



NEPAL

Women Sanitation Workers' *Womaniesto* for their Labour Rights



Urbanisation in Nepal and the Essential Nature of Sanitation Work

Nepal's female labour force participation is low at 26.3 per cent compared to 53.8 per cent for men.¹ In addition to formal sector workers, who are represented in workforce statistics, approximately six million workers in Nepal remain invisible, toiling in the country's informal sector. Aside from the precarity that is associated with informal jobs, such as lack of basic social protection, job security or protection of rights by law,² informal workers also faced a severe disruption in their livelihoods due to the COVID-19 pandemic, with an estimated two million of them losing jobs or working with reduced wages.³ Gender-based discrimination is also inscribed into the labour market structure of Nepal, with men bagging most of the formal sector jobs and enjoying almost 30 per cent more pay than women on average, despite the same educational levels.⁴

Nepal is undergoing rapid urbanisation, with Kathmandu being one of the fastest growing cities in South Asia.⁵ With this comes an increased generation of solid wastes in the form of garbage, sludge and other discarded material from industries, agriculture and residential areas.

Recent estimates reveal that the population of Kathmandu produces 500 metric tonnes of solid wastes daily.⁶ This has posed an urgent waste collection challenge for the country, which has no formal mechanism for recycling. Currently, there is a heavy reliance on sanitation workers for manual waste collection, carrying, sweeping and separation as well as waste rickshaw pulling. It is estimated that at least 15,539 workers are engaged in this work in the Kathmandu Valley and Sisdole alone - the main dumping sites managed by the Kathmandu Metropolitan City (KMC) municipal council.⁷ Despite the crucial nature of this work, most sanitation workers have to operate in a highly precarious environment, with low income, lack of social protection and a high degree of exposure to occupational health hazards.

Given the centrality of their work, sanitation workers are undoubtedly essential workers for Nepal's economy. Essential workers are those who conduct a range of operations and services in industries that are essential to ensure the continuity of critical functions within



¹ Central Bureau of Statistics. (2019, March). *Report on the Nepal Labour Force Survey 2017/18*. http://cbs.gov.np/wp-content/uploads/2019/05/Nepal-Labour-Force-Survey-2017_18-Report.pdf

² International Labour Organisation. (n.d). *Covid-19 Labour Market Impact in Nepal*. https://www.ilo.org/wcmsp5/groups/public/--asia/---ro-bangkok/---ilo-kathmandu/documents/briefingnote/wcms_745439.pdf

³ International Labour Organisation. (n.d). *Covid-19 labour market impact in Nepal*. https://www.ilo.org/wcmsp5/groups/public/--asia/---ro-bangkok/---ilo-kathmandu/documents/briefingnote/wcms_745439.pdf

⁴ Dungana S. (2019, June 20). *CBS report brings to fore huge gender pay gap*. <https://thehimalayantimes.com/nepal/central-bureau-of-statistics-report-brings-to-fore-huge-gender-pay-gap>

⁵ Sapkota, S., Lee, A., Karki, J., Makai, P., Adhikari, S., Chaudhuri, N., Fossier-Heckmann, A. (2020). *Risks and risk mitigation in waste-work: A qualitative study of informal waste workers in Nepal*. *Public Health in Practice*. <https://www.sciencedirect.com/science/article/pii/S2666535220300276>

⁶ Dangi, M., Pretz, C., Urynowicz, M., Gerow, K., Reddy, J. (2011). *Municipal solid waste generation in Kathmandu, Nepal*. *Journal of Environmental Management*. ISSN 0301-4797. <https://doi.org/10.1016/j.jenvman.2010.09.005>

⁷ Sapkota, S., Lee, A., Karki, J., Makai, P., Adhikari, S., Chaudhuri, N., Fossier-Heckmann, A. (2020). *Risks and risk mitigation in waste-work: A qualitative study of informal waste workers in Nepal*. *Public Health in Practice*. <https://www.sciencedirect.com/science/article/pii/S2666535220300276>

a country.⁸ Yet, sanitation workers, around half of whom are women, routinely face shame and degradation in Nepali society. Their work is undervalued, their roles defined by sexual and gender-based division of labour, and they are denied fundamental labour rights. Moreover, the national government and legislature response to the issue has been highly inadequate.⁹ The Labour Act of 2017, which provides for measures such as income security, social protection, health coverage and equal rights for women and men workers, is limited to formal sector workers,¹⁰ violating the labour rights of women sanitation workers. This is also in violation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was ratified by Nepal in 1991,¹¹ as well as the Discrimination (Employment and Occupation) ILO Convention, 1958, ratified by Nepal in 1974,¹² and requires the country to end all forms of discrimination against women.

Radha Magar* is a 50-year old single mother of four children who has been working in the sanitation sector for over 22 years now. She works all seven days of the week without any formal provision of leaves, and at times works at multiple locations to make ends meet. During the survey conducted by PowerShift, she shared her experience of being discriminated by those considered higher in socio-economic hierarchy in her milieu. Further, she also complained about health issues such as Urinary Tract Infection (UTI), and respiratory problems she has faced over the course of her work. She has limited resources to cater to her health risks and gets no support from her employers.



*Name changed to maintain anonymity

⁸ Centres for Disease Control and Prevention. (n.d). *Interim List of Categories of Essential Workers Mapped to Standardised Industry Codes and Titles*. <https://www.cdc.gov/vaccines/covid-19/categories-essential-workers.html>

⁹ Kunwar, N. and Singh, S. (2021). *The Integration of Informal Female Waste Workers in Solid Waste Management of Kathmandu*. Proceedings of 10th IOE Graduate Conference. <http://conference.ioe.edu.np/publications/ioegc10/ioegc-10-106-10141.pdf>

¹⁰ Law Commission of the Government of Nepal. (2017, September). *The Labour Act, 2017 (2074)*. <https://lawcommission.gov.np/en/wp-content/uploads/2021/03/The-Labor-Act-2017-2074.pdf>

¹¹ Shrestha. S. (2019, March). *CEDAW, Nepal's constitution and women's citizenship rights*. <https://atlascorps.org/cedaw-nepals-constitution-and-womens-citizenship-rights/>

¹² International Labour Organisation. (n.d.). *Ratifications for Nepal*. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103197

Womanifesto Journey



Photo: Women sanitation workers discuss about their working conditions and labour rights.

Women Sanitation Workers in Kathmandu, Nepal

Women sanitation workers largely belong to caste oppressed and marginalised communities. They hail from the Newar community from Kathmandu Metropolitan city, locally referred to as Poda, and are considered to be low-caste. People of the Newar community are denied access to better segments of work, creating a dependence on sanitation work. Even though women from the Newar community are quite integral to Nepal's solid waste management and cleaning management chain, they report routine prejudice, discrimination, risk and lack of any support from the waste management companies and government departments. In fact, women sanitation workers in Nepal have no formal status as workers, nor is their work recognised as work.

A survey conducted in the Kathmandu Valley in 2018 found that many women sanitation workers were insufficiently protected against occupational hazards associated with their work.¹³ They were found to have poor access to Personal Protective Equipment (PPE) such as face masks, gloves and safety boots, rendering them highly vulnerable to injuries, infections and chronic health conditions. Some were reported to experience respiratory and reproductive health impacts due to exposure to harmful and toxic substances. Many reported that they were not provided with transportation facilities or a safe, secure space to rest and to have lunch.

PowerShift is a women's rights organisation that works in collaboration with women sanitation workers in Nepal. It engages in capacity building, increasing women workers'

¹³ M. Black, J. Karki, A.C.K. Lee, P. Makai, Y.R. Baral, E.I. Kritsotakis, A. Bernier, A. Fossier Heckmann. (2019). *The health risks of informal waste workers in the Kathmandu Valley: a cross-sectional survey*. Public Health. <https://www.sciencedirect.com/science/article/abs/pii/S0033350618303159>

awareness on their labour rights and the hazards of sanitation work, while advocating for change with state and waste management companies. PowerShift facilitated the process of developing this Womanifesto - a feminist manifesto of and by women sanitation workers of Kathmandu, who are using it as an accountability and advocacy tool with governments and institutions. The Womanifesto process included several participatory dialogues and community consultations on a range of issues such as women's rights, caste-based practices, labour rights and the policies affecting the lives of the women sanitation workers.

Women Sanitation Workers Raise Priority Issues

Women sanitation workers are usually denied adequate levels of education, which prevents them from knowing about their constitutional and legal rights as workers. Through the Womanifesto process, however, women sanitation workers learned about these and analysed the structural discrimination they face in Nepal's social and economic systems, which compound to create the following challenges for them:

- ❖ **Denial of status as workers and violation of labour rights:** The sanitation industry is structured in ways that only provide women workers with informal or insecure employment, denying them the status of employees. Waste management companies abandon their responsibilities as employers, denying women sanitation workers a whole array of human rights, and are given free reign by the state to do so. Only a few waste management companies provide pension or health insurance, which provides some social security or coverage for health-related expenses. Unionisation is low in the sector, and of the 4,000 workers unionised by the General Federation of Nepalese Trade Unions, only 400 were linked to social security schemes.¹⁴
- ❖ **Gender-based discrimination:** Gender-based discrimination is built into the structure of sanitation work, with men performing better paying jobs such as drivers and security guards, whereas women are only hired for waste segregation and cleaning toilets. Even though their jobs are a lot more intensive and prone to hazards, women are still paid more poorly than men. The patriarchal nature of Nepali society can also be found at the workplace, with employers exerting greater pressure on women, who experience high levels of mental stress working in an intense and unsafe job in an undignified environment. During the Womanifesto process, it was found that nearly 75 per cent of the women working in this sector are single mothers. Yet KMC or the waste management companies do not provide any child-minding facilities/creches. Thus, women are forced to bring their children into the unsafe, toxic environment of their workplace, while also depriving the children of education.
- ❖ **Caste-based discrimination:** Women sanitation workers routinely experience humiliation from society and their employers who treat their work and caste affiliation with extreme disrespect. They often have to face casteist slurs and highly degrading language. Many men abandon their wives who work in this sector, because of the shame associated with this work. The casteist attitude of society also empowers employers to wrongly accuse women of theft and take unjust, punitive action.

¹⁴ International Labour Organisation. (n.d). *Building resilience for the future of work and post Covid-19: Strengthening integrated policy framework for formalization and decent work project*. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/genericdocument/wcms_846682.pdf

- ❖ **No guarantee of dignified living wages:** The compensation offered to women sanitation workers averages around NPR 12,000 (USD 90) which is 20 per cent lower than the minimum wages of NPR 15,000 (USD 115) let alone meeting living wages required to lead a dignified life. It also does not consider the intensity and hours of their work, making it hard for women to make ends meet and provide for their basic necessities like their children's education. This also means that women work long hours, everyday, just to survive. The women in some cases are hired on informal contracts, or through employment agencies thus also denying them the status of formal employees which further leads to violation of their labour rights. There is also no provision for regular increase in wages to meet the demanding needs due rising prices and living standards. Thus, the extreme informal nature of work arrangements lead to women and their families living precarious lives which do not even fulfil their bare minimum needs.
- ❖ **Occupational health hazards:** During the Womanifesto process, around 62.5 per cent of women sanitation workers shared that they experience health issues, which is not surprising given the toxic nature of sanitation work. Moreover, given the lack of information on health hazards of this occupation, they could not identify the nature or cause of the illnesses. Problems associated with breathing, fever, joint pain, swelling of hands and joints, irritations in eyes and skin and vomiting were reported to be the most common. UTIs and jaundice were also reported. In the absence of employer or state provided medical check-ups or health insurance coverage, women sanitation workers are unable to make claims for illness related compensation or support, even when some of them have worked for as long as 25 years in the sanitation industry.



Photo: Women sanitation workers framing their Womanifesto Demands.

Womanifesto: Women Sanitation Workers Demand the Fulfilment of their Labour Rights

Women sanitation workers demand that they be recognised not just as workers, but as essential workers, on whom the functioning of the whole economy and the health of society depends, as evidenced during the COVID-19 pandemic. Therefore, it is of utmost urgency that the following demands be met:

❖ **Regularisation of sanitation work and recognition as essential workers:**

As workers, whose labour is the bedrock of all other work in society, the national government and KMC must order all waste management companies to provide employment security to women sanitation workers as regular and formal employees. Furthermore, they must extend the coverage of the Labour Act of 2017 to women sanitation workers, providing legal protection for their labour rights. With regularisation of work, women sanitation workers must also be provided uniforms and ID cards. This will help counter attitudes that do not consider women sanitation workers as workers, and help women workers claim respect as dignified workers who undertake a service that is essential for society's functioning.

❖ **Guaranteeing living wages, leaves and social protection:**

Waste management companies should be required to follow a non-discrimination policy, by providing equal pay for equal work between men and women. Further, while fulfilling Nepal's minimum wage level of NPR 15,000 (USD 115),¹⁵ the companies should strive to develop a formal compensation mechanism which provides for living wages to meet the developmental needs of the women workers. This mechanism should also take into account the



¹⁵ The National News Agency. (2021, July 17). *Minimum wage for private workers reaches Rs 15000 per month*. My Republica. <https://myrepublica.nagariknetwork.com/amp/minimum-wage-for-private-workers-reaches-rs-15-000-per-month/news.html.twig>

rising inflation levels which impact the daily lives of the women. Moreover, provisions related to paid leaves for maternity, menstruation, sickness, main festivals as well as weekly off, two paid leaves per month, annual sick leave of 12 days and child-minding facilities/creches should be made mandatory for all waste management companies to provide to women sanitation workers. The national government and KMC should ensure that waste management companies comply with the Labour Act of 2017, by providing employment security, pension, insurance and bonuses to women sanitation workers.

- ❖ **Ensuring right to occupational safety and health:** The national government and KMC must ensure that waste management companies comply with Article 69 of the Labour Act of 2017, which requires employers to provide safe and healthy working environments to workers. In particular, waste management companies must be required to provide adequate PPEs suitable for handling of toxic waste, training in safety, information on hazards, health insurance coverage and regular health camps. Moreover, the national government must reform the Solid Waste Management Act of 2011 and enshrine the labour rights of women sanitation workers in it, particularly the right to occupational safety and health, including access to hygienic toilets and safe spaces for lunch and resting. The companies should also provide transportation facilities so that women workers are able to reach their workplaces safely and are not exposed to dangerous situations while travelling during odd hours and in remote areas.



❖ **Protection against Gender-Based Violence (GBV) and caste-based discrimination:** Article 38 of the Constitution of Nepal guarantees women the right to protection against any form of GBV, including physical, mental, sexual or psychological, arising from any form of oppression based on religious, social or cultural traditions. The national government must enable women sanitation workers to realise this constitutional guarantee by taking punitive action against any company that engages in or ignores GBV, including casteist slurs, experienced by women sanitation workers from employers, co-workers or residents. Protecting women sanitation workers' right to collective bargaining under the Labour Act of 2017, would also enable them to raise their voices when faced with any verbal or physical abuse or any caste-based discrimination.

❖ **Issuing citizenship cards that enable the political participation of women sanitation workers:** The national government and KMC should provide Citizenship Certificates to women sanitation workers. This would not only enable them to register for various government schemes, but also allow them to cast their votes, contest in elections and participate in the political life of the country. This is critical, especially given the essential nature of women sanitation workers' role in society which necessitates that their voices be heard in all quarters of decision making and public life.





About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist and women's rights organisations and individual activists. For over 35 years, we have been carrying out advocacy, activism and movement-building to advance women's human rights and Development Justice.

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