

A NATIONAL POLICY FRAMEWORK

Hazardous Matters

Examining the Right to Safe and Dignified
Work for Sanitation Workers



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Human Rights Commission of Pakistan

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ISBN 978-627-7602-38-3

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Acknowledgements

The Human Rights Commission of Pakistan is very grateful to Sara Malkani and Asad Jamal for writing this report.

Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the Human Rights Commission of Pakistan and can under no circumstances be regarded as reflecting the position of the European Union.



**Funded by the
European Union**

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1 Introduction

Sanitation workers perform essential public services. They sweep roads, streets and other public areas, remove waste and clean gutters and sewers. Without their services, public streets and roads would be impossible to use and the country's sewerage systems would break down. Clean streets, gutters and drains are also essential to preventing the spread of contagious diseases. Despite the crucial nature of their work, sanitation workers are among the most marginalized and are often invisible in discussions and scholarship around Pakistan's workforce. They work in hazardous conditions, clearing toxic and noxious substances, almost always without any protective equipment whatsoever.

In addition, sanitation workers are often paid below the officially prescribed minimum wage¹ and lack job security and other benefits. An overwhelming majority of sanitation workers belong to religious minorities that have historically been part of 'the lowest of the low' communal matrix and face social stigma and systemic discrimination due to the nature of their work and their caste-based social background.

1.1 Rationale for the report

The Human Rights Commission of Pakistan (HRCP) has campaigned for fairer wages and better working conditions for sanitation workers for many years, especially during the 2020 Covid-19 crisis in which much of the workforce was vulnerable to the virus as a result of lack of personal protective equipment. During 2021–23, HRCP held a series of consultations and roundtables with sanitation workers' representatives, labour rights activists and policy experts in Islamabad, Lahore and Karachi to better understand their concerns. Mindful of the fact that this key workforce is often seen as almost less than human, HRCP also documented the personal stories of several sanitation workers in different parts of the country. What emerged from these efforts was a sobering picture of a workforce that is consistently marginalized and, in the absence of a coherent and updated policy framework, has few avenues for demanding the

rights to which sanitation workers are entitled as citizens of Pakistan. A logical next step therefore was to address this gap.

This report describes the working conditions of sanitation workers in Pakistan. It discusses the gaps and weaknesses in the current legal and policy framework that perpetuate the rights violations experienced by sanitation workers and concludes with recommendations for legal and policy changes.

1.2 Objectives

This report has two aims. The first is to examine the existing laws, policies and practices affecting the working conditions of sanitation workers in the public and private sectors, employed on a regular/permanent and non-regular basis. Second, it aims to propose changes to the existing legal and policy framework. The research conducted for this report is limited to the provinces of Sindh and Punjab. HRCP notes, however, that the challenges owing to legal and policy frameworks in other provinces are similar to that of Sindh and Punjab. The hope is that the report's findings and recommendations would broadly apply throughout Pakistan and help formulate laws and policies by all provincial governments.

1.3 Methodology

The research methodology for this report was as follows:

- Study the legal and policy framework practised in the provinces of Punjab and Sindh with special attention to (a) employment, wages and social security and other benefits, (b) occupational safety and dignity, and (c) non-discrimination.
- Review the existing literature.
- Conduct key informant interviews with sanitation workers and use the findings that emerged from a national roundtable held with sanitation workers' representatives in Lahore.

2 Conditions of sanitation workers

Sanitation workers include: 'all people—employed or otherwise—responsible for cleaning, maintaining, operating or emptying a sanitation technology at any step of the sanitation chain. This includes toilet cleaners and caretakers in domestic, public and institutional settings, those who empty pits and septic tanks once full and other faecal sludge handlers, those who clean sewers and manholes, and those who work at sewage and faecal waste treatment and disposal sites.'² We also define sanitation workers to include persons who manage all forms of solid waste and clean public spaces, including streets and roads.

Pakistan is the fifth largest country in the world, with a population of more than 240 million inhabitants. About 37 percent (approximately 85 million) live in urban centres. All public offices of the federal, provincial and district governments employ sanitation workers for cleaning office premises. In addition to this, large-scale public and private sector educational institutions, private sector housing schemes, companies, industrial and commercial establishments and projects also employ sanitation workers in large clusters.

Yet, no systematic survey has ever been conducted by any state institution, including the Pakistan Bureau of Statistics, on the numbers of sanitation workers. It is not possible to make a near-accurate estimate of the population engaged in sanitation work. In a large city like Karachi, the number of sanitation workers employed in the public sector is estimated to be about 11,000. A major industrial urban centre like Faisalabad, with more than 3.5 million inhabitants, has about an average of 1.5 solid waste workers for every 1,000 residents, which is an improvement since 2014.³

2.1 Structure of sanitation operations and employment

Sanitation workers in Pakistan are employed by both the public and private sectors. In the public sector, large numbers of sanitation workers are hired by municipal bodies responsible for cleaning public spaces, drains and sewers and for solid waste management and disposal. These municipal bodies include city governments,

district municipal committees and town councils established under the respective provincial local government laws. In some cities and towns, statutory authorities have been established to clear solid waste. In the province of Sindh for example, a statutory body called the Sindh Solid Waste Management Board (SSWMB) is responsible for clearing and disposing of solid waste in several districts. Similarly, in Punjab, the provincial government has also established six solid waste management companies in six major urban centres, such as the Lahore Waste Management Company (LWMC).

The cleaning of sewers and drains in some major urban centres is managed by water and sewerage authorities, such as the Karachi Water and Sewerage Corporation (KWSC) in Karachi and the Water and Sanitation Agency (WASA) in Lahore. These and similar other bodies are the major employers of sanitation workers. In some areas across Pakistan designated as cantonments, cantonment boards are responsible for cleaning public spaces and managing solid waste. However, the frameworks under which these cantonments operate are not part of this report.

Sanitation workers are sometimes employed directly by local government bodies or sanitation authorities, but often they are indirectly hired through contractors. Increasingly, the functions of municipal bodies are outsourced to contractors. In Sindh for example, the SSWMB has outsourced much of its services in Karachi to a Chinese company that hires sanitation workers as casual labourers. Similarly, Lahore's city district government and town municipal administrations have, since 2011, outsourced much of their waste management operations to the LWMC. Workers performing sanitation services for the SSWMB through contractors earn wages at daily rates, are not entitled to paid holidays or paid sick leave and have no employment security or any medical or retirement benefits. Similarly, sanitation workers performing work for the LWMC are hired through third parties on contractual terms or daily wages.

The different types of employment relations described above are summed up as follows:

- Local government body → sanitation workers
- Sanitation company/statutory body → sanitation workers
- Local government body → contractor → sanitation workers
- Sanitation company/statutory body → contractor → sanitation workers

Interviews with sanitation workers in Karachi and Lahore show that when hired directly by local government bodies or sanitation authorities, sanitation workers are hired on a permanent or regular basis and receive pay increments over time as well as some retirement benefits. The organizational and employment structure of sanitation services in the provinces of Balochistan and Khyber Pakhtunkhwa, which do not form part of this report, are also designed along similar lines with primary responsibility for hiring labour for sanitation work assigned to local government bodies.

Some sanitation workers are also paid to clean up sewers or drains in residential or commercial areas by private individuals as and when the need arises. Often, they are hired when there is a blockage in gutters or drains in a locality and the government authority responsible for clearing the blockage has not performed the task in a timely manner.

2.2 Religious and caste-based discrimination

A vast majority of sanitation workers are from the minority Christian or Hindu communities. It is estimated that more than 80 percent of the total sanitation workforce belongs to the Christian community and other religious minority communities despite their total share of no more than 4–5 percent of the total population.⁴ This points to historical and systemic discrimination. Because sanitation work is deemed ‘unwanted’ work, a religious hierarchy tends to determine who performs this work. Until recently, government job advertisements for the recruitment of sanitation workers would specify that the jobs were available to non-Muslims only.⁵

Throughout South Asia, sanitation work is deemed ‘low-caste’ work and people who engage in these tasks face discrimination on account of their caste and religion. Although the caste system is

associated with Hinduism, hierarchies based on caste and occupations persist in Muslim-majority Pakistan. In Karachi as in the rest of country, most municipal workers belong to the Punjabi Christian community or Scheduled Caste⁶ communities, deemed Hindus, who have been performing sanitation work for generations. They tend to be segregated from the rest of the Muslim-majority city in their occupation as well as their residence, with poor prospects for upward social mobility.

Almost a century ago, for example, a residential area known as Narainpura was established in the city of Karachi (now District South Karachi) for sanitation workers hired by the Karachi Metropolitan Corporation. This area was occupied by Scheduled Caste Hindus of various ethnic groups—Gujrati, Kachhi and Marwari—as well as some Punjabi Christians. These groups occupy this residential area to this day and their descendants continue to perform sanitation services for the city government.⁷

2.3 Working conditions

Sanitation workers are highly vulnerable to health risks due to the nature of their work. They are 'exposed to multiple occupational and environmental hazards, such as coming into direct or close contact with faecal sludge and wastewater; operating equipment used in emptying, conveyance and treatment of faecal sludge and wastewater; and working in confined and often dangerous spaces.'⁸ In spite of technological advancements in waste and sanitation management, sanitation work in Pakistan is performed largely using outdated and manual methods. Sanitation workers are exposed to direct contact with solid waste and faecal sludge. Blocked gutters are cleared using long bamboo poles. When these fail to clear blockages, workers enter gutters to clear the sludge.

Two sanitation workers hired by the KWSB, interviewed by the authors of this report, said that they enter gutters to clear blockages approximately three times a week. Although the KWSB has machines for clearing gutters and drains, the workers say that the machines are unable to clear serious blockages that occur due to the entry of hard materials such as stones or glass. Many gutters and drains, even in

large urban areas such as Karachi, are not properly covered and therefore hard solid matter enters the gutters and creates blockages that the machines owned by the KWSB are unable to clear. Thus, the manual entry of sanitation workers into gutters continues.⁹ Sanitation workers in Punjab also reported that they do not receive training in the use of machine technology.¹⁰

Across Pakistan, sanitation workers rarely, if ever, use protective equipment. Nor do they receive training in health and safety measures. Sanitation workers regularly enter gutters without any protective equipment, exposing them to severe health hazards and even death. Sanitation workers who clear waste and sweep roads and streets are not provided masks or gloves and other necessary personal protective equipment. The work of sewer and drain scavengers is extremely unhygienic and hazardous for human health and often life-threatening as scavengers have to dive into manholes and open drains carrying human excreta, poisonous gases and other kinds of waste, including metals and plastic. Exposure to disease is rampant among all kinds of sanitation workers because of the near absence of occupational safety guidelines and personal protective equipment.

Sanitation workers employed as permanent workers by water and sanitation agencies such as the KWSB, WASA and local government authorities say that they are entitled to health benefits but find it very difficult to obtain reimbursements for out-of-pocket expenses incurred on healthcare.¹¹ Sanitation workers employed as casual workers do not receive any health benefits and therefore have very limited access to quality healthcare even as they are consistently exposed to health hazards. For example, workers for the SSWMB report that they do not receive any health benefits.¹²

Workers' deaths due to gas poisoning or drowning in gutters occurs on a regular basis. Local government bodies and other agencies do not maintain any accessible record of deaths caused by this practice. Newspaper reports and interviews with sanitation workers suggest that it is not a rare phenomenon. Such deaths often occur when sanitation workers inhale poisonous gases after entering gutters or

drains. They enter the gutters without protective gear and without any safe gas testing to ensure that oxygen levels are safe and there are no toxic gases inside. Several key informants told the authors that before entering gutters and drains, they had started igniting matches to test if there were any poisonous gases present. But this practice is of course not a guarantee against the risk of being suffocated or poisoned to death. On the contrary, it is a dangerous practice because these gases are highly flammable.

Box 1: Death in the line of duty

Due to the absence of any reliable safety precautions, serious injuries and deaths occur when workers enter gutters.

On 26 October 2019, it was reported that two sanitation workers died while cleaning a sewerage line in Shah Latif Town in Karachi. The deaths of workers in industrial establishments are not unheard of either. On 29 March 2019, two workers, Rajan Prakash, 22, and Joseph Masih, 28, both residents of Khewra, lost their lives while cleaning a gutter at a factory in Khairpur in district Chakwal, Punjab. One of the two fell into the gutter as he tried to open the manhole. His colleague jumped in to save him, but both lost consciousness on inhaling ammonia fumes.¹³

On 16 June 2022, it was reported that two sanitation workers died while cleaning a gutter in a residential area in Karachi.¹⁴ On 7 May 2023, a sanitation worker in Karachi went missing after he entered a drain to scavenge and clear a blocked passage. His body was recovered 12 days after he went missing.¹⁵ In October 2023, in one day alone, three sanitation workers reportedly lost their lives while cleaning a sewage line in Rahim Yar Khan in Punjab.¹⁶

In March–April 2024, in the span of three weeks, six sanitation workers were reported to have died unnatural deaths while performing their professional duties: two in Faisalabad, two in Vehari (Punjab)¹⁷ and two in Hyderabad (Sindh).¹⁸

It is believed that a significant number of deaths may not even be reported, especially in smaller and rural areas located away from big towns and the media's attention. Many more instances of disease-afflicted workers go unreported. Governments have not adopted a practice that would require the authorities concerned to maintain information based on inquiries into the reasons for such deaths. Such information, if collected and made available to researchers and policymakers, could be very useful in determining the circumstances in which sanitation workers die.

Box 2: Fact-finding mission to investigate sanitation workers' deaths in Faisalabad

A fact-finding visit to Faisalabad to inquire into the unfortunate death of two young sanitation workers,¹⁹ Asif Moon Masih and Shan Masih, revealed that both were employed by WASA although they died while clearing sewage on private premises. While Asif Masih had been a permanent employee for almost eight years, Shan Masih had been registered as a daily-wage earner for the past few years.

The authors noted the following important aspects: (a) The former's family received financial compensation from WASA: the latter's family was not so lucky as he was a non-permanent/irregular worker. (b) The premises where they died were private premises: they had gone there to clear sewage lines to earn an additional wage to what they were being paid by WASA. (c) Both workers were asked to lower themselves into the gutter, which was unusually deep, without protective measures having been taken—an omission that could attract criminal prosecution. Fearing criminal proceedings, the owners immediately gave financial compensation to both families in consideration for not instituting a criminal investigation (as every unnatural death has to be probed under the law).²⁰

Based on the documentary evidence received from the WASA managing director, the authors of this report believe that WASA officials may have played a role in enabling a compromise between the aggrieved families and the owners of the private premises. Information received from local journalists suggests that some WASA officials may have been instrumental in putting the deceased to work at these private premises on a Sunday far from their residence.

When asked whether the workers had been trained in protective measures, the WASA managing director in Faisalabad replied that they were 'regularly' trained. 'How regularly?' the authors asked. What is the nature, degree and scale of training? Were they made meaningfully aware of the risk to their health and lives on lowering themselves into gutters? Is training progressively enhanced? He had no satisfactory answer to these questions. He shared pictures of a training session that he claimed WASA held regularly. As it appears, the training was obviously superficial and the personal protective gear sorely inadequate.

Asif Masih's father had remained an employee of WASA for 27 years. His father too was a sanitation worker. The profession is inherited—like the low-caste status. He said that during his 27 years of service as a sanitation worker with WASA, he had been trained only once. When asked how many times his son was trained, he said, 'Maybe once or twice in eight years.'

A cross-sectional study conducted in 2019 among 400 sanitation workers in Karachi, including 228 (57 percent) sweepers and 172 (43 percent) sewerage workers, revealed that most workers (321 or 80 percent) were male and 246 (61.5 percent) were illiterate.²¹ The vast

majority (96.5 percent) were not immunized against typhoid, hepatitis or tetanus. Ninety-one percent were not using any kind of safety equipment while at work. Male workers, married workers of both sexes and those with some education had a slightly better quality of life than their counterparts. Sewerage workers had a lower quality-of-life score than other category of sanitation workers.

2.4 Wages and other benefits

Most sanitation workers employed by public sector organizations as regular workers are recruited to the lowest job grade: BS-1. 'These workers are entitled to all the employment benefits admissible as per government rules. However, enforcement of the rules that benefit sanitation workers remain feeble,' said one key informant. An increasing number of sanitation workers are hired by government bodies as casual labourers and daily-wage earners through third-party contractors.

It is common for sanitation workers across Pakistan to receive wages below the legal minimum rate. In Sindh, as in other provinces, the current minimum wage for unskilled workers is PKR 32,000 per month (26 days) with effect from 1 July 2023. Prior to 1 July 2023, the minimum wage in Sindh, Punjab and elsewhere was PKR 25,000 per month for unskilled workers. Sanitation workers employed on a permanent basis by a local government body or authority are likely to be paid above the minimum wage.²² However, there is no mechanism of inspection available to ensure that they are paid minimum wage for unskilled and skilled labour.

Sanitation workers hired by the LWMC in Lahore and the SSWMB throughout Sindh are paid well below this amount. Interviews with sanitation workers in Karachi in September 2023 revealed that they were paid approximately PKR 15,000–17,000 per month. Hired through third-party contractors, they were paid in accordance with a daily rate of PKR 500–670 and received no wages for holidays or sick days. Similar circumstances were found in Lahore where irregular and casual workers hired by third-party contractors are routinely paid far less than the monthly rate of PKR 32,000 fixed for unskilled workers, which comes to PKR 1,231 per day.

In February 2023, rights activist Naeem Sadiq and other concerned citizens interviewed over 40 sanitation workers employed by the SSWMB and local government bodies across Sindh (in Shaheed Benazirabad, Hyderabad, Kotri and Tando Adam) and learned that not a single one of them was paid the minimum wage of PKR 25,000 per month as applicable at the time.²³ All the sanitation workers interviewed said they were paid between PKR 10,000 and PKR 19,000 per month for eight hours or more of work a day.

Sanitation workers also report that their employers or supervisors demand bribes before approving leave. Women sanitation workers report that they are not allowed maternity leave and their employment is terminated after their employers discover that they are pregnant.²⁴

2.5 Policies on sanitation

Pakistan has had a national sanitation policy since 2006, which is now outdated. Among other things, it did not address the concerns of sanitation workers themselves.²⁵ Sindh adopted a provincial sanitation policy in 2015, which again does not address any of the concerns related to the working and living conditions of workers in the province. In Punjab, a draft policy was proposed in 2015, which has not been adopted by the government yet.²⁶ These policies are ostensibly aimed at setting targets for achieving the Sustainable Development Goals, specifically SDG 6. Except for the draft Punjab Sanitation Policy 2015, the other two do not even refer to sanitation workers.

The draft Punjab policy acknowledges that 'sanitation workers are low paid, looked down upon and their rights are usually trampled in the society [sic]' without providing a way forward for improving their working and living conditions. The draft policy addresses the specific welfare aspects of end-users; it does not address the gaps in the labour policy framework related to sanitation workers at all.

The current Government of Punjab, which assumed charge in February 2024, seems to be giving some attention to sanitation conditions in the province. A cleanliness drive has been started in the province by the chief minister.²⁷ However, there is apparently no

initiative aimed at assessing the poor working and living conditions of sanitation workers in the public and private sectors. Reportedly, as part of the initiative, ten recycling plants will be set up in the province.²⁸

In May 2024, an adjournment motion was presented to draw attention to the poor wages and working conditions of sanitation workers by a member of the Punjab Assembly, Ahmad Iqbal, who specifically pointed out the policy of subcontracting labour by the Punjab government and raised the following aspects to be included in a debate in the assembly on sanitation workers: (a) employment terms, (b) occupational safety and health, (c) medical insurance and benefits, and (d) employment and retirement benefits, including a gratuity fund, pension and social security.²⁹

3 Analysis of relevant domestic legal framework

Workers' rights in Pakistan are guaranteed through a range of federal and provincial legislation. Provincial laws apply to workers in each of the four provinces while federal laws are applicable in the capital city of Islamabad and federal territories. Below is an overview of labour laws in Sindh and Punjab.

3.1 *Labour legislation in Sindh*

Sindh Industrial Relations Act 2013. The Sindh Industrial Relations Act 2013 regulates the formation of trade unions and 'relations between employers and workmen.' The law provides that 'workers without distinction whatsoever shall have the right to establish and subject to the rules of the organization concerned, join trade union and associations of their own choice without previous authorization.' It does not apply to any person employed in the 'administration of the State other than those employed as workmen by the Railway and the Pakistan Post.'

Sindh Minimum Wages Act 2015. This law provides for the regulation of minimum rates of wages and various allowances for different categories of workers. It applies to 'all industrial establishments and commercial establishments in the Province of Sindh.' The Act provides for the establishment of a minimum wages board that recommends the minimum wages of workers to the provincial government. The provincial government may notify minimum wages based on the recommendations of the minimum wages board. Section 9 of the law prohibits payment of wages below the minimum wage. The law applies to any person employed in the industrial or commercial establishment but does not include 'a person employed by the Federal Government or [Sindh] Government.'

Sindh Employees Old Age Benefits Act 2014. This law establishes a Sindh Employees Old-Age Benefits Institution to which employers must pay an amount 'in respect of every person in his insurable

employment, including the persons employed through and by the contractors' at the rate of 5 percent of wages. An insured person is to make a contribution at the rate of 1 percent of wages. Insured persons who are above the age of 60 in the case of men and above the age of 55 in the case of women are entitled to a monthly old-age pension, provided that insurance payments are paid for not less than 15 years. This Act does not apply to persons in the service of the state or 'persons in the service of a local council, a municipal committee, a cantonment board or any other local authority' (Sections 53(a) and (b)).

Sindh Employees Social Security Act 2016. This law provides for the establishment of the Sindh Employees Social Security Institution, which is to administer a fund into which employers are to pay an amount in respect of each employee subject to specified rates. Employees who are secured through these contributions are entitled to sickness benefits, injury benefits, survivor benefits and so on. This law exempts employees who are 'persons in the service of the State' as well as 'persons in the service of a local council, a municipal committee, a cantonment board or any other local authority' (Section 2(9)).

Sindh Terms of Employment (Standing Orders) Act 2015. This Act applies to all workers in industrial and commercial establishments and requires that employers comply with standing orders regarding working conditions. The Act specifies that the terms and conditions of all workers, including contract workers, are to be provided in writing and that all workers shall be entitled to holidays. The Schedule to the Act defines a 'permanent worker' as a worker who has 'been engaged on work of permanent nature likely to last more than nine months.' It further states that the services of any worker shall not be terminated 'except by an order in writing which shall explicitly state the reason for the action taken.'

Sindh Workers Compensation Act 2015. Under this Act, 'if personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the law.' The law specifies how the

compensation is to be assessed. The law also requires the employer to report any fatal accident carried out on its premises. Section 16 of the Act specifies that if a worker is hired through a contractor, the employer is still liable to pay compensation to the worker and may be indemnified by the contractor.

Sindh Occupational Safety and Health Act 2017. This is an act to 'make provision for occupational safety and health conditions at all workplaces for the protection of persons at work against risk of injury arising out of activities at the workplace.' The law requires employers to ensure that effective methods exist for identifying hazards at the workplace, providing processes to ensure that the workplace is safe, to provide equipment that is safe to workers and to make arrangements to prevent hazards. The law also provides that the government may make rules for the health and safety of a worker in any establishment or class of establishments. The law applies to an industrial or commercial establishment, including an industrial establishment under the control of the government.

These laws are summarized below with respect to their applicability to sanitation workers in Sindh.

No.	Law	Subject matter	Applicable to sanitation workers employed in the public sector	Applicable to sanitation workers employed in the private sector
1	Sindh Industrial Relations Act 2013	Regulates the formation of trade unions and relations between employers and workmen	Yes	Yes
2	Sindh Minimum Wages Act 2015	Regulates minimum rates of wages and various allowances for different	Does not apply to persons employed by the federal or Sindh governments	Yes

No.	Law	Subject matter	Applicable to sanitation workers employed in the public sector	Applicable to sanitation workers employed in the private sector
		categories of workers.		
3	Sindh Employees Old Age Benefits Act 2014	Establishes the Sindh Employees' Old-Age Benefits Institution to which employers must make a contribution for each insured employee who is eligible for a pension.	Not applicable to persons in the service of a local council, municipal committee, cantonment board or local authority	Yes
4	Sindh Employees Social Security Act 2016	Establishes the Sindh Employees Social Security Institution, which is to administer a fund into which employers are to pay an amount in respect of each employee who is then entitled to sickness benefits, injury benefits,	Not applicable to persons in the service of a local council, municipal committee, cantonment board or local authority	Yes

No.	Law	Subject matter	Applicable to sanitation workers employed in the public sector	Applicable to sanitation workers employed in the private sector
		survivor benefits, etc.		
5	Sindh Terms of Employment (Standing Orders) Act 2015	Specifies that the terms and conditions of all workers, including contract workers, are to be provided in writing and that all workers shall be entitled to holidays.	Yes	Yes
6	Sindh Workers Compensation Act 2015	Specifies how employers are to award compensation for personal injuries caused to a worker by an accident arising out of and in the course of their employment.	Yes	Yes
7	Sindh Occupational Safety and Health Act 2017	Requires provisions for occupational safety and health conditions at all workplaces for the protection of	Yes	Yes

No.	Law	Subject matter	Applicable to sanitation workers employed in the public sector	Applicable to sanitation workers employed in the private sector
		persons at work against risk of injury arising out of activities at the workplace. The government may also make rules for the health and safety of a worker in any establishment or class of establishment.		

3.2 Labour legislation in Punjab

Punjab Industrial Relations Act 2010. This Act regulates the formation of trade unions and ‘relations between employers and workmen.’ The law provides that ‘workers may form and, subject to the rules of the organization, may join associations of their own choice without previous authorization.’ It does not apply to any person employed in the ‘administration of the State other than those employed as workmen by the Railway and the Pakistan Post.’

Payment of Wages Act 1936. This law regulates the payment of wages to certain classes of persons employed in any factory, industrial establishment, or commercial establishment. The Act lays out the responsibilities of the employer, the institution of wage periods, time of payment and mode of payment. It also lays out the conditions and procedure for fines and deductions from wages.

Workmen’s Compensation Act 1923. This Act lays out the responsibility of the employer to provide compensation to a workman who has suffered a personal injury through an accident

arising out of and in the course of their employment. The law specifies how the compensation is to be assessed. The law also requires the employer to report any fatal accident carried out on its premises. Section 12 of the Act specifies that if a worker is hired through a contractor, the employer is still liable to pay compensation to the worker and may be indemnified by the contractor.

Provincial Employees' Social Security Ordinance 1965. This law provides for the establishment of the Employees Social Security Institution, which is to administer a fund into which employers are to pay an amount in respect of each employee subject to specified rates. Employees who are secured through these contributions are entitled to sickness benefits, maternity benefits, injury benefits, survivor benefits, disablement pension and gratuity, and so on. This law exempts employees who are 'persons in the service of the State' and 'persons in the service of a local council, a municipal committee, a cantonment board or any other local authority' (Section 2(8)).

Punjab Minimum Wages Act 2019. This law consolidates various laws that fix and provide for the regulation of minimum rates of wages for unskilled and different categories of skilled workers. It applies to 'all industrial establishments and commercial establishments' in Punjab. The Act provides for the establishment of a minimum wages board that recommends the minimum wages of workers to the provincial government. The provincial government may notify minimum wages based on the recommendations of the minimum wages board. Section 11 of the law prohibits payment of wages below the minimum wage.

Employees' Old-Age Benefits Act 1976. This law establishes an Employees' Old-Age Benefits Institution to which employers must pay an amount 'in respect of every person in his insurable employment, including the persons employed through and by the contractors, at the rate of five percent of his wages.' An insured person is to make a contribution at the rate of 1 percent of their wages. Insured persons who are above the age of 60 in the case of men and above the age of 55 in the case of women are entitled to a monthly old-age pension, provided that insurance payments are

paid for not less than 15 years. This Act does not apply to persons in the service of the state or 'persons in the service of a local council, a municipal committee, a cantonment board or any other local authority.'

These laws are summarized below with respect to their applicability to sanitation workers in Punjab.

No.	Law	Subject matter	Applicable to sanitation workers employed in the public sector	Applicable to sanitation workers employed in the private sector
1	Punjab Industrial Relations Act 2010	Regulates the formation of trade unions and relations between employers and workmen	Yes	Yes
3	Payment of Wages Act 1936	Regulates the payment of wages and responsibility of employers	Yes	Yes
4	Workmen's Compensation Act 1923	Specifies how employers are to award compensation for personal injuries caused to a worker by an accident arising out of and in the course of their employment	Yes	Yes
5	Provincial Employees' Social Security	Establishes the Employees Social Security Institution,	Not applicable to persons in the service of a local council,	Yes

No.	Law	Subject matter	Applicable to sanitation workers employed in the public sector	Applicable to sanitation workers employed in the private sector
	Ordinance 1965	which is to administer a fund into which employers are to pay an amount in respect of each employee who is then entitled to sickness benefits, injury benefits, survivor benefits, etc.	municipal committee, cantonment board, or local authority.	
6	Punjab Minimum Wages Act 2019	Regulates minimum rates of wages for unskilled and skilled workers	Yes	Yes
7	Employees' Old-Age Benefits Act 1976	Establishes the Employees' Old-Age Benefits Institution to which employers must make a contribution for each insured employee who is eligible for a pension.	Not applicable to persons in the service of a local council, municipal committee, cantonment board or local authority	Yes

3.3 Obligations towards sanitation workers not covered under labour laws

Some labour laws discussed in the previous section specifically exclude workers employed by the federal government, provincial government and local government bodies. Some laws therefore appear to exclude sanitation workers working for local government bodies and sanitation and waste authorities. Nonetheless, the fundamental rights guaranteed under the Constitution, including the right to life under Article 9 and the right to equal protection of the law under Article 25, entail that sanitation workers should not be excluded from the legal protections applicable to other categories of workers.

In a petition filed by lady health workers, a cadre of public sector workers responsible for the provision of basic reproductive healthcare, seeking regularization of their services and basic labour protections, the Supreme Court of Pakistan noted that the Constitution guarantees the right to livelihood to all persons. The court stated that although the applicable minimum wage law does not cover persons employed by the government, denial of minimum wages to lady health workers violates the right to life and the right to equal protection of the law.³⁰ It ordered that all lady health workers be paid at or above the legal minimum wage.

Further, the Sindh High Court has held that sanitation workers employed by cantonment boards in Karachi are entitled to the minimum wage under the Sindh Minimum Wage Act as a fundamental constitutional right.³¹ The court noted that cantonment boards fall in the category of 'industrial and commercial establishments' that are required to pay their workers minimum wages under the Sindh Minimum Wages Act. Therefore, based on the reasoning adopted by the Supreme Court and Sindh High Court with respect to the fundamental rights of workers, sanitation workers may claim labour protections such as entitlement to minimum wages, social security, retirement benefits and workers' compensation as fundamental constitutional rights.

3.4 Obligations towards sanitation workers employed through contractors

As noted above, many sanitation workers working for local government bodies, waste management authorities and municipal sewerage boards are employed through private contractors. For example, the SSWMB has signed contracts with a number of agencies that hire workers to clean and dispose of waste. These agencies pay sanitation workers a daily wage and withhold pay for holidays or sick days. Even though these workers are not directly employed by government bodies, the latter are nonetheless responsible for compliance with labour and employment laws.

The Supreme Court of Pakistan has held that persons employed by contractors to perform the tasks of an organization may be deemed to be employees of the organization where they are engaged in running the affairs of the organization.³² In a petition filed by workers of a state-owned company seeking the regularization of their employment, the Supreme Court of Pakistan rejected the argument of the state-owned company that the workers were not entitled to job benefits as they were not hired directly by the company but through third-party contractors. The court held that the workers were entitled to regularization of their employment, given the duration of their service to the company irrespective of whether they were hired indirectly through contractors.³³

In another case, the Supreme Court held that workers hired by a company through contractors were entitled to form a union under the Industrial Relations Act 2012. The court noted that the contract between the employer and a labour contractor cannot be invoked to deprive workers of their fundamental right to form a union.³⁴

Local government bodies and sanitation and waste authorities are therefore obligated to ensure that all sanitation workers performing functions on their behalf, including those hired through contractors, are provided all protections and benefits under the applicable labour laws. They cannot absolve themselves of responsibility under labour and employment laws by hiring sanitation workers through contractors.

4 Proposed policy

To ensure that sanitation workers receive the minimum protections and benefits they are entitled to under the Constitution and labour laws, the federal and provincial governments must adopt policies governing the working conditions of sanitation workers and direct all local government bodies and authorities to comply with these policies. Such policies must include the following:

- Direct employers to ensure that the employment of sanitation workers is regularized and that the practice of hiring sanitation workers as daily-wage earners is terminated.
- All employers must pay sanitation workers at least the minimum wage. Further, the necessary steps should be taken to introduce the more equitable method referred to as a living wage for all labour, including sanitation workers.³⁵
- Sanitation workers must be provided social security and retirement benefits.
- Sanitation workers, regardless of their status as permanent or part-time, or their families must be entitled to compensation in case of an accident in the course of their work.

The policies must direct employers to enforce measures to promote the health and safety of sanitation workers:

- The practice of clearing gutters manually must be eliminated. All employers must be required to use machines that clear blockages in gutters and drains. The machines should perform three key functions that eliminate the need for manual scavenging: desilting (removal of deposits, stones, silt from gutters); jetting (use of high water pressure to clear blockages); and rodding (driving a rod inside a drain that rotates at full throttle to clear blockages).
- In circumstances where it is necessary for sanitation workers to clear gutters manually, the following safety equipment must be provided: full body suits, rubber boots, gloves, eye protection, hard hat, full body harness, and a ventilation blower to supply

fresh air. Before anyone enters a gutter, the oxygen levels inside the gutter or drain must be measured and tests conducted to ensure the absence of poisonous gases. One person must always be available as a helper or attendant at the surface. The person entering the gutter must be lowered down using a tripod specially erected at the mouth of the sewer.

- All sanitation workers must receive regular training on health and safety measures.

In view of the above, HRCP proposes a 'model' policy that is annexed to this report.

Annex: Proposed policy for protecting the rights of sanitation workers

I. Definitions

In this policy, the following words and expressions shall have the following meaning:

1. 'Employer' in relation to an establishment means any person or body of persons whether incorporated or not who or which employs persons and includes:

- An heir, successor or assignee of such person or body
- Any person responsible for the management, supervision and control of the workplace
- In relation to any establishment run by any department, federal, provincial or local government, the authority appointed in this behalf or where no authority is appointed, the head of the department.
- A contractor or organization of a contractor that undertakes to perform any services for the establishment.

2. 'Establishment' means any office, firm, factory, society, undertaking, company, shop, premises or enterprise that employs workers directly or through a contractor for the purpose of carrying on any business or industry and includes any department of federal, provincial or local government, local areas designated for the purposes of establishing a local government system, cantonment boards and statutory bodies and agencies under the control or management of federal, provincial or local governments.

'Sanitation services' means the services or actions performed by a sanitation worker.

'Sanitation worker' means any person responsible for cleaning, maintaining, operating, or emptying a sanitation technology at any step of the sanitation chain, including toilet cleaners and caretakers in domestic, public and institutional settings, those who empty pits

and septic tanks once full and other faecal sludge handlers, those who clean sewers and manholes, those who work at sewage and faecal waste treatment and disposal sites, and those who manage all forms of solid waste and clean public areas, including streets and roads.

II. Regularization of employment

All employers employing, either directly or indirectly through a contractor, more than ten (10) sanitation workers must ensure that all sanitation workers are employed as permanent workers.

Explanation: A 'permanent worker' is defined as a 'workman engaged in work of a permanent nature likely to last more than nine months and who has satisfactorily completed a probationary period where applicable in the same or another occupation in the industrial or commercial establishment.'

All employers employing either indirectly or through a contractor more than ten (10) sanitation workers must ensure that every sanitation worker at the time of their appointment is given an appointment letter showing expressly the terms and conditions of their employment including wages and noting the hazardous nature of the work and necessity of using health and safety precautions.

III. Wages and work-related entitlements

Employers must ensure that all sanitation workers in their employment are paid at least the legal minimum wage prevailing in the province or federal territory in which the sanitation workers perform services. Governments must also consider adopting a living wage by adopting the most appropriate methodology to determine decent wages for all workers.

Sanitation workers shall be deemed to be skilled labour for the purposes of minimum wages once they complete the minimum period of apprenticeship and are qualified to work as a sanitation worker.

Sanitation workers are entitled to wage increments on a periodic basis as well as promotion in a fair manner after a reasonable time.

All sanitation workers are entitled to all notified public holidays with pay.

All sanitation workers are entitled to paid sick leave and paid casual leave in accordance with the policy of the employer.

Sanitation workers are entitled to paid maternity leave for six (6) months.

The principle based on which the maximum time per week a sanitation worker will be subject to work may be determined on the basis of various factors, including health risks and hazards to life and the hardship involved in the work they may have to do. In any case, no sanitation worker should have to spend more than 36 hours a week in the field.

IV. Death, disability and health insurance

All employers employing more than ten (10) sanitation workers, either directly or through contractors, must insure each sanitation worker in their employment against natural death and disability and death and injury arising out of contingencies. The employer shall in all cases be responsible for the payment of the amount of premium and for all administrative arrangements, whether carried out by themselves or through an insurance company. The amount for which each sanitation worker shall be insured shall not be less than the amount of compensation specified in Schedule IV to the Workmen's Compensation Act 1923 or an analogous provision in a provincial law on workers' compensation where applicable. Employers are responsible for ensuring that sanitation workers are medically examined periodically for likely occupational diseases.

All sanitation workers who are not covered in subsection (1) above should nonetheless be insured by provincial governments for death, disability, injury or disease through an insurance scheme specifically designed to cover low-income workers, including sanitation workers and persons belonging to low-income households.

All sanitation workers should be insured for health-related expenses in general through an insurance scheme specifically designed to cover low-income workers and households.

V. Pensions

All employers employing more than ten (10) sanitation workers (either directly or through contractors) must contribute towards a pension fund for sanitation workers (at a minimum rate of five percent of the sanitation worker's monthly wages). All sanitation workers will be entitled to receive pensions on reaching the age of 55, provided that payments to the pension fund for the sanitation worker were made over five (5) years.

VI. Working conditions

The practice of manually cleaning gutters and sewerage drains must be eliminated.

No person, including an employer, may hire or request a sanitation worker to enter a gutter, sewage drain or septic pit or tank, whether in a public or private area, for manual cleaning except as permitted in subsection (4) below.

The cleaning of gutters, sewage lines, drains and septic pits must take place through the use of machines. The machines should perform three key functions that eliminate the need for manual cleaning: desilting (removal of deposits, stones, silt from gutters); jetting (use of high water pressure to clear blockages); and rodding (driving a rod inside a drain that rotates at full throttle to clear blockages).

In circumstances where it is necessary for sanitation workers to manually clean gutters, the following safety equipment must be provided:

- Full body suits
- Rubber boots, gloves
- Eye protection
- Hard hat
- Full body harness
- Ventilation blower to supply fresh air.

Provided that whenever a sanitation worker has to enter a manhole or gutter, reasons must be noted as to the necessity for a sanitation worker to enter the manhole or gutter and such reasons must become part of the record to be maintained by the employer.

Before anyone enters a gutter, the oxygen levels inside the gutter or drain must be measured and tests must be conducted to ensure the absence of poisonous gases. One person must always be available as a helper or attendant at the surface. The person entering the gutter must be lowered using a tripod especially erected at the mouth of the sewer.

Sanitation workers responsible for cleaning and disposing of solid waste must be provided the following at the least:

- Mask
- Gloves
- Full-body uniform
- A bottle of water

All employers employing any number of sanitation workers, either directly or indirectly or through a contractor, must ensure that sanitation workers receive regular training in health and safety measures, depending on the nature of work they perform. The training must cover all matters related to safe cleaning practices and precautions against any kind of potential work-related harm, illness or injury. The trainings should be conducted at least once every four (4) months. The trainings should be meaningful and effective.

All employers must keep a record of the number of trainings conducted along with the names of all sanitation workers who attended the trainings.

Employers must ensure that sanitation workers in their employment face no discrimination, including discrimination based on religion, caste or gender.

The employer shall be responsible for providing personal safety gear to sanitation workers. Abdication of such duty must entail

consequences in the form of compensation and, in serious cases, cancellation of license to employ people for sanitation work.

The practice of recruiting only members of religious minority communities to posts of sanitation workers must be expressly stated to be illegal and thus eliminated.

Employers must be required to take measures to prevent harassment of sanitation workers and must comply fully with the Protection Against Harassment of Women in the Workplace Act 2010 and other relevant laws, including provincial laws on harassment.

Employers who fail to take the aforementioned steps for the health and safety of sanitation workers must be penalized by a fine, which may only be used for the welfare of workers. The fine should be proportionate to the extent of negligence on the part of the employer and harm faced by the sanitation worker and should be enhanced in case of repeated violations of health and safety procedures.

VII. Trade unions

The right of sanitation workers to form unions under applicable laws including the Industrial Relations Act 2012 and analogous provincial industrial relation laws must be protected and promoted without discrimination based on religion, caste or gender. Employers retaliating against sanitation workers who wish to form or participate in collective bargaining associations or discourage trade union activity among sanitation workers must be dealt with in accordance with the law.

VIII. Labour inspectorate and ombudsperson

There shall be a designated desk or wing in the Labour Inspectorate at the district level specially meant to inspect the working conditions of sanitation workers.

An inspector or inspectors shall be appointed, who will be responsible for inquiring into compliance with this policy and relevant laws.

A procedure shall be provided for sanitation workers to file complaints against violations of their rights. In this regard, it is proposed that an Office of the Labour Ombudsperson be established under a law, which may function as a forum for providing remedies in appropriate cases of violation of rights.

Endnotes

- ¹ 'Minimum wage' is a concept based in international law.
- ² https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_728054.pdf
- ³ <https://spopk.org/promotion-of-social-well-being-of-sanitary-workers-pswsw-in-sindh/> and <https://www.dawn.com/news/1110273>
- ⁴ <https://www.wateraid.org/au/articles/sanitation-workers-in-pakistan>
- ⁵ <https://www.nchr.gov.pk/wp-content/uploads/2022/05/Minority-Report-compressed.pdf>
- ⁶ 'Scheduled' is a term used to signify the legal status assigned to certain low-caste communities in the Scheduled Castes (Declaration) Ordinance 1957, which lists 42 low castes in the schedule annexed to it. Scheduled Castes are accorded special status in the law for certain purposes, including for the provision of quota in government jobs.
- ⁷ <https://policycommons.net/artifacts/2679030/traditional-municipal-sweepers-in-faisalabad-and-karachi/3702256/>
- ⁸ https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_728054.pdf
- ⁹ Interview in Karachi on 3 November 2023.
- ¹⁰ Consultation at HRCP office (Lahore) on 15 December 2023.
- ¹¹ Interviews conducted in Karachi on 3 November 2023.
- ¹² Naeem Sadiq's expert inputs at consultation at HRCP on 15 December 2023.
- ¹³ <https://www.dawn.com/news/1472446>
- ¹⁴ <https://www.dawn.com/news/1694973>
- ¹⁵ <https://endwaterpoverty.org/justiceforbabarmasih-death-of-pakistani-sanitation-worker-exposes-inhumane-working-conditions/>
- ¹⁶ <https://arynews.tv/three-sanitation-workers-dead-while-cleaning-sewage-line/>
- ¹⁷ <https://dunyanews.tv/en/Pakistan/802946-CM-takes-notice-of-death-of-two-sanitary-workers-in-Vehari>
- ¹⁸ <https://dunyanews.tv/en/Pakistan/803740-Two-sanitary-workers-die-of-suffocation-in-Hyderabad>
- ¹⁹ <https://www.dawn.com/news/1822211>
- ²⁰ The authors have documentary evidence as well as confirmation from the families who informed them that they did not want to take action as they had been compensated by the owners of premises.
- ²¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9532682/>
- ²² Interviews of sanitation workers hired by the KWSB and district municipal committees in Karachi in November 2023 revealed that they were paid approximately PKR 40,000.

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- ²³ Submission before High Court of Sindh in CP No. 438 of 2022.
- ²⁴ Consultation at HRCP office (Lahore) on 15 December 2023.
- ²⁵ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC182158/>
- ²⁶ https://hudphed.punjab.gov.pk/system/files/11-Draft%20Punjab%20Sanitation%20Policy%2027.05_0.pdf
- ²⁷ <https://dgpr.punjab.gov.pk/node/25228>
- ²⁸ <https://www.thenews.com.pk/print/1185767-10-recycling-plants-to-be-set-up-to-convert-garbage-into-energy-minister>
- ²⁹ https://www.linkedin.com/posts/ahmadiqbalch_sweepersaresuperheroes-activity-7195851712388104192-GH0N/
- ³⁰ Supreme Court of Pakistan, HR Cases No. 16360 of 2009 (Applications by Lady Health Supervisors/Workers etc., 4 November 2010.
- ³¹ Sindh High Court, CP D-852 of 2019, 10 March 2021.
- ³² *Fauji Fertilizer Company Limited v. National Industrial Relations Board*, 2013 SCMR 1253.
- ³³ *State Oil Company Limited v. Bakht Siddique*, 2018 SCMR 1181.
- ³⁴ *Sui Southern Gas Company Limited v. Registrar of Trade Unions*, 2020 SCMR 638.
- ³⁵ One method for assessing a living wage, which is highly recommended by the Global Coalition for Living Wages, is the Anker methodology (see https://www.globallivingwage.org/wp-content/uploads/2019/07/Manual_Updating-Anker-Methodology-Living-Estimates.pdf). The key feature of the methodology is that it estimates the remuneration needed for a basic but decent standard of living for a particular location and point in time. This means that 'it is necessary for a living wage to be updated for inflation over time so that it retains its purchasing power and remains sufficient to support a basic but decent living standard' (Anker and Anker 2017, 339). It recommends that living wage estimates are updated every year to account for inflation and any changes in laws as regards income tax and mandatory deductions from pay.