

The Struggle of Waste Pickers in Colombia: From being considered trash, to being recognised as workers

Federico Parra

Abstract

Organised waste pickers in Colombia are formally recognised as subjects of special protection and as providers of the public service of recycling. As a consequence, they now receive remuneration for their work, but this was not always the case. This article highlights the strategies waste pickers used to successfully demand their rights while exploring the tensions and contradictions surrounding the formalisation of waste pickers as public service providers of recycling. These include a lack of sufficient guarantees from the government, attempts by private companies to appropriate waste pickers' benefits, and a lack of respect by both the state and private businesses for the recognition of their rights in law. It concludes that there is an inherent tension between the main objectives of the waste pickers—to improve their working conditions and overcome poverty and vulnerability—and that of the state, which promotes free market competition in the provision of public services.

Keywords: workers in informal employment, waste pickers, informality, social recognition, formalisation, Colombia

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Introduction

Organised waste pickers in Colombia have successfully shifted legal and normative frameworks around waste management in the country in their favour. The strategies they pursued to bring about this shift offer important lessons for anybody seeking to bring decent work standards into informal employment. This article shows that formal recognition as a part of a public waste management system—and the remuneration that comes with that recognition—can integrate

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a historically marginalised population into a sustainable and dignified area of work. It further shows that such integration can extend decent work standards to a significant number of poor and vulnerable people.¹ The article is divided into three sections. First, I outline who waste pickers in Colombia are, the activities they carry out, their working conditions, and their productive role in the recycling value chain. Next, I describe the actions they took to demand their rights and influence the legal framework of waste management. Following that, I describe the tensions and contradictions that exist in the way the Colombian government has attempted to ‘integrate’ waste pickers through what it has called ‘the process of formalisation’. This section also takes stock of the achievements and potential developments that this process has had for waste pickers in Colombia. Finally, I briefly discuss how organised waste pickers—recognised as public service providers of recycling—are addressing the Covid-19 pandemic in their work.

The analysis that supports this article is based on my professional experiences accompanying the Bogotá Waste Pickers Association and the National Association of Waste Pickers of Colombia since 1997. It also draws upon my academic studies, in particular my doctoral research, which analysed the evolution of this process until 2016. As part of the research for this article I also drew upon an updated review of Constitutional Court cases and the latest available literature on the subject.

Who Are the Waste Pickers in the World, and in Colombia?

Waste pickers are women and men of all ages who earn their livelihood by recovering, collecting, transporting, warehousing, and marketing potentially recyclable waste material from garbage produced in cities. This includes containers, packaging, glass, cardboard, paper, plastic, metals, and other materials. Waste pickers carry out their work primarily in two contexts: on the streets, where garbage is left in bags on the sidewalk or in containers, and in open-air dumpsites. According to the International Labour Organization (ILO), ‘of the 19–24 million workers currently in the sector, only 4 million are in formal employment. The vast majority work as informal waste-pickers in developing

¹ The term ‘decent work’ involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men, see: International Labour Organization, ‘Decent Work’, n.d., retrieved 22 June 2020, <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm>.

countries, with a large percentage of them presumed to be women.²² Women informal waste pickers face particular challenges: as Dias and Ogando note, '[g]ender inequalities manifest themselves through structures of exploitation and marginalization that also cut across race and class lines and may result in a lack of authority and recognition.'²³ This has additional consequences for women: restricted access to the most valuable recyclable materials, which leads to lower incomes relative to male waste pickers; barriers to women waste pickers organising or holding leadership positions or roles; and distinctive patterns of vulnerability to illness and accidents in the workplace.⁴ These issues were evident in recent ethnographic research on the human rights situation of waste pickers conducted by the NGO Women in Informal Employment: Globalizing and Organizing (WIEGO) in five Latin American countries.⁵



Image 1: Dumpsite at Jinotega, Nicaragua. Image credit: Federico Parra, 2014.

²² International Labour Organization, *Report V: Sustainable development, decent work and green jobs*, International Labour Conference, 102nd Session, 15 March 2013, p. XV, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_207370.pdf.

²³ S M Dias and A C Ogando, 'Engendering Waste Pickers Cooperatives in Brazil', Conference Paper for CCR/ILO Research Conference on Cooperatives and the World of Work, Antalya, 9-10 November 2015, p. 10, <https://www.wiego.org/sites/default/files/publications/files/Dias-Engendering-Wastepicker-Cooperatives-Brazil.pdf>.

⁴ *Ibid.*

⁵ A R Maldonado, *Resumen Ejecutivo – La situación de los derechos humanos de la comunidad recicladora en América Latina: Un reclamo urgente por respeto a través de estándares internacionales*, WIEGO, December 2019, https://www.wiego.org/sites/default/files/publications/file/Rivera_resumen_derechos_humanos_recicladores_AmericaLatina_WIEGO_0.pdf.

According to Mexican researcher Martín Medina, the context, activities, conditions, and value chain in which waste pickers carry out their work can be traced to at least four key factors. First, waste pickers exist because industrialisation has led to the urbanisation of production and the mass consumption of manufactured products, which in turn generate massive amounts of waste. Second, because manufacturers require cost-effective raw materials to maintain production, this waste retains commercial value. Third, because populations have become increasingly concentrated in cities, waste tends to be concentrated in spaces where it can be effectively reclaimed. And fourth, because local and national economies are unable to formally absorb all of the migrants arriving into cities, some must collect, sort, and resell waste as a means of survival.⁶

The recycling work of waste pickers contributes significantly to societies' sanitary, environmental, and productivity conditions. It reduces both the amount of waste that ends up in landfills and operational costs for municipal garbage collection services. Recycling also lowers the costs of acquiring raw materials for industries, thereby reducing the strain on natural resources. Local case studies⁷ and global analyses⁸ of the sector have also concluded that the work of waste pickers contributes to the reduction of greenhouse gases and to the overall sustainability of the planet.

Despite these benefits, waste pickers remain marginalised and socially excluded throughout the world. Their work is performed in highly precarious sanitary, technical, and economic conditions, and is made worse by the irresponsible ways in which both producers and consumers dispose of their waste. Waste pickers are routinely exposed to respiratory and skin diseases, and must endure hazards associated with the mixing of different types of waste material. Further occupational hazards vary according to their specific experiences of work. For example, street-based waste pickers must contend with air pollution and fast-moving traffic, while those in the landfills must watch out for heavy machinery. Regardless of where they work, waste pickers are subjected to wide-spread

⁶ M Medina, 'Reciclaje de desechos sólidos en América Latina', *Frontera Norte*, vol. 11, no. 21, 1999, pp. 7-31, <https://doi.org/10.17428/rfn.v11i21.1411>.

⁷ M F King and J Gutberlet, 'Contribution of Cooperative Sector Recycling to Greenhouse Gas Emissions Reduction: A case study of Ribeirão Pires, Brazil', *Waste Management*, vol. 33, issue 12, 2013, pp. 2771-2780, <https://doi.org/10.1016/j.wasman.2013.07.031>

⁸ A Scheinberg, D C Wilson, and L Rodic-Wiersma, *Solid Waste Management in the World's Cities: Water and sanitation in the world's cities 2010*, United Nations Human Settlements Programme (UN-HABITAT), London and Washington D.C., 2010, <https://mirror.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2918>.

discrimination by both citizens and governments.⁹ Police abuse is common, and in many countries their work is not recognised as work.



Image 2: Waste picker in the municipality of Rionegro, Colombia. Image credit: Federico Parra, 2018.

⁹ F Parra, 'De la dominación a la inclusión: la población recicladora organizada como sujeto político', Doctoral Dissertation in Political Studies and International Relations, Faculty of Political Science and Law, National University of Colombia, 2016, <https://repositorio.unal.edu.co/handle/unal/59612>.

There are more than 60,000 waste pickers in Colombia according to the National Association of Waste Pickers.¹⁰ They recover the recyclable waste from garbage bags, collect, sort, and transport it, and then sell it to recycling warehouses. Their working hours and locations depend on the routes and schedules of the garbage collection service—they must arrive several hours earlier than the municipal collectors in order to have time to recover the recyclable materials from the garbage bags before they are taken away.

In 2012, at the request of the Constitutional Court, the Mayor's Office of Bogotá was required to identify the capital's waste picker population. This census yielded a figure of 13,984;¹¹ after adjustment, the figure was balanced at approximately 18,000 by 2016. Bogotá's waste pickers recover approximately 1,200 tonnes of recyclable waste per day, which would otherwise be added to the more than 6,200 tonnes per day that arrive at the city's landfill.¹² From this census, indicators were established that show the degree of exploitation to which waste pickers are subjected. For example, 43.8 per cent of waste pickers work six days a week and 71.6 per cent work more than eight hours a day. The average monthly income at the time was COP 120,000 (approximately USD 63).¹³

According to the census of waste pickers in Bogotá, 69.1 per cent of waste pickers are men and 30.9 per cent are women. The same census also established that 69 per cent of the waste pickers surveyed have up to three dependants while the remaining 31 per cent have more than four dependants. There are no statistics on how many families are headed by women, but as a general rule, women tend to be responsible for recycling and unpaid care work within patriarchal families. At the same time, as I have shown in my previous work, in many family units it is the man who administers the resources.¹⁴ While long hours and large family sizes remain features of the waste picking population, the income of a significant percentage has improved as a result of their struggle, as will be seen below.

¹⁰ As presented at the National Workshop for the Review and Analysis of the Recycling Scheme, 11-12 July 2019, Bogotá.

¹¹ Universidad Francisco José De Caldas (UFJDC) and Unidad Administrativa Especial De Servicios Públicos (UAESP), *Informe Final: Censo de recicladores, Bogotá Humana 2012*, UFJDC and UAESP, Bogotá, 2012.

¹² Superintendencia de Servicios Públicos Domiciliarios, *Informe de Disposición Final de Residuos Sólidos 2017*, Bogotá, 2018.

¹³ By 2012, the legal minimum wage in Colombia was COP 566,700, and the average value of one US dollar that year was COP 1,798. It should be noted that the USD 63 represent an average of different income levels among waste pickers.

¹⁴ F Parra, 'El Recicloscopio: Un instrumento para ver el trabajo de personas invisibles', Bachelor's Thesis in Anthropology, Department of Human Sciences, National University of Colombia in Bogotá, 1999.

The Struggle of Waste Pickers in Colombia

In various contexts around the world, non-recognition, discrimination, and criminalisation have catalysed processes of organisation within the waste picking sector. This has led to increased understanding and recognition of the role of waste pickers in society by both governments and citizens. The case of Colombia is one of the most significant, and it provides important lessons for how a country can sustainably integrate informal workers into the formal economy. To better understand these experiences, I offer a brief historical account of the normative and institutional evolution of public waste management in Colombia and how this has affected waste pickers in the country.

To understand the evolution of the prevailing narrative surrounding public waste management, it is useful to understand Wilson's notion of 'policy drivers'. They are 'the way in which waste is problematized, the domain or the "political landscape" in which the problematization is found, the prevailing ideas on how to solve the problem, and typical or usual practical actions or technical infrastructure proposed by municipal administrations, donors, central finance ministries, or a combination of such.'¹⁵

Until 1950, there was no centrally coordinated waste management in Colombia. Municipal authorities were left to their own devices to develop solutions, and as a result the collection and transport of waste took place irregularly. Meanwhile, intense migration from the countryside to the city, fuelled by the radicalisation of partisan violence, has taken place since the 1940s. Many of the new migrants to the growing cities, finding no other means of livelihood, began recovering containers and packaging made of glass, cardboard, and metals to sell into a then nascent recycling chain. The majority of this generation of waste pickers worked from open-air dumpsites.

Garbage collection was privatised in the second half of the 1980s as part of a broader programme of economic structural adjustment. Sanitary landfills replaced open-air dumpsites around the same time, and in a double hit, waste pickers were expelled from both the new garbage sites and from their informal settlements in the wastelands of the city and around the railroad tracks. These changes precipitated a dramatic decrease in living conditions for waste pickers. In response, and with the support of non-governmental organisations, waste pickers began defending their rights. In the face of expulsion from their

¹⁵ D C Wilson, 'Development Drivers for Waste Management', *Waste Management and Research*, vol. 25, issue 3, 2007, pp. 198-207, <https://doi.org/10.1177/0734242X07079149>, cited in A Scheinberg, 'Informal Sector Integration and High Performance Recycling: Evidence from 20 Cities', WIEGO Working Paper No. 23, WIEGO, Manchester, March 2012, p. 7.

neighbourhoods they used arguments in support of their territoriality and habitat; in the face of restrictions on their activity they used arguments in support of their right to work; and in the face of systematic murders that went unpunished in the context of so-called 'social cleansing'¹⁶ they used arguments in defence of their right to life. Most importantly, these situations catalysed the organisation of waste pickers in Bogotá and throughout Colombia.¹⁷

The Association of Waste Pickers of Bogotá (ARB) was born in 1990, and the National Association of Waste Pickers (ANR) was established a few years later.¹⁸ Today, they are the most representative and influential organisations defending the interests of waste pickers in the country. ARB brings together seventeen grassroots waste picker organisations in Bogotá, representing 2,700 waste pickers. It is a key vehicle for member organisations to defend their interests to the authorities, and ARB has developed strategies for coordinating social mobilisation, analysing policies, denouncing rights violations, developing counter-proposals, and demanding rights. It has also promoted ways to strengthen production by coordinating the collection and sale of recyclable waste. ANR, meanwhile, brings together forty-one waste picker organisations from twenty-five cities. ANR directly represents just over 8,000 waste pickers and enjoys the support and backing of the trade unions Central Unitaria de Trabajadores de Colombia [Central Union of Workers, CUT] and the Confederación General del Trabajo [General Confederation of Labour, CGT]. It is the only organisation in the country to politically represent waste pickers' interests to national policy makers.

The Colombian Constitution of 1991 introduced the neoliberal principle of free competition in the provision of public services as a guarantor of efficiency, coverage, and quality. This was ratified in the *Law of Public Services* of 1994 and represented a dramatic shift in how public services were understood. Until 1991, the guiding principle of public waste management was economic sustainability; now it is profitability. Since 1991, the state has sought to make the provision of waste management services economically attractive for service providers, and

¹⁶ The most deplorable known case was the massacre of eleven waste pickers in March 1992, who were murdered to sell their organs to medical students at the Universidad Libre de Barranquilla [Free University of Barranquilla]. International Waste Picker Day is celebrated on 1 March in memory of those killed.

¹⁷ Constitutional Court, Sentence T-617/95 [public space, right to housing, legitimate confidence, prevalence of the general interest, rights of children, community members of Puente Aranda], Judge Alejandro Martínez Caballero, 13 December 1995. See also: M Botero, 'Los Otros Comuneros de al 19 con 30', *El Tiempo*, 24 February 1996, <https://www.eltiempo.com/archivo/documento/MAM-353620>.

¹⁸ 'Instancias de Representación Gremial', Asociación Recicladores Bogotá, 18 May 2012, <https://asociacionrecicladoresbogota.org/quienes-somos>.

one way that it has done this is by strengthening the linear model of collection, transport, and hygienic in-fill managed by private or joint stock companies. Waste pickers have been damaged by this shift, with national policies restricting and at times even criminalising their work.

Organised waste pickers sought to counteract these changes through several types of collective action. One was social mobilisation, which featured demonstrations where organised and unorganised waste pickers joined together to make their dissatisfaction visible. Some of these demonstrations culminated in sit-ins in front of municipal or national government offices. Another strategy sought to establish alliances with intermediaries in the recycling value chain, and particularly with the small, independently-run collection points that waste pickers used to market recovered recyclable waste. Other efforts focused upon policy documents to identify threats to waste pickers' interests and to develop counterproposals. However, perhaps the most effective strategy has been to seek support for waste pickers' rights within the judicial system. Whenever a law, decree, or other government act negatively affected waste pickers' livelihoods they—headed by ARB—have consistently sought recourse and protection from the courts.



Image 3: Horse-drawn carriage used by members of the Asociación de Corteros y Recicladores [Association of Reusers and Waste-pickers] in Bogotá in 2010. Image credit: Federico Parra, 2010.

An excellent example of this larger dynamic is Law 142 of 1994.¹⁹ This established that only municipalities with less than 8,000 subscribers could organise themselves to provide public services, thereby leaving the best market segments to private companies. The legal defence of the ANR made it possible for the Constitutional Court to establish, through Judgment C-741 of 2003, that there is neither a causal relationship between the private nature of a garbage collection company and its efficiency, nor between the public or community nature of a provider and its inefficiency. The Constitutional Court also decided that communities, including waste pickers' organisations, could provide public services in all municipalities regardless of the number of subscribers to the public waste management service.²⁰ This court ruling was a fundamental win for Colombia's more than 50,000 waste pickers because it opened up the recycling industry as a viable future for all of them.²¹

In 2003, the ARB carried out a demand for action for the protection of their rights known as 'Tutela'. This took place in response to a bidding process for the transport and in-fill of garbage that effectively excluded them from participating in the management of waste materials. Collection routes for recyclable waste material were subsequently awarded to private companies, and in this way the recycling business was handed over by legal means to established firms. The Constitutional Court once again ruled that waste pickers had been adversely affected, and demanded that the authorities develop affirmative actions in their favour so they could overcome conditions of poverty by formally participating in the public management of municipal waste. It also required the government to consult waste pickers and their organisations on any decision being taken in relation to waste material management.²² In this way the Constitutional Court protected the right to work and the livelihood of waste pickers a second time.

¹⁹ Presidency of the Republic of Colombia, Decree 421 of 8 March 2000: regulates Law 142 of 1994, in relation to organisations authorised to provide public services for drinking water and basic sanitation in smaller municipalities, rural areas and specific urban areas. DO: 43 932.

²⁰ Constitutional Court, Judgment C-741/03 [provision of domiciliary public services], Judge Manuel José Cepeda Espinosa, 28 August 2003.

²¹ Aluna Consultores Limitada, 2010, Condensed Report, National Recycling Study (unpublished).

²² Constitutional Court, Judgment T-724/03 [rights to due process, equality and work; public bidding; administrative hiring process; public toilet and garbage collection services; recycling; outsourcing for tree pruning and lawn mowing; effective participation of marginalised groups; current lack of purpose; fact overcome; call to prevention; Association of Waste Pickers of Bogotá], Judge Jaime Araujo Rentería, 20 August 2003.

Almost eight years later, in 2011, the country's largest-ever public bidding process took place in Bogotá. It was meant to choose the company that would provide the garbage collection services for the next eight years. ARB made a 'claim for noncompliance' with the district government, since the bidding did not meet the requirements given by the Constitutional Court in previous pronouncements. Once again, the judicial body sided with the waste pickers and their final judgment was the most significant yet.²³ The court consolidated previously established guidelines and merged them into a series of legal requirements based on the recognition and realisation of the rights of waste pickers. Thanks to this ruling, waste pickers were recognised as having special protection status by the state. This was not only because of their conditions of poverty and vulnerability, but also because of their important environmental, economic, and public contributions. The authorities were legally obligated to take affirmative action to protect them and help them overcome poverty and vulnerability by, for example, guaranteeing real and safe access to recyclable waste material. The Constitutional Court further established that waste pickers have significant business potential, so they have the right to remain in the trade and grow as waste entrepreneurs.²⁴ A subsequent ruling in 2015 would warn municipal authorities about the need for operational waste management to be understood not as an end in itself, but also as a means to guarantee the rights of the waste pickers registered in their jurisdiction.²⁵

Rulings by the Constitutional Court have addressed many key issues, including health, education, recreation, housing, social security, as well as the reorientation of public waste management policies so that waste pickers are properly recognised and remunerated.²⁶ However, the effects of these rulings have been undercut by a lack of compliance by national and municipal authorities, reflecting deeper tensions between opposing interests and agendas.

²³ Constitutional Court, Order 275/11 [request for compliance with Judgment T-724 of 2003 and Order 268 of 2010], Judge Juan Carlos Henao Pérez, 19 December 2011.

²⁴ Constitutional Court, Judgement T-291/09 [rights to health, education, decent housing and food ruled in favour of a group of families that have been recycling as an occupation in the Navarro landfill for approximately 30 years, an activity that represents their only source of income], Judge Clara Elena Reales Gutiérrez, 23 April 2009.

²⁵ Constitutional Court, Order 587/15 [follow-up on orders issued in Order 275 of 2011, in compliance with Judgment T-724 of 2003 and Order 268 of 2010], Judge Luis Guillermo Guerrero Pérez, 15 December 2015.

²⁶ For more illustration, see L Fernández and F Parra, 'Constructing an Inclusive Model for Public Waste Management Based on the Legal Empowerment of Colombia's Waste Picking Community', Annex I in M Chen *et al.*, *Urban Informal Workers: Representative voice & economic rights*, Background paper for the World Development Report 2013, World Bank, 2012, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.841.6834&rep=rep1&type=pdf>.

Formalisation: Tensions between rights and markets

The rulings of the Constitutional Court have created conflict between the business paradigm of large-scale commercial waste management and the paradigm of integration, recognition, and remuneration for waste pickers. In putting the rights of a vulnerable population above the logic of profitability they also go against the economic principles of many of Colombia's laws. This has created judicial tensions, since orders from the Constitutional Court must go through normative harmonisation via national legislative and executive institutions.²⁷ This has created a window for policymakers to intervene and promote the interests of garbage collection companies.

Between 2012 and 2015, the municipal government in Bogotá partially complied with the rulings of the Court. It was the first time that affirmative actions in favour of this population were taken. Several achievements can be identified. For example, the city developed an in-depth census to identify waste pickers and record their socioeconomic conditions and the value chain to which they belong. They also devised a scheme to replace 2,880 animal-powered vehicles with one of the following alternatives: motorised cargo vehicles, business plans and seed capital, and housing. Perhaps most importantly, the administration designed and implemented a system for the individual registration and remuneration of waste pickers. According to official data, this system paid out COP 50 trillion (approximately USD 14.7 million) in earnings to 13,000 waste pickers between March 2013 and December 2015.²⁸ Finally, the municipal government at this time promoted the idea that residents should give pre-sorted recyclables directly to waste pickers.

The generally conducive and supportive atmosphere found in Bogotá at this time could also be seen in some of the actions of the national government, at least at first glance. In 2013, the national government began issuing regulations that sought to formalise recycling as a component of the public waste management service, dominated until then by the collection, transport, and controlled hygienic in-fill of garbage. Elements of the rulings of the Constitutional Court were incorporated into these regulations. Crucially, municipal administrations were required to regain control over the management of their waste, which

²⁷ Normative harmonisation in this case has to do with the way in which the orders of the Constitutional Court are reflected in normative instruments on a national and municipal scale produced by the legislative and executive branches of government. Thus, the orientations of the Constitutional Court should motivate the modification of those sections that are contrary to them, and that are part of other existing regulations.

²⁸ '13.000 Recicladores han sido Integrados por el Distrito al Esquema de Aseo de Bogotá', *El Espectador*, 16 October 2015, <https://www.elespectador.com/noticias/bogota/13000-recicladores-han-sido-integrados-el-distrito-al-e-articulo-593237>.

in most cases had been delegated to garbage collection companies. Waste management plans were (re-)established as a way for municipal governments to plan their public waste policy, and these also served as a tool to collect and reflect the interests of the waste pickers and their organisations in municipal public management. Municipal mayors were furthermore given the task of organising unorganised waste pickers and strengthening their organisations.

These regulations also established how recycling services should be measured and remunerated so that costs could be charged to residents—the end-users of the garbage collection services—and subsequently transferred to the providers. Finally, they set out a path for waste pickers' organisations to formally become public recycling service providers and be remunerated accordingly. Gradual formalisation phases over a five-year period were created in addition to apparently flexible requirements. Garbage collection companies, municipal mayors, and users of the garbage collection service were charged with facilitating the formalisation of waste pickers.

Yet these new regulations were also riddled with contradictions that, at the end of the day, undermined the protection measures envisioned by the rulings of the Constitutional Court. For example, the principle of free competition in the provision of public services remains in place. This opens the door to garbage collection companies, waste logistics companies, and other non-waste pickers to occupy this space. Like waste pickers, they are entitled to receive a portion of the service charge to end-users alongside what they earn from re-selling what they collect. Yet payments for waste collection were specifically conceived by the Constitutional Court as a type of affirmative action to help waste pickers overcome conditions of poverty and vulnerability. Under the pretext of formalising the waste pickers, the national government ended up formalising recycling services in general. This has indirectly worked against the interests of waste pickers by paving the way for the entrance of large multinational corporations, such as Veolia, into the recycling sector. Formalising the work has proved to be different to formalising the workers in informal employment who perform it.

The formalisation requirements for waste pickers' organisations have also frequently proved hard to fulfil. Many were seemingly designed with formal businesses in mind, and it is not possible to apply regulations and processes designed for formal actors to workers in informal employment. Groups of informal workers function more like solidarity-based economic entities than private companies. Formalisation processes need to take this organisational form as their starting point and generate gradual and certain transformations from there.

In effect, municipal mayors became responsible for the formalisation of waste pickers but failed to develop mechanisms to achieve this. This is reflected in

data from the national recycling service, the main monitoring and supervision body in the sector. As of June 2019, only thirty-seven cities in Colombia had at least one recognised waste picker organisation providing recycling services for payment, and only 12,500 waste pickers were recorded as receiving income for services rendered.

Waste Pickers during the COVID-19 Pandemic

The COVID-19 pandemic has demonstrated the fragility and limitations of the world's health systems. Governments have resorted to quarantines and social isolation as mechanisms for preventing or slowing down infections, measures which have a disproportional impact on marginalised populations. These actions have highlighted the vulnerability of informal workers for whom it is not possible to stay at home without a solid income replacement policy.

Both ANR and ARB have debated this situation within their grassroots organisations. They ultimately decided to press for recognition by municipal and national governments as public service providers, and for recycling to be classified as an essential service. They argued that recycling not only provides income to waste pickers but also keeps landfills from collapsing under the full weight of the country's waste. The result to date is that recycling is recognised as an essential service in Colombia, and waste picker organisations as service providers can carry out their duties if they have personal protection and follow appropriate protocols. Their recycling collection centres can remain open if they comply with health requirements.

However, there is a sense of unease and fear among the waste picker population, since unorganised waste pickers have not been able to continue their work. It is too early to assess these measures, but there is evidence of the growth and consolidation of waste picker organisations as service providers in Colombia.

Conclusion

The case of waste pickers in Colombia provides an example of a possible route to sustainable integration of poor and vulnerable groups, while at the same time highlighting the tensions surrounding the transition to the formal economy by workers in informal employment. It shows how one part of society has been forced to survive on what others discard in a consumer society defined by a systematic reduction of the role of the state and the deregulation of markets. At the same time, this case shows how poor and vulnerabilised workers have emancipated and organised themselves to resist the discrimination, marginalisation, and exploitation they have suffered. This is fundamental in terms of the resignification of a historically discriminated subject, from being

considered trash to being considered a provider of public services.

Experiences in Colombia also demonstrate that developing processes of integration and formalisation of workers in informal employment cannot be achieved without generating special conditions or protections for these workers. Worker protection must be linked to a human rights perspective, and must be maintained by the state in its role as a human rights duty bearer and regulator. This will not happen unless states rein in the neoliberal logics of development at work in their countries—if integration or formalisation is left to the free market then the original exclusion will be replicated or worsened. In my view, this is the structural tension through which the process of formalisation of waste pickers in Colombia passes: the only way it will succeed is if a rights-based perspective is imposed onto the market-based concept of formalisation.

The case of waste pickers in Colombia is also an example of how solidarity-based economic models can be an alternative to private enterprises in the provision of public goods and services. They have two factors in their favour: their redistributive nature and their large workforce. While the introduction of affirmative action or positive discrimination is invariably controversial, in the case of Colombian waste pickers it has become a mechanism for recognition and sustainable remuneration of their work in the midst of a profoundly unequal society. When understood as the generation of inclusive and equitable regimes for vulnerable sectors, affirmative action should become the rule in our societies, rather than the exception.

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