



# SANITARY WORKERS' RIGHT

COMPLAIN REGARDING PAYMENT OF SALARY TO SANITARY WORKERS ON MINIMUM BASIS UNDER THE RULES AND UNIFORM.

BY

Implementation Minority Rights Forum



# **YOU WILL NEVER SOLVE POVERTY WITHOUT SOLVING WATER AND SANITATION,**

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## **MESSAGE OF THE CHAIRMAN IMRF**

**Applicant in the supreme court of Pakistan regarding Rights of Sanitary workers**

### **;SANITATION IS MORE IMPORTANT THAN INDEPENDENCE;**

SANITATION ISSUES IN THE DEVELOPING WORLD AFFECT EVERYONE IN THE SOCIETY, CLEANNESS AND GOOD SANITATION IS A MATTER OF HIGH IMPORTANCE IN THIS WORLD.

I salute all the sanitary workers who are making the world better place with their great services,

I appreciate their work specially in this pandemic COVID 19, we are trying to provide them all occupational safety and health facilities, and fighting for their international Rights.

By the grace of God, we have achieved our goal to provide them Occupational safety kits, and proper uniforms. We acknowledge their services and we are working on the implementation on the Rights of the sanitary workers

There is an easy way of finding the job to be done today, just look around your environment ,take note of the places that need cleaning and the places that need decoration,do one at a time,;clean communities ,healthy citizens,;when it comes to profit over safety, profit usually wins; I also appreciate team work of IMRF.

**MAY GOD BLESS ALL THE TEAM OF IMRF**

## SANITARY WORKERS IN PAKISTAN

The public service bodies, municipal, Water and Sewerage Boards and Public Health Engineering Department, employ the sanitary workers in Pakistan. These organizations have, over the years, sought to engage sanitary workers through contracts renewed every 11 months to avoid any obligation to regularize their services. In other cases, private commercial contractors supply sanitary workers and deduct commission from their wages, which are already below the minimum wage-rate.

There is growing evidence around against the deep-rooted institutional discrimination which manifests itself across a broad range of excess workload, exposure to occupational health hazards, safety risks and fatalities of sanitary workers.

According to a study titled *Management of Municipal solid waste generation in Pakistan, 2015*, there are 1 to 1.5 sanitary workers per 1,000 populations in major towns. However, experts are of the opinion that the effective ratio of sanitary workers to population is far worse. Karachi city, with a population of 20 million is covered by 11,000 solid waste workers. *Caste Consciousness in Pakistan* – a research conducted by Sara Singha — shows that the Lahore Waste Management Company (LWMC) employed 7,894 sweepers in 2015 — a majority of them are Christians. The same study cites the Capital Development Authority (CDA) employing 1,500 sweepers for Islamabad - all of them Christians. Based on the population of these areas, it is easy to conclude that a sanitary worker serves at least 2,000 citizens. (Face of discrimination: The News)



# THE RIGHTS OF SANITARY WORKERS ACCORDING TO WORLD HEALTH ORGANIZATION

Sanitation workers provide an essential public service but often at the cost of their dignity, safety, health, and living conditions. They are some of the most vulnerable workers. They are far too often invisible, un quantified, and ostracized, and many of the challenges they face stem from this fundamental lack of acknowledgment. Sanitation workers are exposed to serious occupational and environmental health hazards risking illness, injury, and death.

More generally, however, low income, financial stress, informality and the social stigma attached to handling feces can form a multigenerational poverty trap for many low-grade sanitation workers. These factors manifest in implicit or explicit discrimination, which hinders workers' social inclusion, their opportunities to shift careers, and social mobility.

A growing body of actors working to improve sanitation workers ' conditions and rights, although the efforts are unplanned and fragmented. There needs to be much more concerted and comprehensive efforts.

The “good practice” for the time being would be a great assistance.

- Providing acknowledgment and formalization to sanitation workforce (including legal protections)
- Mitigating/easing occupational health risks for sanitation workers
- Delivering health services to sanitation workers
- Establishing standard operating procedures and guidelines
- Promoting workers' empowerment through unions and associations

## APPLICATION TO SUPREME COURT OF PAKISTAN

Taking **Suo Moto** notice of the measures taken by the Federal Government and Provincial Governments to tackle the financial and wellbeing crisis during Covid-19 pandemic. Yet the most endangered group of employees as **Sanitary Workers** were not overlooked, despite low wages and exposure to the most dangerous and life-threatening services of sanitary workers, also their salaries are not compensated accordingly. On the other hand, there has not been any safety gear or proper uniform.

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Chairman IMRF, **Mr. Samuel Payara** proposed an application complaining the current issues of sanitary workers to the Supreme Court of Pakistan where the top court directed concerned authorities in couple of hearings.



## HEARINGS

### FIRST TRAIL (13<sup>TH</sup>-APRIL-2020)

Mr. Samuel Payara Chairman, IMRF appeared for **Suo Moto Case No. 01 of 2020**, trails held on **13<sup>th</sup>-April- 2020** formerly before full bench in Supreme Court of Pakistan. Where the justice was briefed about the deprivation of basic rights of sanitary workers. The five-member bench addressed the authorities as following;

The condition of sanitary staff is also not good and it is informed that they are exposed to all sorts of diseases, while they are working in the hospitals and other places. No effective care is being provided to them and a request has been made that they be provided with the requisite protection, so that they may perform their work without any fear. In the circumstances, the Federal Government as well as all the Provincial Governments, including, the ICT and GB shall ensure that sanitary staff are taken care of and are provided with proper and secure uniforms, so that they can work without fear of being affected by disease.

### SECOND TRAIL (04<sup>TH</sup>-MAY-2020)

The second appearance regarding sanitary worker's issues was called on **4<sup>th</sup>-May-2020** during **Suo Moto** action regarding combating the pandemic of Corona Virus (COVID-19) and the top court directed the issue of sanitary workers as;

A complaint has been made that Sanitary Staff are not being provided PPEs. All the Advocate Generals so also the learned Attorney General states that the requisite PPEs for the Sanitary Staff have been provided and if more required the same will also be delivered to ensure that the health

of the Sanitary Staff is not compromised. Learned counsel for the Pakistan Medical Association has also been heard.

### **THIRD TRAIL (19<sup>TH</sup>-MAY-2020)**

At this stage, Mr. Samuel Payara, Chairman, Implementation of Minority Rights Forum, has appeared and referred to **C.M.A No. 3099 of 2020** in which it is alleged that sanitary staff in the Province of Sind, particularly of Hyderabad Development Authority (H.D.A.) have not been provided protective gears, nor have they been paid their salaries for about nine months and sanitary staff employed by the contractors are in worst condition. He further states that pension to the retired sanitary staff is not being paid. Similar is said about the Governments of Punjab, KP, I.C.T. and G.B.

- Learned Attorney General and the learned Advocates General of all the four Provinces, I.C.T. so also G.B. have given assurance that grievance of the sanitary staff will be specifically and seriously redressed by the relevant Government officials, in that, all sort of protective gears shall be provided to them within a week's time positively. Further, salaries of all the sanitary staff shall be paid by all the Governments/Local Governments including, HDA. The pension of the sanitary staff shall also be paid. The salaries and pensions shall be released and paid in full within two days. The conditions of sanitary staff, employed by the contractors, shall also be examined. The sanitary, being a core work of the Government, we fail to understand as to how this work is being done by awarding contracts. Apparently, such contracts are mere sham contracts and this Court on the next date of hearing will examine this issue.
- All Government departments are directed to file before the Court copies of the contracts with the contractors employing sanitary employees. All their dues shall also be paid by the contractors positively within two days and if not done so by the contractors, the same be done by the respective governments. Let a compliance report in this regard be also submitted to the Court

### **FOURTH TRAIL (8<sup>TH</sup>-JUNE-2020)**

1. The full bench Supreme Court of Pakistan ordered the under mentioned points to be addressed as following;

- We therefore re-emphasize the importance of legislation at the national level. More so, it is observed that while passing executive orders, some Fundamental Rights of the citizens are trampled and affected. He contended that the Federal Governments, Provisional Governments, Local Governments, Cantonment Boards, ICT and Gilgit-Baltistan Government, which are required to maintain sewerage, including main-holes and cleaning of the medical refuse and general cleaning of their respective areas, should be directed to provide, to the sanitary



workers, all required safety kits in order to ensure that while doing their work, their health is not adversely affected by any diseases. We note that sanitary workers, although employed for doing sanitary work, this does not mean that they should do sanitary work where their health and life may be jeopardized. They should not be asked work beyond the call of duty. If they are made to do work which has the remotest possibility of their life being affected by such disease or ailment which may pose a threat to their life, strongly and effective steps should be taken by the Federal Government, Provisional Government, Local Government, Cantonment Boards, ICT and Gilgit-Baltistan Government, for ensuring that all sorts of safety kits are mandatorily provided to sanitary workers and none of them should be allowed to work without safety kits being made available to them. If legislation to this effect has not been made by the Federal Government, Provisional Government, Local Government, Cantonment Boards, ICT and Gilgit-Baltistan Government, they shall ensure that such legislation dealing with this very aspect of the matter shall be made, which is very important and a requirement under Article 9 of the Constitution.

### **IMPLEMENTATION OF SUPREME COURT'S ORDER REGARDING "OCCUPATIONAL SAFETY AND HEALTH AT WORKPLACES"**

There was no independent legislation on occupational safety and health issues in Pakistan for extremely exposed to danger group of our society's employees "Sanitary Workers". Yet the recent struggle and efforts of **Implementation Minority Right Forum (IMRF)** during **Suo Moto** Action elevated their deprivations of even basic rights.

The **IMRF** team organizing official meetings with each concerned and effectual authorities in every Governments of provinces of Pakistan ,to get them on same platform for a further procedure of legislation of **Occupational Safety and Health** of Sanitary workers at workplaces.

### **MEETINGS FOR IMPELEMNTAION AND LEGISLATION OF SUPREME COURT ORDER REGARDING OCCUPATIONAL SAFETY AND HEALTH ORDINANCE**

#### **KHYBER PAKHTUNKHWA DRAFT OF OCCUPATIONAL SAFETY AND HEALTH ORDINANCE 2020**

The meeting held with several efficacious Governmental officials regarding **occupation safety and health ordinance 2020** where the meetings summary is subjected as below;

- Meeting with Chief Sect. KPK
- Local Sect. Government KPK
- Special Assistant to Chief Minister on Local Government
- Additional Sect.
- President Worker Union KPK
- TMOs.

In order to implement the decision of honorable Supreme Court of Pakistan, a “Draft KPK Occupational Safety and Health Ordinance 2020” duly vetted by Law Department was forwarded and approved by Chief Minister KPK on **16<sup>th</sup>-June-2020**. Also placed the

same matter before the provisional cabinet for consideration and approval.

### **SINDH GOVERNMENT DRAFT OF OCCUPATIONAL SAFETY AND HEALTH ORDINANCE 2020**

IMRF organizing meetings at different governmental scales to get implantation over legislation of the Occupational Safety and Health Ordinance 2020 and enlisting meetings as following;

- Meeting with Sect. Local Government Sindh
- DG. Hyderabad WASA
- MD. WASA Hyderabad
- Sect. Union Cattery

### **PUNJAB OCCUPATIONAL SAFETY AND HEALTH**

The Act of Occupational Safety and Health was approved in 2019 by the Government of Punjab. This is necessary to make and consolidate the law for the occupational safety and health of the person at workplace. Yet there is no specific law or act considering only the Sanitary Workers to catering the physiological and psychological needs of them.

### **BALUCHISTAN AND GILGIT BALTISTAN OCCUPATIONAL SAFETY AND HEALTH DRAFT**

Discussions and meetings has been made with officials in Baluchistan and Gilgit Baltistan regarding legislation of Occupational Safety and Health act taking Sanitary Workers into consideration.

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## Achievements

1,First time in the history of the Pakistan ,on the request of IMRF full bench of Supreme Court passed The DIRECTION on Legislation regarding occupational safety and health of Sanitary workers all over Pakistan.

1,ICT Islamabad

2,Khyber Pakhtunkhwa

3,Sindh

4,Punjab

5,Gilgit Bantustan

6,All Cantonment boards

2, Punjab and KPK Legislation done and passed occupational safety and health Act .

IMRF law making team working on legislation(drafting a bill) regarding Occupational safety and health of sanitary workers, in ICT Islamabad and in Sindh, Baluchistan and in all Cantonment Boards.

It was ensured in all Hospitals and All medical superintendants, All medical colleges, Principals of all colleges and universities to provide Safety gears to sanitary workers.

It was ensured that the sanitary workers who are working in the COVID 19 Pandemic

Their risk allowance will be 40,Lakhs.

It was ensured that their salary was raised from 15,000 to 17,500.(even in the Supreme Court ,the sanitary workers were given the same package)

In the province of Sindh HAD (Hyderabad Development Authority) have not been provided protective gears ,nor have been paid their salaries for about nine months.

After Direction from the supreme court of Pakistan IMRF team meeting Sindh government the HDA paid salaries of nine months and provided safety gears to the sanitary workers

Punjab government now paid the three months salaries for sanitary workers after direction of Supreme court of Pakistan, IMRF team met with Secretary Local government , and M. D WASA, Ensured to provide safety gears to sanitary workers. the local government paid the delayed salaries of three months to the sanitary workers and also provided proper uniforms to the sanitary workers ensured their safety .

IMRF highlighted the issues of the sanitary workers through media arranged press conferences ,seminars on social media .

IMRF provided a full package of food to the sanitary workers in Hyderabad and Kotary.

### **Observation**

We observe that the Government is not serious in fulfilling the Rights of sanitary workers, the case of the sanitary worker is pending in the court but we are struggling to provide them full Rights with Dignity.



**Report by,**

**IMRF**

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