

INTERNATIONAL TRANSPORT
WORKERS' FEDERATION

Toilet Rights are Human Rights!

Transport Workers'
Sanitation Charter



November ¹⁹_{itf}
WORLD
TOILET
DAY

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The International Transport Workers' Federation (ITF) is a democratic, affiliate-led global federation of 670 trade unions in 147 countries, representing over 18 million working men and women in all transport sectors. The ITF passionately campaigns for transport workers' rights, equality and justice.

www.itfglobal.org

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Introduction



WHEN WORKING COASTWISE (CRUISE SHIPS) WE USED TO HAVE TO SHIT IN A HOLE. AFTER WOMEN CAME TO THE WATERFRONT WE HAD ACTUAL TOILETS; IT GOT BETTER FOR ALL OF US.”

Male dock worker, Canada

Safe access to decent sanitary facilities, sanitation systems, and most importantly the ability to use them when needed, is truly a global issue that is widely and deeply felt by all transport workers. Lack of access to sanitary facilities is an affront to human dignity for all transport workers.

Women workers have particular health and safety concerns relating to their need to get access to appropriate, safe, secure and clean sanitary facilities in a timely manner. These include their specific biological needs and the risk of violence. This lack of access for women needs to be addressed urgently as it is also creating a barrier to their employment in the sector.

The ITF has received reports from affiliated trade unions that lack of access to sanitary facilities also contributes to increases in sickness absence amongst workers, which impacts on productivity

in the transport industry. Employers providing facilities to enable workers to keep clean at work is an essential occupational safety and health control measure. Lack of hygiene will not only make workers ill, but is likely to impact generally on public health by encouraging the spread of disease and increasing the risk of contamination of goods (such as food being transported), again with implications for productivity in the transport industry.

This charter focuses on the urgent improvements needed to protect the health and safety of transport workers, the consequential benefits to transport safety and public health; and gender equality: the removal of barriers, and non-discrimination generally.

The ITF, in presenting this charter and associated information and resources, is aware that there are broad and complex issues to be addressed globally (which will vary depending on country and region) in relation to access to sanitation and clean water, safe disposal of waste, and managing household waste, in addition to educating and spreading awareness of general health and hygiene. The ITF recognises and supports collaboration on initiatives being taken by civil society in working towards improvements.

Definitions

SANITATION AND SANITATION SYSTEMS

The World Health Organisation (WHO) defines sanitation as “access to and use of facilities and services for the safe disposal of human urine and faeces. A safe sanitation system is a system designed and used to separate human excreta from human contact at all steps of the sanitation service chain from toilet capture and containment through emptying, transport, treatment (in-situ or offsite) and final disposal or end use. Safe sanitation systems must meet these requirements in a manner consistent with human rights, while also addressing co-disposal of greywater, associated hygiene practices (e.g. managing anal cleansing materials) and essential services required for [its] functioning (e.g. flush water to move excreta through sewers).”¹

SANITARY FACILITIES

This term has been adopted throughout as a collective term for “toilets”, “toilet rooms”, “bathrooms”, “lavatories”, “restrooms” including their physical structure, design and location (in fixed workplaces or on transport routes), and

the facilities and sanitary appliances provided such as urinals, water closets, and associated washing and hygiene facilities, fixtures, sanitary product provision and disposal and drainage systems. The term “toilet” is used when specifically referring to sanitary appliances, which the WHO defines as “the user interface with the sanitation system, where excreta is captured; can incorporate any type of toilet seat or latrine slab, pedestal, pan or urinal. There are several types of toilet, for example, pour- and cistern-flush toilets, dry toilets and urine-diverting toilets.”²

WELFARE FACILITIES

This term is used to mean facilities that include sanitary facilities, safe and secure parking, and resting and leisure areas made available to workers.

1 WHO Guidelines on Sanitation and Health (2018), https://www.who.int/water_sanitation_health/publications/guidelines-on-sanitation-and-health/en/, accessed 30 August 2019

2 *Ibid*, WHO guidelines Glossary

WORKPLACE

Transport workers are often mobile, or may work between stations or depots, and often in public spaces or areas otherwise shared with members of the public. To ensure they are protected at all times during their work, we must give the “workplace” a broad and comprehensive meaning. Drivers, pilots, seafarers, conductors, catering hosts, etc. may spend the majority of their time at work in a moving vehicle. Transport cleaning staff may spend the majority of their time in non-moving vehicles, at various locations. In either scenario, this vehicle must be included in the definition of the workplace.

This Charter treats workplace to mean any premises, or part of premises, which are not domestic premises and are made available to any person as a place of work, including public or private spaces where they are a place of work. This includes any place to which such person has access or is required to be while at work; vehicles used in the course of the work, whether or not at the employer’s premises; any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work; and any place where welfare or sanitary facilities are provided for use in connection with the work.

DECENT WORK

The United Nations Committee on Economic, Social and Cultural Rights has defined decent work as work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work, safety and remuneration. It provides an income allowing workers to support themselves and their families. These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment.³

The International Labour Organization’s Decent Work Agenda advocates for four key pillars of decent work:

- 1 employment creation,
- 2 the guarantee of international labour standards and fundamental rights and principles at work,
- 3 social dialogue and tripartism, and
- 4 social protection.

Gender equality and non-discrimination are incorporated as cross-cutting objectives.⁴

3 UN Committee on Economic, Social and Cultural Rights, General Comment 18 on article 6 “Right to Work” 2006, E/C.12/GC/18, paragraphs 7, 23

4 ‘Decent work’ is also part of the Sustainable Development Agenda, Goal 8 as a driver of sustainable development. For more information see: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-lisbon/documents/event/wcms_667247.pdf

WHAT ARE “DECENT TOILETS AND SANITATION SYSTEMS”?

The ITF’s vision is for adequate, good quality, fit-for-purpose toilets and sanitation systems. This will be elaborated on throughout this document, which includes an employer’s checklist at Annex II. As a minimum, there should be an appropriate number of accessible, secure and clean toilets for women and men, which are well lit inside and outside, and ventilated, with lockable cubicles, appropriate hygiene (washing) facilities with clean water, with affordable and appropriate menstrual hygiene products provided. Paid rest breaks are essential for transport workers who should be able to access toilets when they need them during working hours - without delay, and with no loss of income.

WHAT IS THE PROBLEM?

- 1 The ITF believes that transport workers routinely face breaches of their human rights, including women’s rights and labour rights, owing to a persistent lack of action by employers to provide safe and prompt access to decent toilets and sanitation systems.
- 2 The transport industry is characterised by intense pressure to keep to schedules and meet deadlines, with long and often unsocial hours, creating a working environment that is not only very stressful but often restricts workers’ ability to take breaks, and sufficient break time.
- 3 The lack of toilets, hand washing, safe parking and rest areas, coupled with scheduling pressure not to use these facilities can have negative health and safety consequences for all transport workers, including non-mobile workers such as warehouse workers, ticket sellers and call centre workers, and may put others at risk too.
- 4 In many parts of the world, transport is largely part of the informal economy – particularly urban passenger transport, platform or gig economy workers, and “last mile” delivery drivers - including those forced into bogus self-employment. The informal transport industry not only provides a meagre livelihood for millions of workers, but also denies basic rights and respect for workers. In the case of platform workers, low wages and pressure to keep up with demand means that they take as few breaks as possible. A safe and healthy working environment, which is a basic human right, including adequate rest, sanitation and personal security, is denied to these millions of informal workers in the transport industry. The ITF has published a charter for Informal workers⁵, which includes a call for adequate sanitation and rest facilities for informal workers in transport workplaces.
- 5 “Holding it in”: An ITF affiliate reports that, in 2004, a woman bus driver was crushed by her own bus as she ran to the toilet at the end of her route. Holding it in presents health risks for workers⁶ and means they often have to resort to using adult diapers or bottles for disposal. Holding it in also threatens worker and public safety as it can cause impairment

5 See <https://www.itfglobal.org/en/reports-publications/informal-transport-workers-charter>

6 See Annex I Some health risks associated with lack of prompt access to appropriate toilets and washing facilities

of cognitive function⁷, which could have potentially devastating consequences in the transport industry.



BUS WORKERS IN SOME COUNTRIES RESORT TO USING ADULT DIAPERS DUE TO LACK OF ACCESS TO TOILETS. WE SHARE THOSE SHAMEFUL WORKING CONDITIONS BUT CAN'T EVEN AFFORD TO BUY DIAPERS.”

Woman bus conductor, India

- 6 The lack of workplace toilets often forces transport workers to share facilities with passengers and the general public, and/or pay to use privatised toilets, or having to buy something from gas stations, shops or cafés in order to use the facilities. In the absence of free clean drinking water at the facilities, workers often have to buy or carry water from home.
- 7 Exposure to violence or the threat of violence (including gender-based violence such as rape, sexual harassment and offensive graffiti) is a daily reality for transport workers and adds to their fear, vulnerability and stress, particularly women transport workers. This is often the result of poorly sited toilets in unsafe places, lack of separate toilets for women or no toilets at all provided for women.



YOU HAVE TO BUY SOMETHING IN ORDER FOR THEM TO BUZZ YOU INTO THE BATHROOM, SO YOU'RE GOING TO GO BUY A COFFEE. YOU HAVE TO PAY FOR YOUR COFFEE, THEN YOU GO TO THE RESTROOM AND WHEN YOU COME BACK WITH THE CUP OF COFFEE, THE 40 PASSENGERS LATE TO WORK ARE ANGRY. WHO DO YOU THINK THEY'RE GOING TO TAKE IT OUT ON? THEY'RE NOT GOING TO CALL THE COMPANY; THEY'RE JUST GOING TO YELL AT YOU.”

Bus operator, USA



WE EASE OURSELVES IN A NEARBY BUSH AT THE DESTINATION OF THE BORDER WITH THE HELP OF OUR WORKMATES TO SHIELD US UP BECAUSE OF THE UNSAFE TOILETS WITHIN THE PLACE SHARED BY BOTH MALE AND FEMALE.”

Woman transport driver, Uganda

- 8 Research⁸ shows that there is less toilet provision for women in public sanitary facilities, and this deficiency is also reflected in transport workplaces⁹. Women spend twice as long as men using sanitary facilities, and need to use the toilet more frequently. This is linked to biological factors such as menstruation, pregnancy, and menopause, and to cultural and religious norms. Women take longer as they generally have to deal with more clothes than men, and are often more health conscious. It follows, therefore,

7 The effect of acute increase in urge to void on cognitive function in healthy adults. M.S. Lewis, P.J. Snyder, R.H.Pietrak, D.Darbh, R.A. Feldman and P.Maruff, *Neurology and Urodynamics* 30:183-187 (2011)

8 See, for example, *How Inclusion can Exclude: The Case of Public Toilet Provision for Women*, G.Ramster, C. Greed, J. Bichard, *Built Environment* Vol.44. No.1 (2018)
<https://www.ingentaconnect.com/contentone/alex/benv/2018/00000044/00000001/art00006>

9 *Bus Operators and the Right to Access Restrooms*, E.Kessler, M.Gonzales, 2014 (Amalgamated Transit Union Local 192)
<http://aoec.org/ohip/wp-content/uploads/2016/04/AmalgamatedTransit192.pdf>

that women need more facilities than men, not less. But in many work situations the reality is that there are none at all designated for women, particularly in male-dominated industries such as transport. If there are no separate facilities for women, this is likely to restrict job opportunities and sends a clear message about how women are seen in the industry.



WE STILL HAVE WAREHOUSES IN THE UK WITH NO WOMEN'S OR GENDER-NEUTRAL TOILET. THAT TELLS US VERY CLEARLY THAT WE'RE NOT WELCOME!"

Woman warehouse trucking co-ordinator, UK

- 9 Though the numbers of women working in transport is increasing, the industry often regards toilet access, particularly for women, as a "taboo" subject. Ignoring the specific needs of women workers in the transport economy deprives them of basic dignity, putting them at greater risk of violence, harassment, discrimination, stigma and occupational ill health. Women often choose to shun working life completely or miss workdays where the workplace does not cater to their needs. Women may feel unable to use facilities that are not separate or do not otherwise offer gender-neutral individual cubicles with sufficient privacy.
- 10 Lack of access to decent facilities is thus a discriminatory barrier to women's employment, retention and advancement, impairing free choice of profession and equal access to economic opportunities, and is a major reason for the continuing male dominance in the transport industry. Attitudes need to change – it should not be assumed, for example, that workers linger in the toilet to avoid work. Women



ONE DAY, WHEN I WAS USING THE MEN'S TOILET SINCE THERE WAS NO SPECIFIC ONE FOR WOMEN, A COLLEAGUE OPENED THE DOOR FROM THE OUTSIDE. MANY COLLEAGUES HAD ACCESS TO THE TOILET'S KEYS."

Woman aircraft marshaller, Brazil



TWENTY PERCENT OF THE OPERATORS SURVEYED HAVE ACCIDENTALLY RELIEVED THEMSELVES ON THE JOB. THIRTEEN PERCENT HAVE ALMOST RELIEVED THEMSELVES. EIGHTY-FIVE PERCENT OF THE OPERATORS THAT HAVE ACCIDENTALLY RELIEVED THEMSELVES SAID THIS WAS DUE TO A LACK OF RESTROOMS."

Bus operators' survey, USA

transport workers report losing out on job appraisals on the grounds that, particularly in the case of pregnant workers, they have accumulated too much "lost time" caused by using toilets more frequently or for a longer time. Furthermore, lack of access to facilities for women to manage menstrual hygiene reinforces the stigma associated with menstruation, perpetuating gender inequality in general.



DURING MY MENSES, I WORK HALF DAY, SINCE I CAN'T STAY THE WHOLE DAY AT WORK, AND SOMETIMES IF I'VE GOT HEAVY FLOW, I DON'T GO TO WORK. THERE ARE NO WASHROOMS ALONG THE ROUTE, EXCEPT AT THE KENYA FERRY TERMINUS WHERE WE PAY 10/- SHILLINGS. THIS MEANS I GET HALF THE WAGE OR IF I DON'T WORK, I DON'T EARN ON THAT DAY."

Woman ferry conductor, Kenya



BY THE TIME I FINISHED MY SHIFT, I WAS SOILED BY MY PERIOD AS I DIDN'T HAVE ANYONE TO COVER ME TO GO TO THE TOILET."

Woman public transport worker, Colombia

- 11 These deficiencies in sanitary facilities may also discriminate against workers who are older, or who have special needs including cognitive or physical disabilities, for example, incontinence, irritable bowel syndrome, and other conditions for which they may need urgent access, or they may take medication that affects their sanitation needs.
- 12 Accordingly, the industry is failing to benefit from the corresponding advantages of a fully representative workforce.

COLLABORATION MEANS IMPROVEMENT

Trade unions' core values have always included driving up occupational health and safety standards, and research¹⁰ has shown that unionised workplaces are safer and healthier, especially where there is effective collective bargaining and union-management joint health and safety committees.

There are many examples of collaboration between employers, transport workers and their unions, and governments, to improve sanitation provision for all transport workers:

- establishment of joint union-management committees in workplaces to discuss sanitation arrangements for workers;
- provision of sanitary products by employers free of charge for women workers;
- unions working with city transport authorities to improve drivers' toilet provision on bus routes;
- unions building agreements with employers, recognising that access to safe, clean and accessible sanitary facilities for its employees is critical to the safe and efficient operation of its services, and agreeing arrangements for rest breaks;
- ensuring that sanitary facilities for mobile night workers are kept open at night;
- entering into global agreements to strengthen workers' rights, including provision of sanitary facilities for women; and
- building new gender-responsive sanitary facilities for informal transport workers.

¹⁰ See, for example, *The Union Effect* (Trades Union Congress, London, 2016) <https://www.tuc.org.uk/research-analysis/reports/union-effect> accessed 6 September 2019

A union campaign¹¹ resulted in a change in the national labour inspectorate guidance to duty holders to say that drivers must have access to sanitary facilities in the premises they visit while making deliveries as part of their work.¹²

Unite the Union, UK

Employers agree to provide sanitary products for women workers free of charge in response to a union's Period Dignity campaign¹³.

Unite the Union, UK

After a long union campaign with members raising the issue repeatedly through their joint health and safety committee, proper separate sanitary facilities for women dockers were installed at a dock site where few women work on a regular basis.

International Longshore and Warehouse Union (ILWU) Local 502, British Columbia, Canada

Station facilities for all staff were upgraded as a result of a union campaign for the provision of toilets. Male train drivers had endured poor toilet provision by coping with containers. This was plainly intolerable for women drivers.¹⁴

Associated Society of Locomotive Engineers and Firemen (ASLEF), UK

A union resource was used by truck drivers in a successful campaign to save a Scottish town's public toilets from closure.¹⁵

Unite the Union, UK

Access to their depot sanitary facilities for parcel delivery drivers working at night was restored when security staff were reinstated after a union campaign.¹⁶

Unite the Union, UK

11 <http://unitelive.org/restoring-drivers-dignity/>

12 <https://www.hse.gov.uk/pubns/books/l24.htm> accessed 30 August 2019

13 <http://unitelive.org/unite-period-dignity-campaign/>

14 TUC citation <https://www.tuc.org.uk/resource/gender-occupational-safety-and-health>

15 Unite <https://resources.unitetheunion.org/media/1071/1071.pdf>

16 Unite <https://unitetheunion.org/news-events/news/2018/october/logistics-giant-ups-has-a-wee-problem-says-unite/>

In Kathmandu, Nepal, the metropolitan administration chief responded to union demands and committed to build 42 additional free to use gender-responsive toilets for informal road transport workers in the city.¹⁷

NETWON, Nepal

“The Driver’s Seat of the Future”: In 1999, a union organised a 13-day strike in the bus sector in response to health and safety concerns relating to delays, long shifts without breaks and a lack of toilets. Fifteen thousand bus drivers participated in the strike, which won a pay rise and regular scheduled toilet breaks. The strike was part of an 11-year campaign by the union between 1992 and 2003. The union reported that the inclusion of the toilet breaks has resulted in numerous advantages, including prevention of repetitive strain injuries, better rest facilities, improved standard of toilets and facilities in more places, and less stress. The situation, especially for women drivers, has improved when they are guaranteed a toilet visit within a reasonable time frame.¹⁸

Kommunal, Sweden

An agreement signed in March 2019 between the **International Association of Public Transport (UITP)** and the **ITF** on strengthening women’s employment in public transport, recognises the need to provide suitable and sufficient toilet facilities for men and women transport workers in workplaces and on routes.¹⁹

17 ITF news story <https://www.itfglobal.org/en/news/itf-unions-take-action-world-toilet-day>

18 ITF publication <https://www.itfglobal.org/en/reports-publications/women-bus-workers-driving-equality>

19 ITF news story <https://www.itfglobal.org/en/reports-publications/itfuitp-positive-employer-gender-policy>

The ITF has formulated this charter to recall the recognition of the human right to sanitation in all spheres of life, prompt wider recognition with a renewed emphasis on the workplace, and encourage positive action for improvement and realisation of this right at global, national and workplace levels.

The charter recognises the particular difficulties faced by transport workers, especially the health, safety and welfare issues faced by women transport workers, which contribute to low levels of participation in the sector.

A gender perspective on the right to sanitation enables us to identify the issues and impacts emerging from the lack of adequate and appropriate water, sanitation and hygiene facilities for women transport workers, especially among poor and marginalised communities across rural and urban areas. A gender perspective also helps us to recognise these issues and impacts for all women and girls more broadly.

States' international human rights obligations require that they protect, respect and fulfil human rights. They are key duty bearers in fulfilling the human right to sanitation at a national domestic level. States, when participating in international institutions, must also comply with the most demanding obligations under international human

rights law, as applicable to states. When acting within these institutions, as in their national jurisdiction, states have international obligations to actively protect individuals and groups against violations of their human rights, including where caused by others, and take positive action to fulfil human rights.²⁰

Progress cannot be achieved without unified effort across all levels. Effective collective bargaining, social dialogue and stakeholder engagement in the transport sector are essential to give effect to the below proposals.

The ITF urges action at global, national and workplace levels.

20 "States retain their international human rights law obligations when they participate in [multilateral] institutions", including international trade and financial institutions, UN Guiding Principles on Business and Human Rights, UNGP10 commentary, p13.

Global Action

Global action from international bodies, social partners and investors is required because:

- the global nature of the transport industry requires a global approach;
- access to sanitation is a global problem, which needs unified efforts across all levels to be resolved; and
- sanitation rights are underpinned by international law.

The ITF urges that global action should be taken to secure safe access to decent toilets for transport workers as follows:

THE INTERNATIONAL LABOUR ORGANIZATION

The Governing Body of the International Labour Organization (ILO) is urged to:

- 1 Promote collaboration between governments, workers' organisations and employers' organisations, to ensure the effective implementation of international labour standards and the operationalisation of guidance existing on safe and healthy access to decent toilets for both women and men transport workers (see Annex III).

- 2 Promote ratification and effective implementation of new standards relevant to improved sanitation conditions for transport workers across the sector, including the ILO Convention 190 and Recommendation 206 concerning the elimination of violence and harassment in the world of work.
- 3 Consider developing operational guidelines for governments and employers, or other relevant standards, on providing appropriate sanitary facilities for transport workers, in line with the specific conditions set out in this Charter.

REGIONAL INTER-GOVERNMENTAL ORGANISATIONS

Regional inter-governmental organisations (such as the European Union, African Union and the Association of Southeast Asian Nations) are urged to endorse the principles of this charter and consider the right to sanitation and the particular needs of transport workers in the elaboration of transport policies and programmes.

SOCIAL PARTNERS

Social partners, including global, regional and national transport sector employers' organisations, are urged to endorse and work together with transport workers' unions to promote and implement the principles of this charter.

INVESTORS

- 1 International financial institutions including the International Monetary Fund and the World Bank, regional development banks (such as the European Bank for Reconstruction and Development, and the Inter-American Development Bank) and regional development authorities are urged to:
 - endorse the principles of this charter by incorporating the rights to water and adequate sanitation - rights particularly relevant to responsible development funding transport infrastructure and projects - into their lending policies, credit agreements, structural adjustment programmes and other development projects to advance the implementation of these rights.
 - have due diligence processes in place, which require consultations with stakeholders, including unions of local workers that stand to be affected by transport infrastructure projects. Gender impact assessments should be undertaken and the findings incorporated into amended project proposals.
 - satisfy themselves, before agreeing to grant funds for transport infrastructure projects, including mass rapid transit, that

the recipients and their subcontractors endorse and respect human rights, including labour rights, of workers involved in the implementation and continued operation of the project, in particular, that they will: provide appropriate toilets for workers; will organise the work, in consultation with workers and their trade union representatives; ensure that the facilities are accessible; and that workers have adequate time to use them during their working hours. These protections and provisions must equally apply for any informal workers involved in the implementation and continued operation of the project in the same way as all other workers, until such a time as they are formally and fully integrated into the workforce.

- request that partners endorse this charter, in order to demonstrate this commitment, as a condition of their investment.
 - continued receipt of the funding should be contingent on the consistent upholding of these commitments. The finance provider should reserve the right to withdraw funding if there are serious or sustained breaches of the rights and principles set out in this charter.
- 2 Private investors - including pension funds - investing in transport infrastructure, providers or operators; particularly multinational, haulage companies, are urged to note the particular difficulties of transport workers and request the endorsement of this charter (among other occupational health and human rights commitments) by the relevant employer.

Governments

The ITF urges national governments to endorse, implement and enforce the principles of this charter.

PROMOTE COLLABORATION BETWEEN WORKERS AND EMPLOYERS

- 1** Establish effective social dialogue and stakeholder engagement, and encourage collective bargaining when implementing the provisions of this charter.
- 2** Recognise the central role that trade unions play in influencing compliance with health and safety legislation in the workplace, particularly in transport supply chains where there is fragmentation and a prevalence of non-standard employment.

EFFECTIVELY IMPLEMENT AND COMPLY WITH INTERNATIONAL LAW AND OBLIGATIONS

- 3** Fully respect and promote the principles of freedom of association and the right to organise, including the right of workers to establish and join trade unions of their choice, and the independence of trade unions.

- 4** Comply with their international law obligations to respect the right to adequate sanitation in all spheres of life as essential to a standard of living that fulfils the highest attainable physical and mental health and well-being, human dignity and privacy. See Annex III on the right to sanitation under international law.
- 5** Ratify and effectively implement all relevant international conventions, including international human rights treaties, ILO Conventions — including the Maritime Labour Convention — and implement all relevant ILO Recommendations concerning occupational health and safety, workplace welfare, the transition from the informal to the formal economy, eliminating violence in the world of work, collective bargaining and gender equality.
- 6** Demonstrate commitment to accomplishing the UN Sustainable Development Goals declared by the 193 states of the General Assembly in 2015, particularly Goal 5 - Gender Equality and Women's Empowerment, Goal 6 - Clean Water and Sanitation, and Goal 8 - Decent Work and Economic Growth, by taking ownership of national action plans to achieve "decent work for all women and men", "access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls" by 2030.

- 7 Ensure that their actions as members of international organisations, including intergovernmental organisations, international financial institutions and regional development banks, take due account of the right to sanitation, including taking steps to ensure that this right is taken into account in their lending policies, credit agreements and other international measures.
- 8 Conduct an inclusive and transparent human rights impact assessment before concluding trade-investment agreements, and insert explicit provisions in those agreements to preserve adequate policy space to discharge their human rights obligations, including ensuring the right to a healthy workplace with adequate sanitation.
- 9 Implement and promote relevant ILO guidelines (for example, *Wash@work*, *10 Keys for Gender Sensitive OSH practice* and *Working on a Warmer Planet*) and Codes of Practice (for example, *Health and Safety in Ports*). See Annex III for more detail.

LEGISLATE FOR DECENT WORK IN SUPPLY CHAINS AND TAKE EFFECTIVE ACTION

- 10 Introduce legislation (including chain of responsibility provisions to ensure that clients and subcontracting companies are held accountable) that encourages or requires businesses to use their influence to encourage the fair treatment of workers along their supply chains, and incorporate provisions and protections ensuring sanitation facilities and adequate rest breaks into contractor-supplier agreements. These agreements should also predict and provide for drivers and other transport workers who visit workplaces during the course of their work, that are not their own, to use facilities at these locations.
- 11 Introduce regulations that require businesses to allow transport workers who are not employees of the site employer, but are carrying out deliveries to or from the site, to use the sanitary facilities.
- 12 Ensure that toilet provision, safe parking and rest areas for mobile workers, regardless of their gender, is actively considered and included (in consultation with transport employers and transport trade unions) when developing and updating road, rail, maritime and aviation infrastructures and networks.
- 13 Include in the tender terms and contractual obligations for all transport employers involved in the provision of transport services, construction or maintenance of transport infrastructure, or otherwise entering into a contractual relationship with government, whether central or local, that they must:
 - consult transport workers and their trade union representatives on health, safety and welfare issues including workplace sanitation provision;
 - provide sufficient passenger vehicles (and/or vehicle drivers) to cover busy times so as to ensure that drivers are able to take breaks;
 - provide adequate sanitary facilities free of charge for all women and men workers; and
 - confirm that workers will be permitted to use the facilities when they need to during their working hours, without loss of pay or other penalty or victimisation.
- 14 Amend legislation to give effect to their endorsement of the principles of this charter.

IMPROVE OCCUPATIONAL HEALTH AND SAFETY ENFORCEMENT, OCCUPATIONAL HYGIENE AND RESEARCH

- 15** Recognise that the average person spends a significant amount of time pursuing employment activities and so, to comply with their obligations to protect the rights in paragraph 4, governments must effect and enforce national obligations to guarantee adequate sanitation in the workplace and secure improvements in occupational hygiene.
- 16** In consultation with trade unions and employer organisations, adopt an inclusive, integrated and gender-responsive approach with a view to introducing legislation requiring employers in the transport industry to provide workplace sanitation facilities and plan for, or schedule as necessary, ample opportunities to use these facilities for all workers in the transport industry. The legislation shall require employers to protect the health, safety and welfare of all transport workers, recognise the specific needs of all transport workers (in both formal and informal employment) including a specific legal right to toilet breaks for workers and specifically recognise that vehicles used in the course of the work, whether or not at fixed premises, form part of the workplace.
- 17** Pay particular attention to the specific needs of women and other marginalised groups when accessing sanitary facilities at work, in order to promote equality of economic opportunity. This includes implementing practical measures such as the removal of tax on women's sanitary products.
- 18** Proactively enforce health and safety and labour legislation through a properly funded and trained labour inspectorate, and recognise the central role that trade unions play in policing and encouraging compliance with legislation.
- 19** Integrate gender occupational safety and health throughout their regulatory activity, including their inspector training, inspection, enforcement and development of national standards and guidelines. Recognise that the provision of sanitary facilities for workers is a gender-sensitive issue that affects men and women in different ways and creates different priorities; and recognise that the needs of transgender workers need to be accommodated.
- 20** Develop policies and guidelines in consultation with workers' unions and employers' organisations to encourage a gender-responsive approach to occupational health and safety management, including in relation to the provision of sanitary facilities.
- 21** Introduce systems to collect sex-disaggregated data on occupational accidents and diseases, and ensure that national research programmes on occupational health and safety include both women and men workers.

LEGISLATE FOR AND IMPROVE PUBLIC TOILET PROVISION FOR WOMEN AND MEN

- 22** Recognise that, though employers have the primary duty to provide decent workplace sanitary and welfare facilities for their workers, adequate and appropriate local public toilet provision is essential for public health.
- 23** Legislate to require local and regional governments to provide public toilets and to formulate, implement and keep under review a strategic policy on public toilet provision in towns, cities and in rural areas. This should include provision for informal transport workers who work in public spaces, for example on informal bus feeder services to transport termini and transfer stations. The respective needs of women and men should be taken into account in such policies and the provision of facilities at all transport hubs, such as bus and train termini, and at the beginning and end of routes. Such legislation and strategies should be formulated and implemented in consultation with transport employers, transport trade unions, local authorities and local communities.

Employers

The ITF urges employers to endorse and implement the principles of this charter.

FREEDOM OF ASSOCIATION AND ENGAGEMENT AND CONSULTATION WITH WORKERS

- 1** Recognise and promote the principles of freedom of association, including the right for workers to freely establish and join trade unions of their own choosing, without prior authorisation or employer acts of anti-union discrimination, and collective bargaining.²¹
- 2** Consult workers and trade unions in the implementation of all of the demands of this charter.
- 3** Recognise the proven benefit of worker representation and participation on occupational health and safety and in taking effective action on equality at work; and establish, implement and maintain processes for consultation and participation of workers at all applicable levels and functions. This is to ensure cooperation and consultation between transport workers, their trade union representatives and management on all aspects of health and safety management and workplace equality. This includes worker involvement in developing health and safety policy and risk or hazard assessments, particularly in relation to the provision, design (including involvement in choosing the sanitary appliances to be provided), cleaning, maintenance, location, accessibility and availability of workplace sanitary facilities.
- 4** Consult transport workers and their trade union health and safety and equality representatives - meaningfully and in good time - on working hours, scheduling, routes and breaks, with a view to ensuring that workers are genuinely able to take regular breaks throughout the working day and the respective needs of both women and men workers are recognised and implemented. These needs would include, but are not limited to, work-life balance, age, disability, fertility, cancer, menstruation, pregnancy, breastfeeding, menopause and preventing violence, including sexual harassment.
- 5** Release trade union representatives on full pay to carry out their representative roles and to attend trade union education and training.
- 6** Support workplace trade union equality initiatives, for example the ITF Women's Advocate Programme²² which provides a union and workplace response to violence women experience at work and at home.
- 7** Conduct consultation and participation of workers in a meaningful way and in good time (so that workers' views are taken into account before decisions are taken) through joint management and trade union health and safety committees and equality committees.

21 ILO Tripartite Declaration of Principles concerning multi-national enterprises and social policy, 5th Edition as amended (2017) available at: https://www.ilo.org/empent/Publications/WCMS_094386/lang--en/index.htm

22 <https://itfviolencefreeworkplaces4women.wordpress.com/womens-advocacy/>

SAFE SYSTEMS OF WORK

- 8** Comply with their legal, contractual and moral obligations to provide safe and healthy work and workplaces for transport workers; recognising the additional hazards and complications of a workplace that is also used by the public (e.g. road and rail networks, airports and docks) and appoint competent people to help them implement the measures they need to take. Such competent persons should always include those trained in women's equality and gender issues.
- 9** Provide appropriate sanitary facilities for all transport workers (including informal workers who may visit the premises) whether the workers are mobile, working at depots, at termini, in maintenance, or customer services.
- 10** Ensure that their capital, route and schedule planning staff, safety management systems, risk assessments, health and safety and equality training and occupational health services take account of sex and gender needs and requirements when providing and overseeing adequate sanitary facilities for women and men workers.
- 11** Recognise that in respect of the requirements for health and safety in transport operations, the vehicle being operated must also be considered as part of the workplace, in addition to any premises in which transport workers are required to work, load, unload and rest.
- 12** Allow each worker reasonable opportunities (the nature of which should be agreed in writing in consultation with workers and their trade unions and communicated to them without delay) during their working hours/schedules to use the sanitary facilities promptly without loss of pay or other penalties, nor fear of stigma, embarrassment, or victimisation.
- 13** Have systems in place to enable workers to report promptly on any concerns about defects in, or the absence of sanitary facilities, without fear of victimisation or ridicule. Consider anonymous reporting methods or having both a male and a female point of contact for staff. This would include workers making direct reports to their representatives on the joint health and safety committee to facilitate discussion and action through the committee. Share the information with workers and their trade union representatives with a view to agreeing improvements.
- 14** Keep their workplace sanitation policy and provision under regular review (or include it in an existing review alongside safety system reviews) with their workers and their trade union representatives to ensure it meets their needs, which may evolve. Participation in these discussions by both women and men of different ages and cultural backgrounds is essential to ensure that all workers' views and needs are considered and addressed.
- 15** Comply with or exceed national competent authority legislation and standards on occupational health and safety, design, construction and equality when planning, designing and maintaining workplace sanitary facilities.

SUPPLY CHAINS AND MOBILE, NON-RESIDENT AND MIGRANT WORKERS

- 16 Establish jointly agreed and clear policies and procedures on toilet access for mobile transport workers along their routes, including means of contacting their depot, safe methods for leaving and securing their vehicle, and in the case of public transport, for communicating and discharging passengers.
- 17 Ensure that mobile transport workers who as part of their work visit work premises that are not their own workplace, for example to make deliveries, are provided for and given access to toilet and handwashing facilities on request and free of charge.
- 18 Workers should not be expected to rely on cafés, bars, service stations, etc. for access to sanitary facilities, as this not only may require their purchasing of food or drink, but also the facilities may not be of an appropriate standard, particularly for women, may raise cultural or religious issues (such as the sale of alcohol) and their opening hours may not coincide with working hours and shift patterns. Every effort should be made to avoid reliance on sanitary facilities that are also open to the public.
- 19 Employers should cooperate with each other and sign inter-employer pledges, to give effect to these demands throughout their supply chains.
- 20 Fulfil their obligations to respect human rights and exercise proper due diligence (as set out in the OECD Due Diligence Guidance for Responsible Business Conduct)²³ to

ensure the fair treatment of workers hired by other employers along their supply chains, by incorporating expectations of labour rights protections ensuring appropriate sanitary and hygiene facilities and adequate rest breaks into contractor-supplier agreements. Disclose this information to trade unions, to enable their auditing of supply chains and enforcement of sanitary standards for workers.

- 21 Ensure remuneration of mobile, non-resident and migrant workers includes a total compensation package that includes wages, overtime pay, benefits and paid leave, which meets or exceeds legal minimum standards or appropriate prevailing industry standards, whichever is higher. Allowances, reimbursement of expenses, and daily living cost payments, must not be used as a substitute for wages to meet the minimum wages or other legal requirements. This exploitation of unfair wage competition (often known as “social dumping”) with workers paid unfairly and incorrectly in law, can lead to mobile workers living in squalor by the roadside without access to adequate sanitary facilities because they cannot afford to use their expenses for the accommodation they need.

INFORMATION, INSTRUCTION AND TRAINING

- 22 Provide health and safety information, instruction and training for transport workers, including on sanitation and hygiene at work, and make available to workers and their trade union representatives all workplace health and safety policies (including policies on the provision of sanitary facilities), risk assessments etc. Discussions about sanitary

23 OECD Due Diligence Guidance for Responsible Business Conduct (2018), <http://www.oecd.org/investment/due-diligence-guidance-for-responsible-business-conduct.htm>

facilities can be a delicate matter which needs careful handling. Provide training (including equality training) for managers, supervisors and workers (including those serving on joint health and safety committees) to ensure that it is possible to have open dialogue, encourage cooperation and eliminate formal punishment, informal retaliation, or banter, in relation to sanitation issues.

SANITARY FACILITIES FOR WOMEN AND MEN TRANSPORT WORKERS

(Please also refer to Annex II Checklist, which forms part of this section)

- 23** Provide adequate workplace sanitary and washing facilities of appropriate dimensions and construction, in numbers sufficient for their workers, which reflect the needs of the whole workforce and are located in places to which they can get prompt and safe access easily. The numbers of toilets for women and men should comply with and preferably exceed national legislative requirements, and should be open to inspection and subject to regulatory action by the labour inspectorate. Sanitary facilities for women workers should always be provided, even if there are no women working at the time the facilities are being planned. As this includes building, procuring, sharing and maintaining facilities, the provision of these facilities will need to be considered by infrastructure, route and schedule planning staff, and may require specific training.
- 24** Always provide separate clearly labelled facilities for women and men, or otherwise offer gender-neutral separate cubicles with sufficient individual privacy, even if no current workers are women.
- 25** Recognise that the provision of sanitary facilities for workers is a gender-sensitive issue, which affects women, men, transgender and other gender-variant groups in different ways. Each group may identify the same issues and concerns but may well have different priorities. Each group should be consulted on all aspects of facilities, including their location, to prevent hazards such as exposure to harassment and violence, and protection of their modesty and dignity.
- 26** Recognise and accommodate the needs of transgender and other gender-variant workers. Restricting workers to using sanitary facilities which are not consistent with their identity, or requiring them to use segregated (as opposed to individual) gender-neutral facilities, bathrooms according to their sex at birth or other specific facilities, is not only discriminatory, but it may make them fear for their safety and/or result in them not using the facilities at all while at work. While a gender-variant individual's free choice should be paramount in the use of facilities segregated by sex, the ideal aspiration should be for an employer to offer gender-neutral separate cubicle/bathrooms with sufficient individual privacy, in order that a person is not forced to self-identify by gender when using these facilities.
- 27** Explore the potential for use of technology and new developments in the design of sanitary facilities (for example, for use in flood-prone areas) and innovative solutions in providing sanitary facilities, in consultation with the workers and trade unions concerned.

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Annex I

Some health risks
associated with lack
of prompt access to
appropriate toilets and
washing facilities



We manage by taking less fluids during working time”

There are a number of health risks for workers (which may also impact on public safety and health) associated with lack of prompt access to toilet and washing facilities. This list is not exhaustive.

Many health issues are gender-related - for example, pregnancy, menstruation and menopause in women; and benign prostatic hypertrophy (BPH) in men, which increases with age. Apart from pregnancy, health conditions are not generally discussed in the workplace context, so their negative impact on individuals, and need to make provision at work, is likely to be ignored or overlooked by those who have not experienced the symptoms.

Older and disabled workers, including those suffering from conditions such as irritable bowel syndrome, may also be put at increased risk.

“It’s not very easy for us ladies. Unlike our fellow drivers who are men, it’s easier to relieve themselves, even along hidden corridors within the city. For us women, we have to find parking near a restaurant or bar, but sometimes the owners don’t allow us to use their washrooms. It’s also risky because with this mode of transport; it’s very easy for someone to use a master key and drive off with your Tuktuk. We have a public toilet at the city bus stage – it’s never clean, there is no privacy at all, all kinds of people use these washrooms, and exposes us to hygiene related diseases. We manage by taking less fluids during working time, which is not healthy for our bodies...”

Woman tuktuk driver, Kenya

“Holding it in” and deliberate dehydration



**I have to work
6 hours without
access to a toilet”**

Many transport workers working long hours, including bus and train drivers, conductors (or “guards” in some states), truck drivers and workers in ticket offices feel obliged to “hold it in” until the end of their shift and to refrain from drinking liquids because they are denied access to toilets when they are at work.

Holding it in and deliberate dehydration can cause serious health problems or exacerbate existing medical problems.²⁴

— weakness, dizziness;

²⁴ For more information see *Taking the P***: the decline of the great British public toilet, Royal Society of Public Health (2019) <https://www.rsph.org.uk/about-us/news/taking-the-p-the-decline-of-the-great-british-public-toilet.html> accessed 27 August 2019

“Sometimes I have to work 6 hours without access to a toilet, which has taught me to drink very little. This unavoidable way of working caused many UTIs [urinary tract infections] and worse... since I started driving 15 years ago. One day, management... told me to have surgery or resign! I love my job and I do have a family to feed, so I had the surgery. The company say they want more women to drive trains but this doesn’t reflect in their actions. Nobody should have to suffer what I’ve been through. When I started they gave me a plastic box of wet wipes for ‘that time of the month!’”

Woman train driver, Australia

THE ILL HEALTH EFFECTS OF DELIBERATE DEHYDRATION MAY INCLUDE:

- reduced physical performance;
- reduced short-term memory;
- depressed mood; less alert;
- constipation
- cystitis; urinary tract infections;
- increased risk of renal stones;
- headaches;
- stress; and
- heat stress – the risks of which will be exacerbated by working in hot conditions

Gender-related health issues and the need to access sanitary, washing and welfare facilities

MENSTRUATION

Menstruating women often need to urinate more frequently due to the natural inflammation in the pelvic region as well as needing to wash, and to change sanitary dressings regularly.

PREGNANT WORKERS NEED FREQUENT ACCESS TO SAFE, CLEAN AND SECURE TOILETS, WASHING AND REST FACILITIES

Pregnant workers may need to urinate more frequently during their pregnancy and may suffer from urinary incontinence, constipation, nausea and vomiting.

MENOPAUSE

Though menopause is generally experienced by older women, younger women may experience early menopause. Symptoms include sweats and hot flushes, urogenital problems, for example increased frequency and urgency to urinate and irregular periods. Women transport workers are likely to need easy and frequent access to sanitary and washing facilities and cold drinking water.

HIGH TEMPERATURES

There can be increased risks to women (and men) working in high temperatures, both inside and outside.

Global warming is a factor as temperatures in workplaces rise, exposing workers to the risk of heat stress (heat received in excess of that which the body can tolerate without suffering physiological impairment). Symptoms can include heat rash, heat cramps and heat exhaustion, and potentially fatal heatstroke.

In the case of pregnant women the body has to work harder to cool down both the mother and the unborn baby. Feeling warmer increases the need to wash more frequently, and a pregnant worker is more likely to get heat exhaustion or heat stroke sooner than a worker who is not pregnant. Pregnant women are more likely to become dehydrated.

BENIGN PROSTATIC HYPERTROPHY (BPH)

BPH (a male medical condition mentioned above) can cause significant symptoms, including frequency, urgency, and nocturia (waking up at night to urinate).

Violence – and stress

Exposure to violence, including gender related violence such as sexual harassment and rape, is a particular occupational concern for women transport workers, which is exacerbated by the lack of appropriate safe and secure sanitary facilities.

In the case of pregnant women, both actual and threatened violence can pose a particular danger to their health, including the risk of early birth or miscarriage. In addition, pregnant women may be less able to remove themselves from danger.

Violence and the threat of violence is also linked to stress.



My daughter said that it was so dark in there you had to kick the door to make sure that nobody was in there and going in and rob you.”

Bus operator, USA

Diseases

LACK OF ACCESS TO WASHING FACILITIES

This can put workers at risk of diseases including cholera, diarrhoeal diseases and other waterborne diseases; and occupational diseases resulting from exposure to chemicals and dusts.

Workers being able to access toilets and washing facilities is also essential to public health to prevent cross-contamination and the spread of disease.

WATERBORNE DISEASES

High standards of personal hygiene and access to washing facilities are essential for all transport workers including pregnant women to avoid diseases such as cholera and other waterborne diseases.

MUSCULOSKELETAL DISORDERS (MSDs)

Transport workers, particularly drivers, may remain for long periods in uncomfortable and static positions when they are at work, and are at risk from developing musculoskeletal disorders. Regular comfort breaks will assist with prevention. There is a link between MSDs and stress.

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Annex II Employer's Checklist

Requirements for decent
sanitary facilities for
transport workers

This list is not exhaustive. It attempts to capture broad principles, which can be adapted according to local norms and practices

Sanitary and washing facilities for transport workers should be:

GENERAL

- 1 Assessed and planned in consultation with workers and their trade union representatives, including women representatives, and jointly monitored and reviewed on a regular basis.
- 2 Provided free of charge for workers.
- 3 Clearly signposted with the location and opening times of the facilities in workplaces and on transport routes notified to workers.
- 4 Provided directly by the employer in permanent structures:
 - Requiring workers to use facilities which are also open to the public (unless there are facilities specifically designated for the sole use of workers) is not acceptable. This should be regarded as a last resort, and if so, only if there are sufficient facilities available. An independent network of rest stations should be provided, or otherwise arranged, for mobile transport workers.
 - Portable sanitary facilities (which should be of a high quality and include washing facilities) should only be made available as a last resort, when it is not practicable to provide permanent structures.
- 5 Located to enable workers to use them promptly during their working hours: paid breaks should be scheduled to take into account the distance and time it takes to get to the facilities safely, and the time they need to use them, including specifying a limit to the distance to be covered from the workplace to the sanitary facilities (for example, no more than 100 metres).
- 6 Kept open for workers to use at any time while they are at work, including nights and weekends; or correct and updated keys to locked facilities always provided to workers without delay.
- 7 Located in safe places: minimising exposure to violence and harassment and away from hazardous workplace transport operations, noise and dust pollution, and other sources of contamination.
- 8 Clearly marked to indicate the sex for whom the facility is provided (where there are no gender-neutral independent toilets with sufficient privacy), with separate designated facilities for disabled workers, and free for transgender workers to use according to how they self-identify.
- 9 Located where possible near to workplace rest facilities (ensuring that they are positioned so as to prevent noxious odours reaching these facilities).

- 10** Located in buildings accessible for disabled workers. Sanitation and washing facilities should be designated for disabled workers and designed to be accessible, include sufficient space, and be fitted with aids such as grab rails and benches in showers.
- 11** Provided with sanitary disposal bins for the use of both women and men in their respective facilities, which are positioned so that for reasons of hygiene, the bin does not touch the edge of the sanitary appliance.
- 12** Provided with baby changing units in both women's and men's sanitary facilities.

CONSTRUCTION AND DESIGN

- 13** Provide adequate protection from the weather.
- 14** Fitted with doors at entrances and exits, unless other measures are taken, to ensure an equivalent degree of privacy.
- 15** Designed so it is not possible to see into toilets or urinals, or into communal shower or bathing areas from outside the facilities, when any entrance or exit door opens, or from above.
- 16** Have windows to toilets, showers or bathrooms of opaque material or have blinds or curtains, unless it is not possible to see into them from outside, day and night.
- 17** Designed to accommodate as far as possible, all local cultural and religious practices.
- 18** Constructed with floors, walls and ceilings that have surfaces which permit wet cleaning — such as ceramic tiling or a washable surface.
- 19** Sanitary appliances including toilets, showers and basins constructed of vitreous china or other material, which has a smooth and impervious surface that is not likely to crack, flake or corrode.
- 20** Have an adequate flush of water.
- 21** Provided with non-slip floors.
- 22** Protected against rats and other vermin, and snakes.
- 23** Ventilated, and if necessary, heated or air-conditioned.
- 24** Provided with sufficient lighting in and around the building.
- 25** Provided with toilets (cubicles and urinals)

in sufficient numbers for women and men²⁵ whether or not there are both women and men in the workforce. More facilities may be necessary if breaks are taken at set times, or workers finish work together. When assessing the numbers, it should not be assumed that providing equal numbers of toilets for men and women will be sufficient.

26 Arranged so that each toilet cubicle is:

- preferably fully enclosed with a ceiling and no gaps at the top or the bottom of the dividing walls;
- private to the user and built for single occupancy. Provided with a door that can be locked from the inside;
- planned for maximum hygiene, for example, fitted with hooks or shelves to avoid the need to place personal items on the floor; and
- provided with adequate space to enable safe and hygienic use.

27 Provided with facilities for personal hygiene in accordance with local norms. This includes handwashing basins with basin plugs, and clean hot and cold or warm running water, which are located in the immediate vicinity of every toilet, and are clearly marked to indicate whether the water supply is hot or cold, in an appropriate ratio relating to the number of workers using them and large enough to wash face, hands and forearms.

Showers or baths provided, if they are required by the nature of the work or for health reasons, and lockable from the inside.

Soap and towels, or other means of drying, provided and located appropriately. This may be in the cubicle itself as appropriate, or in common areas, in accordance with local

norms. Toilet paper provided in a holder or dispenser.

28 Provided with an adequate supply of cool and wholesome drinking water, which is readily accessible from a source approved by the competent health authority, and which is clearly marked as such; where a source of piped water is not available, in sealed bottles or in suitable closed containers.

29 Sanitary products, such as sanitary towels and tampons are preferably provided free of charge for women workers, and information about alternatives including non-single use sanitary products such as menstrual cups or “period underwear” is available.

30 Sanitary product dispensers for women are located in the women’s toilet section of the building and never in common areas shared with men to avoid embarrassment and stigma for women.

31 Plumbed to a source of clean potable water to prevent exposure to waterborne diseases.

32 Provided with sewage disposal, which is designed so it does not endanger the health of workers (for example, with a soil pipe of adequate size constructed, to facilitate cleaning and minimise the risk of obstruction) or threaten contamination of water sources.

33 Designed and selected to take account of the nature of the terrain and local geography (such as the risk of flooding).

²⁵ For example a 2:1 ratio women/men. See British Standard *Sanitary Installations* No. 6465-4:2010.

MANAGEMENT

- 34** Kept in the charge of a responsible person at all times, with their contact details displayed prominently, together with clear and visible instructions in appropriate languages on how to report faults or other concerns about the state of the facilities.

- 35** Inspected regularly and maintained in a clean, sanitary and orderly condition. Frequency of cleaning will depend on usage, and once a day may not be enough. Where facilities are shared with another workplace, responsibility for cleaning and maintenance should be clearly established, and the workers notified accordingly.

- 36** Risks from legionella are appropriately assessed and managed (as man-made water systems are a potential source for legionella bacteria growth).

- 37** Cleaned using non-toxic products. Air fresheners (exposure to which may cause asthma) should not be used.

- 38** Kept properly stocked and equipped at all times, for example with toilet paper (and spares), sanitary products, towels, soap and toilet brush.

- 39** Kept smoke-free.



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Annex III The Right to Sanitation under International Law

Key Sources



**SANITATION, MORE THAN ANY OTHER
HUMAN RIGHTS ISSUE, EVOKES THE
CONCEPT OF HUMAN DIGNITY”**

*United Nations, Report of the independent
expert on the issue of human rights
obligations related to access to safe
drinking water and sanitation, 1 July 2009*

International Conventions and Authoritative Interpretations of Treaty Bodies

States accept internationally binding responsibilities when signing up to international conventions and are held to these commitments.

These obligations relate to the actions and omissions of the state itself, but also require the state to ensure particular actions of those under its jurisdiction or authority, including business enterprises, corporations and other employers.

- **Universal Declaration of Human Rights, 1948:** article 25(1).
- **International Covenant on Economic, Social and Cultural Rights ('ICESCR'), 16 December 1966:** articles 7, 11, 12.
- **General Comment No. 14 Committee on Economic, Social and Cultural Rights ('CESCR'): The Right to the Highest Attainable Standard of Health (Article 12), 2000:** paragraphs 11, 15.
- **General Comment No. 15 CESCR: The Right to Water, 2002:** paragraphs 3, 11, 12(a), 29, 36, 37(i), 49, 60.
- **CESCR Statement on the Right to Sanitation**, adopted 19 November **2010:** paragraphs 1, 5-8.
- **Convention on the Elimination of Discrimination Against Women ('CEDAW') 1979:** paragraphs 11(1)(a)-(c), (f), 14(2)(e), (h).
- **Committee on the Elimination of Discrimination against Women, General Recommendation No. 24** on article 12 of CEDAW (women and health), **1999:** paragraph 28.
- **The Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Water Courses and International Lakes, 1999:** articles 4(2), 5, 6.

Human Rights Council Resolutions

The Human Rights Council is the principal inter-governmental forum at the United Nations for questions related to human rights. Human Rights Council Resolutions are a political expression of the views of its members on human rights issues and issues of particular concern to the international community.

Though they are not legally binding, they are a valuable measure of the commitment of the international community to a particular issue, a reflection of accepted standards, or the recognition of certain soft law principles:

- **Report of the United Nations High Commissioner for Human Rights on the scope and content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments (A/HRC/6/3)**, August **2007**: paragraphs 25, 66, 67.
- **Human Rights and access to safe drinking water and sanitation (A/HRC/RES/7/22)**, March **2008**: Preamble, paragraphs 2, 4.
- **Human Rights and access to safe drinking water and sanitation (A/HRC/RES/12/8)**, October **2009**: Preamble, paragraphs 5, 6, 7.
- **Human rights and access to safe drinking water and sanitation (A/HRC/RES/15/9)**, October **2010**: paragraphs 3, 6, 8(a), (c), 9(a), (b), (d).
- **The Human Right to Safe Drinking Water and Sanitation (A/HRC/RES/16/2)**, April **2011**: paragraphs 4, 5(a)-(d).

General Assembly Resolutions

Though generally non-binding, they are considered important to crystallizing, formulating and expressing the view or opinion of the international community of states and in the influencing of state behaviour can be formative in customary international law.

- **The Human Right to Water and Sanitation (A/Res/64/292)** 26 July **2010**: see paragraph 1.
- **Sanitation for All (A/Res/67/291)**, 24 July **2013**: see paragraph 3.
- **Transforming our World: the 2030 Agenda for Sustainable Development (A/Res/70/1)**, 25 September **2015**: Goals 5, 6 (6.2, 6.b), 8 (8.5, 8.8), 11.
- **New Urban Agenda Endorsing the Quito Declaration on Sustainable Cities and Human Settlements for All (A/Res/71/256)** 23 December **2016**: Annex paragraphs 13(a), 34, 119.
- **The Human Rights to Safe Drinking Water and Sanitation (A/Res/72/178)**, 19 December **2017**: paragraphs 1, 2, 4-6, 9.

UN Human Rights Council independent experts / Special Rapporteurs

UN “Special Rapporteurs” are given a mandate to report and advise on particular human rights issues and contribute to the development of international human rights standards. A UN Special Rapporteur on the human rights to safe drinking water and sanitation was eventually appointed.

- **Report on the Relationship between the enjoyment of Economic, Social and Cultural Rights and the Promotion of the Realization of the Right to Drinking Water and Sanitation (E/CN.4/Sub.2/2002/10), 2002:** paragraph 34.
- **Draft Guidelines for the Realization of the Right to Drinking Water and Sanitation, (E/Cn.4/Sub.2/2005/25) July 2005:** paragraphs 1.3(a), (c), 2.3(d), 5.3, 8.1.
- **United Nations, Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, (A/HRC/12/24), July 2009,** paragraph 55.
- Special Rapporteur on the human rights to safe drinking water and sanitation report on **Gender equality in the realization of the human rights to water and sanitation (A/HRC/33/49), July 2016:** especially paragraphs 45-48, 51-53.

Soft Law International Political Declarations and Commitments

While not legally binding, international political declarations are 'soft law' and may illustrate the development of the acceptance of the right to sanitation in international law.

- **Dublin Statement on Water and Sustainable Development, 1992:** Guiding Principles 3, 4.
- **Programme of Action of the UN International Conference on Population and Development, 1994**
- **Council of Europe Recommendation Rec (2001)14** Of the Committee of Ministers to member states on the European Charter on Water resources, October **2001:** paragraph 5.
- **Johannesburg Declaration on Sustainable Development of World Summit on Sustainable Development, September 2002**

ILO Conventions relevant to the right to adequate sanitation in the workplace

The International Labour Organization ('ILO') is a tripartite organisation of States, employers' organisations and workers' organisations, which elaborates international labour standards.

Legal instruments are drawn up by the ILO's tripartite constituents setting out basic principles and rights at work. Conventions are legally binding international treaties that may be ratified by member States.

- **ILO Convention No. 155 on Occupational Safety and Health, 1981:** articles 1.1, 1.2, 3(c), (e), 4.1, 4.2, 5(a), 16.1, 19(a), (b), (e).
- **ILO Convention No. 161 on Occupational Health Services, 1985:** article 5(b).
- **ILO Convention No. 187 - Promotional Framework for Occupational Safety and Health Convention, 2006:** articles 1(d), 2.1, 4.2.
- **ILO Convention No. 190 on Violence and Harassment, 2019:** articles 3(b), 9(a).

ILO Conventions specific to particular sectors

(examples particularly relevant to transport workers)

- **ILO Maritime Labour Convention 2006**, as amended: Regulation 3.1, Standard A3.1.11, Guidelines B3.1.5.2, B3.1.7, B3.1.10(c).
- **ILO Convention No. 092 on Accommodation of Crews Convention (Revised), 1949**: articles 4.2, 13.1, 13.2, 13.8, 13.9, 13.11(c)-(e).
- **ILO Convention No. 120 - Hygiene (Commerce and Offices) Convention, 1964**: articles 1(b), 1(c), 13.
- **ILO Convention No. 133 - Accommodation of Crews (Supplementary Provisions) Convention, 1970**: article 9.1(a), (b).
- **ILO Convention No. 152 - Occupational Safety and Health (Dock Work) Convention, 1979**: articles 4.2(n), 40.
- **ILO convention No.188 - Work in Fishing, 2007 (in force 2017)**: article 26(f).

Gender-Specific Core Convention

- **ILO Convention No. 111 - Discrimination (Employment and Occupation) Convention, 1958**: article 1(a), (b).

Other Core ILO Supporting Conventions

- **ILO Convention No. 087 - Freedom of Association and Protection of the Right to Organise Convention, 1948:** articles 2, 3, 10, 11.
- **ILO Convention No. 098 - Right to Organise and Collective Bargaining, 1949:** articles 1.1, 2.1, 2.2, 4.

As the rights in Conventions 87 and 98 form part of the ILO Declaration on Fundamental Principles and Rights at Work, even ILO Member States that have *not* ratified the above conventions are obliged to respect, promote and realise the principle of freedom of association and recognise the right to collective bargaining.

ILO Recommendations relevant to the right to adequate sanitation in the workplace

ILO Recommendations serve as non-binding guidelines. In many cases, a Convention lays down the basic principles to be implemented by ratifying countries, while a related Recommendation supplements it by providing more detailed guidance on how it could be applied. Recommendations can also be autonomous, i.e. not linked to a Convention.

- **R97 - Protection of Workers' Health Recommendation, 1953:** article 2(e).
- **R164 - Occupational Safety and Health Recommendation, 1981:** articles 1(1),(2), 2(c),(e), 3(o).
- **R171 - Occupational Health Services Recommendation, 1985:** articles 8(b), 21, 36(2), 41.
- **R197 - Promotional Framework for Occupational Safety and Health, 2006:** article 2(a), annex.
- **R120 - Hygiene (Commerce and Offices) Recommendation, 1964:** articles 5, 8, 11, 14, 19, 37, 38(1)-(4), 39-41.
- **R115 - Workers' Housing Recommendation, 1961:** Part I - articles 12(2), 19, Part II - 7(e), 7(f).
- **R204 - Concerning the transition from the informal to the formal economy, 2015:** articles 7(i), 11(f), 11(p), 16(d), 17(a), 17(b).
- **R206 - Violence and Harassment, 2019:** articles 7(a)-(c), 8(a), (b).

ILO Sectoral Codes of Practice

ILO Sectoral Codes of Practice are not legally binding instruments and are not intended to replace the provisions of national laws or regulations, or accepted standards.

They are reference tools that provide guidance to governments designing policies, programmes and legislation. A relevant sectoral example below:

- **ILO Code of Practice on Safety and health in ports (Revised 2016):** paragraphs 11.2.3, 11.2.5, 11.2.9, 11.2.10.

ILO tools for governments, workers and employers and their organisations to implement Codes and Standards

- **Wash@work: a Self-Training Handbook, 2016**
- **10 Keys for Gender Sensitive OSH Practice: Guidelines for Gender Mainstreaming in Occupational Health and Safety, 2013**
- **Working on a warmer planet: The impact of heat stress on labour productivity and decent work, 2019**

