them. They also purchase cooking equipment and fuel direct from side companies and then provide finance deals for vendors to buy them over a period of months or even years. Brokers are organized into the **Committee of Taco Brokers (CTB)**. Brokers often have contracts or agreements with butane gas providers and other side businesses which the vendors are coerced into using in spite of the fact that they could get more fairly priced services by shopping around.

The regulatory agencies are absent of any public accountability or labor voice.

Industrial Relations

Vendors are considered to be independent contractors. Tac.Sta.Com and TACO-BOT worked together to introduce leasing which eliminated the legal classification of vendors as employees. As independent contractors, vendors are not allowed to unionize or hold a collective bargaining agreement.

Consortiums do not usually have policies to compensate vendors for loss of income due to equipment failure or destruction, on-the-job injury, robbery, or customers running off without paying.

There is no standard brokerage agreement with vendors, but often contracts run for 2.5 years and normally require the vendor to pay for all taco-stand related expenses, including repairs, equipment and inspections. Vendors must also pay for gas/other fuel.

Under this system, vendors work in debt. They must pay for the lease of the stand and the license, and they must do this up-front. Lease rates are calculated by day and according to whether the vendor works the day and/or night shift.

While consortium members have gotten rich vendors have lost their access to the employer-paid part of their social security and pensions. As a rule, vendors put off medical treatment until they have an emergency.

Consortium don't invest in new stands, pay vendors a decent wage, or pay for medical treatment without coercion.

The Tac.Sta.Com works with the Ministry of Food and Agriculture at the national level to target vendors for fines. If a vendor accumulates a certain number of fines they lose their license and their sole source of income. This is a way for municipal governments to make money.

Vendors pay a 5% tax on all sales, to the Tac.Sta.Com. They also often have to pay 'protection' taxes to the leaders of street criminals and the bosses of organized crime.

Workers

There are up to 50,000 vendors per city.

Mainly men but a small number of women are now doing the job. Migrant populations are drawn into the vendor work, both from rural areas of the country and from neighboring countries. The migrant workers are often extremely poor, and do not have any knowledge of their rights. They are persecuted by the authorities and risk deportation. The vendors live in every neighborhood of the city.

50% of the vendors are 'steady' workers, 50% work on an irregular basis.

75% of the vendors lease the stand and the license and pay a daily or nightly fee to do so.

20% of the vendors own their stand but lease the license. They enter into contracts to purchase the stand from a broker, from whom they also lease the license. The vendors must pay all stand related costs.

5% of the vendors own both the license and the stand. Some of them lease to a second vendor.

ATAX

The Association of Taco-Vendors Against Exploitation (ATAX) is a small group of taco-vendors who have come together to try to improve their situation. They have chapters in the capital city and one provincial town. They have heard that taxi-drivers and other informal sector colleagues have had some success in changing the conditions of their work by engaging in awareness raising and political campaigns at the city level.

The Challenge

You will work with ATAX to outline a nation-wide or city-wide campaign for justice, rights and dignity for taco-vendors. Think about short, medium and long term campaign objectives and strategies to reach the objectives. The campaign may or may not lead to unionization but must be focused on building collective power amongst taco-vendors.

Explain your campaign objectives.

Explain your selection of target (country-level or city-level).

Define one or more strategies for reaching your campaign objectives.

Explain your choice of intended organizational form and structure.

Identify allies.

GROUP 2

Union:

The Junk Food Workers Union (JFWU) is a small union with 75,000 members in 18 locals in the United States and two in Canada. In addition to the Yummy Chocolate workers, JFWU represents workers at several bakery, confectionary, and food processing companies. JFWU Local 123 in Yummyville, PA represents the workers at the Yummyville, West Yummyville and the Rootlers plants. The workers are all covered by the same collective bargaining agreement (cba expires in September 2012) and have a long-standing relationship with the company going back more than 40 years. The local has traditionally been very resistant to challenging the company and is considered, even by the national, to be cowed by the company. In the last two contract negotiations Yummy Chocolate has demanded significant concessions from the workers, particularly around health care coverage and pension contributions. Communication is stilted and infrequent.

The Challenge:

In 2003, Yummy Chocolate began a process of pulling parts of the production process out of the historic downtown Yummyville plant. On its own property in a nearby town, Yummy Chocolate built a distribution center and moved the entire packing section to one half of the building and the warehouse operation to the other half of the building. The company contracted a labor management firm called Extra, which leased the 500 positions to a labor leasing company called Staff Finders, which then recruited workers on three month renewable contracts to work in both the packing and the warehouse sections.

JFWU Local 123 attempted to get their contract extended to the new site but the courts ruled against them. JFWU also ran an election and lost by 50 votes. After 2004 the local made no further attempts to organize the new workers.

Many of the workers have been in the plant for 3 years or more but every three months they face the uncertainty of whether their contracts will be renewed. In early 2011, the temp agency announced that after two renewals the hourly wage would be reduced from 8/hour to \$7/hour. Workers were also being placed on many night shifts lifting heavy boxes with no safety equipment or breaks.

Instructions:

Design a campaign plan to organize the 500 temporary positions discussed in the previous section. The campaign plan should include the following:

- Major action steps
- Identify potential obstacles to implementation and how to overcome them