



Better Brick Nepal (BBN) Standard

Public Stakeholder Consultation Report

Contact for Comments:

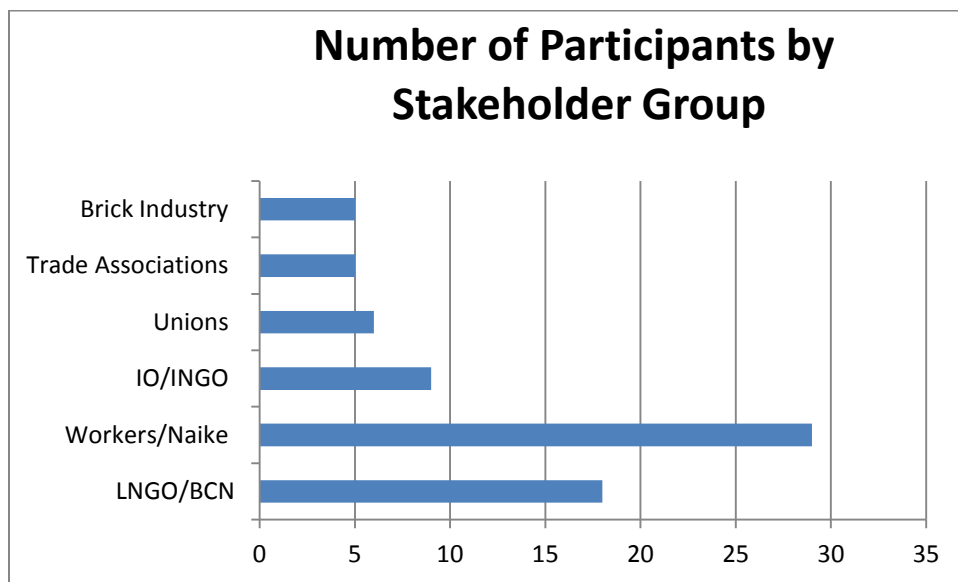
BBNstandard@goodweave.org

For further information:

www.goodweave.org/brick

Public stakeholder consultation on the Better Brick Nepal (BBN) Standard was held over a 60-day period in October and November of 2014. The consultation period provided feedback on the draft BBN Standard criteria, as well as further insight into the Nepali Brick Kiln industry. The BBN Standard includes six principles seeking to eradicate child, forced and bonded labor from Nepal’s brick kiln industry and establish decent working conditions. This Standard is part of a larger Better Brick Nepal program that is being carried out in partnership with the Global Fairness Initiative and Brick Clean Network Nepal with support from Humanity United.

GoodWeave received over 250 comments from 72 individual stakeholders. The feedback confirmed major challenges and issue areas, which the BBN Standard seeks to address, as well as potential barriers to implementation of the Standard.



Below is an overview of the methodology deployed for the collection and assessment of feedback, as well as recommended amendments to the standard and outstanding questions for further review by the Standards Committee.

Methodology

Prior to the launch of public stakeholder consultation, GoodWeave conducted a stakeholder mapping exercise (Annex 1), to assess the priorities and interests of each stakeholder group. As shown on the stakeholder map, stakeholder groups are categorized by tiers, the first tier is the core group of stakeholders working to implement the BBN standard, the second tier contains stakeholders directly impacted by implementation of the standard, and the last tier consists of indirect stakeholder groups.

Goodweave's outreach strategy was then constructed to break down barriers to participation in the consultation process. GoodWeave's outreach activities include:

- **Survey of kiln workers and Naikes:** A qualitative survey of 29 workers and Naikes in sourcing villages, as well as on brick kilns, helped enhance further understanding of their needs and the context in which they live and work. Please note that this was not a scientific study.
- **Workshops with Brick Clean Group (BCN) and local NGOs:** Workshops in Kathmandu with members of BCN and NGOs, many of whom have extensive experience working on brick kilns, provided useful feedback on the Standard's criteria and major implementation challenges.
- **Meetings with kiln owners, unions and trade associations:** Presenting and discussing the Standard's criteria in meeting with members and associations of the Nepali brick kiln industry, as well as trade unions, provided insight into potential obstacles for change in the brick kiln industry and solutions for overcoming implementation challenges.
- **Roundtable discussions with international NGO experts and organizations:** In-person and virtual consultation with international NGOs and experts raised awareness of brick kiln issues and the BBN Standard worldwide.
- **Online Comments:** The Standard was also posted on GoodWeave's BBN webpage. Over 300 stakeholders received the link to read and comment on the standard online.

The feedback collected was consolidated by principle and analyzed. While a majority of stakeholder groups were represented during the first consultation period, further comment from business and government stakeholders will be sought during the second consultation period.

General Comments

Feedback included general comments on employment conditions in the brick kiln industry, as well as challenges that are not incorporated into the current scope of the Standard.

Worker context: Surveys and focus groups with kiln workers in both sourcing communities, as well as on brick kilns reinforced understanding of the informal employment system of kiln work. Workers were found to be both domestic and international migrants, including many from India. Responses from workers exposed knowledge gaps and livelihood challenges. Most notably, workers referenced poverty and lack of stable income as motives for seasonal migration to brick kilns. Worker preferences, which may be contrary to the Standard's requirements, were also identified, as explained below.

Worker awareness and training: Worker surveys highlighted knowledge gaps among workers in understanding issues related to child, forced and bonded labour, as well as harmful workplace

conditions on kilns. To counter worker knowledge gaps, NGOs emphasized increasing worker awareness and training.

Government support: Feedback across stakeholder groups pointed to the absence of government involvement and support in the brick industry. It was noted that often brick kilns remain unregistered due to the government's lack of enforcement of local law. Support from government ministries, as well as state-level mechanisms to enforce laws, will be needed for effective implementation of the Standard.

Feasibility and costs: Both industry and NGOs remarked on the many challenges to implementing the BBN Standard, including feasibility and cost. Industry stressed the impact of labour shortages on production costs, which will be furthered by removing child labour and placing restrictions on young workers. NGOs reaffirmed concerns regarding the feasibility of implementing the Standard's criteria and alluded to a need for stepping stones to create change.

Recommendations:

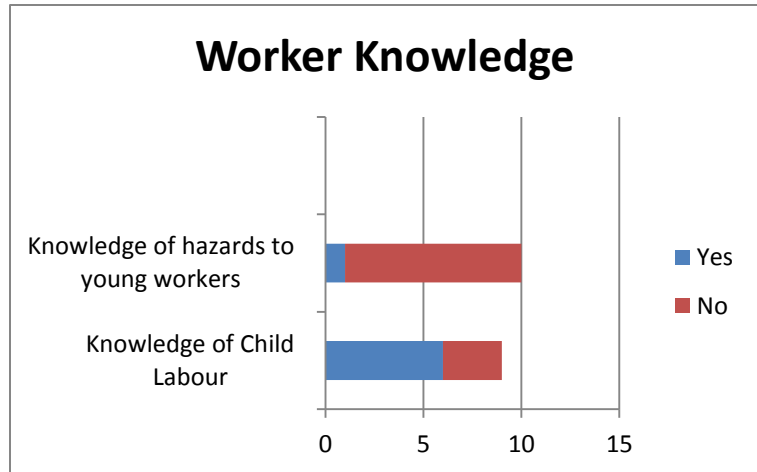
- Emphasize worker training and awareness across the Standard. Training has been suggested as minimum criteria in several of the principles. For example, raising worker understanding of child labour and health and safety will change habits at the source and empower workers.
- Continue to work closely with the government steering committee in order to align the standard with national laws, creating a state-level mechanism for enforcement and accountability of employment conditions on brick kilns.
- Keep the feasibility and costs of implementing requirements in mind during the standard building process.
- Increase public awareness and consumer demand for bricks made in a socially-conscious manner to offset costs.

Principle 1: No Child Labour

Stakeholders cited child labour as an epidemic throughout the brick kiln industry, which was reaffirmed in worker survey responses. Children are often brought to kilns to assist their family in meeting high production quotas tied to advances received before the start of work. While workers reported a preference to send their children to school, with many noting that their children do remain in home villages to attend school, they also note that poverty has forced their children to work.

Although the Standard received strong support for calling for no child labour, additional challenges, outlined below, were highlighted in stakeholder feedback:

Hazards to young workers: Worker survey results showed that while workers may have a general understanding that children under 14 years of age should not be employed, many were not informed of the hazards young workers are exposed to on kilns. A few families noted that young workers have an obligation to work and support the needs of their families. Kiln owners also expressed that young workers insist on working and they will have difficulty limiting young workers' tasks.



Common worker responses during interviews

Local NGOs cited the many long-term health issues young workers can develop from brick kiln work. Feedback suggests that further description of hazards to young workers be included in the Standard's criteria, along with raising worker understanding of these hazards during trainings.

Age verification: Lack of age verification was highlighted during interviews with kiln owners and workers, both noting that documents to verify age of workers are commonly collected or requested at the time of recruitment. NGOs and IOs further emphasized the need for a verification mechanism at the time of recruitment to inhibit the employment of workers under the age of 14.

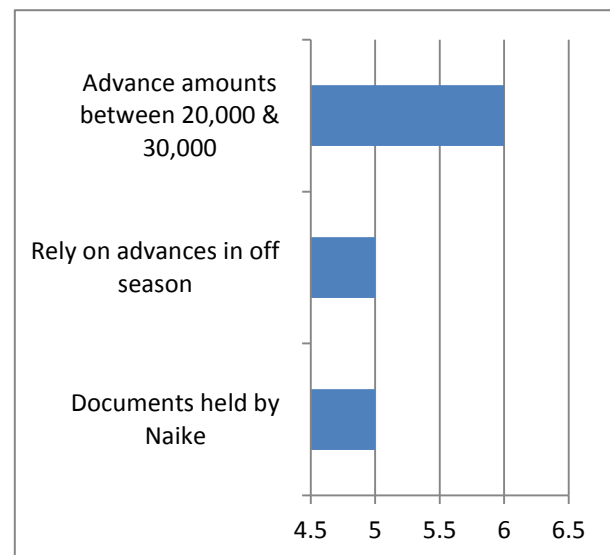
Day care and education facilities: Access and quality of day care and educational facilities was stressed by stakeholders. Kiln owners noted their need to be supported in establishing proper day care and educational facilities, while NGOs and Unions requested further details of linkages in the Standard.

Recommendations:

- Due to the common occurrence of child labour on brick kilns, awareness generating activities should be a part of minimum criteria to begin to fill in knowledge gaps regarding the use of child labour and hazards to young workers on kilns. Specifically criterion 1.2.3 is recommended to be moved up to minimum criteria.
- Guidance should specify the hazardous tasks that young workers are restricted from performing in greater detail. However, as noted in feedback, high carrying load and exposure to dust may have long-term health implications on young workers.
- Access to day care facilities and educational facilities should be detailed in guidance. BBN should work with individual kilns to create effective linkages to these facilities.

Principle 2: No forced or Bonded Labour:

Underlying the second principle is the advance payment system used in the brick industry. While advances do not inherently create bonded labour, it is the system of the advance scheme, tying high production quotas to advance payments workers receive, that creates a cycle of bonded labour in the kilns. Feedback from workers, industry members, unions and NGOs exposed many challenges associated with the system of advances. Workers noted that they rely on the advance system and cannot see a way to meet their daily needs during the offseason without it. However, it was stressed in feedback that a payment scheme without advances should be considered to break cyclical debt and end bonded labour. Further challenges noted in Principle 2 included:



Common worker responses when asked about Principle 2

Citizenship card: In exchange for advances, workers are often required to give their citizenship card or land deed to the Naike or Kiln owner as collateral for their debt. In cases where workers did not exchange a document for their advance, Naikes were members of the same community and therefore able to apply social pressure to ensure payment of debt. These practices were

validated not only through worker surveys, but also cited during workshops as common practices that serve to bond labourers.

Recommendations:

- Advances tied to high production quotes should be limited as part of minimum criteria. Evidence from a time-motion study can establish advance amount limits to be cited in accompanying guidance.
- While advances alone do not equal bonded labour, the advance scheme used in the Nepali brick kilns has supported a system of bondage. Therefore further research to seek an alternative payment scheme, with less risk of creating bonded labour, is recommended.

Cross-cutting: No Discrimination:

No Discrimination is a cross cutting principle, impacting each of Standard's principles. However, stakeholder comments did not highlight issues around discrimination on brick kilns. Almost all worker respondents answered that they did not encounter discrimination, based on gender, caste, religion or ethnicity, on brick kilns. This may indicate that there is either limited discrimination on kilns, or definitional confusion on the part of workers.

Recommendation:

- Include discrimination in awareness and training activities to fill in a possible knowledge gap, and continue to survey for discrimination.

Principle 3: Health and Safety

Living and working on brick kilns exposes workers to frequent health and safety risks. Stakeholder feedback indicated the complexity of health and safety challenges, including issues that may be outside of the kiln owner's influence, as well as worker preference. Additional engagement during the second public consultation will be necessary to better understand health and safety concerns, however, the first consultation highlighted the following challenges:

Environmental degradation: International and national experts, as well as NGOs, stressed the correlation between environmental degradation and worker health, such as exposure to airborne

pollutants. Stakeholder feedback went as far as advocating for the Standard to address environmental degradation affecting worker health.

Silica dust: Health and safety experts and organizations indicated high risk of exposure to silica dust on brick kilns, and stressed the importance of the Standard addressing this challenge. Although the exact exposure levels on brick kilns remains unknown, it is known that long-term exposure to silica dust can lead to health conditions such as silicosis and tuberculosis. Experts suggest setting up mechanisms, such as misting systems, to limit exposure.

Carrying weights: During working groups and through written comments, health and safety experts suggested that carrying weights be lowered, noting that the Standard's current weights were harmful, especially when carrying is a repeated activity.

Linkages to health care: Further detail in the Standard's requirements for access to health care facilities was emphasized in feedback. Concurrently, workers and kiln owners noted that they do provide medical supplies on the kiln, and cover medical expenses in cases of accidents. However, stakeholder feedback specified that preventative health care should be more explicit in the Standard, especially for workers with high exposure to dust.

Recommendations:

- The committee should consider addressing exposure to dust, and environmental impacts related to health. Further research to better understand how dust exposure and environmental degradations impact the health of workers is needed before considering expanding the Standard's scope. Furthermore, kilns are not equipped to address environmental degradation; therefore the feasibility of any criteria developed would be questionable.
- National law determines the lifting weights specified in the minimum requirements. However, guidance can also provide ideal lifting weights, and technical assistance can provide alternative methods for carrying.
- Guidance can specify the type of linkages that kilns will need to establish with medical facilities. Specific types of testing for workers with high silica dust exposure rates, such as chest x-rays, can also be included in guidance.

Principle 4: Working Hours

Due to the informal nature of brick kiln work, working hours vary amongst production processes. For example, moulders begin their work in the early morning, while firing takes place continuously in shifts. Workers also prefer to choose their own working hours (for example, some may wish to work longer hours in a particular week in order to take time off the subsequent week to go to their home village), making it difficult to set limits on working hours per day. The informality of working hours was further reinforced by local NGOs, who additionally noted that due to low piece rates, workers are compelled to work longer hours to meet high quotas.

Tracking working hours: Kiln owners highlighted the difficulty in tracking working hours when hours are based on worker preference. Workers also noted that they chose their working hours and are not on designated work schedules. Stakeholders recommended that a system to track working hours be established on kilns.

Principle 5: Remuneration and Benefits

Worker respondents indicated that they often are not aware of the piece rate, which determines their wage until the end of the season. Many also noted that payment for their work is not received until the end of the production season.

Transparency in payment: Feedback from unions and NGOs stressed the need to make the payment system transparent and for workers to receive a regular direct payment from the kiln owner. A tripartite agreement between the worker, Naike and kiln owner was also suggested during a working group discussion to establish an employment contract, which provides the piece rate and conditions of payments.

Piece rate: When workers were asked if they knew the piece rate before the start of kiln season, many respondents noted that they estimated the current season's piece rate off of the previous season's piece rate. Kiln owners also elaborated that they themselves do not set the piece rate, this is set by the association and usually at the end of the season. Stakeholders, including NGOs and experts indicated the need to include all legal requirements, such as minimum age and working hours in the piece rate criteria. Stakeholders supported the Standard's criteria to set and communicate the piece rate before advances are received.

Recommendations:

- To enhance transparency in employment relationships, the Standard should require that tripartite agreements be written between the kiln worker, Naike and kiln owner. Agreements should address topics such as the advance amount, terms and conditions of payments, and commission rates.
- Written contracts should be moved up to minimum criteria in the Standard.

Principle 6: No Harsh or Inhumane Treatment:

Worker responses did not show a history of inhumane or harsh treatment on brick kilns. Workers noted that grievances are mostly communicated to the Naike and kiln owner. Unions suggested worker hotlines and union representation be available for kiln workers, allowing for independent oversight in remediation of grievances.

Recommendation:

- Guidance should outline the details of a grievance system.

Conclusions:

Feedback during stakeholder consultation provided key insights and recommendations to the objectives of the BBN Standard. Challenges to implementation were also exposed and can now be addressed, along with outstanding questions. A majority of targeted stakeholders participated during the first round of consultation, however, further outreach to business and government stakeholders will be conducted during the second round of consultation to ensure holistic representation. In the next phase, BBN will continue to evolve the Standard's requirements based on stakeholder recommendations and also seek creative solutions to overcome obstacles to effective implementation.

Annex 1

