

Mexico City Recognizes the Rights of Informal Waste Pickers

On July 15th 2016, Mexico City’s Human Rights Commission (CDHDF) issued Recommendation 7/2016, named “Omissions in Mexico City’s urban solid waste collection, separation and final disposal, and in the creation of decent work conditions for those who undertake these activities.” It recognizes that the right of informal waste pickers to decent work is violated, and it is the first official document to place on record the discrimination, exploitation and abuse they suffer.

Overall, Recommendation 7/2016 constitutes an innovative pronouncement when it talks about the shortcomings of the city’s waste management public service in general, and their impact in the right to a safe environment and quality of life for the people that live or move through Mexico City. It also recognizes the work informal workers do as necessary to ensure those rights.

The Commission declares that “The government of Mexico City is neglecting its obligation to respect, protect and guarantee decent work for volunteer workers and informal waste pickers who are part of the free labour force that is essential to the proper operation of the municipal sanitation service in Mexico City.”

The Commission makes a distinction between “volunteer workers” and informal waste pickers, depending on the stage of the service they are involved in. For example, volunteer workers take part in door-to-door waste collection. They are assigned specific work schedules and areas but they are not recognized as workers; they do not receive any payment, training or social security benefits. Indeed, most of the volunteer workers have to provide their own uniforms and work tools.

The Government claims that these volunteers are working “by choice”, on an optional basis, and that an employment relationship cannot be established unilaterally. According to the Recommendation, the number of volunteer workers in some of the regions providing municipal sanitation services in 2015, as reported by some Boroughs, was as follows:

Coyoacán	There was no agreement, but 600 volunteers do work.	41 people on contracts.
Cuauhtémoc	Record of 150 volunteers under the responsibility of the driver.	
Xochimilco	200 volunteers: sweep streets, or collect waste on a fixed schedule (6:00 – 14:00 and 12:00 – 20:30). They get no equipment.	0 on paid contracts; 67 casual workers.
Miguel Hidalgo	300 volunteers provided municipal	

	sanitation services. "By choice they did assigned work."	
Alvaro Obregón	1800 volunteers provided municipal sanitation services.	
Gustavo A. Madero	Reported: "We do not have reliable information about this workers, because it's performed in exchange for a handout from neighbours, they collect solid waste from homes or businesses; they also sweep streets (...), nevertheless they are not registered due to the informality of the work they do."	
Cuajimalpa	160 volunteers have done street sweeping for 5 to 7 years without a fixed schedule. They were planning to provide them with the proper equipment to do their work.	
Azcapotzalco	215 volunteers.	
Iztapalapa	2000 volunteers, of whom 1400 perform street sweeping and 600 who collect waste from 6:00 to 14:00. Seniority going from 5 to 20 years.	
Milpa Alta	70 volunteers take part in street sweeping and collection of solid waste from 6:00 to 14:00 and 13:00 to 20:00. "The only agreement is that they are given the tools necessary for the work."	
Venustiano Carranza	110 volunteers. They report that in 2015 all of them were trained and certified.	
Tláhuac	178 volunteers, 50 per cent of whom have equipment (tools).	
Iztacalco	300 volunteers, working with their own resources and 50 per cent have received training for their duties.	



Branch No. 1 of the Union of Mexico City's Government Employees, responsible for "municipal sanitation services and transportation", reports on its official web page that there are approximately 10,000 volunteers.

People who work as volunteers survive on handouts or tips, and from the proceeds of selling inorganic material that they separate from the collected mixed organic and inorganic waste material. The Recommendation exposes that volunteers must share part of their tips with the drivers of collection trucks and often they must also share the materials they have separated, which leads to profit sharing on a discretionary basis between volunteers, formal operators, leaders and government officials.

On the other hand, informal waste pickers who work in the processing plants (sorting and processing) are called "selectoras" (sorters). According to the Law on Solid Waste, the Government of Mexico City operates these sites, but the Program for Integrated Solid Waste Management - published in the Official Gazette of the City - which is the governing instrument for public policies in the matter, recognizes the importance of establishing agreements with the organizations of waste pickers. The CDHDF says that this is confirmed by the fact that this processing plants owned by the Government are managed by the three leaders of the "pepenadores" (waste pickers).

CDHDF describes the situation in those centres: "The leaders control the relationships with the companies that purchase waste materials; they determine the price that is paid to the "pepenadores" for their material and they control all the internal dynamics and policies related to waste handling."

Based on the information collected, the CDHDF determined that the government allows these informal workers to provide a public service in unhealthy, unsafe and non-decent work conditions. This vulnerable sector of workers is not being protected and is not guaranteed decent work. However, the city government is benefitting from its services and the continuation of the status quo, hence disregarding its obligation to look after the protection, respect and guarantee of their human rights, namely to ensure as a bare minimum the right to work, the obligation to ensure non-discrimination and protection of employment equality.

Key Points of the CDHDF Recommendation:

In describing the social, political and economic background of the work of informal waste pickers in Mexico City, the Commission's Recommendation highlights the following key points:

- According to the evidence and visits carried out in preparing this Recommendation and in accordance with international standards, the volunteers performing tasks in the municipal sanitation service and those who sort as a profession are performing work tasks, so they are entitled to the status of “workers.” Establishing differences in terms of accessing the public resources administered by the State in order to guarantee the labour rights of formal and informal workers results in unequal treatment under the law.
- It establishes that the right to work of informal waste pickers has been violated. It is clearly stated that it is referring to both the volunteers (street sweepers and collectors) and the “pepenadores”, who do work informally with the agreement of governments, both at central and boroughs levels. It also clarifies that without informal waste pickers’ participation the municipal sanitation service of Mexico City could not be carried out, and acknowledges that the absence of rights is especially serious among informal workers.
- It is also evident that the government obtains economic benefits from the participation of the free labour of informal waste pickers. In the case of volunteers, it states that the borough’s governments are saving money by not paying salaries. In the case of the waste pickers working at sorting and treatment plants, the Secretariat of Works and Services has stated that “...the economic benefits the government obtains from separating recyclable materials are directly reflected in the reduction of the volume of waste transported and disposed of in final disposal sites, and hence in the payments for transportation and final disposal services”.
- It states that everyone who lives and travels through Mexico City should be made aware of their working status. Namely, it should be known that volunteer workers survive on the gratuities or tips that the people and companies disposing waste give them. This social recognition is necessary in order to move toward behavioural changes that will lead to the recognition of the dignity of this work.
- Repairing these violations of the right to decent work must include the introduction of mechanisms to guarantee that these informal workers have full access to safe and healthy conditions. Affordable and accessible health services, as well as measures to prevent work-related illnesses, should also be included.
- In the medium term, and also as a reparation measure, all the people providing waste management services – without distinction between formal and informal workers – should be provided with work equipment and adequate work facilities. Such facilities should include spaces for them to safely keep their belongings, have adequate resting spaces where they can recover from the physical tasks they undertake, and places where they can eat their meals.
- The Recommendation states that the reparation measures should include affirmative actions. Based on the experience in Colombia and the writ of protection from the Constitutional Court of Colombia T – 742/03 – filed by the waste pickers’ association of Bogota (ARB) – that recognized informal waste pickers “(*barrenderos* [street sweepers], *recolectores* [collectors] or *pepenadores* [waste pickers]) as a marginalized or discriminated sector that is in a vulnerable situation”. These people should be seen as “subject of special protection from the State given their condition of vulnerability and poverty.”
- The implementation of affirmative actions in favour of volunteer workers should be aimed at reducing the vulnerability of this population, generating legal, financial, and social security mechanisms, along with subsidies, scholarships, economic support, training, etc., that will lead to progressive regulation of their participation in integrated waste management.
- The Secretariat for the Environment of Mexico City should publish the Solid Waste Management Integrated Programme for 2016-2020 – the master plan for waste management policies. This master plan should give visibility to informal waste pickers and to the general contents of the recommendations. At present, the programme project emphasizes the search for public-private participation schemes and, “where appropriate”, social participation. The recommendation states that social participation should be the primary objective for the introduction of a new perspective and recognition of those sectors that have traditionally been less favoured.
- The authorities of the 16 boroughs should use that master programme as framework to develop their own waste management programmes. These programmes should also provide visibility for informal workers.
- The boroughs, in coordination with the Secretariat of Labour and Employment Promotion of

Mexico City, should undertake a census of the people that provide the public service of managing waste on a voluntary basis or that recycle informally.

- Once the census has been completed, the people identified should be informed of possibilities for self-employment or for creating cooperatives. The Secretariats of Economic Development, of Social Development, of Finance and of Labour and Employment Promotion should develop and implement programmes and actions to promote cooperatives directed to those informal workers who decide to form cooperatives.
- The Commission expresses its concern that the Mexican State has not yet ratified several Conventions of the International Labour Organization (ILO), including No. 81, the Labour Inspection Convention, No. 98, the Right to Organize and Bargain, No. 18 on Occupational Diseases and No. 148 on the Working Environment (air pollution, noise and vibration). And also that Mexico has failed to comply with Convention No. 155 on Occupational Health and Safety.

The recommendations of the Commission are not binding on the government. There is no obligation to comply. The authorities to whom the recommendations are directed had 10 working days following notification to inform the Commission whether or not they accept its recommendations. If the authorities agree, they are obliged to comply with the recommendations; if they decline there is no obligation to comply. In any event, the violation of the waste pickers' right to decent work has been established beyond dispute.

- [WIEGO](#) [1]
- [Waste Pickers](#) [2]
- [Law & Informality](#) [3]
- [Mexico City](#) [4]
- [Mexico](#) [5]
- [Latin America & the Caribbean](#) [6]
- [Law & Informality](#) [7]

Source URL: <http://www.wiego.org/wiego/mexico-city-recognizes-rights-informal-waste-pickers>

Links:

[1] <http://www.wiego.org/category/theme/wiego>

[2] <http://www.wiego.org/category/occupational-groups/waste-pickers>

[3] <http://www.wiego.org/category/policy-areasprogrammes/law-informality>

[4] <http://www.wiego.org/category/regions/latin-america-caribbean/mexico/mexico-city>

[5] <http://www.wiego.org/category/regions/latin-america-caribbean/mexico>

[6] <http://www.wiego.org/category/regions/latin-america-caribbean>

[7] <http://www.wiego.org/category/microsites/law-informality>