International Labour Organization

Challenges and Policies to Address the Persisting Problems of Sanitation Workers in South Asia

Background note to the workshop on decent work for sanitation workers in South Asia

11-13 October 2021

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International Labour Office

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Summary

This background note examines the situation of sanitation workers in South Asia (Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka) through a decent work lens. Sanitation workers include those who empty septic pits and tanks, provide transportation of faecal sludge, perform sewer maintenance, and work in treatment plants The note also includes a summary of relevant International Labour Organization (ILO) instruments that can provide a basis to address main challenges to decent work for sanitation workers. The information included in this note was obtained through desk research, and its data and content may need to be complemented by ILO's tripartite constituents participating in the workshop on decent work for sanitation workers in South Asia (11-13 October 2021).

Objective of the workshop

The overall objective of this workshop is to contribute toward the achievement of SDGs 6 and 8 simultaneously through national and sub-regional actions to recognize, formalize and organize sanitation workers.

The outcome of the workshop should strengthen synergies and generate ideas for joint action in order to mobilize the stakeholders in the world of work toward a national or sub-regional policy/strategy on improving working conditions of sanitation workers and their participation in social dialogue.

The implementation of relevant international labour standards that protect the labour rights of sanitation workers is expected to contribute towards building statistics on sanitation workers, reducing fatalities among sanitation workers and eliminate discrimination against them. Up scaling working conditions improvement programmes for sanitation workers would contribute towards these goals.

Specific objectives

1. To increase capacity and knowledge of ILO constituents (Ministries of Labour, employers' and workers' representatives) and managers in relation to the issues surrounding sanitation workers and the relevant International Labour Standards.
2. To enhance understanding of participants on development and implementation of workplace policies or programmes as a component of national sanitation strategies.
3. To create a platform for discussion on possible development of national or sub-regional actions to tackle the issues identified in the workshop.
4. To facilitate networking and collaboration among regional and national stakeholders from Ministries of Labour, Ministries in charge of Sanitation and ILO social partners (employers and workers), in order to develop national and sub-regional strategies and sectoral plans on recognizing, formalizing and organizing sanitation workers.
5. To set the basis for future work to build resilience in sanitation and "build back better" in the wake of COVID-19.

Topics for discussion

1. What are the main risks that sanitation workers face, the main challenges that governments face in addressing the risks, and the gaps in knowledge regarding sanitation workers?
2. What actions have governments and social partners taken to address these risks and challenges?
3. What are national and regional level actions to address these challenges?

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Contents

Challenges and Policies to Address the Persisting Problems of Sanitation Workers in South Asia

Issue: Persistence of Manual Sanitation work - work in faecal sludge management

Sanitation workers are engaged in the supply of an essential public service that includes collection, transportation, treatment, and disposal of human excreta, domestic wastewater, and solid waste. They handle the entire operations related to provisioning and maintenance of the sanitation service chain. Sanitation workers are employed not only for cleaning toilets or emptying tanks/pits, but also to clean and unblock sewers and manholes, and for transportation of solid waste and work at disposal and sewerage treatment sites. These workers, especially those who manually clean and handle excreta from dry latrines, empty excrement pits and septic tanks, and unlock blocked sewers, without proper equipment and protective clothing face a higher degree of risk to health and life than those who perform such tasks with proper equipment and machines and protective clothing.

Serious concern for the well-being of sanitation workers in South Asian countries arises because of the persistence of manual sanitation work in its worst form that denigrates human dignity, poses a high health risk, and develops a situation of high economic insecurity for sanitation workers, which in the results in their poor economic well-being.

Sanitation work in South Asian countries operates in a particular social framework. There is a societal feature that is more or less common to South Asian countries, that brings a unique dimension to sanitation work and workers involved in it. Traditionally, in most of the South Asian countries, particularly India, Nepal, Bangladesh, Pakistan, and Sri Lanka, the sanitation work is mainly performed by Hindu scheduled caste (SC, formerly known as untouchable) and/or former untouchables whose ascendants converted to Christianity, Islam, Sikhism, and Buddhism (WaterAid 2020; Aqeel and John 2019; Hanchett 2016; Barrington 2021, Tudor Silva et al 2009; Cannie and Cannie 2020). This prevalence brings a particular character to sanitation occupation in these countries. There are linkages between caste and the stigma attached to the occupation of sanitation. The occupational stigma has roots in the institution of caste. The institution of the caste system involves the segregation of people into five social groups called castes arranged in a highly graded and unequal order. The social status and occupation of each caste are fixed by birth and are hereditary. The group at the bottom of the caste hierarchy is considered "impure and polluting" and so are the occupations they perform. According to the traditional caste code, this group is regarded as "untouchable".

> "*For in India a man is not a sanitation worker because of his work. He is a sanitation worker because of his birth irrespective of the question whether he does sanitation work or not.*" (Ambedkar B.R. in Ravichandran 2011).

Thus, sanitation work is at the highest level in the hierarchy of occupational impurity and pollution (Joshi and Ferron 2007).[1] Sanitation workers suffer not only from the stigmatized identity on account of being untouchable but also for performing "polluting" work, which denigrates their social status and dignity to the worst possible level.[2] As a result, the sanitation workers in these countries still suffer from social and physical exclusion, contempt, and stigma associated with untouchability and occupational pollution despite it being legally abolished in India. The influence of religious and social ideas which sanctify sanitation work as impure and polluting, and those engaged in this work as untouchable and unapproachable, is a common characteristic in South Asian countries, where caste traditions continue to thrive in varying degrees. It is this religious notion or idea of sanitation work being impure and polluting, which makes it difficult to eliminate. Hence, the elimination of manual sanitation work among other things would necessarily require a reform in the idea, attitude, and notion of the higher castes or privileged groups vis-à-vis the sanitation workers, especially those involved in the task of manual sanitation work.

"*In India, the term faeces imply impurity and pollution both of which profanes the ritual purification which is the very basis of Hindu culture. Hindu culture require the removal of faeces as far as possible from the households environment and determines that those considered most impure and polluted—the lowest caste groups- must perform this task.*" (Joshi, Deepa and Ferron, Suzane. 2007).

The idea, which considers sanitation work as impure and polluting and stigmatizes the dignity of sanitation workers, is the most disparaging outcome of caste and untouchability. However, there are other equally harmful outcomes of manual sanitation work. This work poses a high risk to the health, life, financial security, and well-being of those engaged in the profession, and a matter of great concern for governments in South Asian countries.

Most sanitation workers perform without safe personal protective gear exposing them to occupational and environmental health hazards, and being vulnerable to several health ailments (Water Aid 2009). The operational health risks of cleaning sewers and septic tanks, working in direct contact with hazardous biological and chemical agents in dangerous environments result in serious injuries, and often loss of life. In the West, much of the processes of handling sanitary waste are mechanized.

Of equal concern is the problem of financial insecurity of sanitation workers. Except for some who are employed as formal permanent workers, the bulk of them in government, private sector, and homes are informal economy workers without any job, social, and health security. High level of informal employment often fails to guarantee affordable access to preventive and remedial health care, despite carrying a disproportionate burden of health risks common to many of these informal sanitation workers (Mander 2014; ILO 2013). The informality brings uncertainty in their employment leading to financial insecurity, which in turn results in low human development among them (Thorat 2009, 2010; Borooah et al 2015; Ramaiah 2015). High dependence of the community on sanitation work is also caused by reduced alternative livelihood opportunities, which are blocked by caste discrimination in formal employment and business; this prejudice persists as a legacy of the past in the present.

[1] Deepak Joshi and Suzanne Ferron observed: 'In India the term implies impurity and pollution, both of which profane the ritual purification which is the very basis of Hindu religion and culture. Hindu religion and culture requires the removal of faeces as far as possible from the household environment and determines that those considered most impure and polluted- the lowest castes groups- must perform this task' (2015, pp 24).

[2] Ravichandran (2011, pp 21) quotes Ambedkar– 'It is clear that according to Hindu Shastras and Hindu notions even if a Brahmin did scavenging he would never be subject to the disabilities of one who is born scavenger. For India man is not a scavenger because of his work. He is a scavenger because of his birth irrespective of the question whether he does scavenging or not.'

Recognizing these harmful consequences of manual sanitation work in terms of dignity, the risk to health and life, financial insecurity, and low well-being of those involved in the occupation, governments in South Asian countries have developed safeguards in their respective constitutions, laws, and policies to address the problems of sanitation workers. These measures have drastically reduced the extent of the practice of manual sanitation work; nevertheless, it continues in allied forms--manual cleaning of dry latrines, sewers, manholes, and septic tanks, extraction of debris from sewerage canals, and so on (Joshi et al 2007; Cannie et al 2020; Aqeel and Gill 2019; Zaqout et al 2021; Tudor Silva et al 2009).

Issues and Objectives

Given the persistence of unsanitary work and manual sanitation work, this paper tries to provide a snapshot of the diverse aspects of manual sanitation work in South Asian countries. It examines the present status of sanitation workers, the challenges they face, and the reform in policies necessary to address their problems in south Asian countries that include Afghanistan, Bangladesh, India, Maldives, Nepal, Pakistan, and Sri Lanka. The specific objectives are:

- To estimate the magnitude of sanitation workers, and among them manual sanitation workers, at the aggregate level, by sex and caste and religious belonging;
- To develop an insight into the persisting risk to health and life faced by sanitation workers in the course of performing their sanitary works;
- To understand the nature of stigma and discrimination faced by sanitation workers in social and economic spheres;
- To study the financial insecurity faced by sanitation workers by studying their employment pattern, job informality, and social security;
- To develop an understanding of the provisions in the constitution, laws, and policies related to sanitation workers, and the extent to which these laws conform with the international commitments; and
- Finally, to indicate the gaps in the laws, guidelines, and the actual practices and identify areas for reforms in the policies.

Database

Wherever possible, the analysis and discussion are mainly based on official data from the employment/labour force surveys. Although the years of employment and labour surveys vary across the seven countries in South Asia, the difference falls in a narrow range of three years, that is, between 2017 and 2020. The analysis is supplemented by earlier literature on the theme of manual sanitation work.

The magnitude of manual sanitation work: Estimating the numbers

What is the magnitude of sanitation workers, particularly manual sanitation workers, in South Asian countries? Are they counted as workers in the official data of the government?

The official labour force/employment surveys do include a category of sanitation workers and provide some data on their number -although the nature of data differs across countries. However, there is a serious limitation of the data from employment/labour surveys. It does not disaggregate the sanitation work performed manually, or by machines, or by a mix of both. It does not differentiate between solid waste and faecal waste work, or provide data on the number of sweepers engaged in manual cleaning of dry and wet toilets, manual cleaning of excrement pits, and sewer clearance. Thus, we do not get an idea about the exact magnitude of the preventive aspects of manual sanitation work.

Also, they do not give the number of sanitation workers engaged in various manual tasks against those who handle the work with machines. Therefore, in the end, we have an aggregate figure of sanitation workers, which is close to that of manual sanitation workers, but not completely.

In India, the National Sample Survey on employment gives the estimate for sanitation workers who include "garbage collectors and related laborers". In other South Asian countries, the comparable category is "refuse and other elementary workers". Thus, the garbage collectors and related workers in the Indian employment survey and refuse and other elementary workers in the labour surveys of other South Asian countries are nearly comparable. To make it closer and comparable, we made some adjustments in the data. The concept of garbage collectors includes those involved in motorized transportation of garbage as well as manual garbage collectors, and related workers such as sweepers (dry, wet, sewers), water carriers, etc., and related labourers. The comparable category in surveys of other South Asian countries is "refuse workers and other elementary workers", which includes those involved in collecting, loading, and unloading garbage, sweeping streets, parks, and other public places, and performing other odd jobs and tasks. This brings the concept closer to the manual sanitation worker, but not completely. We use this comparable concept of a manual sanitation worker.

Profile of sanitation workers in South Asia

Some distinctive features of sanitation workers in South Asian countries emerge from the analysis of employment/labour surveys and a few primary studies. These are as follows:

(a) The magnitude in terms of the percentage of sanitation workers among total workers varies from a minimum of 0.094 to 1.3 percent. The absolute number is however higher in India, Pakistan, and Sri Lanka than in the other countries.
(b) The magnitude of sanitation workers is relatively high in rural areas in Bangladesh, Sri Lanka, and Afghanistan, and in urban areas in India and Nepal.
(c) The bulk of the sanitation workers are from the majority religious community of the country: Hindu in India and Nepal, Muslim in Bangladesh and Afghanistan, and Buddhist in Sri Lanka. In Pakistan, the bulk of sanitation workers are Christians and Hindu Dalits who are religious minorities there.
(d) There is a caste–religion interface, which is common in some South Asian countries. The Hindu ex-untouchables and former untouchables who converted to other religions such a Sikhism, Buddhism, and Christianity constitute a sizeable proportion of sanitations workers in India, Nepal, Pakistan, Sri Lanka, and Bangladesh.
(e) Both men and women are involved in sanitation work. While male workers are the majority in all countries, the share of women is relatively high in India, Nepal, and Bangladesh (see Figure 3).
(f) Almost all sanitation workers are between 15 and 59 years old, but in some countries, people aged 60 years and above are also engaged in sanitation work, especially in Nepal and Afghanistan.
(g) A high proportion of sanitation workers in all the South Asian countries are illiterate and less educated. While Afghanistan and Maldives have between 80 and 90 percent of very less educated sanitation workers, Bangladesh and Pakistan have 61 to 63 percent of such sanitation workers. India and Sri Lanka have a higher share of sanitation workers with high school education. In fact, it has two percent of sanitation workers with higher education.

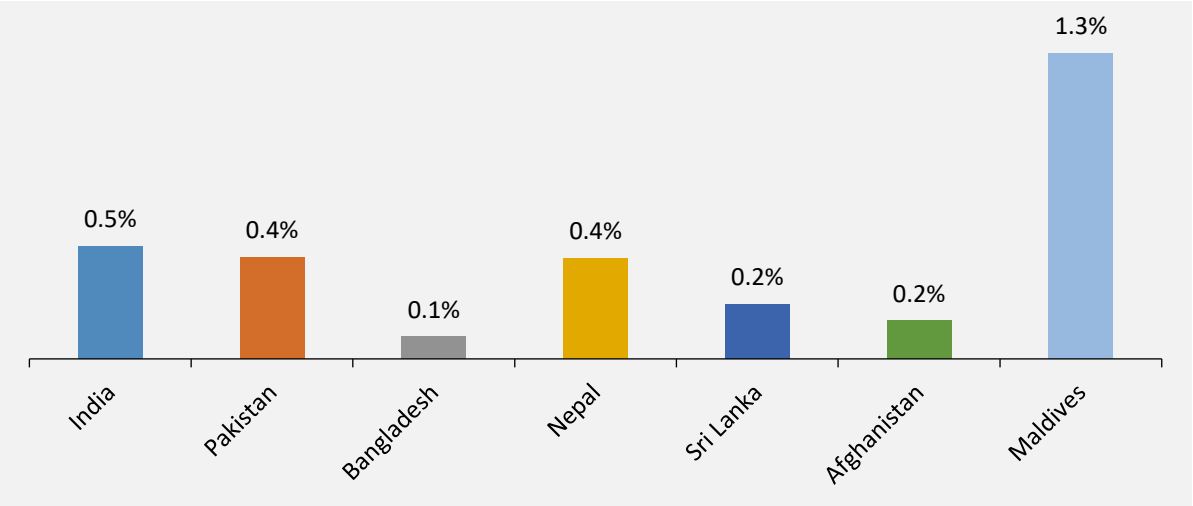
(h) Sanitation workers in the sub-region face a high degree of economic insecurity, mainly due to the informal nature of their employment.

(i) The primary studies throw some light on the aspects not covered in employment/labour force surveys. Generally, there has been some progress towards adopting safe sanitation operations but manual handling of excreta, clearing excrement pits, and collection and sewer clearance persist to a significant extent, although we do not get an idea about the exact magnitude of manual handling of sanitation work. Some primary studies have indicated that in India, Pakistan, Bangladesh, and Nepal, low caste ex-untouchables, and untouchables who converted to other faiths like Christianity, Sikhism, Buddhism, and Islam constitute the major section of manual sanitation workers.

In each country, there are variations in the magnitude of sanitation workers by location, sex, age, social, and educational background of the sanitation workers. Figures 1 to 4 present the number of sanitation workers and their share in total workers (formal and informal) in the aforementioned seven South Asian countries, and their characteristics.

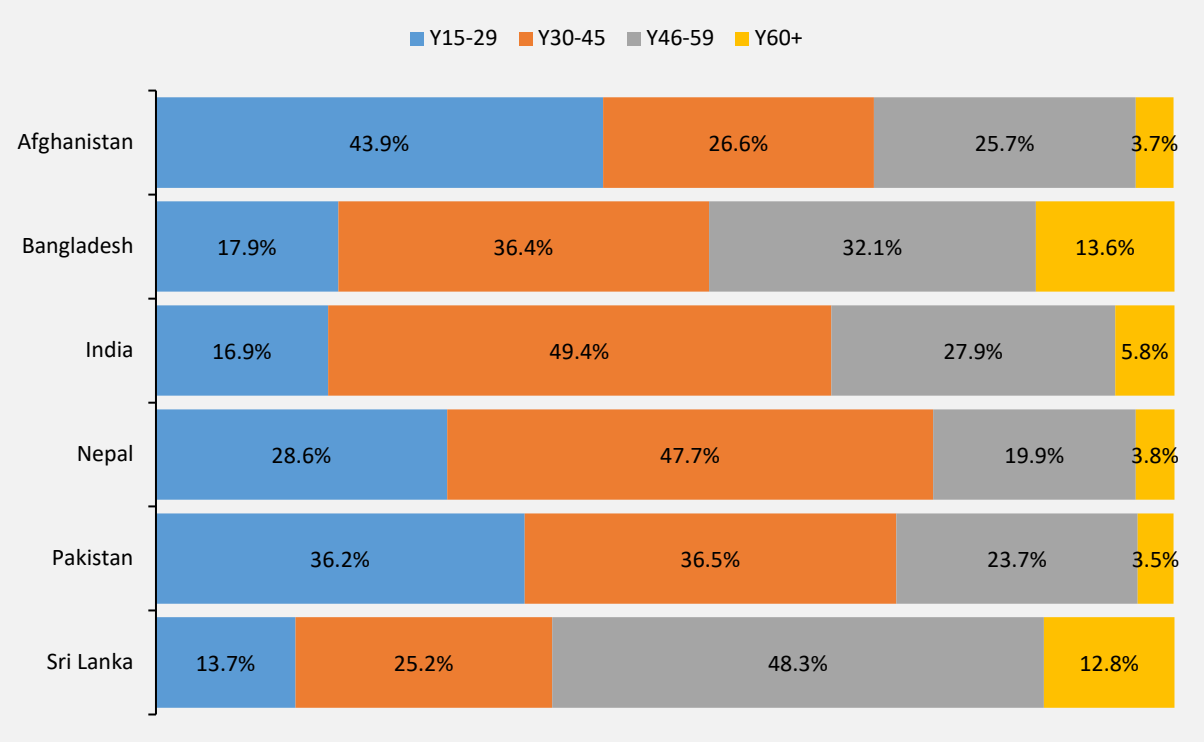
Despite stringent provisions in the law, manual sanitation work continues in India. Manual sanitation work is designed as "the removal of human excrement from public streets and dry latrines, cleaning septic tanks, gutters and sewers". The practice is driven by caste, class and income divides. "One of modern India's great shames is the failure to completely eradicate 'manual sanitation work', the most degrading surviving practice of untouchability in the country." (National Commission for Safai Karamchari 2020)

Figure 1: Percentage of Sanitation workers in total workers



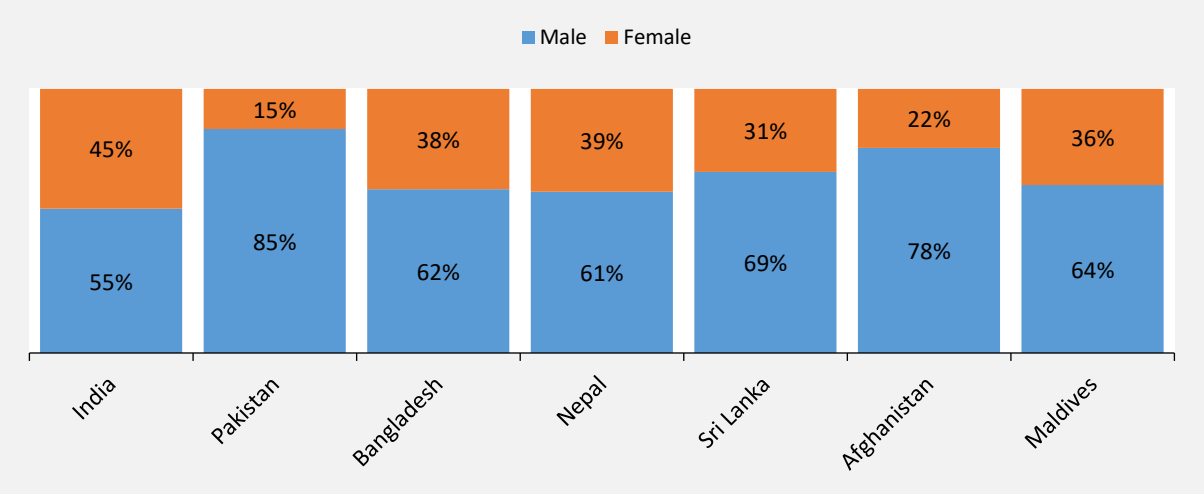
Concerning age distribution, a higher percentage of sanitation workers belong to the working-age group of 15-45 years except for Sri Lanka which has a higher proportion of sanitation workers in the age group Y46-59 years as shown in Figure 2. However, in some South Asian countries, people above the age of 60 years are also involved in sanitation work, and comparatively more in Bangladesh and Sri Lanka.

Figure 2: Percentage of Sanitation workers by age group



Source: Labour force survey of respective countries

Figure 3: Percentage of sanitation workers by sex

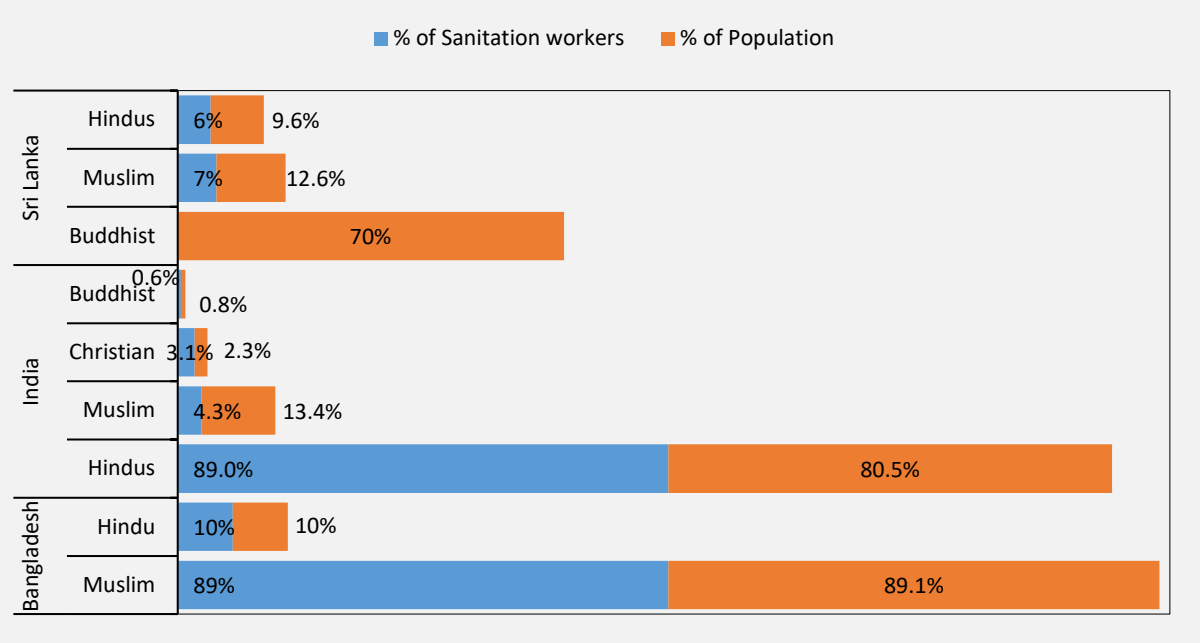


Source for figures 1 to 4 and Table 1: Labour force survey, India, 2019-20; Labour force survey, Pakistan, 2018; Labour force survey, Bangladesh, 2017; Labour force survey, Nepal, 2017; Labour force survey, Sri Lanka, 2017; Labour force survey, Sri Lanka, 2020; Labour force survey, Maldives, 2019

"Indian Railway is the biggest violator of the Manual Sanitation worker Act. No one can deny this bitter reality because it is right there in front of us. It stares in the face of the passengers that travel in trains every day." (National Commission for Safai Karamchari 2020)

Only Bangladesh, India, and Sri Lanka report the religious background of sanitation workers, as the following table shows.

Figure 4: Religious background of sanitation workers: Bangladesh, India and Sri Lanka



Only three countries namely India, Nepal, and Sri Lanka report the caste and ethnic background of their sanitation workers: In India in 2019/20, the scheduled caste account for almost 60 percent of the total sanitation workers, which is much higher than their 16 percent share in the population. There is also a clear caste-religion interface to the involvement in sanitation work. Most Hindu sanitation workers are scheduled caste (SC), formerly known as untouchables. The bulk of untouchables who converted to Sikhism, Buddhism, and Christianity to escape the caste stigma are still engaged in sanitation work. Thus, even after conversion from Hinduism to Buddhism, Sikhism, and Christianity, their occupation as sanitation workers persists on a high scale. As a "polluting" lot, the sanitation workers are forced to carry on with this occupation-- a shameful legacy of the past that continues to be practised with impunity--either as Hindu Dalits or, as converted untouchables to Buddhism, Sikhism, or Christianity. As Aqeel and Gill (2019: 1) found in Pakistan, "[t]he Indian caste stigma attached to sanitation labor still survives in Pakistan and is recast as work for "non-Muslims", particularly Christians in the Punjab region."

Figure 4: Percentage of sanitation workers by religion and caste system, India

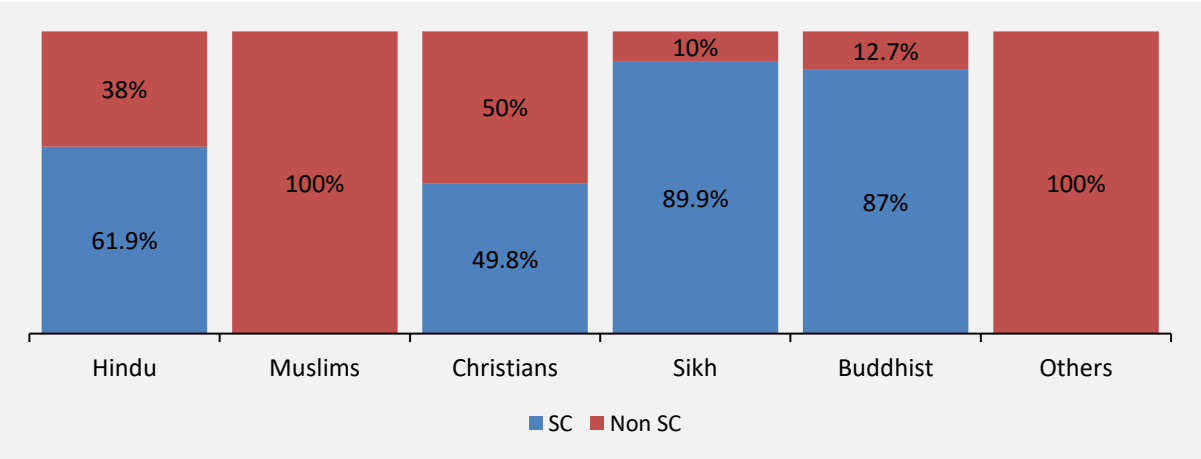
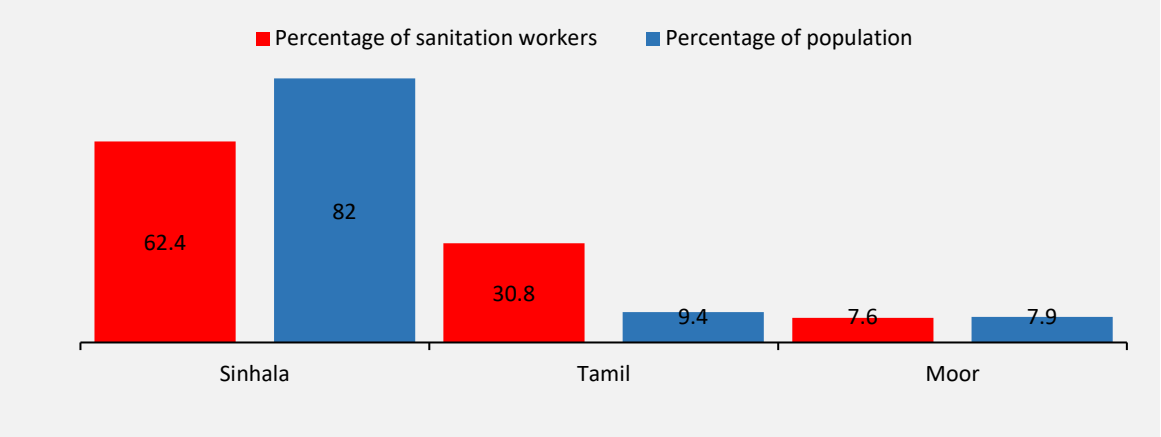


Figure 5. : Sanitation workers by their ethnic background, Sri Lanka.

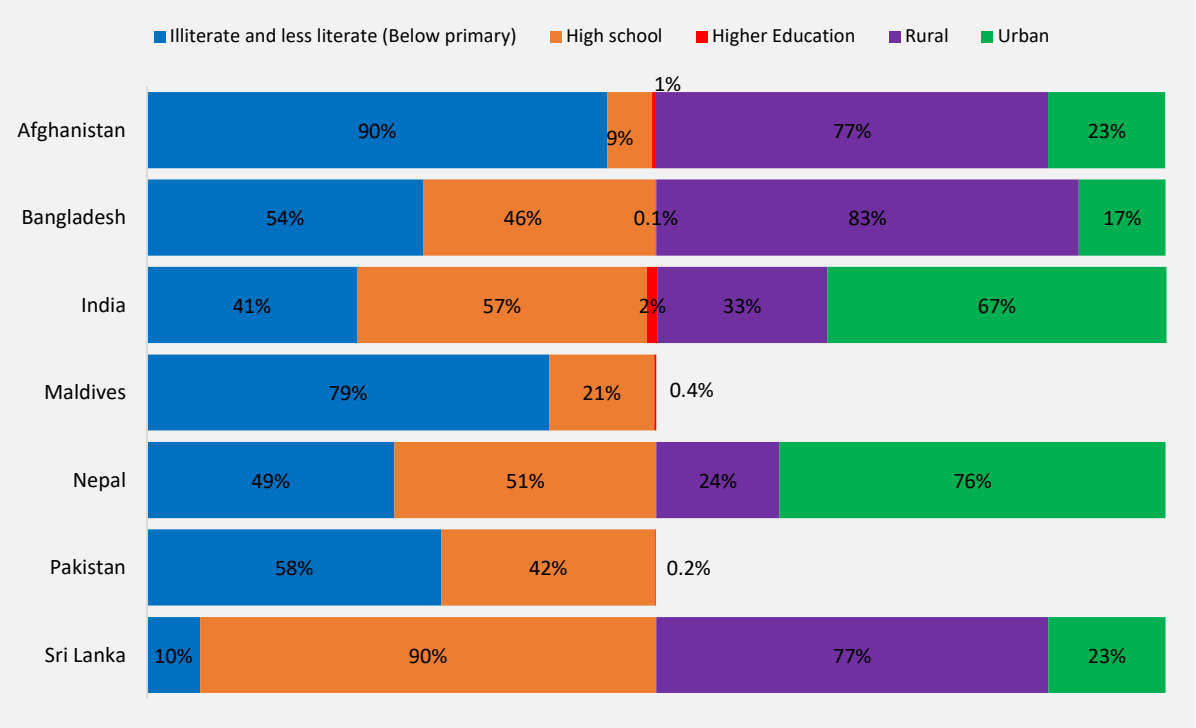


Source: Sri Lanka, Labour force survey

The Sri Lanka survey, however, does not report the caste background of its Tamil sanitation workers.

The educational background of sanitation workers in South Asian countries is very low. In countries like Afghanistan, Bangladesh, Maldives, and Pakistan, more than half of the sanitation workers do not have primary school education.

Figure 6: Share of Sanitation workers by education level and geographical



Source*:* Labour force survey, India, 2019-20; Labour force survey, Pakistan, 2018; Labour force survey, Bangladesh, 2017; Labour force survey, Nepal, 2017; Labour force survey, Sri Lanka, 2017; Labour force survey, Sri Lanka, 2020; Labour force survey, Maldives, 2019

However, some ***primary studies*** do provide information on these aspects that have been neglected in the employment/labour force surveys, although such works are few, and evidence is often indicative. In this paper, we are confined to the aspect of determining the magnitude of manual sanitation work, the type of work people involved in it do, and sex/ caste/religious break up.

In India, an official survey reported the presence of 42,303 manual sanitation workers in 170 districts of 18 states (National Commission for Safai Karamchari 2020). The number would go up with the identification of manual sanitation workers in the remaining 548 districts. We can only make a very rough estimate.

According to the survey report, there could be about 249 manual scavengers per district, bringing the total to an average of 178,782 manual scavengers across the 718 districts of India in 2019/20. This is an extremely rough estimate based on the assumption of a uniform number for sanitation workers in each district. This estimate also does not include the workers who are engaged in cleaning excreta on railway tracks and others. The National Commission for Safai Karamchari in its report has admitted: "No one can deny this bitter reality [manual sanitation work engaged in cleaning excreta] because it is right there in front of us" (Ministry of Social Justice and Empowerment 2019: 46). There are a few studies that provide information on other aspects that are lacking in the employment survey. A primary study by a Delhi-based non-government organization, Safai Karmachari Andolan, has identified 1,139 women engaged in manual cleaning of dry latrines and open drains in just 36 settlements across four states (Safai Karmachari Andolan 2018). Women participate in this work differently according to the type of work: while no women engage in sewer cleaning, treatment plant work or faecal sludge handling, they represent 95% of latrine cleaners; 80% in cleaning excreta from railway tracks; around 50% in sweeping and drain cleaning; and 25% in community and public toilet keeping (Bakshi 2018). The source provides no sex disaggregation for domestic work.

Similarly, few studies on Pakistan provide data on the aspects not covered by the country's labour force survey. Christians, who are a minority community, are the largest religious community represented in the sanitation workforce. A significant number of sanitation workers are Hindu Scheduled Castes in Sindh province (Indian Institute of Dalit studies 2008) in addition to some Muslims (majority community). Thus, erstwhile Hindu untouchables, as also those who converted to Christianity, Sikhism, and even Islam constitute the bulk of sanitation workers in that country. These 'low caste' people are engaged in work, which includes sewer maintenance, and drain maintenance (i.e. cleaning of sewerage channels). More recent sample studies have also confirmed the caste and religious interface of sanitation workers, and their involvement in manual sanitation work (Gill 2020; Siddiqi 2020).

Bangladesh has nearly eradicated open defecation. But, the country is now facing a significant challenge of unused storage of faecal sludge in latrines or toilets and its unsafe removable and transportation to treatment plants or disposal sites. Emptying of excrement pits manually remains a widespread practice. Historically, pit-emptying work and solid waste management have been carried out by the low caste Hindu community (Zaqout et al 2021) and by some low caste people who converted to Christianity and Islam. Another sample study has observed the significant existence of manual emptying rather than mechanical emptying in Dhaka city; most of the people involved are from Dalit or Hindu ex-untouchable caste. Thus, the sample studies highlight two aspects of manual sanitation work in Bangladesh: the persistence of manual sanitation work including manual pit emptying and sewerage clearing and related work, and the involvement of low caste Hindu Dalits in this work (World Bank 2019).

Sri Lanka has a better sanitation system as compared to other South Asian countries with 95 percent improved facilities. This has been possible through improved on-site sanitation and better technological options in pit latrines in rural areas (WSSCC and FANSA 2016b). However, like India and Pakistan, the predominance of Hindu low castes (Dalits) namely Parayan and Chakkihar in sanitation work is evident- while the former is engaged in street sweeping and collection of solid waste, the latter is involved in the cleaning of public latrines, drains and sewers in cities (Silva, Thanges and Sivapragasam 2009).

In Nepal, about 46 percent of households reported to be having improved facilities (WSSCC and FANSA 2016d). About 30 percent of urban households have toilets connected to sewer systems while 48 percent have toilets with septic tanks. Many of the septic tanks are not designed properly, and there are no proper systems yet for treating the faecal sludge from septic tanks. Sanitation workers, most of them low caste Hindu ex-untouchables, are engaged as drivers, waste collectors, waste processors, and sweepers (Binat and Mason 2017; Nepal Country Report, 2016). Another study in 2014 confirms these characteristics of sanitation work in Nepal (Nepal multi indicator cluster survey, 2014)

Studies on Maldives indicate that about half of the sanitation workers in the island nation are Maldivians, while 25.7 percent are from India, 20 percent are from Bangladesh, and three percent are from Sri Lanka (Adam 2015). The sanitation workers are engaged in lifting heavy loads in terribly unhygienic conditions. The workers are also involved in improper handling and disposal of potentially harmful waste, including medical waste and manual clearing of sewers (WSSCC and FANSA 2016a).

For Afghanistan, a study (2015) indicates that "improved and other improved" facilities constitute about 75 percent of total sanitation facilities. Detailed information on the magnitude and type of manual sanitation work is unavailable (WSSCC and FANSA 2016e).

Limitation of Employment/Labour Surveys' Data

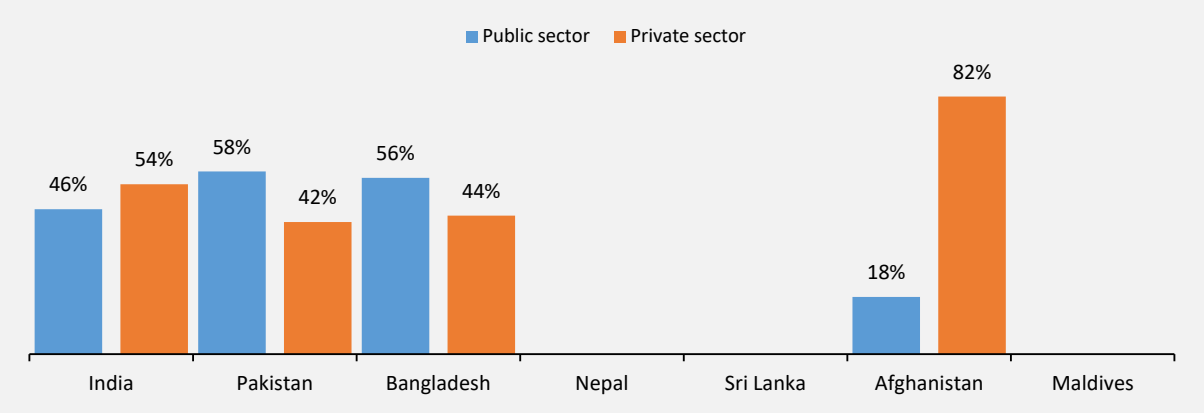
Although the aforementioned findings provide useful insights into the magnitude and characteristics of sanitation workers in South Asian countries, these have serious limitations. The official employment and labour force surveys leave out critical aspects of sanitary work, which are necessary for developing and monitoring policies for sanitation workers. The employment/labour surveys give the aggregate data without any division between sanitation work performed manually and by machines, or between solid waste and faecal waste work. There are no data on the numerical strength of sweepers engaged in manual cleaning of dry and wet toilets, and sewerage, although all these workers are part of the concept of sanitation workers used by Employment/labour surveys in South Asian countries. In India, for instance, sanitation workers by occupation are covered under the category of "garbage and related workers" and "related worker" including sweeper - dry, wet sweeper, sewerage workers but NSS does not report about these workers in related workers category. This has remained a critical gap in counting the strength of sanitation workers doing the job manually. The Indian NSS employment survey also gives the number of sanitation workers engaged in hazardous work by industry, but it does not disaggregate data on hazardous work done manually and by machines.

Largely, this is the situation in other South Asian countries also. There are other country-specific gaps. Maldives and Pakistan do not report rural-urban break down on their sanitation workforce. Similarly, disaggregation by the religion of sanitation workers is not given in surveys of Pakistan, Afghanistan, and Maldives. Maldives also does not provide data on the age of sanitation workers. Except for India, Nepal, and Sri Lanka, other countries do not report on the caste or ethnic background of their workers.

Economic Insecurity: High Incidence of Informal Work

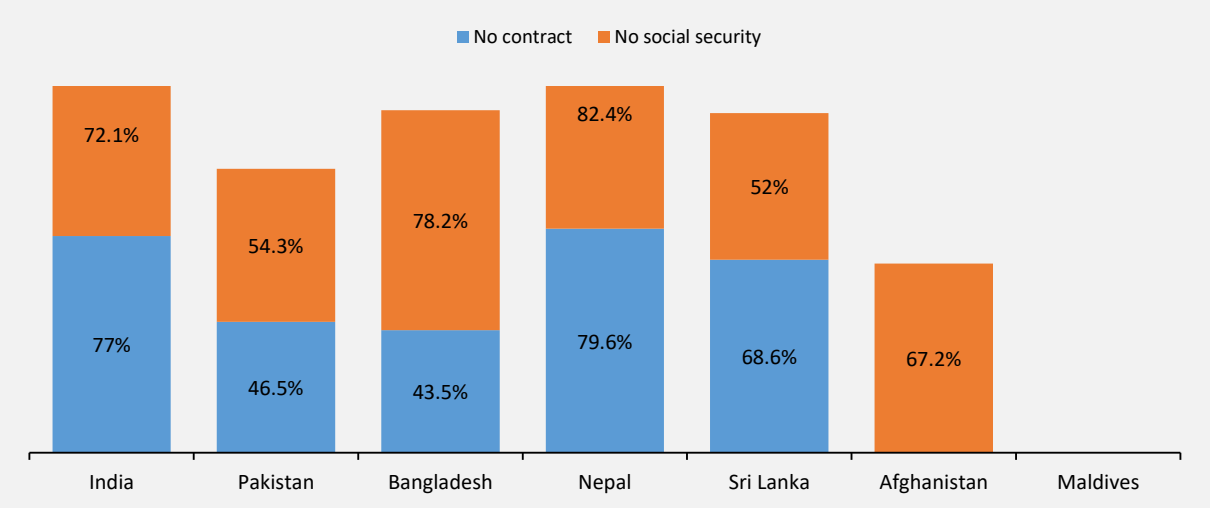
Sanitation workers in the sub-region face a high degree of economic insecurity, mainly due to the informal nature of their employment, as reflected in the employment/labour force surveys' data in these countries (Figures 8 & 9). A very high proportion of sanitation workers do not have any social security cover, mainly due to the informal character of their work (Figure 8).

Figure 7: Sanitation workers employed in government and private sector



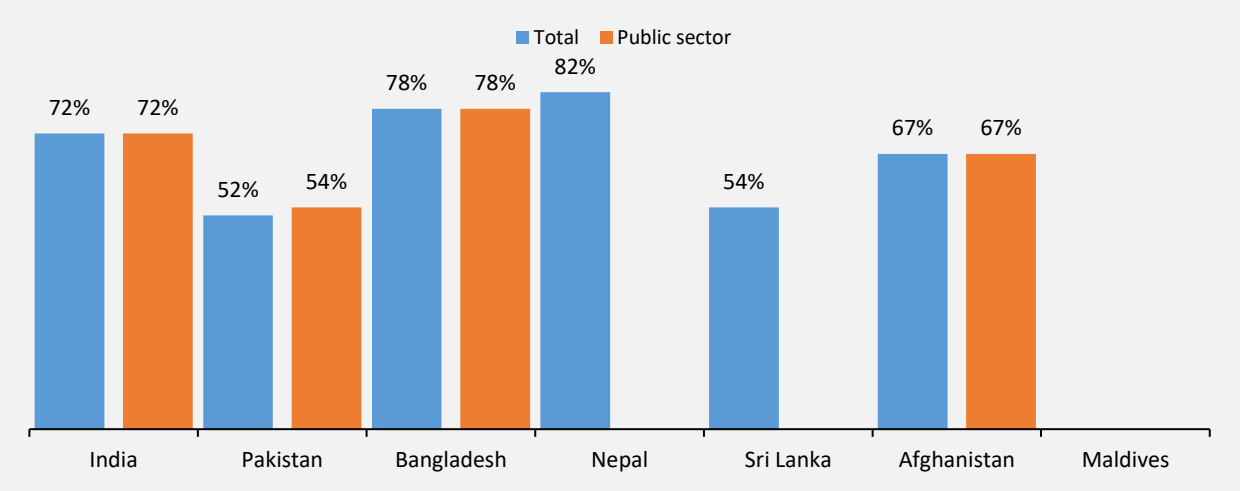
In countries like Pakistan, and Bangladesh, many sanitation workers are employed by the government/public sector, but do not have any social security: this is also true for Afghanistan, whose government does not employ as many. This illustrates the rising trend of informalization of sanitation work in the government/public sector. High informalization of sanitation workers in government/public and private sectors brings a greater degree of economic insecurity among sanitation workers, which affects their income and well-being.

Figure 8: Percentage of sanitation workers without security benefit vs those without job contract



Source for Figures 4 and 5: Labour force survey, India, 2019-20; Labour force survey, Pakistan, 2018; Labour force survey, Bangladesh, 2017; Labour force survey, Nepal, 2017; Labour force survey, Sri Lanka, 2017; Labour force survey, Sri Lanka, 2020; Labour force survey, Maldives, 2019.

Figure 9: Proportion of sanitation workers without social security, total, and public sector



Some primary studies provide more insights into the nature of the employment of sanitation workers. In India, for example, there are three types of workers: permanent, contractual, and outsourced workers. Permanent workers earn the highest wages, with the option of availing multiple benefits such as earned leave, medical benefits, pension contribution, and Provident Fund, which the contractual and outsourced workers are not entitled to receive. Contractual workers earn approximately one-half to one-fourth of a permanent worker's salary, for the same job. Outsourced workers earn even less, often less than one-fourth of a permanent worker's salary to do the exact same job (PRIA 2019). Another study observes that formal sanitation workers who are permanent receive wages that are three times higher than informal workers' wages; thus, the latter are poorly paid and more vulnerable to extortion (World Bank 2019). The casual manual sanitation worker thus suffers the most from economic uncertainty and meagre earnings.

"Formal sanitation workers who are on permanent wages receive three times higher wages than informal worker who are poorly paid and vulnerable to extortion" (World Bank 2019).

In Pakistan, the government departments employ a significant number of sanitation workers on 89-day contracts or on daily basis to avoid any legal liability. The salaries of these workers are very low. Uncertainty of getting a secure alternative job partly because of discrimination forces them to fall back up on manual sanitation work (Aqeel and Gill 2019).

In Bangladesh, most sanitation and waste workers throughout the country work informally and are paid either daily wages or contracted for a particular job employed in a government department or private sector. However, wages from pit-emptying are often very low and irregular (WaterAid 2020). The working conditions for permanent emptiers are marginally better than for on-call workers as they have a guaranteed monthly income and partial health subsidies from the city corporation. (Nkansah, Fisher and Khan 2012). Even as sanitation workers try to look for secure alternative livelihood opportunities outside their traditional occupations, the discrimination faced by them, particularly low-caste untouchables and Christian sanitation workers (converts), reduces their chances to seek other employment. Members of the self-employed group from these communities have lost several income-generating opportunities, as the city corporation preferred to recruit, their Muslim counterpart "sweepers" (Zaqout et al 2021).

The analysis of employment/labour force surveys and primary studies shows that sanitation workers who provide the most essential service to society live in a state of high economic insecurity. The majority are increasingly being employed on an informal basis in both government and private sectors without adequate job and social security, resulting in lower incomes and poor levels of living.

Health Hazard: Morbidity, Injuries, and Mortality

Sanitation workers experience serious health hazards in the process of coming in direct contact with hazardous waste, faecal sludge, wastewater and working in an unhealthy environment. The hazardous working conditions can result in life-threatening diseases, and even cause physical injuries often leading to the death of the workers. For instance, the National Commission for Safai Karmchari in India has reported 631 deaths of sanitation workers during the cleaning of sewers and septic tanks between 2010 and 2020 (Sharma 2021). In the southern Tamil Nadu state, as many as 30 sanitation workers died in sewerage systems between February 2012 and September 2013. Empirical studies in South Asian countries, although limited in number, provide some insights on the nature of the health hazards faced by sanitation workers.

Unfortunately, the official employment/labour surveys in the other countries provide very limited information on the health situation, which is also not comparable. Afghanistan's 2020 labour survey indicates that about 9.5 percent of refuse workers develop disabilities. Pakistan survey 2018, reports about 1.5 percent of sanitation workers having injuries during work. About 27 percent of the refuse workers in Maldives reported chronic disease in a 2019 survey. The Indian Employment survey 2019/20 reports that 14 percent of total waste collection workers in the country work in hazardous situations.

Irfan Masih, a 36-year-old Christian sewer cleaner of Umar Kot in interior Sindh fell victim to toxic fumes while trying to save his two co-workers who had fallen unconscious inside a manhole. The three were deployed to unclog a dangerous sewer line that had blocked (Aqeel and Gill 2019).

Several primary studies in India have reported multiple health consequences of sanitary work. A recent study on municipal sanitation workers in Aurangabad city of Maharashtra state in 2017 observed a high morbidity rate, including mental health conditions like depression and anxiety among the sanitation workers (Jadhav 2017). Another study on occupational health risks to waste pickers in Bangalore found tuberculosis, bronchitis, asthma, pneumonia, dysentery, parasitosis among the most common diseases afflicting waste pickers (Bharati et al 2016). Another study of 26 sewer workers exposed to smell found that 53.8 percent of them had developed sub-acute symptoms including sore throat, cough, chest tightness, breathlessness, thirst, sweating, irritability, and loss of libido (Tiwari 2008).

Yet another field study reveals that sanitation workers are prone to serious injuries due to solid objects such as blades, projecting glass, and other sharp-edged or pointed objects. Most of the workers do not understand the side effects of working in such environments, mainly because of a lack of information and training (Sakthivel and Benjamin 2019).

In Pakistan, Aqeel and Gill (2019) studied 102 sanitation workers and found serious health consequences among sanitation workers similar to that reported in India. About 38 percent of respondents reported to have dived into a manhole filled with sewerage and suffered poisonous gas injury at least once during their course of work, which sometimes result in death. They get injured during their work due to sharp objects like safety blades, sewing needles, broken glass pieces, and hospital waste which is often discarded into the sewer systems. The sanitation workers engaged in these life-threatening cleaning operations without any protection mechanism. The study further reports the failure of administration in enforcing safe procedures;, a lack of training for workers engaged in sewerage work; lack of proper protective equipment; and lack of monitoring at site poses high health risks for the sanitation workers.

The limited primary studies conducted in Bangladesh also confirm similar findings regarding the health condition of sanitation workers. Working inside faecal sludge pits and septic tanks often causes vision and hearing impairments and, at times, deaths among them. Exposure to toxic fumes, poor infrastructure, and slippery slopes in manhole and sewer lines are a serious threat to sanitation workers (Zaqout 2019; Ahmed et al 2016).

"*The wearing of personal protective equipment is uncommon among manual pit-emptier due to it being unaffordable and /or uncomfortable, and/or because emptiers are unaware of its benefits—Thus manual emptiers often came in to direct contact with human faeces, as well as other items commonly found in latrine pits, including sanitary products, sharp objects and other solid waste. This leads to injury and illness, infection due to cuts and abrasions and excreta-related parasites and vector-born infection, skin disorders and respiratory diseases*" (Marian Zaqout et al 2021).

The primary studies conducted in Nepal have also captured similar plight of sanitation workers and health consequences because of their work. A study has observed that nearly 70 percent of sanitation workers experienced respiratory disorders and other ailments such as fatigue, backache, headache, etc. (Black et al 2019). The lack of safety equipment is one of the main causes of such drastic health consequences. The sanitation workers also lack knowledge and awareness regarding the danger of occupational health hazards (Black et al 2019; Sapkota et al 2020). The study recommends interventions that can effectively address this gap in knowledge and awareness, such as "educative skill-raising" training, effective risk communication to informal waste workers to mitigate their risks and promote better health and safety practices among them.

The study by Suhail (2015) for Maldives provides information on the effects of health hazards to the sanitation workers of Thilafushi--the island that serves as the disposal site for the entire waste in Maldives. Those who do not use proper safety precautions suffer from respiratory diseases - about 75 percent of workers reported respiratory problems. The Maldives Country Report for 2018 recognized that sanitation workers engage in an unhygienic and unhealthy environment which causes serious health consequences, injuries and deaths to them (WSSCC and FANSA 2016a).

"*There have been a few instances of people dying while working in sewers, due to toxic gases and the lack of proper aeration in Maldives.*" (WSSCC and FANSA. 2016a).

The information about Afghanistan is very limited and unclear. The Afghanistan Country Report (2018) mentioned that drains are generally cleaned manually without any protection gear with adverse health consequences for the workers. In one of the cases, a worker became unconscious while cleaning the drain due to the high content of gas and had to be pulled out by his co-workers.

This review provides useful insights into the state of sanitation workers in South Asian countries. It is paramount to improve work methods and procedures for mitigating safety and health hazards and risks at the source. There has been a gradual shift towards safer sanitation work procedures to the workers. In the State of Kerala in India, for example, the use of easy-to-apply sewer cleaning machines has reduced the harmful health effects on sanitation workers.[3] In parallel, as most studies have highlighted, adequate personal protective gears must be provided to all sanitation workers. All sanitation workers should receive proper training particularly for manual cleaning of septic tanks and sewers. The authorities should take responsibilities for enforcing safe procedures and effective site monitoring. Most workers are employed

[3] See, e.g., "Kerala water authority ropes in 'Bandicoot' robot to clean Kochi sewers", *The Times of India,* 28 November 2020.

informally so they lack proper health security and support in event of any casualty. The authorities should prepare necessary social security measures including health insurance and employment injury insurance.

Stigma, Discrimination, and Indignity

Besides serious health risks, the sanitation work community faces discrimination and stigma that robs them of their dignity. In most South Asian countries, the sanitation workers belong to the erstwhile Hindu untouchable caste and /or untouchables who took to other faiths to escape inequality and indignity. The primary studies, though limited in number, provide information on the nature of discrimination and stigma faced by manual sanitation workers. In India, the problems persist in most acute form- with these people suffering widespread social discrimination in multiple spheres (World Bank 2019, pp 30 and 35). A primary survey of 72 sanitation workers, in the northern Uttar Pradesh state, reported that some of them tried to quit their occupation and start a tea/grocery shop but were forced to return to their original work as they faced opposition and social boycott at the hands of high caste people (Kumar and Preet, 2020). Water and meals in restaurants are offered to them in plastic cups/disposal plates instead of steel plates. Children are huddled with their parents while crossing sanitation workers on streets so that they do not brush with their bodies or brooms. Sanitation workers face also discrimination in public spaces like temples, water taps, in religious gatherings as also sharing taxis /autos. Sanitation workers are commonly referred to as "*kachrawalla"* or garbage people and not *"safaiwalla"* (cleaning staff). Many shopkeepers and residents wash the space in front of their shops to "purify" it after street sweepers leave the place after resting there (PRIA 2020, pp 22). Regular derogatory comments, contempt, and hostility are a part of the daily experiences of these workers. Thus, eliminating caste barriers to access freedom and choice of occupation is still a tough task for them.

In Nepal, like India, most sanitation workers belong to erstwhile untouchable castes[4] and face discrimination, stigma, humiliation, and contempt of worse kinds –given that, until recently, Nepal was the only Hindu nation in the world. In the public domain, erstwhile untouchables continue to face restrictions in entry to Hindu temples, hotels and restaurants, tea shops, and services related to edible consumers goods such as food factories, dairy farms, including milk collection centers, public and private health centres, and educational institutions. Discrimination in employment and wages, particularly in the private sector, is most common (Bhattachan, Sunar and Bhattachan 2009).

In Bangladesh, Hindu untouchable sanitation workersface discrimination in employment and wages, renting houses outside their exclusive areas and accessing public services. Attempts by the low caste sanitation workers to move away from sanitation work to seek alternative livelihood are met with opposition. Humiliating behavior has been widely reported by some self-employed sanitation workers: For example, efforts to start a tea stall or ply an auto-rickshaw failed because of the social boycott by high castes. When they pay money, they put it on the ground to avoid physical touch with ex-untouchables. Some of the high castes household owners are reported to have declined water to thirsty sanitation workers (Sultana and Subedit 2015).

Attempts by the low caste sanitation workers to move away from sanitation work to seek alternative livelihood are received with opposition. Efforts to start, for example a tea stall or run auto- rickshaw failed because high caste boycotted, similar to that of India. Humiliating behavior was widely reported by self-

[4] Nepal abolished casteism and untouchability in 1963.

employed sanitation workers. Respondent reported that some household owners do not even offer the water when they ask for it. When they pay money, they put it on the ground to avoid the touch. (Sultana and Subedi 2016).

They also face discrimination in employment for sanitation work, as authorities prefer hiring Muslim sweepers for better sanitation jobs. Thus, sanitation workers face a continuous struggle in their quest for social inclusion on equal terms (Zaqout et al 2021). Also, low caste Muslims, namely *Arzal* engaged as sweepers, latrines, and garbage cleaners face exclusion from high caste Muslims, particularly in rural areas (Zaman2001).

The situation in Pakistan is more or less similar to that of Bangladesh. Hindu untouchables in the Sindh region are the worst victims of caste discrimination in most spheres including employment. In most cases, they live in segregated settlements to avoid close physical and social relations with the rest of the population (IIDS 2008). The Christian sanitation workers too face contemptuous behaviour. The traditional caste word for a sanitation worker "*chuhra"* is now an expletive or abusive term. As many Christians in Pakistan hail from this caste, avoidance of commensality (sharing food) with them is common (Aqueel and John 2015). The "*Mussallis"* (Muslims from the *Chuhra* caste), or "untouchable" Muslims, who are involved in sanitation work works face discrimination within their own community.

In Sri Lanka, Sinhalese and Hindu Tamil sanitation workers, who are mainly low caste untouchables, face caste discrimination in urban areas in some spheres. Kalinga Tudor et al (2009), in their study of Hindu Tamil sanitation workers in Kandy city, observed that although the hold of the caste system has weakened, it has not eliminated caste discrimination altogether. The untouchable Hindu sanitation work community in cities face discrimination in entry to Hindu temples and admission of their children to good schools. The sanitation work community is seen as a major source of environmental pollution and infections in the city. This invites contempt towards them.

The following table summarizes the findings of this section:

Table 1: Stigma, discrimination, and indignity related to sanitation work occupation

Indicators	Afghanistan	Bangladesh	India	Maldives	Nepal	Pakistan	Sri Lanka
Stigma/discrimination/ inferior dignity related to occupation	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Stigma based on Caste	No	Yes	Yes	No	Yes	Yes	Yes
Stigma based on religion	NA	Yes	NA	NA	NA	Yes	Yes
Higher share of Male among sanitation worker	Yes	Yes	No	No	No	Yes	No
Higher share of female among sanitation worker	No	No	Yes	No	Yes	No	No

Constitutional and Legislative provisions

The countries in South Asia have made provisions in their respective constitutions that indirectly or directly relate to sanitation workers. Some have also enacted legislation and developed policies for their welfare. We reviewed these constitutional provisions and laws in this section.

In the Indian constitution, Article 14 provides the right to equality and equality before the law. Article 17 abolishes the practice of untouchability and makes its practice a punishable offence. Article 21 guarantees the protection of life and personal liberty, and Article 23 prohibits forced labour.

Laws to enforce the aforementioned provisions include the Protection of Civil Rights Act, 1955 (earlier called the Untouchability Offence Act), Prevention of Atrocities against Scheduled Castes/Scheduled Tribes Act, 1989, and *Prohibition of Employment as Manual Sanitation workers and their Rehabilitation Act, 2013, which provides safeguards for sanitation workers against discrimination.* Further, two institutions, namely, The National Commission for Safai Karamcharis and the National Safai Karamcharis Finance and Development Corporation have been set up for monitoring the progress in the elimination of manual sanitation work in the country. India also has a programme for the rehabilitation of sanitation workers as entrepreneurs called *the self- employment scheme for rehabilitation of manual sanitation workers,* 2007.

The constitution of Pakistan has provisions for equality before the law and equal protection under the law and equal opportunity. *Article 11* prohibits forced labour. However, unlike India, Pakistan has not enacted any specific law to prohibit the employment of manual sanitation work and to protect sanitation workers against stigma and discrimination. However, the country laid down the Standard Operating Procedure for Management of Sanitation Services in 2008.

Article 27 in the constitution of Bangladesh has a provision against discrimination. Similarly, Article 28 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. In 2017, Bangladesh formulated the Institutional and Regulatory Framework for Faecal Sludge Management (IRF-FSM). Occupational safety and health guidelines for pit emptying exist and can be found in the Bangladesh Labor Act, 2006. Standard Operating Procedures for sanitation work exist in many cities such as Dhaka, Khulna, etc. in Bangladesh.

Article 18 of the constitution of Nepal provides for the right to equality. Nepal has provisions to prohibit untouchability and discrimination, on the grounds of origin, caste, and race. The country's Parliament enacted the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) protecting erstwhile untouchables from discrimination of any sort. The government of Nepal also formulated an Institutional and Regulatory Framework for Faecal Sludge Management in urban areas in 2017. It has also established a National Dalit Commission 2017.

The constitution of Sri Lanka in Article 12 guarantees the right to equality before the law and equal protection under the law. It also prohibits discrimination on grounds of race, religion, language, caste, sex, political opinion, and place of birth. Sri Lanka has no specific law against stigma and discrimination of sanitation workers. A sanitation guide (manual) for local authorities exists in Sri Lanka since 2017.

The constitution of Maldives also has a provision on anti-discrimination in Article 17. An Operating Procedure of sanitation work has been enacted in the archipelagic country comprising 1,192 islands.

The constitution of Afghanistan in Article 22 prohibits discrimination and ensures equality before the law. Article 24 guarantees liberty as the natural right of human beings. Liberty and human dignity are inviolable. Article 49 prohibits forced labour and renders child labour illegal.

Thus, an exclusive law for sanitation workers exists only in India and no other country in South Asia has enacted any law for safeguarding sanitation workers. Similarly, special laws against untouchability exist only in India and Nepal and no other South Asian country has made any provision on this count.

Ratification of ILO Conventions

Although most of the countries have ratified and implemented the ILO's eight fundamental Conventions, that is not the case with the relevant technical ILO Conventions.

Table 2: Ratification and application of relevant fundamental and technical ILO Instruments

Instrument	Afghanistan		Bangladesh		India		Maldives		Nepal		Pakistan		Sri Lanka	
	Ratif	law	Ratif	law	Ratif	law	Ratif	law	Ratif	law	Ratif	law	Ratif	law
FUNDAMENTAL CONVENTIONS														
Forced Labour Convention, 1930 (No. 29)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	No	Yes	Yes	Yes	No	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	No	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Equal Remuneration Convention, 1951 (No. 100)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Age Convention, 1973 (No. 138)	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Worst Forms of Child Labour Convention, 1999 (No. 182)	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
TECHNICAL CONVENTIONS														
Protection of Wages Convention, 1949 (No. 95)	Yes	Yes	No	Yes	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes
Migration for Employment Convention (Revised), 1949 (No. 97)	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No
Minimum Wage Fixing Convention, 1970 (No. 131)	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes
Occupational Safety and Health Convention, 1981 (No. 155)	Yes	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes
Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	No	Yes
Violence and Harassment Convention, 2019 (No. 190)	No	No	No	Yes	No	Yes	No	No	No	Yes	No	Yes	No	Yes
Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)	*Not subject to ratification*	No	*Not subject to ratification*	No	*Not subject to ratification*	Yes	*Not subject to ratification*	No	*Not subject to ratification*	No	*Not subject to ratification*	Yes	*Not subject to ratification*	Yes

Emerging Challenges and the Way Forward

Based on employment /labour surveys data between 2017 and 2020, and primary studies during the same period, this paper has examined the plight of sanitation workers in seven South Asian countries. The study tried to estimate the number of manual sanitation workers, their occupational health hazards, economic insecurity as also the social stigma and discrimination they continue to suffer despite several constitutional guarantees. The study has also examined the laws and policies developed by the governments in South Asian countries for these workers.

Governments in all South Asian countries have recognized the problem of sanitation workers and enacted laws and policies to provide safeguards against health hazards, and the stigma experienced by them for their "untouchable caste" background. Despite some progress, the goal of eliminating manual sanitation work is a far cry. Achievements in providing sanitation workers with safeguards against occupational health hazards and policies for economic security as well as erasing the stigma of 'impurity' and discrimination against them have been terribly limited. Challenges, therefore, remain on many fronts.

Firstly, manual savaging is legally or administratively banned in most of the South Asian nations but persists in manual cleaning of dry toilets, pit emptying, sewerage cleaning, and other related work. The challenge is to understand the reasons behind its persistence and take steps to transform the working methods towards complete elimination of unsanitary working conditions, without loss of livelihoods for sanitation workers but instead a transition to more mechanical methods and safer and healthier conditions of work. The exact size and number of manual sanitation workers in these countries are not yet known. Data, and information on manual sanitation workers with the type of work they perform can be collected through employment surveys and other data sources.

Secondly, given the significance of sanitation work, periodic surveys on sanitation work and workers could be conducted to track the progress and develop specific policies for them.

Thirdly, despite formal policies and procedures, occupational safety health hazards persist on a significant scale putting the lives of sanitation workers at grave risk. Research could further identify the causes for work-related injuries and diseases and how to improve work methods and procedures for eradicating the hazards and risks.

Fourthly, the problem of discrimination in multiple public spheres and stigma and humiliation associated with manual sanitation work is seen to persist across the subcontinent. Country-specific studies could help develop strategies to address these challenges.

Fifth, policies can help overcome informal employment and the economic insecurity faced by the vast section of sanitation workers, in line with the ILO Recommendation No. 204 concerning the Transition from the Informal to the Formal Economy (2015), with particular attention to manual sanitation workers who provide a critical and essential public service to society.

Sixth, it could be useful to study the reasons for the gap between the laws and their application, so that evidence-based strategies can be developed.

Seventh, the stigma and caste /religious and occupational discrimination could be examined in light of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Finally, countries and the ILO could develop a database on all aspects of sanitation work. The data in employment surveys on the prohibited practice of sanitation work is nearly missing. Given the significance of sanitation as a critical public service, a periodic special survey could help develop an understanding of the progress achieved in improving the working conditions and safety standards for the people engaged in the occupation.

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▶Annexure 1

Constitutional and Legal Provisions to Prevent Discrimination of Sanitation Workers

The countries in South Asia have made provisions in their constitutions which indirectly or directly relate to the sanitation work and worker, enacted legislations and also developed some policies. We review these provisions and see to what extent they are in tune with international provisions.

India

The constitution which was promulgated in 1950 provides certain provisions against discrimination. Article 14 guarantees the right to equality and Article 16(2) equality of opportunity in matter of public employment. Article 17 of the constitution abolishes the practice of untouchability and makes it a punishable offence. Article 19 (1) provides the right to practice any profession, occupation, or business. Protection of life and personal liberty is guaranteed in Article 21 and prohibition of forced labour in Article 23(Gupta 2016; Annual Report 2019-20, Department of Social Justice & Empowerment; Khanna 2019). The constitution of a National Commission of Scheduled Caste is provided in Article 338.

To give legal effect to the prohibition of discrimination and untouchability, the Government enacted the Untouchability Offence Act in 1955 which was renamed Protection of Civil Rights Act, in 1979.Section 7A of the 1955 Act provides a safeguard against manual scavenging. According to it if anyone forces a person to do scavenging, it should be considered as imposing disability arising out of untouchability and hence a punishable offence with imprisonment (Khanna 2019). Another Act, *the Scheduled Castes and Scheduled Tribes (Prevention ofAtrocities) Act, was enacted in 1989, Section 3(1)(j)* forcing the member of Scheduled caste or scheduled tribe to do manual scavenging or to permit or employment for manual scavenging is a punishable offence.

Parliament of India passed the *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993)* to prohibit employment of manual scavenging and

ban the construction of dry latrines. In 2013, this Act was amended and renamed *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.* The act makes provision for: *eliminating insanitary latrines by converting them into sanitary latrines; prohibiting employment of persons for manual scavenging and hazardous cleaning of sewers and septic tanks, and identifying manual scavengers and rehabilitating them in alternative occupations.* The 2013 Act also makes provision for period *surveys of manual scavengers* in urban and rural areas within a time bound framework in order to eliminate the practice and make provisions for the rehabilitation of people engaged in manual scavenging (World Bank 2019; Khanna 2019; Gupta 2016; Annual Report 2019-20, Department of Social Justice & Empowerment; Sharma. 2021).

In 2014, the Supreme Court in its judgment *SafaiKaramchariAndolan& Others v Union of India & Others, 2014* considered manual scavenging as the violation of constitutional mandate. The apex court also observed that since India is a signatory of various international conventions which prohibit the practice of manual scavenging, the practice cannot continue in the country. In this judgment, the Supreme Court also included directions that the families of all persons who had died working in sewerage, manholes, septic tanks, and so on since 1993 should be given Rs one million compensation (Khanna 2019).

The government created an administrative mechanism by constituting the National Commission for SafaiKaramcharis in 1994. Similarly, a National SafaiKaramcharis Finance and Development Corporation was established with the objective eradicating the practice of manual scavenging and facilitating funding the rehabilitation of manual scavengers in alternative occupations, particularly through self-employment schemes, and support for education of their children.

India is a signatory to six out of eight fundamental ILO conventions to end forced labour (Khanna 2019). It has ratified i) Forced Labour Convention, 1930, ii) Equal Remuneration Convention, 1951 iii) Abolition of Forced Labour Convention, 1957, iv) Discrimination (Employment and Occupation) Convention, 1958, v) Minimum Age Convention, 1973, and vi) Worst Forms of Child Labour Convention, 1999. For the compliance of these international conventions, India has enacted various laws and acts. For instance, India has ratified Forced Labour Convention, 1930 in 1954. Article 23 of the Constitution of India prohibits forced labour. Similarly, for the compliance of Equal Remuneration Convention, 1951 and Discrimination (Employment and

Occupation) Convention, 1958, India has made provisions in *The Code on Wages 2019 Section 9* for fixed floor wages taking into account minimum living standards of a worker. India also has a standard operating procedure for sanitation workers.

Pakistan

The constitution of Pakistanin Article 11 prohibits forced labour which is incompatible with human dignity (Aqueel and Gill 2019). However, unlike India, Pakistan has not enacted any specific law to prohibit the practice of manual scavenging and protect sanitation workers against stigma and discrimination. Pakistan ratified the Forced Labour Convention, 1930 in 1957 and made certain provisions for its compliance such as: The Bonded Labour System (Abolition) Act, 1992 and Article 11 of its constitution. Similarly, for the compliance of Equal Remuneration Convention, 1951, *Article 38* mentions 'promotion of social and economic well-being of people irrespective of the caste, ethnicity and gender they belong.' Similarly, for the compliance of Minimum Age Convention, 1973, Article 11 and Employment of Children Act, 1991 ensures minimum age of workers. Violence and Harassment Convention, 2019 (No. 190) has been implemented with the enactment of *The Protection against Harassment of Women at the Workplace Act, 2010.* Article 37(e) is in compliance with conventions such as Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation (No. 164), and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and recommendation (No. 197). Article 25 of the constitution of Pakistan is in compliance with Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

Bangladesh

The constitution of Bangladesh in Article 27 guarantees equality before the law and equal protection under law. Similarly, Article 28 prohibits discrimination against any citizen on the grounds of religion, race, caste, sex or place of birth. The Ministry of Local Government, Government of Bangladesh formulated the Institutional and Regulatory Framework for Faecal Sludge Management in 2017. The framework also includes a clause on appropriate health and safety guidelines for excrement pits emptying services. Occupational safety and health guidelines for pit emptying exist in the *Bangladesh Labor Act*, *2006* and the *National Occupational Health and Safety Policy, 2013* (World Bank 2019; Zaqout et al 2020). Occupational Safety and Health Guidelines for faecal sludge management aim to minimize the health hazards

experienced by sanitation workers while working in sewers, septic tanks, etc. (Zaqout et al 2020; Singh et al 2021). Operating Procedures for sanitation work exist in many cities such as Dhaka, Khulna etc.

Fecal Sludge Management Framework has been prepared for many cities. Bangladesh ratified the Forced Labour Convention, 1930 (No. 29) in 1972. Part III Fundamental Rights of The Constitution of the People's Republic of Bangladesh has provisions for this convention. Similarly, conventions such as Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), Protection of Wages Convention, 1949 (No. 95), Right to Organize and Collective Bargaining Convention, 1949 (No. 98), Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Minimum Wage Fixing Convention, 1970 (No. 131), Minimum Age Convention, 1973 (No. 138), Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation (No. 164), Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and recommendation (No. 197), and Violence and Harassment Convention, 2019 (No. 190) have been implemented through the Bangladesh Labour Act, 2006.

Nepal

The Constitution of Nepal, 2015 in Article 18 provides for '*Right to Equality* , *equality before law and equal protection under law*; and *no discrimination on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.*'

Similarly, *Article 17* provide for the freedom to practise any profession, carry on any occupation, and establish and operate any industry, trade and business.

Nepal has also enacted a legislation to prohibit untouchability and discrimination. The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011) makes discrimination on the ground of origin, caste, race, descent, community, occupation or businessor physical condition and the practice of discrimination and untouchability a punishable offence. The Ministry of Water Supply and Sanitation, Government of Nepal formulated an *Institutional and Regulatory Framework for Faecal Sludge Management in Urban Areas of Nepal* in 2017 (Nepal Sanitation Policy and Planning Framework Case Study for Discussion, WHO, 2019). Nepal also has an

independent National Human Rights Commissions to monitor human rights violation of citizens including Dalits. A National Dalit Commission (NDC) has also been established in the country.

Forced Labour Convention, 1930 (No. 29) was ratified by Nepal in 2002 and Article 4 of Labour Act, 2007 has provisions against forced labour. Similarly, Article 8 of The Labour Act, 2007 is also in compliance with Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). Right to Organize and Collective Bargaining Convention, 1949 (No. 98) is mentioned in Article 103 (k), The Labour Act, 2007. Article 6 and 7, of the Labour Act, 2007 are also in compliance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Equal Remuneration Convention, 1951 (No. 100). Article 106 and Article 5 of the Labour Act, 2007 are in compliance with the Minimum Wage Fixing Convention, 1970 (No. 131) and Minimum Age Convention, 1973 (No. 138). Similarly, Article 68 of the Labour Act, 2007 implements the Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation (No. 164). Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) and recommendation (No. 197) are implemented in Article 64 of the Labour Act, 2007. The country's Sexual Harassment at Workplace Prevention Act, 2015 (2071) is in compliance with the Violence and Harassment Convention, 2019 (No. 190).

Sri Lanka

The Constitution of Sri Lanka in Article 12 guarantees the right to equality before law and equal protection under the law. It also prohibits discrimination on the grounds of race, religion, language, caste, sex, political opinion, and place of birth.

Sri Lanka has no specific law against stigmatization and discrimination of sanitation workers. The *National Institute of Occupational Safety and Health Act No. 38 of 2009*has made provisions to create an environment for Occupation Safety and Health at all workplaces to protect both employees and employers.

The Forced Labour Convention, 1930 (No. 29) was ratified by Sri Lanka in 1950 following which it made provisions in its Penal Code (Sections 358A, 360C, 360A). Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) was ratified in 1995. In compliance, Part I of Nation Workers Charter, 1995 provides basic human rights - freedom of association and the right to organize and

bargain collectively. Similarly, Protection of Wages Convention, 1949 (No. 95) and Right to Organize and Collective Bargaining Convention, 1949 (No. 98) has been implemented in Nation Workers Charter, 1995, Sri Lanka. Regulation of Employment & Remuneration) Act No 19 of 1954, Sri Lanka is in compliance with International Convention on Equal Remuneration Convention, 1951 (No. 100). Occupational Safety and Health Convention, 1981 (No. 155) and Recommendation (No. 164) have been complied with in the following domestic laws: **a)**The Shop and Office Employees (Regulation of Employment & Remuneration) Act No 19 of 1954; **b)** The Factories Ordinance No 45 of 1942; **c)** Workmen's Compensation Ordinance No 19 of 1934.

Employment of Women, Young Persons, and Children, Sri Lanka, 1956 and Hazardous Occupations Regulation, Sri Lanka, 2010 are in conformity with the Worst Forms of Child Labour Convention, 1999.

Maldives

Article 17 of the constitution entitles rights and freedoms without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island.

The country's *Employment Act, 2008* makes provision for the safety and protection of employees at the work place including provision against forced employment. The act also provides for supply of protective and safety equipment by the employer as safeguards against health hazards arising out of work. Operating Procedure of sanitation work has been enacted in the country with provision for safety equipment such as masks, rubber gloves and gumboots (Sanitation and Hygiene in South Asia, Maldives Country Report, 2015).

Maldives ratified the Forced Labour Convention, 1930 (No. 29) in 2013. Article 25 of its constitution has provisions against forced labour. Protection of Wages Convention, 1949 (No. 95) has been complied with in Article 62, of the Employment Act, 2008. Similarly, Equal Remuneration Convention, 1951 (No. 100) has compliance in Article 4 (non-discrimination) of Employment Act, 2008. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) also finds compliance in Article 4 (non-discrimination) of Employment Act, 2008.

Afghanistan

The Constitution of Afghanistan in Article 22 prohibits any kind of discrimination and distinction between citizens of Afghanistan. Men and women have equal rights and duties before the law. Similarly, Article 24 recognizes liberty and dignity as the natural right of human beings. *Article 49* prohibits forced labour and declares that forced labour on children is illegal. Afghanistan has made certain provisions for compliance with International conventions it has ratified. For instance, the Forced Labour Convention, 1930 (No. 29) finds compliance in Article 4 of the Labour Law, 2007 which prohibits forced labour. Similarly, Protection of Wages Convention, 1949 (No. 95) has also been complied with in Article 8 of the Labour Law: The right to work against wage and Article 4 of Labour Law: Prohibition of Compulsory Work. Article 5 of Labour Law, 2007 on organizing work relations is in compliance with International convention on Right to Organize and Collective Bargaining Convention, 1949. Similarly, Article 8 of Labour Law, 2007 on the Right to Work against remuneration complies with the Equal Remuneration Convention, 1951 (No. 100). Article 22 of the Afghan constitution and Article 9 of Labour Law, 2007 on non-discrimination in recruitment are in compliance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

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