**Special Rapporteur's report to the 36th session of the Human Rights Council on service regulation and human rights to safe drinking water and sanitation**

**ILO submission**

1. **Please describe the role and responsibilities of your organization in the water and sanitation sector.**

The ILO is the only tripartite U.N. agency. Since 1919 the ILO brings together governments, employers and workers representatives of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. Its work in water and sanitation is framed in these terms:

1. Establishing standards and guidelines on access to water and sanitation in the workplace;
2. Participating actively in UN-Water to coordinate activities among stakeholders;
3. Exploring synergies between SDG 6 and 8, in order to promote measures that can support both goals simultaneously;
4. Promoting the role of social dialogue in the elaboration of reforms in the water and sanitation sectors;
5. Promoting employment-intensive investment policies;
6. Collaborating with governments and UN agencies to empower women, small entrepreneurs and indigenous communities in the delivery of water and sanitation services;
7. Supporting dispute prevention and resolution mechanisms between workers and employers;
8. Ensuring equity for men, women and young people in water utilities through research, legislation and negotiations; and
9. Other related tasks, as demanded by member states and worker and employer organizations.
10. **How can a regulatory framework (e.g., legislative, institutional, policy) and bodies contribute to the realisation of the human rights to water and sanitation? Please provide examples.**

Regulatory frameworks help implement key principles for access to water and sanitation in the workplace that can reach the most vulnerable workers, by requiring employers and workers to abide by them. Potential actions to do so will require coordinated efforts by governments and effective social dialogue between social partners at multiple levels, which can also be facilitated by regulatory frameworks.

**3. Are the contents and principles of the human rights to water and sanitation generally reflected in regulatory frameworks? How do you assess your country’s regulatory framework in this regard? Please provide examples of other countries if available.**

The ILO has established a body of international standards to ensure access to water and sanitation in the workplaces in several sectors like offices, commerce, agriculture, construction, fishing, forestry, mining, ports, shipping, shipbreaking and offshore oil installations, as well as in hot and cold workplaces and in handling hazardous materials. ILO instruments also compel ratifying states or otherwise propose occupational safety and health measures which should include the above-mentioned standards. In addition, indigenous communities are empowered by ILO Convention No. 169 to participate in policy-making that affects underground water resources.

The following examples, found in the ILO’s OSH country profiles:

1. The Kenyan OSH legislation requires that sufficient and suitable sanitary conveniences for workers be provided, maintained and kept clean, and that such conveniences shall afford proper separate accommodation for persons of each sex. The factories (Dock) Rules ensure the provision of facilities on shore, drinking water, sanitary conveniences and washing facilities. Also, the provision of drinking water is included in several collective bargaining agreements.
2. The Seychelles Occupational Safety and Health Regulations, 1991 apply to all workplaces, and require that employers provide an effective drainage system for any work process or activity that renders the working place wet; sanitary conveniences for all workers; washing facilities with clean running water, soap and towels; and supply of drinking water in the workplace.
3. The Zambian Employment Act, Chapter 268, includes provision of an adequate supply of wholesome drinking water.
4. The Labour Code of Antigua and Barbuda provides that washing facilities shall be provided and maintained at every workplace, as well as accommodation for clothing not worn during working hours, and for the drying of work clothing.
5. In Argentina, Decree 351/79 establishes health and safety and occupational medicine services. Section 2. 3 establishes the structural characteristics of the facility, including welfare services; the provision of drinking water; workplace hygiene (thermal load, environmental pollution, non-ionizing); and Personal Protective equipment (PPE).
6. The Chilean Supreme Decree 594 of 1999, Regulations on Basic Sanitary and Environmental Conditions, includes general sanitary conditions and provision of drinking water, wastewater disposal, and environmental pollution.
7. On 15.11.2001, the MERCOSUR (South American Common Market) Council adopted the right to water provision, PPEs and bathrooms in the workplace.
8. In Paraguay, Decree 14390/92 enacted the General Regulation on Technical Health, Safety and Medicine at Work, which specifies technical preventive measures. Among the general conditions to be met by buildings and industrial premises are welfare services, drinking water, industrial hygiene, PPEs and OSH programmes.
9. The Uruguayan Regulation for industry and commerce sets the general conditions of the buildings and workplaces, including among other things lighting, ventilation, cleaning and housekeeping, wellness facilities, and water supply.
10. The Collective Agreement covering the staff of the Venezuelan Ministry of Health and Social Development and its autonomous institutions includes water filters within the scope of its Sanitation, Safety and Occupational Medicine clause.
11. The Omani Occupational Health and Industrial Safety Precautions/Ministerial Decision No.19/1982 and its Regulation of Occupational Safety and Health/ Ministerial Decision No. 286/2008 cover ventilation, drinking water, eating places, and toilet facilities.
12. The Labour Law of Lao People’s Democratic Republic, 1994, establishes that Necessary measures to ensure safety and sanitation at the workplace shall include a supply of water for drinking and washing, showers, and toilets.

Another regulatory framework that has proved successful is Community Contracting, an approach whereby communities under a participatory process negotiate with local government or a development programme and enter into a contractual agreement in order to undertake an activity, which leads to an improvement in their livelihoods. The community (or a section thereof) is responsible for the implementation of infrastructure works, and therefore, functions as a contractor. The contractor is therefore also the beneficiary of the created assets. This aspect is an essential mechanism of the approach’s efficiency. Negotiation is a central process whereby communities and local authorities provide the basis for a more democratic and equal form of partnership and therefore empower communities.

Since the approach follows a participatory process, NBS performance indicators could be easily and democratically integrated within the contract document. Moreover, the tool extends both, ILO’s fundamental principles of organisation and negotiation beyond the “formal” wage sector, to the informal and weakly organised rural and urban sectors, as well to improve the access of poor communities and low income groups to productive resources, basic social services and remunerative employment.

This tool has been used since the early 1990s and nowadays is still a valuable tool for rural and urban areas and has successfully mainstreamed into national policies of Nepal, Philippines, Laos, Cambodia, and Indonesia. You can find further information in the following documents:

[http://www.ilo.org/public/english/employment/recon/eiip/download/community contracts.pdf](http://www.ilo.org/public/english/employment/recon/eiip/download/community%20contracts.pdf)

http://www.ilo.org/public/english/employment/recon/eiip/download/ Organisation, Contracting and Negotiation.pdf

**4. Please provide examples of situations where the lack of regulation, or inadequate regulation, in the water and sanitation sector could potentially lead to, or has actually led to, violations of the human rights to water and sanitation.**

The most common situation is that there are no sharp distinctions between living and working conditions in agriculture. Migrant farmworkers overwhelmingly reside in poor housing conditions, exposing them to crowding, lack of privacy, toilet facilities that are not gender specific, and shared kitchens and food storage facilities. ILO field research revealed that most accommodation in the plantations in Indonesia, Sri Lanka and Ghana is provided to permanent workers: increasing casualization means that workers in non-standard forms of employment, such as temporary or seasonal workers, have lower entitlements, protections and working and living conditions. (ILO 2015a) For that reason, article 86 of the Plantations Convention, 1958 (No.110) requires the establishment of minimum standards for plantation housing that cover water supply and sanitary facilities.

In a similar situation, an IOM report from 2011 found that fishers in Thailand (most of them migrants) are often expected to work 18–20 hours per day, seven days per week. The living quarters are cramped and there are shortages of drinking water. An ILO study (http://www.ilo.org/public/libdoc/ilo/2013/482174.pdf) found that 5% of the fishers surveyed in Cambodia, Thailand and Myanmar had deductions for food and drinking water from their pay. The same study found that 17% of the fishers from Myanmar reported having inadequate food and drinking water, while the percentage of Thai fishers was 6 and 5% for those from Cambodia. One fisher from Myanmar reported that they even had to boil the ice that was used to freeze fish so that they would have enough water to drink.

Migrant or transient miners may be forced to live in camps or housing that are exposed to toxic mine effluents and may be without clean drinking water, basic sanitary facilities and sewage installations, or adequate food supplies and medical facilities.

Also, the participants of the Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector (ILO 2015b) underscored the severe impact of long-haul travel and lack of adequate bathroom access for road transport workers, and issued an urgent call for improving sanitation for these workers.

**5. What are the main challenges or obstacles encountered when trying to incorporate contents and principles of the human rights to water and sanitation into regulatory frameworks?**

The ratification of ILO Conventions is an arduous process that depends on the political will of the governments, employers and trade unions. Incorporating these Conventions into regulatory frameworks also require the capacity to draft the relevant statutes or regulations and to inspect workplaces to verify compliance. Although these Conventions were adopted with broad support from organizations of employers and workers and from member States, their rates of ratification are not high. Other that the Convention on Hygiene in Offices and Commerce, with 51 ratifications, other related Conventions average 30 ratifications. However, the broader Occupational Safety and Health Convention, 1981 (No. 155) has 66 ratifications, and the Maritime Labour Convention, which provides specific incentives, has 81. The governments have indicated that they would prefer to bring their legal frameworks into conformity before ratifying, although the ILO Constitution establishes that compliance is expected only afterwards. Member States also found the coordination between government authorities working on various OSH issues to be lacking, as well as the capacity to collect data or to report on compliance after ratifying.

The ILO Committee of Experts on the Application of Conventions and Recommendations identified many challenges in its report exploring OSH in general and specifically in mining, construction and agriculture (See, <http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_543647.pdf>, pp. 135-138):

1. There are standards in the United States for sanitation requiring the provision of drinking water, handwashing facilities and toilet facilities, but there are significant problems with employer compliance.
2. In Australia, the lack of separate facilities for women on construction sites is a significant problem.
3. In Panama, provisions for separate facilities for women and men in construction are often enforced only following complaints to the inspectorate.
4. In Ukraine, the lack of adequate sanitary facilities in the construction sector is a significant problem, despite legislative requirements.
5. There are no specific gender considerations in the national legislation in the Dominican Republic regarding sanitary facilities and facilities for changing.

The CEACR also identified the following challenges in implementing OSH frameworks:

1. Artisanal and small-scale mining is often carried out illegally or outside the scope of national or local supervision. This affects nearly 13 million workers worldwide.
2. While the collection of adequate disaggregated data is essential to monitor progress, but difficult for many national statistical systems, particularly regarding agriculture. The availability of information on the number and location of workplaces poses a challenge in the construction, mining and agricultural sectors.
3. In numerous countries, only workplaces with more than 50 workers are required to establish joint OSH committees. Establishing bipartite OSH committees may be difficult for small and micro-enterprises.
4. Subcontracting can hinder compliance with legal frameworks, and ultimately achieving a safe and secure working environment.
5. The construction sector faces specific challenges in respect to training and education, including high labour turnover and the lack of capacity by many small contractors in construction to provide training.

**6. Please provide specific examples of good practices where a human rights-compliant regulatory framework has led to the progressive realisation of the human rights to water and sanitation.**

Social dialogue (information sharing, consultations, negotiations) is a central prerequisite for successful action at both the national and enterprise levels. The social partners (organizations of workers and employers) are best placed to recognize challenges and the causes of occupational accidents and diseases, and to devise solutions to improve access to water and sanitation at the workplace that are adapted to the specific situation in their countries.

In application of ILO Convention on Collective Bargaining (No. 98), an agreement reached between the International Union of Farmworkers (IUF) and the tea plantation in Ty-Phoo/Apeejay which sets up a procedure for IUF representatives to visit and assess working conditions on Apeejay plantations. As a result, the company implemented some improvements in housing, toilets and provision of water supplies and is committed to further improvements within an agreed timeframe.

Similarly, the Collective Agreement covering the National University staff (2005) commits the employer to maintain drinking water facilities in good state, while the agreement covering staff at the Tourism School of the University of Havana (2009) binds the employer to regulate the permanence of staff in the workplace when water supply is interrupted. The collective agreement covering the workers of the National University of Costa Rica (UNA) even specifies the number of bathrooms that the house or building provided to the union in the main campus must have.

**7. Non-State actors have the responsibility to respect the human rights to water and sanitation and to exercise human rights due diligence in their operations. How should a regulatory framework reflect this responsibility? Please provide examples.**

Legislation in many countries requires employers to provide basic amenities, including drinking water and sanitation facilities, to agricultural workers. In some countries, they should be provided to members of workers’ families (ILO 2000, Report VI (1)). As a result, Article 19 of Convention No. 184 establishes that “National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned: (a) the provision of adequate welfare facilities at no cost to the worker; and (b) the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

ILO Conventions, Recommendations and Codes of Practice impose or propose roles for employers and workers. The ILO’s training handbook WASH@Work (2016, available at <http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_535058.pdf>) details most of these:

**Table 1. Relevant provisions of the ILO instruments for agriculture and mining**

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| 1. **Agriculture**
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| 1. ***Water***

**Code of Practice:***Employers* should provide water:* Placed in locations readily accessible to workers.
* In sufficient amounts to meet the needs of all workers .
* Taking into account the air temperature, humidity and the nature of the work performed.
* For physical work in hot climates, one litre or more per hour per worker may be required.
* Mobile drinking water dispensers that are closed and equipped with a tap, and makes the point that open water containers should not be used due to the risk of contamination.
* The location of potable water should be announced.
* Non-potable water should be marked to indicate it is unsafe.
* No alcoholic beverages and other performance-enhancing products on the worksite.

*Workers* should not eat or drink in places that may be hazardous. |
| 1. ***Sanitation***

**Code of Practice:***Employers* should provide workers with reasonable time to use sanitary toilets, which should be: * In sufficient quantity and easily accessible.
* Separate for men and women to ensure privacy and locked from the inside, or separate use thereof.
* Maintained in good hygienic conditions and supplied with sanitary paper.
 |
| 1. **Mining**
 |
| 1. *Water*

**Recommendation No. 183:*** All miners should have access to water at no cost, above and below the surface of the mine as needed.
* Self-contained chambers to provide refuge for workers in the event of an emergency should include fresh water and food supplies.

**Codes of practice on safety and health in the iron and steel industry (2005), in underground coalmines, and in non-ferrous metal industries (2003):*** Employers should provide water that is readily accessible to all workers, sufficient for hydration maintenance, with the proper electrolytes, where appropriate.
* In non-ferrous metal industries has identical text, except that it does not propose adding electrolytes.
 |
| 1. *Sanitation*

**Convention No. 176:** National laws and regulationsshall specify, “where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition,” and designate the competent authority to “monitor and regulate the various aspects of safety and health in mines”. **Recommendation No. 183**: Employers “should, where appropriate, provide and maintain at no cost to the worker . . . sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific” (Paragraph 25(a)).**Codes of practice on safety and health (1) in coalmines** (may also be applied to other types of mine), (2) **in underground coalmines,** and (3) **in opencast mines**:* Mine operators should provide adequate toilet facilities above and below ground, for both men and women as is necessary, at each mine.
* Managers are responsible for maintaining these facilities in a clean and sanitary condition.
 |
| 1. *Hygiene*

**Convention No. 176:** National laws and regulations shall specify, “where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition.”**Recommendation No.183:** Where appropriate, employers should provide and maintain at no cost to the worker:* Suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations, if adequate protection against risk of accident or injury to health including exposure to adverse conditions cannot be ensured by other means, for example self-contained rescue chambers and emergency showers and eye wash stations.
* Adequate facilities for the storage, laundering and drying of clothes and adequate and hygienic facilities for taking meals.

**Codes of practice on safety and health (1) in underground coalmines and (2) in the iron and steel industries**Employers should provide adequate washing facilities that are:* conveniently accessible but protected from contamination from the workplace
* suitable to the nature and degree of exposure,

These should include: * Hot and cold or warm running water,
* Soap or other cleaning materials
* Towels or other appropriate drying arrangements
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**Table 2. Relevant provisions of the ILO instruments for the construction and the iron and steel industries**

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| 1. **Construction**
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| 1. *Water*
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| **Convention No. 167**: Wholesome drinking water should be provided “at or within reasonable access” of every construction site.**Code of Practice**: *Governments* (competent authorities) should ensure that the necessary steps are taken to make any water to be used for drinking fit for human consumption, where approved water is not available. If it has to be transported to the worksite, the transport arrangements should be approved by the competent authority. *Employers*should ensure that:* Drinking water for common use is stored in closed containers from which the water should be dispensed through taps or cocks.
* The transport tanks, storage tanks and dispensing container are designed, used, cleaned and disinfected at suitable intervals in a manner approved by the competent authority.
* Water that is unfit to drink should be conspicuously indicated by notices prohibiting workers from drinking it.
* A supply of drinking water should never be connected to a supply of water that is unfit to drink.
 |
| 1. *Sanitation*
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| **Convention No. 167**: Employers should provide separate sanitary and washing facilities, for men and women workers. **Code of Practice**: * The scale of provision of toilet or sanitary facilities, and the construction and installation of water flush toilets, privies, chemical closets, plumbing or other toilet fixtures should comply with the requirements of the competent authority.
* No toilet other than a water flush toilet should be installed in any building containing sleeping, eating or other living accommodation and should be adequately ventilated and not open directly into occupied rooms.
 |
| 1. *Hygiene*
 |
| **Code of Practice**: * Adequate washing facilities should be provided as near as practicable to toilet facilities.
* Washing facilities should not be used for any other purpose, kept clean and maintained.
* If workers are exposed to skin contamination, there should be a sufficient number of appropriate washing facilities.
 |
| 1. **Iron and steel industry (**Code of Practice)
 |
| 1. *Hygiene*
 |
| The drafters adopted the following provisions contained in the Code of Practice for Safety in the use of chemicals at work:* *Employers* should prohibit eating, chewing, drinking or smoking in work areas in which adequate control of exposure to chemicals hazardous to health can only be achieved by wearing PPE, and in any other area where such chemicals are likely to be present.
* *Workers* should not eat, chew, drink or smoke in a work area which requires PPE.

Suitable facilities should be set aside for these activities in an uncontaminated area, conveniently accessible to the work area. |

**Table 3. Relevant provisions of the ILO Hygiene (Commerce and Offices) Convention**

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| 1. *Water*

Employers should provide a supply of wholesome drinking water, or “some other wholesome drink”:* Preferably running drinking water.
* If delivered through containers, these should be:
* clean,
* tightly closed,
* fitted with a tap where appropriate,
* clearly marked with the nature of the contents,
* in enough quantity, and
* provided by an officially approved source, or referred for approval by health authorities.
* A sufficient number of drinking vessels should be provided and there should be facilities for washing them with clean water.
 |
| 1. *Hygiene*

Employers should ensure that:* Cups should not be shared by a number of workers.
* Any distribution of water not fit for drinking should be so labelled at the points where it can be drawn off.
* No inter-connection, open or potential, between drinking water systems and systems of water not fit for drinking.
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**Table 4. Relevant provisions for maritime and offshore activities**

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| 1. **Maritime Labour Convention (Guidelines)**
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| 1. *Water*
* *Laws and regulations* or other measures should provide minimum standards for the quantity and quality of food and drinking water, and shall undertake educational activities to promote awareness and implementation of the standards.
* *Flag states* shall take into account the amount of seafarers on board and the duration of the trip.
* *Employers* should ensure that seafarers have access to enough good quality drinking water to cover the requirements of the ship adequately, provided under regulated hygienic conditions.
 |
| 1. *Sanitation*

Sanitary facilities should guarantee cleanliness, safety, and privacy, including: * Size and construction of toilets;
* Additional requirements for sanitary accommodation intended for the use of more than one person;
* Separate sanitary facilities for men and for women;
* A minimum of one toilet, conveniently located, for every six persons or less who do not have personal facilities;
* In infirmaries, or “hospital accommodation,” sanitary facilities should be used exclusively by the occupants of the hospital accommodation, either as part of the accommodation or in close proximity.
* Exceptions may be granted by the competent authority or through consultation with shipowners’ and seafarers’ organizations concerned.
 |
| 1. *Hygiene*
* Minimum elements included in the laundry facilities;
* Minimum size and construction of washbasins and tub baths;
* A minimum of one wash basin and one tub or shower or both, conveniently located, for every six persons or less who do not have personal facilities;
* A washbasin with hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided.
* Exceptions may be granted by the competent authority or through consultation with shipowners’ and seafarers’ organizations concerned.
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| 1. **Shipbreaking** (Guidelines on safety and health in shipbreaking for Asian countries and Turkey, 2004)
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| 1. *Water*
* Wholesome drinking water should be provided “at or within reasonable access” of every shipbreaking facility.
* “Water that is unfit to drink should be conspicuously indicated by notices prohibiting workers from drinking it.”
 |
| 1. *Sanitation*

Employers should provide sanitary facilities at or within reasonable access of every shipbreaking location or premises, which:* Comply with the requirements of the competent authority regarding their scale, installation and construction, and
* Are conveniently accessible but situated so that they are not exposed to contamination from the workplace.
 |
| 1. *Hygiene*
* *Workers* should be able to meet a standard of personal hygiene consistent with the adequate control of exposure and the need to avoid the spread of materials hazardous to health.
* *Employers* should provide:
* washing facilities or showers at or within reasonable access of every shipbreaking location or premises, which comply with the requirements of the competent authority regarding their scale, installation and construction.
* shelters with facilities for washing, taking meals and for drying and storing clothing.
* Transport tanks, storage tanks and dispensing containers should be designed, used, cleaned and disinfected at suitable intervals in a manner approved by the competent authority.
* No eating, chewing, drinking or smoking should be allowed in work areas in which adequate control of exposure can only be achieved by workers wearing PPE to prevent exposure to materials hazardous to health and in any other area where such materials are likely to be present. In these cases, suitable facilities should be set aside for these activities to be carried out in an uncontaminated area, which should be conveniently accessible from the work area.
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| 1. **Dock work** (Convention No. 152)
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| 1. *Sanitation and hygiene*

The Employer should provide sanitary and washing facilities at each dock that are:* sufficient and adequate, suitable and properly maintained
* within a reasonable distance of the workplace, wherever practicable, and
* in accordance with national laws or regulations or national practice.
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| 1. **Construction of fixed offshore installations in the petroleum industry** (Code of practice, 1981)
 |
| 1. *Water*
* Employers should provide and maintain drinking water for all persons, which should be conveniently accessible and clearly identified.
* Stored drinking water for common use should be stored only in closed containers from which the water should be dispensed through taps or cocks.

If drinking water from an approved public supply has to be transported to the site of the offshore construction operations, the transport arrangements should be approved by the competent health authority. |
| 1. *Sanitation*
* Employers should provide a water closet (not being a urinal) for every eight persons.
 |
| 1. *Hygiene*

Employers should provide:* At least one bath or shower together with a supply of running cold or hot and cold water, as appropriate, for every eight persons.
* At least one wash basin with hot and cold running water for every six persons.
* The washing facilities should not be used for any other purpose and include adequate means of removing waste water; suitable non-irritating soap in sufficient quantity; and adequate drying facilities.
* A separate room with adequate and suitable machines for the washing of clothing together with adequate drying facilities, and sufficient receptacles for the disposal of garbage and other waste.
* Waste should be incinerated, or otherwise harmlessly disposed of at suitable intervals.
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**Table 5. Relevant provisions of the ILO Conventions regarding hazardous materials and temperatures**

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| 1. **Ambient factors in the workplace (Code of practice)**
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| 1. *Water*

For hydration maintenance in hot environments, employers should make water at low salt concentration or dilute flavoured drinks readily available to workers, and should encourage them to drink at least hourly, by providing a close source or arranging for drinks to be brought to the workers. * Drinks at 15 to 20 °C are preferable to iced drinks.
* No alcohol, caffeine, carbonated drinks or drinks with a high salt or sugar content
* No drinking fountains, because they are too difficult to drink from in sufficient volume.
* Personnel providing occupational health services should supervise sanitary installations, drinking-water supply, canteens and living accommodations.

In cold environments, employers should also:* make water or dilute flavoured drinks readily available to workers, and
* encourage them to drink, by providing a close source or arranging for drinks to be brought to the workers, particularly when the environment is also dry.
 |
| 1. **Use of Chemicals**
 |
| 1. *Hygiene*

**Chemicals Convention, 1990 (No. 170):** Employers should take Operational control measures and provide personal protective equipment. **Code of Practice:***Employers* should provide:* Washing facilities-
* adjusted to the nature and degree of exposure,
* with a standard of personal hygiene consistent with the adequate control of exposure and the need to avoid the spread of chemicals hazardous to health
* conveniently accessible but situated so they do not become contaminated from the workplace.
* Clothing accommodation-
* when protective clothing is used or
* when there is a risk of the contamination of outdoor clothing by hazardous chemicals.
* Changing facilities situated and designed to prevent the spread of contamination from protective clothing to personal clothing and from one facility to another.
 |
| 1. **Synthetic vitreous fibre insulation wools (glass wool, rock wool, slag wool)** (Code of Practice)
 |
| 1. *Hygiene*

*Employers* should:* Provide smoke-free work and storage areas
* Keep other airborne contaminants to a minimum
* Provide washing and changing facilities with-
* showers where appropriate
* sufficient time for the workers to use them for personal hygiene during the working period, after working with insulation wools.

*Workers* should:* Wear loose-fitting, comfortable, long-sleeved clothing, standard-duty gloves, and a cap when handling and removing insulation wools;
* Clothes should minimize general heat stress and discomfort, wherever practicable.
* Change contaminated clothing as necessary, and not wear it outside the workplace.
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| 1. **Asbestos** (Code of Practice)
 |
| 1. *Hygiene*

*Employers* should provide:* Suitable protective clothing and respiratory equipment for workers occupied in the collection, transport or disposal of asbestos waste who may be at risk of exposure to airborne asbestos.
* Vacuum cleaning (or an alternative dustless method) of vehicles and reusable receptacles and covers that have been in contact with asbestos waste.
* protective clothing, shower facilities, and storage for clean and contaminated clothing;
* Collecting and cleaning or disposing of contaminated clothing.
* Specific configuration of a decontamination unit
* adjacent or as close as is reasonably practicable to the work site,
* where contaminated clothing and footwear can be stored and vacuum-dusted or hosed down, and
* with exhaust ventilation that creates negative pressure.
* Careful instruction for all workers on maintaining workplace cleanliness and personal hygiene and on adhering to decontamination procedure.
* A designated competent supervisor who will ensure:
* Compliance with all dust control procedures
* The air sampling necessary to ensure that airborne asbestos fibre levels outside the work site are below the prescribed exposure limits.
 |
| 1. **Radiation (ionising radiations)** (Code of Practice)
 |
| 1. *Hygiene*

*Employers* should inform workers about: * The nature and sources of potential health risks which could result from the handling or use of radiation sources;
* The criteria and principles of radiation protection and the control measures to be taken appropriate to their work;
* Safe working methods and techniques to which they should adhere;
* The proper use, operation and care of personal monitoring and protective devices;
* Personal hygiene measures to be followed to limit the intake of radioactive substances; and
* Local radiation protection rules and procedures, including appropriate first-aid measures.

*Workers* must observe healthy personal hygiene practices whenever work involves exposure to unsealed sources of radioactive materials, such as the regular use of clean work clothes and showering at the close of work, because these practices help to minimize the intake of radioactive materials.  |

**8. Which model of regulatory mechanism would facilitate stronger compliance human rights standards by service providers? Why? What are advantages and disadvantage of an independent and autonomous regulatory body?**

Framework agreements between countries, non-state actors or unions and employers. In the labour field, an international (or global) framework agreement (IFA) “is an instrument negotiated between a multinational enterprise and a Global Union Federation (GUF) in order to establish an ongoing relationship between the parties and ensure that the company respects the same standards in all the countries where it operates.” (See, <http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_080723/lang--en/index.htm>)

In the public service, a similar effect is provided by nationwide agreements which coordinate social dialogue across the different levels of government service: in Europe, framework agreements cover large amounts of employers and workers, on a voluntary basis, as well as municipal agreements in large cities like Sao Paulo. In other contexts like transboundary basins, the effect is similar: to establish common principles for all operations affected.

These framework agreements can establish independent or autonomous bodies, but their design and operation are agreed between the parties and often the government(s), which provides more ownership.

**9. What mechanisms should be in place to ensure that the voice of persons and communities in vulnerable situations is heard and their needs are taken into consideration in the regulation of water and sanitation services? Please provide positive and negative examples.**

Please see the example cited above of community contracting.

Also, the ILO’s Employment Intensive Investment Programme (EIIP) in Panama has empowered indigenous rural communities to take an active role in water and sanitation services provision. The critical factors underlying the success of water user participation scheme were comprehensive planning and coordination, the involvement of all stakeholders by giving everyone a role, and a strong education component to raise awareness about the importance of water. Specialists in indigenous capacity building built a network of facilitators to promote entrepreneurship, which generates employment and also supports local development.

The Gender and Water Alliance drafted a conceptual framework for the inclusion of a rights-based approach in EIIPs for indigenous and tribal peoples. It explains the following:

“The local resource-based approach (LRBA) reflects basically rights-based elements since it promotes the use and optimization of local resources (labour, knowledge, skills, technology, and natural resources) to curve poverty in the rural areas. This approach has been launched by ILO, especially for infrastructure investments, in order to optimize their impact on poverty reduction in labour-surplus countries and provides technical assistance for this purpose. ILO holds that given the relative scarcity of capital and skilled labour, and the relative abundance of unskilled labour in low incomes countries, they can rapidly achieve pro-poor growth by applying employment-friendly technologies in as many infrastructure sectors as possible. This would rapidly increase the demand for unskilled and low-skilled labour. Besides, infrastructure investment programmes have a huge employment creation potential if delivered via employment-friendly technology and local enterprises.

“To implement the LRBA, ILO has developed a detailed guideline -Source Book on LRBA**[[1]](#footnote-1)**- in 2010, in which the different challenges, policy elements, principles, options and key aspects are presented. The source book guides on how to bring the policies and principles of the LRBA into practice, through the project cycle implementation.

“Some important rights-based elements of LRBA are:

* Optimization of the use of local resources
* Engendered participation of local people in planning, delivery, implementation, and M&E process
* Participation also sets the basis for accountability, transparency and ownership of a project
* Capacity building and skills development
* Involvement of the under-employed in development works to achieve poverty reduction
* Equal opportunities and social protection to women, youth, and disadvantaged groups, such as people with HIV/AIDS, migrants, etc.
* Application of labour standards: acceptable working conditions, fair remuneration, and an enabling environment for freedom of association
* Construction and maintenance must not damage the environment
* Fair recruitment, avoiding forced or involuntary labour and favouritism and discrimination.

“Finally, ILO has developed different participatory tools to target excluded and marginalized people in rural areas. As these tools have been designed to enhance people’s agency, so that they can decide how to take project ownership, it can be stated that these tools also promote the inclusion of a right-based approach in the implementation of a programme. Some of these tools are:

* Integrated Rural Accessibility Planning - IRAP tool, specially designed for infrastructure needs participatory identification and prioritisation
* Local Economic Development - LED tool, based on the evaluation of the capacities and opportunities of local resources and territorial diagnosis.
* Community Driven Development- CDD tool, which operates on the principles of local empowerment, participatory governance, demand-responsiveness, administrative autonomy, greater downward accountability and enhanced local capacity.
* Participatory Rural Appraisal - PRA for base-line study and problem identification.”

**10. What measures could be envisaged in a regulatory framework to promote transparency and tackle corruption in the water and sanitation sector?**

In the ILO Working Paper “Wastewater and Jobs: A decent work approach to reducing unused wastewater” (2017, <http://www.ilo.org/sector/Resources/publications/WCMS_548129/lang--en/index.htm>), author Michael Renner cited transparency as a main reason for the increased pace of remunicipalisations: “Jakob and Sanchez (2015) discuss remunicipalisation as an opportunity to rethink the way in which water and other public services are provided. It offers a framework for strengthening the governance and quality of public services, recognising that committed and qualified workers are key to providing good services, and improving working conditions and worker participation in decision-making. They write that ‘Public sector workers tend to have higher protection through collective bargaining coverage and are less affected by precarious work.’ But conditions vary from location to location, and the authors do acknowledge that the available literature about employment conditions in the wake of remunicipalisations is still quite limited.

“Jakob and Sanchez point to improved transparency of local service provision and broader consultation with workers following remunicipalisation in the cities of Paris, Naples and Hamilton. In principle, remunicipalisation thus offers greater opportunities for decent work and social dialogue. Workers have also played active roles in building public water services in Buenos Aires. Workers own 10 per cent of shares in the new public companies and training for workers has increased dramatically. Cooperatives have assisted in efforts to restore drinking and wastewater plants, and have reached out to neighbourhood associations and communities, substantially expanding water access in low-income neighbourhoods (Kishimoto et al., 2015).”

Also, he found that cooperatives were a useful mechanism to reduce corruption: “Given problems and failures in the public and private sectors, cooperatives are playing an increasingly important role in efforts to provide access to safe water and sanitation services. ILO and ICA (2014) refer to a number of examples. Among them is SAGUAPAC in Santa Cruz, Bolivia, which is the world’s largest urban water cooperative and serves three-quarters of the city’s inhabitants. In Binangonan, the Philippines, the city decided to allow cooperatives to provide water services in light of severe financial, managerial, and corruption problems. Other examples exist in countries such as Ghana, Ethiopia and South Africa. In the United States, some 3,300 cooperatives in rural and suburban communities provide water and wastewater services. In India, the National Cooperative Housing Federation has played a major role in assisting the urban poor with sanitation services through more than 92,000 housing cooperatives with more than 6.5 million members.” The community contracting model (see above) offers similar advantages.

1. See ILO (2010) source book on Local Resource Base Approach [↑](#footnote-ref-1)