



Better Brick Nepal (BBN) Standard

Summary of Stakeholder Consultation and Key Audit Findings

Contact for Comments:

BBNstandard@goodweave.org

For further information:

www.goodweave.org/brick

Background

GoodWeave concurrently conducted the second round of stakeholder consultation and 2015 audits in order to solicit feedback from underrepresented stakeholders and test the feasibility of the drafted Standard criteria, allowing results to inform and identify changes to the draft BBN Standard. The first section of the report provides an overview and summary of the feedback received during the second public stakeholder consultation on the BBN Standard. A full list of comments received during both rounds of public consultation is available upon request. The second section of the report provides an overview of key findings from the 2015 audits, as well as accompanying recommendations.

Stakeholder Consultation

GoodWeave revised the draft BBN Standard in January 2015 based on the findings and feedback from the first stakeholder consultation period, as well as recommendations from the BBN Standards Committee. These revisions include combining working hours and remuneration into a single principle, as well as language adjustments to clarify the requirements and criteria for all principles. After the completion of the revisions, GoodWeave released the Standard for the second round of public stakeholder consultation that took place from January 20th- February 27th, 2015. Consultation activities were delayed due to opposition party led strikes in Nepal.

The second stakeholder consultation period focused on outstanding challenges highlighted by stakeholders in the first consultation period and targeted underrepresented stakeholder groups. Although business stakeholder feedback was sought, scheduling conflicts led to further postponement of their participation. GoodWeave will continue to reach out to business leaders to increase participation and support for the BBN Standard and initiative.

Three main activities took place during the consultation period, which focused on soliciting local feedback. The consultation activities included:

- **Government representative meeting:** GoodWeave presented the BBN Standard to a group of government representatives organized as the steering committee in Nepal, to further align the BBN Standard with government objectives and solicit government support for implementation.
- **Local NGO workshop:** Feedback from the first round of consultation indicated that further comments from local NGOs would be beneficial in providing additional insights into Nepal's brick kiln industry. GoodWeave hosted a second workshop to present the revised BBN draft standard and collect feedback from local NGOs with experience working on brick kilns.

- **Consultation with local health and safety experts:** Further feedback was requested from the Standards Committee on health and safety challenges. Local experts on health and safety were individually consulted for feedback on the feasibility of addressing various health and safety concerns through the Standard, as well as prevention strategies that could be used to support the Standard.

Feedback by Stakeholder Group

Government representative meeting

Government representatives emphasized the importance of using the BBN Standard to support national law. They noted that if government supports the initiative there will be an opportunity to expand to other industries as well. However, it was also suggested that the BBN Standard should remain in line with only Nepali law, questioning some of the criteria that reach higher than local law. Potential gaps between written local law and feasibility in practice were exposed through feedback, particularly regarding hours of work. The government representatives also reinforced the informal nature of the brick industry, noting that contracts between workers and employers are not common practice.

Recommendation

While the Standard's minimum criteria should align to local Nepali laws, using progress criteria to move kiln owners towards international norms should remain an objective of the BBN Standard. Continued dialogue with the government representatives should continue in order to clarify expectations and objectives of the BBN initiative and to reemphasize that the BBN Standard is a voluntary mechanism separate from the laws and regulations set by the national government, and may in some areas exceed them.

Local NGO workshop

The second round of consultation with local NGOs emphasized the systemic challenges in the brick industry, including the prevalence of child labour. Comments regarding the practicalities of implementation were also highlighted by NGO members. The remediation process for child labour was also reviewed during the workshop. NGO stakeholders requested the opportunity to review the accompanying guidance to understand better how the Standard will be implemented and support national policies.

Recommendation

GoodWeave will share and solicit feedback on the Standard's accompanying guidance with local NGOs to ensure it takes into account the practical realities of Nepal's brick industry and fills the knowledge gaps needed for implementing the Standard.

Local health and safety experts

Health and safety experts highlighted that all-encompassing criteria may not adequately address the specific needs of each kiln, as conditions on kilns vary across the industry in different regions of Nepal. Guidance was suggested to be used to adapt the Standard criteria to the needs of each kiln. Experts also felt that some of the Standard's requirements do not go far enough to address the risks on site, such as those relating to carrying weights and toilet facilities, as well the overall health of workers. Additionally experts highlighted the importance of establishing training and awareness on health and safety concerns in order to effectively change common habits and perceptions.

Recommendation

Guidance will be developed with the assistance of health and safety experts to be used as a tool to address the wide spectrum of health and safety challenges found on kilns. While the need to adapt safety and health measures to individual situations is noted, there should nevertheless be a firm set of minimum OSH standards applicable to all kilns. A standard awareness package is in the process of being implemented to affect perceptions and habits that create health and safety risks. While guidance and the awareness package will support implementation of the Standard's health and safety criteria, it should be noted that some health and safety challenges such as air quality or silica dust are outside the scope of the Standard. However, technical assistance will be deployed to support progress on these larger health and safety challenges. Additionally, the general health of workers, including medical check-ups will be addressed through support programs for workers. These initiatives will be implemented outside of the Standard and related compliance processes, enabling BBN to maintain flexibility to adapt to the needs of workers.

Summary of Audit Findings

The 2015 audits further exposed the complexities of working conditions in Nepal's brick kiln industry and the challenges BBN seeks to address. The audits assessed the current status of BBN kilns in meeting the requirements of the draft Standard, as well as their capacity and the feasibility of the criteria. A summary of key audit findings are outlined below, as well as recommended changes to the BBN Standard based on the findings.

Low awareness and understanding of the Standard's principles arose as the most common finding on all the participating kilns. Specifically, kiln owners, naikes (labour contractors) and workers have knowledge gaps on issues such as protections for young workers, bonded labour, terms and conditions of work, including minimum wage requirements and working hours regulations, as well as health and safety and harassment. While general awareness on the restriction of child labour is found on kilns outside of the valley, observed conditions on kilns in the valley did not show the same. On all kilns owners do not appear to have the capacity to implement awareness training for workers. For the Standard's criteria to

be effective awareness gaps will need to be addressed along with changes to cultural habits of work. With this in mind, BBN has begun to draft materials to assist kilns in implementing training programs, and to be effective training will need to be ongoing.

Principle 1: No Child Labour

The audits and unannounced inspections confirmed findings of children living and/or working on kilns with their families as well as trafficked child labour. Young workers were also found working without full protections from hazardous work. Although kilns have not achieved compliance with Principle 1: No child labour, the drafted criteria appropriately addresses the challenges onsite and therefore no substantive changes have been made to it.

Principle 2: No Forced or Bonded Labour

Indicators of bonded labour were observed through the audit results, including practices around advance payments as well as the postponement of wage payments until the end of the season. Instead of monthly wages, workers receive additional advances in lieu of wage weekly, which are subtracted from their wages earned at the end of the season. The additional advance amounts are not related to production completed but used to cover workers' living expenses. In the absence of any regular (e.g., weekly or monthly) settlement process, this leaves workers with uncertainty over whether their wages earned are paying down the total debt amount owed. Therefore, there is a risk that this wage system still leaves workers with debt that carries over into the next season.

Audit results indicated several instances of workers not being able to work off their total advance amounts in one season. A lack of transparency around the terms and condition of work and wages earned contributes to long working hours and involvement of children to meet quota amounts and clear debt obligations. The BBN Standard states that full wages must be paid at least monthly. However, informal worker interviews indicated a preference for receiving additional advance payments in lieu of monthly wages. While it is important to take into account this preference, at the same time the BBN Standard ensures that this practice is not used to bond workers. Changes made to the Standard's criteria in Principles 2 ensure the transparency of advances and that they are not used to bond workers through debts.

Principle 3: Remuneration and Working Hours

Current piece rates are not aligned to minimum wage requirements, working hour regulations, benefits and holidays and are not based on any specific calculation method taking these factors into account. Industry members do not see requirements for minimum wage or working hours as being relevant to piece rate work, highlighting the need for additional awareness. In some kilns there is no communication of the piece rate until the end of the season. BBN will work to address this challenge in consultation with the brick kiln association.

Principle 4: Health and Safety

Across the kilns, the principle on workplace health and safety resulted in the most instances of non-compliance and kilns showed lack of awareness and capacity to meet the health and safety challenges. Common non-compliances include high carrying weights, insufficient amount of potable water, toilets and bathing facilities. Workers also lack awareness of health and safety risks on site. Overall the current criteria in the standard are adequate for addressing the health and safety issues, though more specific guidance will be needed to ensure effective implementation in different types of industry setups. The feasibility and relevance of two criteria came into question: First, bathing facilities need not be separate as long as privacy is provided as it is common practice for male and females to use the facilities at different times of day. Second, in the absence of being able to provide a canteen, it is sufficient to at a minimum provide workers with a shaded rest area and access to drinking water.

Principle 5: No Harsh or Inhumane Treatment

No formal grievance mechanisms exist to address harassment, abuse or discrimination on the kilns. Most commonly, workers informally bring their grievances to the naike, but there is no management oversight or representative for hearing grievances. A lack of understanding of the meaning or discomfort with discussing harassment was observed through worker interviews. Progress on these criteria will take time, as workers would first need to be trained to understand the meaning of what constitutes discrimination, harassment and abuse, as well as to feel secure enough in employment to come forward and use a grievance mechanism.

Conclusions

Analysis of the stakeholder consultation results and audit findings shows that the Standard criteria address the most prevalent issues and challenges in the brick kiln industry, although the improvements needed to kilns in order to meet the Standard requirements will take time. Through focus on minimum criteria, filling knowledge gaps and technical support to accompany the Standard, conditions on BBN kilns can be improved. Recommended changes to the Standard emerged from the audit findings, and stakeholders provided feedback into the challenges that BBN will need to address through the consultation. The accompanying guidance documents will ensure that the Standard is applicable in all scenarios and will provide support and best practice recommendations to producers.