



**STREAMLINED REPORT ON EMPLOYMENT
RELATIONSHIPS IN THE BRICK INDUSTRY IN
NEPAL**



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ABBREVIATIONS

ANTUF	All Nepal Federation of Trade Unions
BBN	Better Brick-Nepal
BSP	Bridge Schools Programme
CAWUN	Construction and Allied Workers Union of Nepal
CBS	Central Bureau of Statistics
CRC	UN Convention on the Rights of the Child (1989)
CSPro	The Census and Survey Processing System
CUPPEC	Central Union of Painters, Plumbers, Electro and Construction Workers
FGD	Focus Group Discussions
FNBI	Federation of Nepal Brick Industries
GoN	Government of Nepal
ICLS	International Conference of Labour Statisticians
ILAB	Bureau of International Labor Affairs
ILO	International Labour Organization
JTUCC	Joint Trade Union Coordination Centre
KII	Key Informant Interview
MOLESS	Ministry of Labour, Employment and Social Security
MWA	Minimum working age
NFE	Non-formal education
NGO	Non-governmental Organization
NLFS	Nepal Labour Force Survey
NMP	National Master Plan
OECD	Organization of Economic Cooperation and Development
PPP	Prevention, Protection and Prosecution
PTA	Parent Teacher Association
SEEP	Skills Enhancement for Employment Project
SNA	System of National Accounts
SRS	Systematic Random Sampling
TDH	Terre des Hommes
UN	United Nations
UNICEF	United Nations Children's Fund
USDOL	United States Department of Labor
VDC	Village Development Committees
WE	World Education
WFCL	Worst Forms of Child Labour

EXECUTIVE SUMMARY

Although Nepal has made remarkable progress in fighting traditional bonded labour practices (such as *kamaiya*, *kamlhari* and *haliya*), there is a body of evidence¹ that indicates the continued existence of bonded and forced labour in some private establishments in the country, including the brick industry. However, no official statistics exist on the prevalence of forced labour, bonded labour and child labour in the brick production sector, a significant research gap in efforts to promote Decent Work.

Bridging this gap is the aim of this study, commissioned by the International Labour Organization (ILO), as part of a USDOL-funded ILO project, and the United Nations Children’s Fund (UNICEF), in collaboration with the Central Bureau of Statistics (CBS), Government of Nepal.

The initiative is part of a broader ILO project entitled *From Protocol to Practice: A Bridge to Global Action on Forced Labour* (the Bridge Project). The main aim of the Bridge Project is to support global and national efforts aimed at combating forced labour under the ILO Protocol and Recommendation on Forced Labour (2014). The project works globally as well as in five priority countries, including Nepal. One of the components of action in Nepal focuses on estimating Decent Work violations and assessing pathways for improving employment relationships in the brick industry.

In 2018, the CBS conducted a probabilistic survey sampling 301 brick kilns representing the seven provinces of the country. In total, 4,210 units/households were sampled from these brick kilns. In cooperation with development partners, in 2019 the survey was supplemented by a qualitative assessment to understand the basic mechanisms behind the exploitation of children and workers in the brick industry. Focus group discussions (FGDs) among workers and *naikes* (labour contractors), key informant interviews (KIIs) with the development partners, and workshops with trade unions and brick kiln employers were organized as part of the qualitative study.

The survey is the first nationally representative research conducted in the brick industry in South Asia. Major findings of the survey are summarized below:

General characteristics of workers and employment in brick kilns

- Data from the worker lists by the kilns’ managers that were used as sampling frames for this analysis indicate that **103,548 individuals** were identified as main workers in brick kilns in 2019. These workers are also heads of their households.²
- These workers, however, often come to the kilns accompanied by family members who sometimes help them in their work activities. This study consequently estimates that the total workforce, including family members, involved in brick production was **186,150** individuals at the time of the survey, of which 176,373 are manual workers and 9,777 administrative workers. The study focuses on manual workers.

¹ See Literature Review, pp.83-84.

² Not all questions were asked of all workers. Exclusions are indicated in the text.

- Among these, there is a high predominance of boys/men in the industry, as **71% of workers were male and 29% were female** (84% male vs 16% female if family members are not taken into account). Tasks perceived as more dangerous such as “cutting and digging earth”, “carrying, gathering and making clay”, “arranging raw bricks in the duck for firing” or “firing work” are mostly performed by boys/men.
- The age of the workers ranges from **5 to 80 years**, with an **average age of 31 years**.
- The majority (**84%**) of workers are married. The fact that virtually all family members, without exception and including children, of the surveyed workers living in the kiln are working together or helping at work is an important finding.³
- The main workers in the brick industry have a **low educational level**: more than half (54%) reported that they had never been to school. Among those who did attend school, 80% have an education level between class 1 and class 10.⁴
- **Migrant workers** represent a high proportion of workers in the brick kilns: only 22% of total workers are originally from the same district as where the kiln is located; 32% of the workers come from another district of Nepal and 46% of the workers have migrated for labour from India.⁵
- **Indian workers are contracted particularly on jobs that are considered challenging and that need specific expertise** such as *bojhai* man, rubbish man, firing man and coal man. These jobs are also considered as well-paid jobs within the industry, which is supported by the fact that Indians get a slightly higher monthly wage than Nepalis: 18,258Rs (c.USD149)⁶ compared to 17,412Rs (c.USD142)⁷.
- The **average working time of main workers is 52 hours per week**.⁸
- By nature, working in the brick kilns is **seasonal**. On average, workers work in the kilns for six months of the year. While 54% of the Nepalese workers mentioned this work as their principal source of income, 43% reported that they depend primarily on agriculture. Of the Indian workers, 29% said that they depend primarily on agriculture, while 66% cited ‘employment’ as their main source of income.⁹

Forced and bonded labour

3 Based on main employees only (and not on family members).

4 Based on main employees only (and not on family members).

5 Based on main employees only (and not on family members).

6 1 Nepalese Rupee equals USD0.0081 on 22 April 2020, 01:00 UTC. The average monthly wage is 17,967 Rs, which is above the national minimum wage of approximately USD110.

7 Based on main employees only (and not on family members).

8 The national minimum wage in Nepal is NPR13,250 for a 48-hour week (six eight-hour days).

9 Based on main employees only (and not on family members).

According to the *Guidelines concerning measuring of forced labour* endorsed at the 20th International Conference of Labour Statisticians (ICLS), a worker is considered a victim of forced labour if s/he has worked both involuntarily and under the threat and menace of a penalty (coercion). Both conditions must exist simultaneously to be regarded as forced labour.

In relation to family members who did not answer the questions on involuntary work and coercion, the following was decided, jointly by CBS and ILO: if a household/family head is identified as being in forced labour, then all the members living together with him/her in the same shelter and working with him/her or helping him are considered to be in forced labour also.¹⁰

- Among the 176,373 workers doing manual labour in the kilns (including family members), **6,229 (3.5%) were found to be in forced labour**. If only the surveyed household heads (main workers) are taken into account (103,548 workers), 4,144 (4%) were identified as being in forced labour.
- Nearly all workers in forced labour (**97.5%**) were unable to leave their job without **negative repercussions** or some risk. More than eight in 10 (**81.5%**) had contracted a debt that could not be paid back without their job at the kiln, and 633 of them (**15.3%**) reported that they would lose all wages due to them if they left the kiln.¹¹
- The **proportion of girls/women in forced labour (34.5%)** is slightly higher than their representation in the general worker population (29.4%), and the **average age of victims of forced labour** is approximately the same as the other workers (30 years against 31). **The workers in forced labour are between seven and 65 years of age.**
- More than three-quarters (**75.7%**) of the workers receive an advance payment from the *naikes* (labour contractors) to start working and **3.5% of the workers receive advance payment directly from the employers**. Indian workers tend to get an up-front payment more frequently from the recruiters than Nepalese workers do (81% against 70%), and are less constrained by debt (26% against 34%). The higher salary of Indian workers may in part explain this.¹²

For the purpose of the survey questions, a worker is considered to be in bonded labour if s/he subscribed to a debt with the recruiter or employer without a clear understanding of terms and conditions, without a written agreement on the reimbursement plan, or if s/he is kept working

¹⁰ The inclusion of all family members in the forced/bonded labour category is based on the following rationale: the survey was conducted in the establishments themselves and household members were living together in the kiln. It is therefore appropriate to consider that the forced/bonded labour situation of the main family worker also applies to the other family members, since the reason, motive and characteristics of their work in the kiln is the same. (This definition agreed by the CBS and ILO).

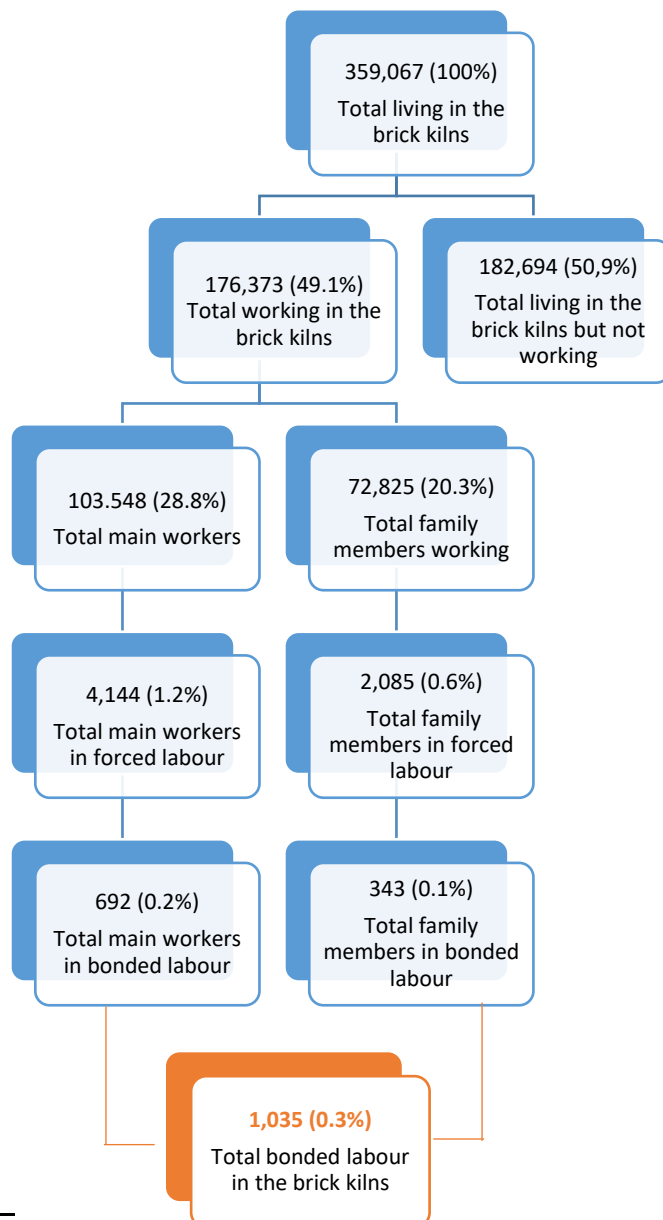
¹¹ Based on main employees only (and not on family members).

¹² Based on main employees only (and not on family members).

by coercion.¹³ A worker will also be considered to be in bonded labour if s/he is working at sub-standard wages or with no wage at all, and kept at work by coercion.

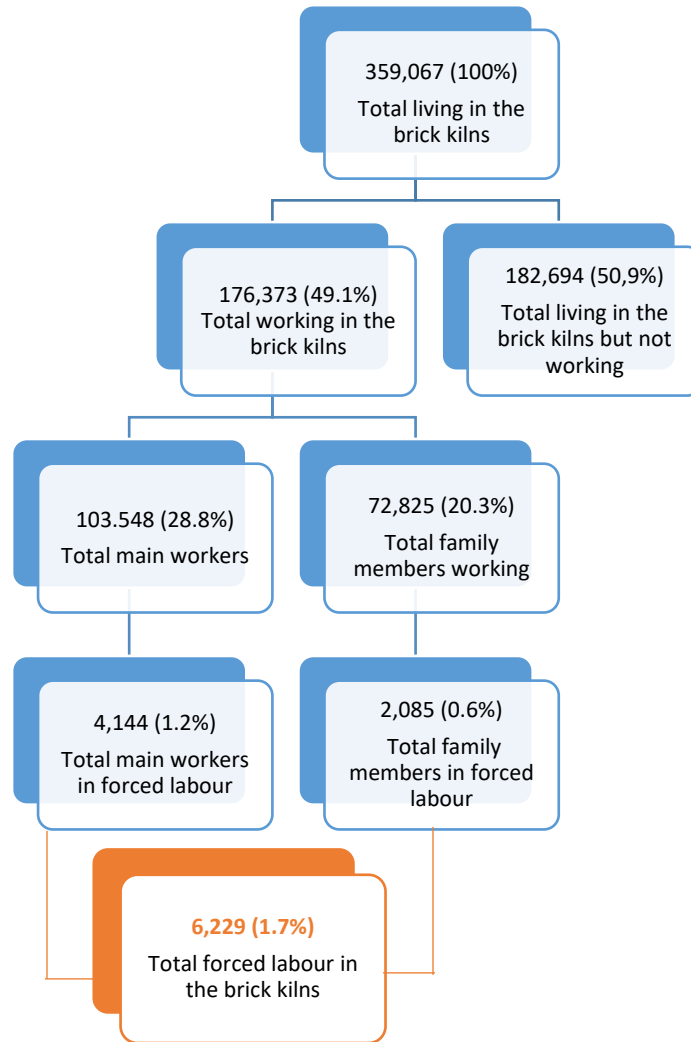
- The prevalence of **bonded labour is estimated at less than 1% (0.7%)** among the main workers. When family members who are working are included, this prevalence stays stable (0.6%).

Main workers and family members in bonded labour in the brick kilns - summary



¹³ The ILO definition of forced labour: “Forced labour refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities”. This has been translated into the realities of work in the brick kilns in order to formulate questions in the survey.

Main workers and family members in forced labour in the brick kilns - summary



Child Labour

- An estimated **35,775 children between the ages of five and 17 are living in the brick kilns.** 17,738 of them are working, accounting for approximately 10% of total workers. **96% of working children (17,032) were identified as being in child labour.** Among the children in child labour,¹⁴ more than half are Indian (51%).

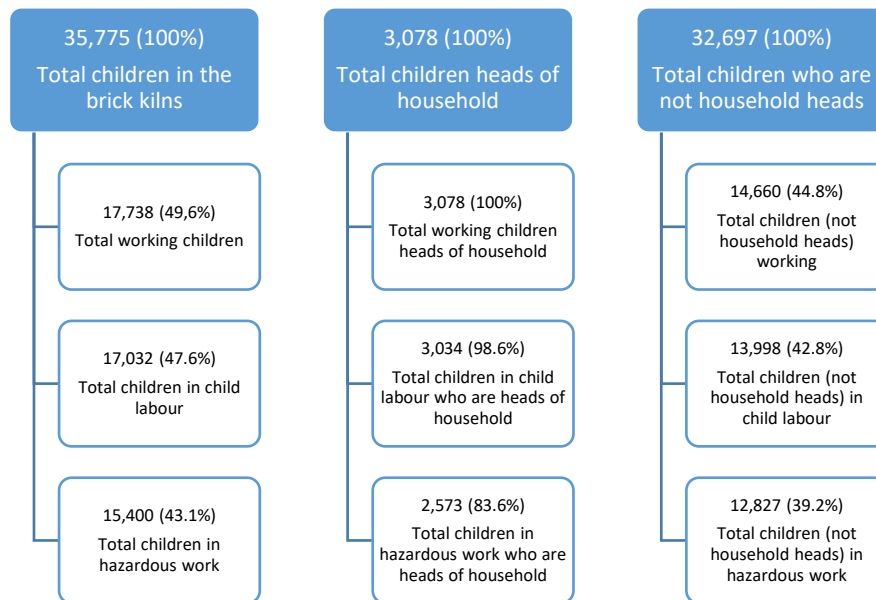
Children in child labour are working below the minimum working age (MWA) of 14, or performing hazardous work.¹⁵ Hazardous work refers to work which, by its nature or the

¹⁴ Only children heads of household were asked the question about their nationality. Their response regarding nationality was extended to the members of their household.

¹⁵ The *Child Labour (Prohibition and Regulation) Act 2000* of Nepal does not differentiate between child labour and what in international instruments is considered to be the Worst Forms

circumstances in which it is carried out, is likely to harm the health, safety or morals of children. It encompasses all work that involves carrying heavy weights, is performed at night, or in dangerous conditions such as exposure to extreme cold or heat, loud noises or insufficient ventilation.

- An important proportion (**43.1% or 15,400**) of children living in the kilns were found to be in hazardous work. They are mostly exposed to dust and flames (64.3% of working children), working excessively long hours -- more than 36 hours per week (42.6%), working at night (29.5%) or carrying heavy loads (32.1%).
- Only 9%¹⁶ of working children go to school, and they do so in addition to working in the kilns. The remaining 81% of children work exclusively. The most common reasons cited for children not going to school are: “lack of household income”, “no interest in school” and “dropped out”.



Distribution of children in child labour and hazardous work – summary

Awareness of labour-related law, standards and regulations (and the Animal Act)

- Workers’ lack of knowledge of basic labour rights might play a role in explaining Decent Work violations. Only **4% of workers report that they are aware of the current minimum wage**

of Child Labour (WFCL). The Act does recognize ‘risky business’, which coincides with hazardous work (generally considered WFCL). Throughout this report, analysis of ‘child labour’ includes WFCL.

¹⁶ Questions on school attendance were not asked of children who are the heads of their household (main workers). The relative figures are therefore based only on the other children.

rate; 4% say they are aware of labour law or rules. Membership in trade unions is almost non-existent: **0.4% of workers report that they are members.**¹⁷

- The results relating to the **household heads' understanding** and awareness point to an urgent need for expanded awareness raising as part of broader efforts to improve working conditions and keep children in the classroom and out of the workplace, at least until they have completed compulsory schooling and reached the MWA.
- **Employers' knowledge of the legal framework is more common:** 66% of employers are aware of the Labour Act; 42% of the Animal Act; 88% of the Child Labour Act; and 63% of the Security and Health Act.

¹⁷ Based on main employees only (and not on family members).

CHAPTER 1: NATIONAL CONTEXT AND EXISTING KNOWLEDGE

The brick industry in Nepal is a multi-million-dollar industry (Premchander et al. 2011). Each year 1,000 brick kilns produce some six billion bricks (Baum, 2012). It provides employment to at least one lakh¹⁸ forty thousand (140,000) individuals from the poorest and generally illiterate segment of the country (Premchander et al. 2011). Most of the brick kilns are located in rural areas, so they inject a significant amount of money into the rural economy especially through the purchase of local produce.

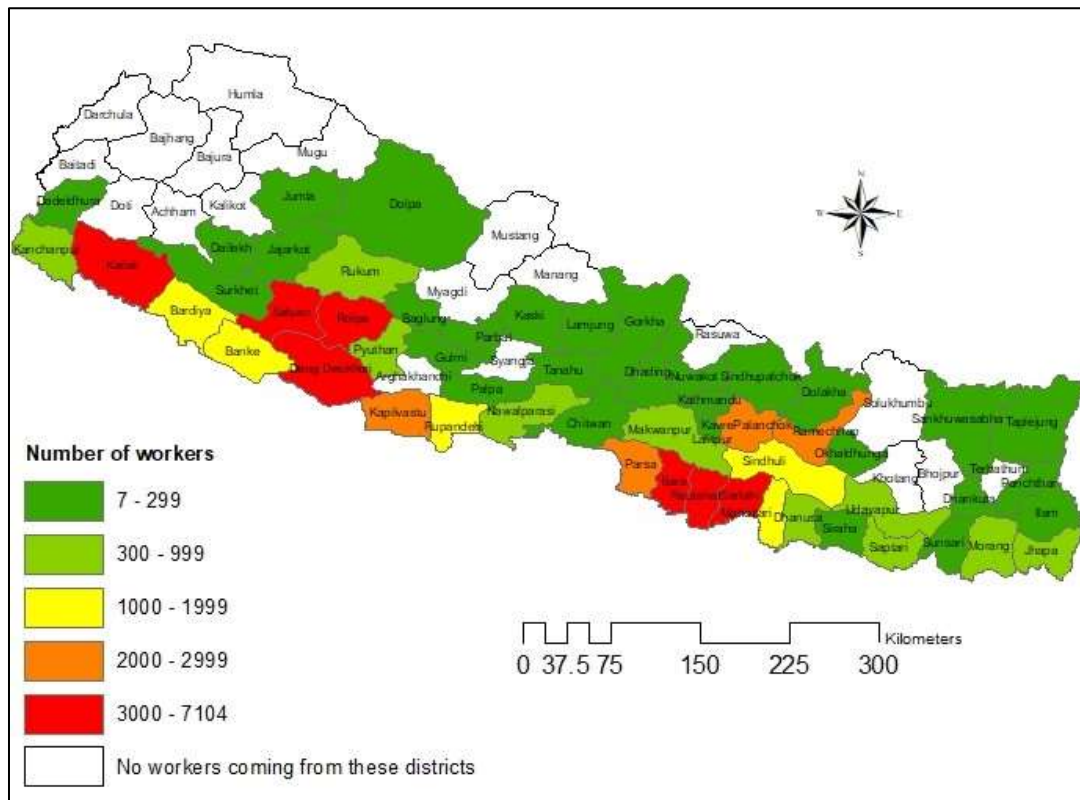
Moreover, in the context of increasing urbanization and the collapse of thousands of buildings/houses from the earthquakes that struck in 2015, the role of the brick industry in reconstructing Nepal cannot be underestimated (Goda et al. 2015). Despite the undeniable importance of the brick industry, it has been criticised for the prevalence of child and forced labour practices.

The United Nations (UN) and the Organization of Economic Cooperation and Development (OECD) have declared that companies buying bricks from enterprises that violate human rights should be responsible for such abuses in their supply chains (Hawksley 2014). The Bureau of International Labour Affairs (ILAB) within the United States Department of Labor (USDOL) periodically updates its list of source countries and goods considered to be produced using child labour or forced labour. In September 2020, ILAB listed 77 countries and 155 goods produced using child labour or forced labour. Among these was the production of bricks in Nepal (USDOL 2020). Since the majority of the brick workers come from the disadvantaged, illiterate and vulnerable population, and have limited ability to diversify livelihood opportunities, they are extremely vulnerable to exploitation.

There have been estimates on the number of workers in forced and child labour in the brick industry in Nepal (ILO 2017), but no reliable statistics have been available on the prevalence of child and forced labour, including bonded labour. A complete picture of labour issues in the brick-making industry has been lacking and there has been limited understanding of the prevalence of exploitative labour, the number and size of brick kilns, working conditions, remuneration received, and working intensity and technology adopted, despite the willingness of organized brick industry associations to cooperate with government and development partners.

¹⁸ One lakh = 100,000. Therefore 1 lakh forty thousand = 140,000.

Figure 1: Map of Nepal showing the areas of origin of workers (heads of household) sampled



It was in this context that the ILO and UNICEF, in collaboration with the CBS and Ministry of Labour, Employment and Social Security (MOLESS) undertook a rigorous quantitative and qualitative research study that quantifies the prevalence of child labour and forced labour (including bonded labour) and suggests pathways to abolish such exploitation and promote Decent Work in the brick industry. The CBS collected data from selected enterprises and workers at the national level. The survey gathered a wealth of information such as working conditions, employment relationships between workers and employers, awareness of the Labour Act, the availability of basic facilities, work characteristics and its intensity, and the extent of child and forced labour.

To complement the quantitative study, in collaboration with other implementing partners, the ILO conducted a qualitative study to understand the basic mechanisms behind the exploitation of children and workers in the brick industry. Focus group discussions (FGDs) and key informant interviews (KII) were used as tools for the qualitative study. Two consultation workshops were held with employers and trade unions, and KII were used with development partners to discuss potential pathways to eliminate child labour and forced labour from the brick industry. The information obtained from the research is expected to help the government, ILO and concerned stakeholders to develop integrated strategies to combat child labour and forced labour in the brick industry.

Child labour

Child labour has been a growing concern in the brick industry because of a labour scarcity and an increasing demand for bricks, fuelled by rapid urbanization (ILO-IPEC 2014). Past studies (WE 2013; de Groot 2010; GEFONT 2007) indicated that child labour compromised children's education and affected their health (for example respiratory issues, chronic fatigue and illness) because of hazardous working conditions in the brick kilns. Several organizations (both national and international) including USDOL have been actively involved in working with the Government of Nepal to eliminate child labour.

Conducting a study on child labour in the brick kilns is challenging since only the parents are registered and the children accompanying them are often invisible (de Groot 2010). Usually these children help their parents either in brick moulding or transportation (GEFONT 2009). The FNBI and MinEnergy (2017) suggest that child labour is most likely to be associated with the handling of donkeys for transportation.

During the survey period, a number of initiatives were reviewed that aimed to address child labour in Nepalese brick kilns. These are summarized below:

<i>Global Fairness Initiative Nepal (2014)</i>	
Better Brick Nepal (BBN)	<ul style="list-style-type: none">• To eliminate forced/bonded/child labour in the brick industry• As of 2017, covers 14 districts and 40 brick kilns from which 3.8% of national brick production comes• Aims to produce a 'better brick' by adhering to five criteria:<ul style="list-style-type: none">– no child labour– no forced/bonded labour– decent wages, remuneration and working hours– adequate health and safety measures in place– no harsh or inhumane treatment.• Additionally:<ul style="list-style-type: none">– improved labour conditions by promoting Decent Work– incentivizing responsible production– engaging with government to magnify impact– creating ethical, market-based solutions.• The Nepal Good Weave Foundation is responsible for verification and only when they are fully met is the brick kiln certified a Better Brick Kiln.• As of 2017, 17 kilns have been verified as child labour-free and 40 participating kilns are making progress towards meeting the five criteria.

<p>Bridge Schools Programme (BSP)</p>	<ul style="list-style-type: none"> • Aims to eliminate child labour at participating kilns by: <ul style="list-style-type: none"> – Providing a safe space for play and learning – Linking with school or early childhood care and learning centres for children under six – Linking children of appropriate age to local Nepali schools – Providing learning programmes on kiln premises – Providing specialized supplemental learning programmes as before- and after-school support. • As of 2017, 740 children have been enrolled in government schools through the BSP.
<p><i>World Education</i></p>	
<p>WE Brighter Future (2005 – 2013)</p>	<ul style="list-style-type: none"> • Aimed to eliminate child labour through education • Targeted 1,578 children in 16 districts for: <ul style="list-style-type: none"> – non-formal education (NFE) – vocational education – support to attend formal school free of charge – formation of Parent/Teacher Associations (PTAs) • Additionally, the programme provided: <ul style="list-style-type: none"> – support to brick kiln workers to access microfinance programmes – training and support to promote livelihood activities. • Outcomes estimated to have reached 43,291 children in the WFCL and 72,140 children at risk.
<p>Naya Bato Naya Paila Project (2018)</p>	<ul style="list-style-type: none"> • Aimed to mitigate the adverse impact of exploitative labour practices by building better future initiatives • Implemented in the Kathmandu Valley, Sarlahi Kavre and Ramechhap • Included: <ul style="list-style-type: none"> – educating the children of brick kiln workers – diversifying livelihood opportunities – capacity building of communities through financial literacy classes and self-employment and economic education programmes • Reached 5,709 children; 14 teenagers were rescued from brick kilns.
<p><i>Save the Children</i></p>	
<p>Protection of Children Working in Brick Kilns in Nepal (Nov 2013-Oct 2016)</p>	<ul style="list-style-type: none"> • Aimed to eliminate child labour from brick kilns • Rescued 32 children from hazardous conditions and reunited them with their families (included educational

	<p>support for the children and income-generating activities for the families)</p> <ul style="list-style-type: none"> • Established day-care centres in 15 brick kilns in Bhaktapur, reaching 647 children • Skills enhancement for employment (SEEP) training helped 291 mothers to remain in their own village.
<i>Terre des Hommes</i>	
<p><i>Samrakshan</i> (Protection of Children in Dangerous and Exploitative Child Labour) (Nov 2013 – Oct 2016)</p>	<ul style="list-style-type: none"> • Aimed to mitigate the risks faced by children working in brick kilns in the Kathmandu Valley by addressing health, hygiene and sanitation issues • Reached 3,494 children during the project period • Some 250 children involved in exploitative labour were helped to mitigate or eliminate the risks • 625 children below age of five and 125 pregnant and lactating mothers working in the brick kilns increased use of government primary health services and were able to practice safer motherhood • Implementing partners and government personnel received capacity building on child protection issues.
<i>GEFONT</i>	
<p>Research (2009)</p>	<ul style="list-style-type: none"> • Conducted a survey among 1,135 brick kiln workers from five districts (Morang, Lalitpur, Bhaktapur, Tanahun and Banke) • Surveyed 348 working children to examine the extent of child labour and the nature of their work
<i>ILO-IPEC</i>	
<p>Study (2014)</p>	<ul style="list-style-type: none"> • Conducted a study to assess occupational health and safety issues facing children working in the brick industry in the VDCs of Bhaktapur and Sarlahi

The review of current or recent projects illustrated significant gaps in understanding and knowledge on the situation of child labour and forced labour in the brick industry. By including employers and other stakeholders such as *naikes* (labour contractors) in the survey, this current study provides the first complete picture not only of the workers but of the brick industry itself and their place in it.

CHAPTER 2: SURVEY METHODOLOGY

The survey employed a mixed methods (quantitative and qualitative) approach for the data collection. Since forced, bonded and child labour are complex and sensitive issues, quantitative information alone may not fully capture and reveal true working conditions, the plight of workers, and employment relationships in the brick industry. A qualitative study was therefore undertaken to complement the data collected in the quantitative study.

Quantitative research

Sampling design and weight

The universe of brick kilns in operation was taken from the findings of the first Nepal Economic Census 2018 conducted by the CBS. A two-stage stratified cluster sampling approach was used for the sample collection. The country was divided into seven strata based on the newly formed provinces, thus the seven provinces of federal Nepal represent the seven strata and analytical domain for this study.

In the first stage, the required number of brick kilns (primary sampling units) were sampled using systematic random sampling. The number of brick kilns, treated as a cluster, were proportionally sampled according to the number of brick kilns in the strata.

The sampling size was statistically determined using ILO-IPEC interactive tools. After feeding the values of required parameters (predicted value of the forced labour prevalence at 0.005, design effect of 1.5, margin of error of 0.002 at 95% confidence, average household size of 1.85, response rate of 0.99), the sample size (number of households) was estimated to be 4,075.

Fourteen household units would be sampled from each brick kiln, requiring 300 brick kilns to be selected in the country. Since there were only two brick kilns in province 6, both the kilns were included in the sample to preserve the anonymity of the collected information. This yielded 301 brick kilns and 4,214 units/households to be sampled. However, four households did not work in the reference week and were not replaced with the listed units. The number of brick kilns sampled and the total number of existing brick kilns in each stratum/province is presented in Table 1.

In the second stage, enumerators were asked to list workers with the help of the entrepreneur or manager of the brick kiln. Using this frame, the enumerators selected 14 employees/families using systematic random sampling (SRSM). For each selected household, the information was collected from all the members staying in the same household/*jhyauli*. The respondents for the quantitative research were adult/child workers engaged in the brick kilns.

Table 1: Distribution of brick kilns sampled by province, 2019

	Province	Total brick kilns	Total brick kilns sampled
1	Province 1	85	26
2	Province 2	292	91
3	Province 3	205	64
4	Province 4	62	19
5	Province 5	226	70
6	Province 6	2	2
7	Province 7	94	29
Total		966	301

Three sets of structured and semi-structured questionnaires were used. The first was a form used to record a list of the names of workers by types of work. A second form was used with employers to collect information on the total workforce and characteristics of the brick industry. A third form was used for selected workers to collect information on characteristics of child labour and forced labour, work performed, facilities received etc. The supervision and coordination of the survey was undertaken by the CBS. After the completion of the survey, the data was cleaned, edited and verified. Finally, the data was entered using CSPro application.

After the successful completion of the field work, weighting at the enterprise, household and individual level was calculated to generalise the estimates to the national (industry) level. The weightings (W_{1s}) specific to each stratum in the first stage was determined as follows:

$$W_{1s} = \frac{N_s}{T_s} \quad (1)$$

where N_s is the total number of brick kilns in the s^{th} stratum and T_s is the total number of sampled brick kilns in the s^{th} stratum. The weight is the inverse of the probability of selection of the brick kiln in each stratum. In the second stage, the base weights (W_{2iks}) were calculated for each individual worker as follows:

$$W_{2iks} = \frac{E_{is}}{14} \quad (2)$$

where E_{is} is the total number of manual workers listed in the k^{th} brick kiln in the s^{th} stratum. Since 14 households/units were sampled from each kiln, the base weight for each worker in that brick kiln was calculated by dividing by 14. Similarly, the base weights (W_{2tks}) were calculated for a household unit as follows:

$$W_{2tks} = \frac{E_{ts}}{14} \quad (3)$$

where E_{ts} is the total number of household units listed in the k^{th} brick kiln in the s^{th} stratum. In case of non-respondents (negligible number) in the sample, the final weight for i^{th} worker and t^{th} household unit in the k^{th} brick kiln in the s^{th} stratum was calculated as the product of the base weight of the individual worker/household unit and the enterprise weight.

$$W_{iks} = W_{2bks} \times W_{1s} \quad (4)$$

$$W_{tks} = W_{2tks} \times W_{1s} \quad (5)$$

Data analysis

The data were collected from the sampled enterprises and workers from all provinces. The degree of accuracy of such estimates decreases rapidly with the disaggregation of the rare population into its component. Therefore, the figures for forced and bonded labour are given at national level.

Qualitative research

Qualitative research was used to collect in-depth information on the characteristics of the work performed by the children and adults in the brick industry, the socioeconomic and cultural factors behind forced labour/bonded /child labour, the dynamics of the brick industry and other aspects not discernible in quantitative data. Focus group discussions (FGDs), consultation workshops and key informants' interviews (KII) were used to collect the information in closed settings; such formats are likely to reveal many details of the mechanisms of child, forced and bonded labour.

Focus group discussions

FGDs were conducted among the workers and *naikes* (labour contractors). The aim was to give the workers a voice, hear their stories and understand, for example, the causes of forced and bonded labour. The employment relationship is likely to vary significantly depending on where the brick kilns are located. Those located in the Terai region, for example, near the Indian border, are likely to differ in such aspects as the composition of the workers, costs of production and availability of land in comparison to the brick kilns located in the hilly regions. For this reason, FGDs were organized in both Terai and the hilly regions. In the case of Terai, Rautahat was chosen as the location and Lalitpur, Tanahu and Dhading were selected in the hilly regions.

Annex 1 details the locations of the FGDs conducted and the composition of the participants. There were 12 participants in each FGD, representing different work groups and sexes. The FGDs were conducted in markets or at temporary shelters with no owners/managers present. Consent was obtained from the participants to record the discussion and all the discussions were recorded as far as possible verbatim. Separate FGD checklists (See Annexes 1 and 3) were used for workers and *naikes* (labour contractors) to facilitate the flow of the discussion and collect the information needed.

Consultation workshops

Consultation workshops were held on 4 June and 2 July 2019 with brick kiln employers who are members of the FNBI, and trade union representatives (JTUCC). The main focus of the workshops was to allow an in-depth interaction and discussion with the ILO's social partners. Twenty-two

executive members of JTUCC participated in the first workshop, and 20 members from the FNBI in the second. The programme schedule and the name of the participants are listed in Annexes 4 and 5 respectively.

Key informant interviews

KIIs were conducted with representatives of development partners that have been actively involved in addressing child, forced and bonded labour in the brick industry. The main objective was to understand the types of interventions these organizations are implementing or have implemented. The list of the interviewees and their respective organizations are given in Annex 6.

CHAPTER 3: LABOUR LAWS, CONCEPTS AND DEFINITIONS

National and international instruments

As a member state of the ILO, the Government of Nepal has ratified the ILO's fundamental conventions including the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention 1973 (No.138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) , and has pledged to reflect the provisions of these conventions in Nepalese laws and constitution. The Nepal Labour Act 2074 came into effect on 4 September 2017; it defines forced labour following the international definition and stipulates sanctions for the employers of forced labour. Based on the New Labour Act 2074, the Government of Nepal framed the Labour Rules 2075 (2018) ("Labour Rules"). Additionally, Nepal has fully embraced the Sustainable Development Goals and vowed to meet the targets. Target 8.7 aims to end all forms of forced labour by 2030 and abolish the forced labour of children, along with all other forms of child labour, by 2025. These national and international commitments underpin the need to understand the situation of child labour and forced labour in all sectors including the brick industry in order to devise integrated and comprehensive interventions to eliminate labour exploitation.

The principles of the Constitution of Nepal 2015 are put into practice by the adoption of national laws such as the Labour Act 1992, Labour Rules 1993, Bonded Labour (Prohibition) Act 2002, the Child Labour (Prevention and Regulation) Act 2000, the Child Labour (Prohibition and Regulation) Rules 2006, the Human Trafficking and Transportation Act 2007, the New Labour Act 2074 (2017), and Labour Rules 2075 (2018).

Additionally, the Constitution includes several provisions related to labour and employment such as the Right to Live in Dignity (Art 16.1), Right to Freedom (Art.17.2 d), Right to Equality (Art.18, including reservation), Right against Exploitation (Art.29), and the Rights of the Child (Art. 39.4,5,6). Other laws indirectly related to eliminating forced/child labour include the Foreign Employment Act 2007, Criminal Offence Code 2017, Civil Rights Act 1954, Compulsory and Free Education Act 2018, and Children's Act 2018.

Nepal ratified the UN Convention on the Rights of the Child (CRC) in 1990. Article 32 states: "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development". Nepalese law strictly prohibits child labour and, depending on the nature and extent of child labour, punishment varies. The Child Labour Act 1992 imposes a sanction of a maximum of three months in prison for employing an underage child. However, if the child is found to be employed in dangerous work or against her/his will, this is punishable by up to one year in prison. In 1999, the Child Labour Act 1992 was amended to cover sexual abuse. This Act specified occupations constituting hazardous work and prohibited the employment of children below the age of 16 in such occupations.

The Child Labour (Prohibition and Regulation) Act 2000 sets the minimum working age at 14 for light work, and a 2001 amendment prohibits children under 18 undertaking hazardous work. The Child Labour (Prohibition and Regulation) Rules 2006 supplement this act by establishing a child labour elimination committee that advises the government on the elimination of child labour. The country adopted the Bonded Labour (Prohibition) Act 2002 that focuses on eliminating bonded labour in agriculture resulting from traditional debt bondage practices. As a result, Nepal prohibited bonded labour among *kamaiyas*, *kamlharis* and *haliyas* that had been prevalent in the far-western region of the country. This act includes provisions for the rehabilitation of freed bonded labourers, measures for legal remedy and compensation, and penalties for perpetrators.

The Labour Act 2074 (2017) defines forced labour, prohibits forced labour and child labour (articles 4 and 5) and includes provisions to punish perpetrators. In 2018, the Government of Nepal approved the Second National Master Plan (NMP) on Elimination of Child Labour (2018-2028). The main objective of the plan is to eliminate child labour of all forms by 2025 and especially the worst forms of child labour (WFCL) by 2022. One of the strategies of the plan focuses on reforming policies, laws and institutional measures related to child labour elimination, and implementing them effectively.

Despite this body of laws and rules to regulate child labour, a gap exists in Nepal’s legal framework to adequately protect children from child labour in brick kilns, since, although work in brick kilns involves potentially high-risk activities, the brick-making sector has not been identified as a hazardous occupation. As a result, children carrying out hazardous work in the brick kilns are not considered to be in a WFCL.¹⁹

Concepts and definition of key terms

Administrative worker	Workers, including owners and managers, who are not undertaking manual work in the kiln.
Brick	A block or single unit of a ceramic material used in masonry construction.
Brick kiln	A place where raw/green bricks are baked or fired.
<i>Jhyauli</i>	A self-constructed, low ceiling temporary shelter made of green bricks with a tin roof built in large compounds near the chimney. Workers reside in this shelter during the working season.
Clay man	Employees who cut and dig mud, carry and gather it and finally make clay with the help of machines.
Brick moulders	Employees involved in brick moulding, carrying and drying green bricks.

¹⁹ See footnote 15, p.11.

Brick transporters	Employees engaged in carrying dried raw bricks to the chimney on their backs, heads or using bicycles.
<i>Bojhai</i> man	Employees involved in arranging the raw bricks in the chimney/duck for firing.
Rubbish man	Employees assigned to cover the raw bricks set for firing on the duck with rubbish, dust and other materials.
Firing man	Employees involved in firing and fuelling work in the chimney.
De-bricking ²⁰ workers	Employees involved in de-bricking, transporting, sorting and storing the fired bricks.
Coal man	Employees who prepare and transport coal or fuel to the kiln.
<i>Lakh</i>	Numeral unit used in Nepal; one lakh = 100,000.
Main worker	The head of household (whether or not family members are working) who were directly selected for the interview, and are all manual workers (see definition right below). Some main workers are minors.
Manual worker	All workers who are not in the 'administrative' category and who undertake a range of manual tasks in the kiln.
<i>Naikes</i>	Labour contractors or intermediaries who recruit the workers, provide advance payment and take care of them in the brick kilns during the entire brick operation period. They receive commission based on the output of their workers.
Employed person	The Nepal Labour Force Survey (NLFS) classifies people in employment as people of working age who, during a short reference period, were engaged in any activity to produce goods or provide services (paid for and used by others) for pay or profit.
Migrants	In this report, people whose permanent residence is not in the district where the brick kilns are located but in another district or country.
Children	Individuals below the age of 18.
Work	Work comprises any activity performed by people of any sex and age to produce goods or provide services for use by others or for their own use.
Light work	Work that is not likely to be harmful to a child's health or development and not such as to prejudice a child's school attendance, participation in

²⁰ 'De-bricking' is the action of unloading 'cooked' bricks from the chimney/kiln.

	vocational orientation or training programmes, or her/his capacity to benefit from the instruction received.
Working children	Children engaged in any activity falling within the general production boundary as defined in the 2008 System of National Accounts (SNA). This comprises all children from five to 17 years of age engaged in any activity to produce goods or to provide services for use by others or for their own use.
Decent Work	Involving opportunities for work that is general 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, organize and participate in the decisions that affect their lives, and equality of opportunity and treatment for all women and men (ILO).
Child labour	The engagement of children in prohibited work and, more generally, in types of work to be eliminated as socially and morally undesirable under national legislation, the ILO Minimum Age Convention, 1973 (No.138), and the Worst Forms of Child Labour Convention, 1999 (No.182), as well as their respective supplementing recommendations (No. 146 and No. 190). Therefore, child labour includes all children from five to 17 years of age who during a specified period were engaged in one or both of the following categories of activity: a) WFCL, as described in Convention No.182; b) Work below the MWA, in accordance with Convention No.138.
Forced labour	For statistical purposes, a person is classified as being in forced labour if engaged during a specified reference period in any work that is both under the threat of menace of a penalty and involuntary. This definition is derived from ILO Convention No.29.
Bonded labour	A person is considered as being in bonded labour if her/his job or activity is associated with (i) advance payments or loans; if s/he (ii) has incurred debt; (iii) a financial penalty, meaning that the terms of repayment are unspecified at the outset and/or in contravention of laws and regulations regarding the amount of interest or other repayment conditions, or the job or activity is under-remunerated (in relation to legal regulations or the labour market); (iv) does not have the freedom to leave the job/employer without threat/risks; and (v) if s/he is working in forced labour. All conditions should exist to be regarded as bonded labour.

Child labour

Child labour in this report is defined based on the amended Nepal Child Labour (Prohibition and Regulation) Act 2006. It covers the engagement of all working children aged five to 17 years who, during a reference week, were in one or more of the following categories:

- a) children aged from five to 13 years who were found to work during the reference week;
- b) children working for more than six hours per day and more than 36 hours per week;
- c) children working between 6 PM and 6 AM;
- d) children carrying moderately heavy, very heavy or extremely heavy loads at work;
- e) children found to be operating heavy machinery/equipment at work;
- f) children found to be working in designated hazardous work activities;²¹
- g) children who are victims of abuse.²²

Forced Labour

The presence of coercion and involuntary working are necessary to define forced labour. The threat or menace of a penalty are forms of coercion used to impose work on a worker against his or her will. Such elements of coercion considered in this report are:

- Threats of violence or actual violence against the worker, family or relatives
- Threat of financial penalties/fines
- Being under constant surveillance
- Being in an isolated place, with no access to the outside world
- Having incurred a debt that has not been paid
- Depending on employers for renewal of work permit
- Not having access to ID documents/passport
- Being liable to lose all wages.

Similarly, involuntary work refers to any work done without the free and informed consent of the worker. Circumstances that may give rise to involuntary work include:

²¹ Hazardous work in Nepal is defined as involving: dust/flames, fire/gas, loud noise/vibrations, extreme cold or heat, dangerous tools (eg knives), work underground, work at heights, work in water, work in dark or confined spaces, insufficient ventilation, other processes or conditions that are damaging to the child's health or safety.

²² Child abuse includes constant scolding, repeated insults, beatings or physical violence, sexual abuse, touching or unwelcome actions.

- Having been obliged to accept the job
- Involuntary overtime (beyond 12 work-hours/day) or on-call work (compensated)
- Involuntary overtime (beyond 12 work-hours/day) or on-call work (not compensated)
- Involuntary work in hazardous conditions without protection
- Work in illicit activities or use of illicit substances without consent
- Work at sub-standard or with no wages
- Work under sub-standard living conditions which are not suitable to the job
- Work for other employers that were not agreed to
- Work for longer periods of time than was agreed
- Work with no or reduced freedom to terminate the work contract
- Inability to leave the job without negative repercussions or risks.

CBS and ILO agreed to include all family members in the forced labour (including bonded) category if the head of household is in such situation. This decision is based on the following rationale: the survey was conducted in the establishments themselves and household members were living together in the kiln. It is therefore appropriate to consider that the forced/bonded labour situation of the main family worker also applies to the other family members, since the reason, motive and characteristics of their work in the kiln are the same.

CHAPTER 4: CHARACTERISTICS OF THE BRICK INDUSTRY AND WORKFORCE

Characteristics of the brick industry

Size of workforce

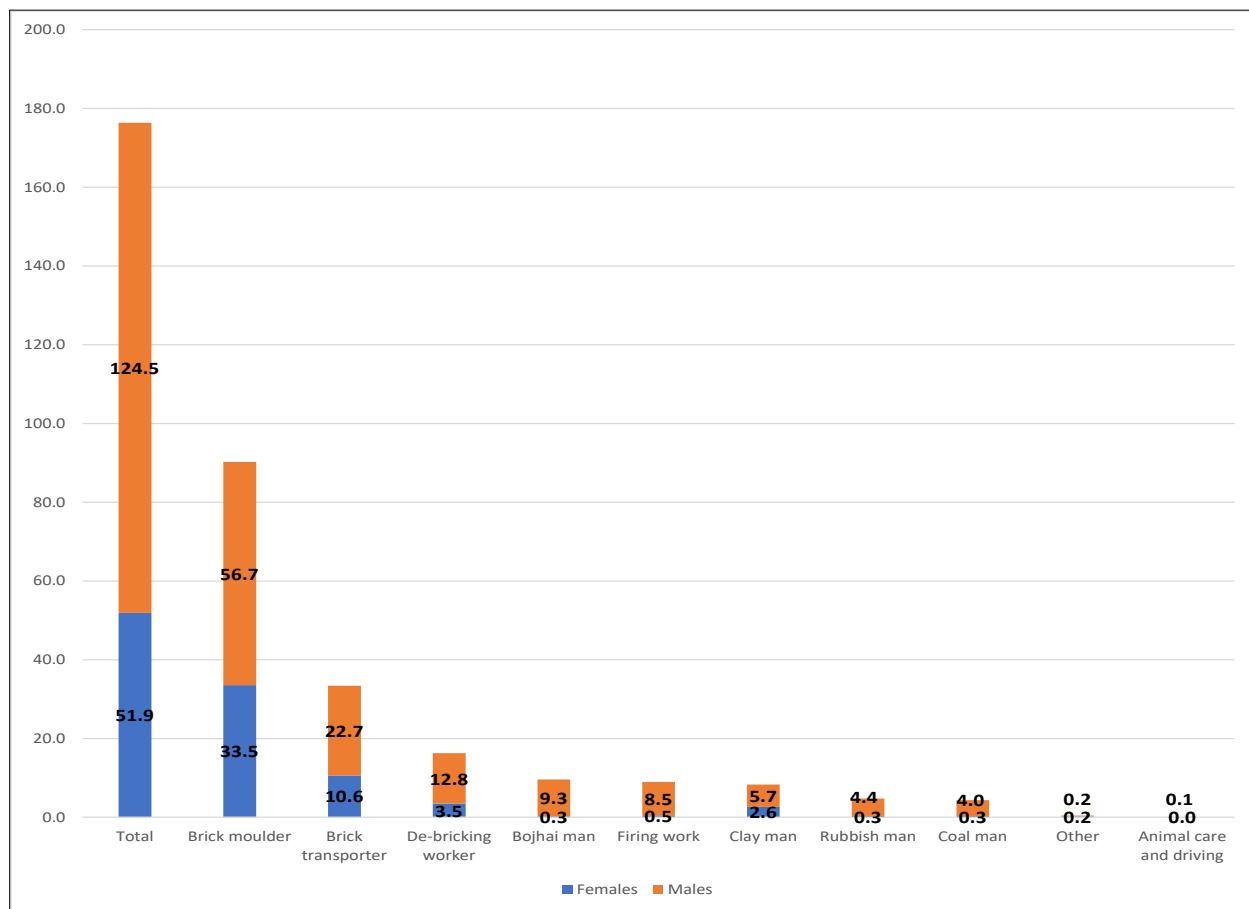
Based on the nature of the work, workers in the brick kilns are classified into two types: a) administrative worker and b) 'manual worker'. Information on administrative workers is included, for completeness, in Table 2 in the box on page 32. This report relates primarily to manual workers, who perform a variety of manual tasks in the brick kilns. Figure 2 shows the total number of people (main workers and family members) engaged in the brick industry by nationality, sex and manual work undertaken.

Manual workers are usually seasonal workers who are directly involved in brick-making. They include clay man, brick moulders, raw brick transporters, *bojhai* man, rubbish man, firing man, de-bricking workers and coal man. The separate (individual and household) weights were generated at the manual worker level to estimate the total number of manual workers.

The total number of people engaged in the brick kilns is estimated to be one lakh 86 thousand, one hundred and fifty (186,150: 176,373 manual workers and 9,777 administrative workers). Results from a 2018 labour force survey revealed that about 10 lakhs 72 thousand (1,072,000) people are employed in the manufacturing sector (CBS 2018). This suggests that approximately 17% of workers involved in the manufacturing sector are employed in the brick industry.

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Figure 2: Number of manual workers employed by sex and category of work, 2019 (in thousands)

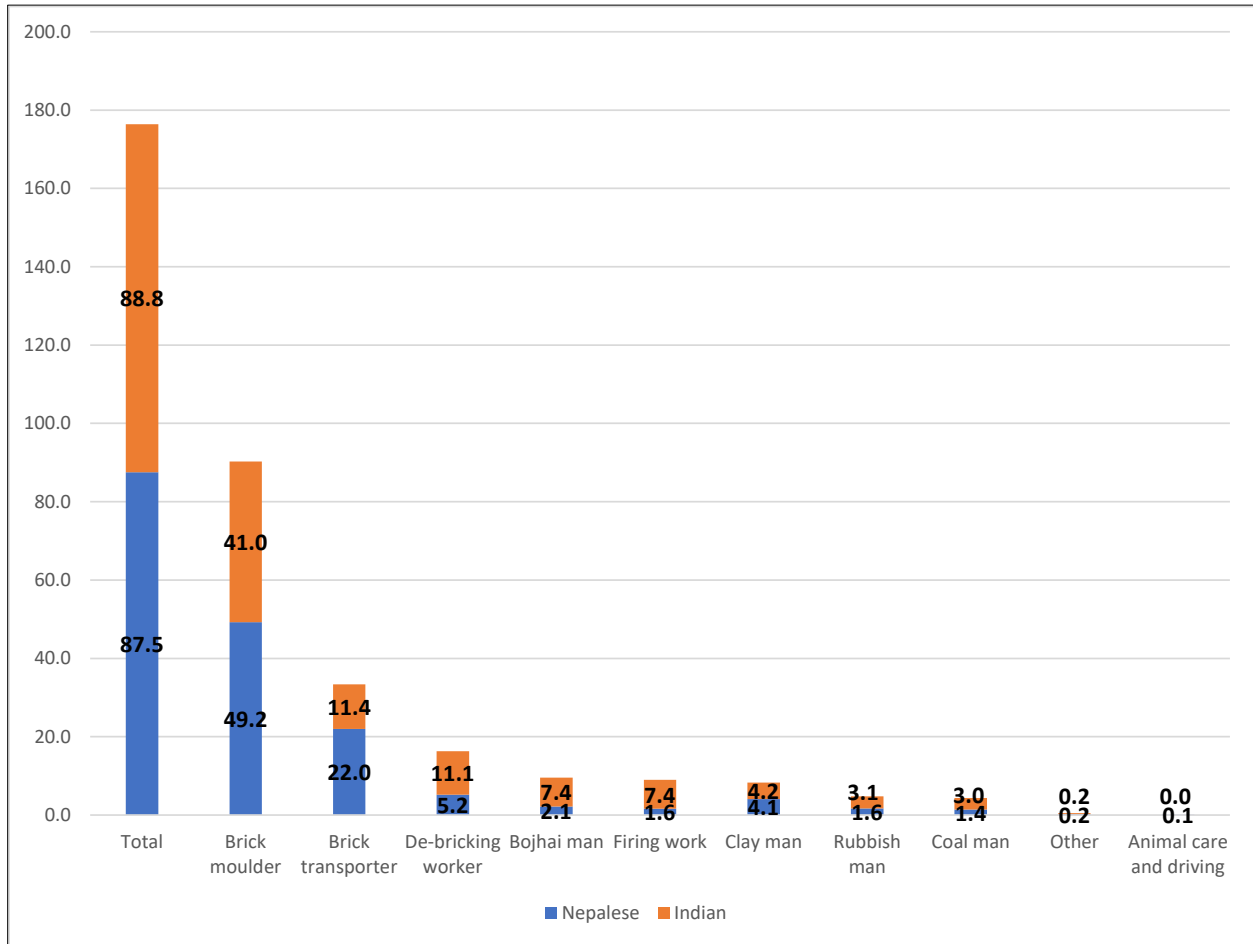


Approximately 95% (176,373) of people engaged in the brick kilns are manual workers. Some 70.6% (124,486) of the total engaged are male. Roughly 50.4% (88,836) of the total manual workers engaged in the brick kilns are of Indian origin while 49.6% (87,537) come from Nepal,²³ indicating the high level of participation of Indian workers in the brick kilns (see Figure 3 below).

FGDs with the owners of brick kilns located near the border with India suggest that Indian workers constitute at least 90% of the workforce in the brick kilns located in the districts adjacent to the Indian border, although quantitative data do not confirm this figure across all surveyed kilns. The Indian workers come primarily from Uttar Pradesh (Bihar) and West Bengal. The recent prohibition of alcohol consumption in Bihar and relatively higher earnings from brick kilns in Nepal were identified as motivating factors for Indian workers to work in brick kilns in Nepal.

²³ Only heads of household were asked the question about their nationality. Their response regarding nationality was extended to the members of their household

Figure 3: Number of manual workers employed by nationality and category of work, 2019 (thousands)



Many of the manual workers are engaged in brick moulding (51.2%) and carrying raw bricks to the chimney (18.9%). Employment as the *bojhaj* man, rubbish man, firing man, and coal man are considered as high-skilled and lucrative jobs and are dominated by Indian workers. Such jobs constitute difficult and challenging tasks and demand the finest skills, and Nepalese workers are rarely involved in such work, perhaps because of lack of training.

Indian workers are more represented in firing jobs than their Nepalese counterparts. The qualitative survey confirmed this bias towards Indian workers, as employers expressed their perception that Indian workers are well adapted to do firing work and are considered to be better suited to tolerating higher temperatures than Nepalese workers.

Administrative workers

Administrative workers are mainly permanent employees who perform administrative roles and are not directly involved in brick-making activities. They include working proprietors and partners, working managers and directors, permanent regular employees and temporary employees. Information on the number of administrative workers was collected using an enterprise-level survey. The weights generated at the enterprise level were used to estimate the total number of administrative workers in the brick industry.

Table 2: Number of administrative workers employed by nationality, sex and type of employment, 2019

	Number of people employed											
	Total				Nepali				Indian			
	Female		Male		Female		Male		Female		Male	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Working proprietors and partners	49	2.27	2,096	97.73	49	100	2,092	99.85	-	-	3	0.15
Working managers and directors	23	1.85	1,194	98.15	23	100	1,194	100	-	-	-	-
Permanent regular employees	203	4.90	3,932	95.10	203	100	3,886	98.85	-	-	45	1.15
Temporary employees	209	9.18	2,072	90.82	209	100	2,069	99.84	-	-	3	0.16
Total	483	4.94	9,294	95.06	483	100	9,242	99.44	-	-	52	0.56

Table 3 shows the number of people engaged by province and type of employment; Figure 5 gives the breakdown by province and nationality; and Figure 6 shows the number by province and sex. Among the total people engaged in the brick kilns, approximately 32% are engaged in Province 3, followed by Province 5 (22%), Province 2 (22%), Province 6 and 7 (7%) and Province 4 (5%).

Among the total of Indian migrants engaged in the work, Province 5 has the highest share (28%), followed by Province 2 (27%), Province 1 (21%), Province 3 (13%), Province 6 and 7 (8%) and Province 4 (3%). More than 90% of the brick moulders and raw brick transporters in Province 1 are Indian while no Indian workers are engaged as brick moulders in Province 4.

Province 3 has the highest number of female workers (19'986) followed by Province 5 (10'413), Province 2 (7,500), Province 1 (7,309), Province 6 and 7 (3,942) and Province 4 (2,716). Similarly, Province 3 has the highest number of male workers (36'772) followed by Province 2 (30'616), Province 5 (28'987), Province 1 (12'468), Province 6 and 7 (9'780) and Province 4 (5,862).

Figure 4: The provinces of Nepal



Table 3: Number of manual workers engaged by province and type of employment, 2019

Type of employment	Province 1		Province 2		Province 3		Province 4		Province 5		Province 6 & 7		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Clay man	718	8.7	545	6.6	1,580	19.1	637	7.7	2,553	30.8	2,253	27.2	8,287	100.0
Brick moulder	9,767	10.8	21,222	23.5	26,529	29.4	4,262	4.7	22,403	24.8	6,055	6.7	90,237	100.0
Brick transporter	3,314	9.9	6,552	19.6	16,668	49.9	1,339	4.0	3,809	11.4	1,696	5.1	33,379	100.0
<i>Bojhai</i> man	1,285	13.4	2,365	24.7	3,175	33.1	514	5.4	1,408	14.7	830	8.7	9,577	100.0
Rubbish man	579	12.2	1,086	22.8	1,061	22.3	118	2.5	1,385	29.1	527	11.1	4,755	100.0
Firing work	1,238	13.8	1,815	20.2	2,138	23.8	306	3.4	2,349	26.2	1,124	12.5	8,969	100.0
De-bricking worker	2,192	13.5	3,385	20.8	4,065	25.0	1,049	6.4	4,676	28.7	923	5.7	16,290	100.0
Coal man	623	14.3	1,148	26.4	1,183	27.2	318	7.3	768	17.6	314	7.2	4,354	100.0
Animal care and driving	0	0.0	20	28.2	0	0.0	0	0.0	50	71.8	0	0.0	70	100.0
Other	62	13.6		0.0	360	78.9	34	7.5		0.0	0	0.0	456	100.0
Total	19,777	11.2	38,138	21.6	56,758	32.2	8,578	4.9	39,400	22.3	13,722	7.8	176,373	100.0

Figure 5: Number of manual workers engaged by province and nationality, 2019

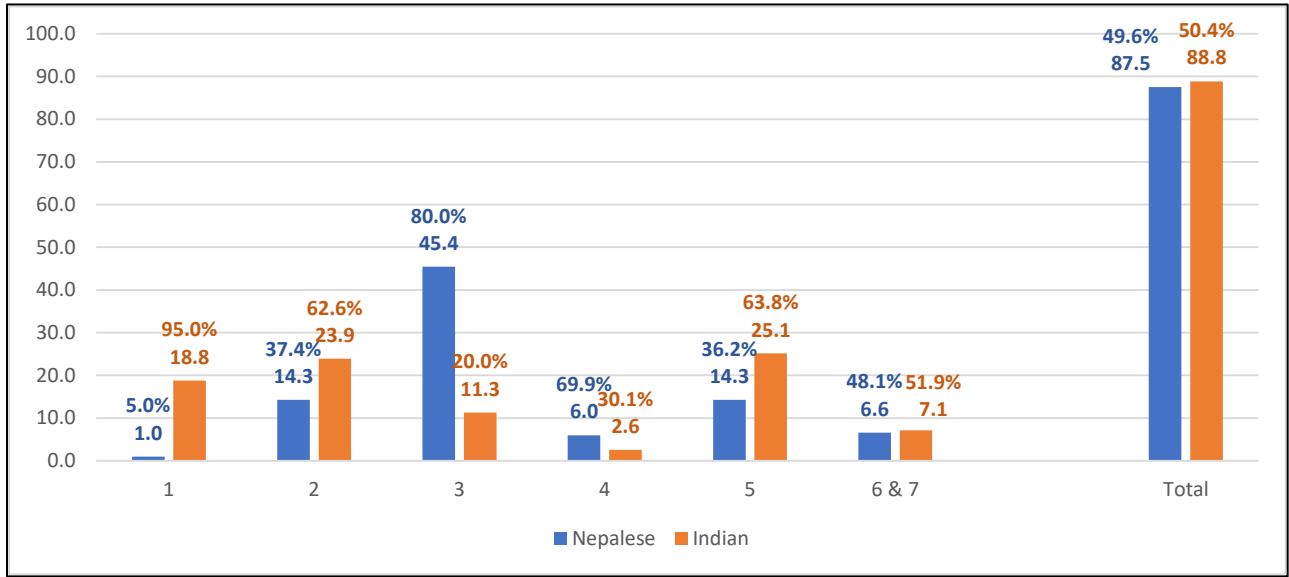
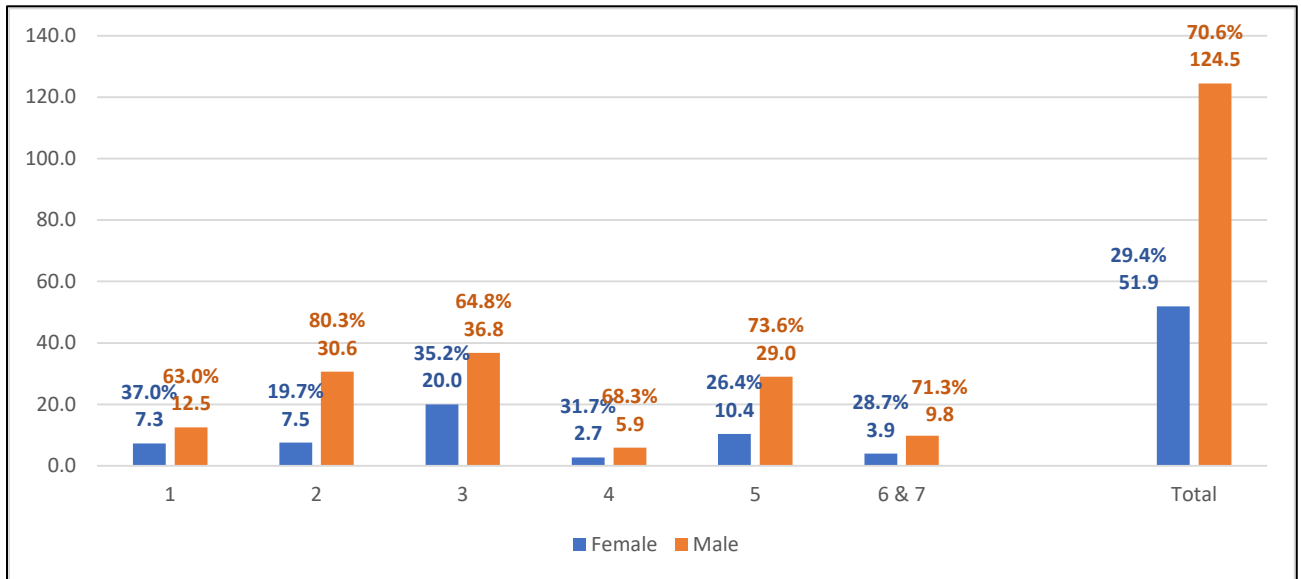


Figure 6: Number of manual workers engaged by province and sex, 2019



Size and location of the enterprises

Table 4 shows the distribution of enterprises within the brick industry by size and location. The brick industry is classified into three classes based on the number of people engaged in the brick kilns (fewer than 50 = small, 50 – 100 = medium, more than 100 = large). The majority of the brick kilns (51%) are large enterprises followed by medium enterprises (38%) and small enterprises (11%). Province 5, Province 2 and Province 3 have the highest proportion of small (32%), medium (42%) and large enterprises (33%) respectively. Province 6 has only medium-size brick kilns. One of the reasons for the relatively small number of brick kilns in Province 6 is the low population density and little urbanization in comparison to other provinces.

Table 4: Distribution of brick-making enterprises by size and location

Size of enterprise	Number of establishments							Total
	Province 1	Province 2	Province 3	Province 4	Province 5	Province 6	Province 7	
Small (fewer than 50)	7	16	10	26	36	0	16	110
%	5.94	14.58	8.73	23.73	32.28	0.00	14.73	11.39
Medium (50 - 100)	36	151	35	20	81	2	39	363
%	9.90	41.52	9.70	5.39	22.22	0.55	10.71	37.60
Large (more than 100)	42	125	160	16	110	0	39	493
%	8.62	25.40	32.50	3.31	22.28	0.00	7.89	51.01
Total	85	292	205	62	226	2	94	966

Variations in production, costs and expenditure

Table 5 shows the volume of production in the enterprises (by 10 lakhs – 100,000) and location. Three grades of bricks are produced: Grade A is well baked, shiny, standard size, uniformly yellow or red, of regular texture and uniformly shaped. Such bricks are free from pebbles, gravel or organic materials. Grade B bricks are slightly over-cooked, and may have irregular shape and texture in comparison to Grade A bricks. Grade C bricks are crumbling, small pieces, over-cooked, and irregular in shape. The brick industry also produces tiles and other materials classified as ‘other’ in the brick grade category.

The brick industry produced about 3 billion bricks in 2018 (Table 5). Some 57% of them are Grade A bricks followed by Grade B (29%) and Grade C (12%). Province 3 produces the highest share of Grade A (29%) and Grade B (41%) bricks in the country. This is not surprising since the major

urban cities, including the capital Kathmandu, are located in Province 3. Province 2 produces the highest share (29%) of grade C bricks.

Table 5: Volume of brick production (10 lakhs/100,000) and location

Grade of brick	Production in previous year													
	Province 1		Province 2		Province 3		Province 4		Province 5		Province 6 and 7		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Grade A	140	4.60	452	14.88	499	16.42	90	2.98	455	14.98	95	3.11	1,731	56.97
Grade B	63	2.09	149	4.90	361	11.89	34	1.11	208	6.85	61	2.01	876	28.84
Grade C	39	1.28	106	3.48	63	2.08	30	1.00	93	3.05	41	1.36	372	12.24
Other	20	0.65	18	0.59	2	0.06	-	-	15	0.49	5	0.16	59	1.95
Total	262	8.61	725	23.85	925	30.44	154	5.08	771	25.37	202	6.64	3,039	100

Figure 7 shows the average kiln gate price of bricks (per thousand) by grade and province of origin in 2018. The price depends directly on the quality of the bricks, Grade A being the most expensive. There is a wide variation in the prices of bricks across the provinces. Grade A in Province 1 (Rs 14,707 per thousand bricks) fetches the highest price, while the lowest price is observed in Province 2 (Rs 9,908 per thousand bricks). Similarly, the highest price of Grade B is observed in Province 1 (Rs 12,820 per thousand bricks) and the lowest price in Province 2 (Rs 7,175 per thousand bricks).

Figure 7: Average price of bricks (per thousand) in the previous year by grade and province (state), 2019

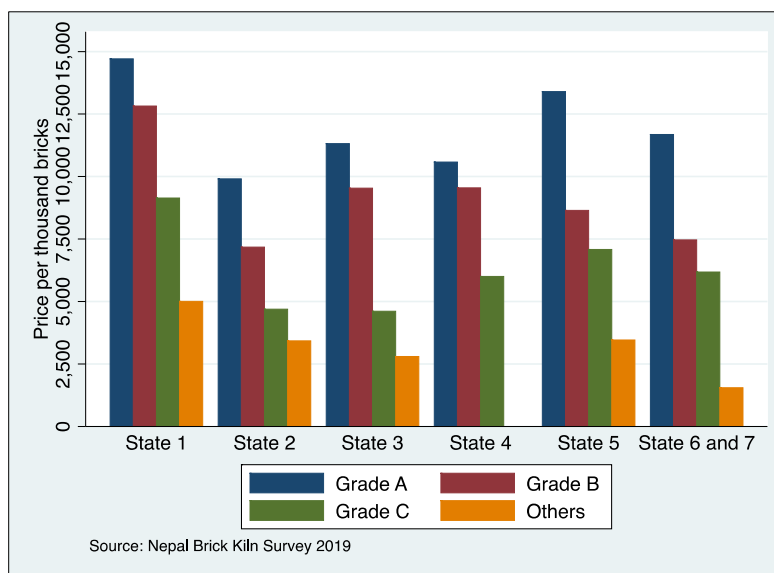


Table 6 shows the distribution of expenditure (in Rs 10 lakhs/Rs 100,000) of the brick industry in 2018 by province. Total expenditure is estimated at approximately 17 billion rupees. The major portion of the expenditure (63%) goes on production expenses such as buying raw materials, cost of fuel etc. Approximately 30% of the expenditure goes on manpower, including allowances and facilities.

Table 6: Distribution of expenditure (Rs 10 lakhs = 100,000) of the brick industry in 2018 by province

	Expenditure of the brick industry in 2018													
	Province 1		Province 2		Province 3		Province 4		Province 5		Provinces 6 and 7		Total	
	Expense	%	Expense	%	Expense	%	Expense	%	Expense	%	Expense	%	Expense	%
Employee expenses (Salary/wages, allowances and facilities)	201.91	3.96	1,016.49	19.96	1,761.02	34.57	312.44	6.13	1,423.61	27.95	378.44	7.43	5,093.90	29.65
Production expenses (raw materials, fuel and other)	1,155.96	10.61	3,261.26	29.92	2,909.09	26.69	335.47	3.08	2,657.09	24.38	580.55	5.33	10,899.4	63.43
Office operation and running costs	35.12	6.24	92.60	16.47	305.13	54.26	42.63	7.58	58.28	10.36	28.64	5.09	562.40	3.27
Other	12.76	2.04	104.73	16.71	362.02	57.75	13.74	2.19	121.11	19.319	12.53	2.00	626.89	3.65
Total	1,405.75	8.18	4,475.08	26.04	5,337.25	31.06	704.28	4.10	4,260.08	24.79	1,000.16	5.82	17,182.6	100

Mechanization in the brick industry

Table 7 illustrates the status of mechanization in the brick industry by machinery in use and location. Most kilns (67%) have excavators for digging earth/mud; 30% have automatic clay-making machines; 32% have vehicles to carry clay/mud and only 3% have automated brick moulding machines. Province 3 has the highest percent of excavators, automated clay-making machines, brick-moulding machines and vehicles, while Provinces 6 and 7 are the least well equipped. The brick industry in Province 3 is relatively well mechanized, while Provinces 6 and 7 are the least automated, relying heavily on manual labour.

Employers surveyed advised that automated brick-moulding machines cost about eight million rupees. This is a significant up-front capital investment. Additionally, it is difficult to find qualified people to effectively operate the machine. Although these machines do the work of 100 labourers, the employers prefer to continue moulding green bricks by hand given the high demand for them in the market and consumer preference for cheaper and strong bricks. In addition, the longevity of the brick kilns in a particular location depends on the clay soil available and the surrounding environment. Over time, the areas surrounding the brick kilns are gradually encroached on by the demands of housing. As the clay soil required for brick making is built over, and residents living in the vicinity of the brick kilns need to be protected from environmental degradation, there is no assurance that a business will survive. As a result, the brick owners are wary of undertaking such a huge investment.

Table 8 presents the status of mechanization of transportation in the brick industry. Approximately 91% of the brick kilns have at least a tractor, lorry or truck; 80% have push carts; 35% have animals (donkey, horse); and 27% rely on humans for transportation of the bricks. Province 5 has the highest percentage (97%) of brick kilns that own a tractor, lorry or truck, while Province 1 has the highest percentage (92%) of brick kilns that use push carts. None of the brick kilns in Province 1 uses animals for transportation. Province 5 and Province 6 and 7 have a higher percentage of kilns that use animals. The *naikes* (labour contractors) surveyed explained that all the donkeys and horses (*bugi*) come from Nepalgunj. The brick kiln owners from Province 5, Province 6 and Province 7 might use animals to keep down costs and for convenience. The NGO *Animal Nepal* explained that pack animals, predominantly donkeys, are used in kilns where the topography is undulating, bicycles cannot be used, and green bricks have to be carried some distance. About 53% of the brick kilns from Province 2 were found to use humans for carrying bricks while only 4% of the brick kilns from Province 1 used human labour for transporting bricks.

Table 7: Status of mechanization in the brick industry by equipment and location

Equipment	Province 1		Province 2		Province 3		Province 4		Province 5		Provinces 6 and 7		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	85	8.80	292	30.23	205	21.22	62	6.42	226	23.40	96	9.94	966	100
Earth/mud digging machine (excavator)	69	80.77	160	54.95	186	90.63	49	78.95	152	67.14	32	33.76	648	67.08
Clay-making machine	46	53.85	71	24.18	141	68.75	26	42.11	6	2.86	0	0.00	290	30.01
Brick- moulding machine	0	0.00	6	2.20	13	6.25	3	5.26	0	0.00	3	3.38	26	2.66
Earth or mud/clay transport vehicle	46	53.85	61	20.88	157	76.56	29	47.37	10	4.29	10	10.13	312	32.35

Table 8: Status of mechanization in the brick industry – means of transport and location

	Province 1		Province 2		Province 3		Province 4		Province 5		Provinces 6 and 7		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	85	8.80	292	30.23	205	21.2	62	6.42	226	23.4	96	9.94	966	100
Tractor, lorry, truck	72	84.62	276	94.51	186	90.63	59	94.74	220	97.14	64	66.24	876	90.6
Push-cart	78	92.31	221	75.82	173	84.38	52	84.21	171	75.71	76	78.70	772	79.8
Animal (donkey, horse)	0	0.00	39	13.19	83	40.63	7	10.53	149	65.71	66	68.57	343	35.47
Other	3	3.85	154	52.75	58	28.13	16	26.32	19	8.57	7	7.79	258	26.72

Awareness of legal and regulatory instruments

Table 9 presents the status of employers' awareness of basic acts/laws. Approximately 66% of the brick kiln employers were aware of the Labour Act; 42% were aware of the Animal Act; 88% were aware of the Child Labour Act; and 63% were aware of the Security and Health Act as it related to their employees. Province 3 has the highest percentage of brick kiln owners who were aware of basic acts/laws. At least 90% of the brick kiln employers in Province 1, Province 4 and Province 7 were aware of the Child Labour Act.

Some of the *naikes* (labour contractors) surveyed said that they were aware of child labour rights. However, none of them had prevented children from working in the brick kilns. One of the *naikes* said, "Last year, I brought two children around 15 years of age to work in the brick kiln in Dhading district. They were unaccompanied and came from an extremely poor family. Their parents were not able to take good care of them, not able to send them to school, and had a hard time meeting basic needs. There were no work opportunities for them in the village. These children were paid quite well in the brick kiln". Although these two children seem to have fared well in the brick kiln, in general children who leave home to find work elsewhere are at high risk of exploitation and abuse, with no family support structure to protect them. It is not clear whether awareness of child labour legislation equates to an understanding of the realities of vulnerability and potential for abuse.

Table 9: Status of employer awareness of basic acts/laws in the brick industry by location

	Province 1		Province 2		Province 3		Province 4		Province 5		Provinces 6 and 7		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
	85	8.80	292	30.23	205	21.22	62	6.42	226	23.40	96	9.94	966	100
Aware of the Labour Act	59	69.23	186	63.74	160	78.13	42	68.42	129	57.14	56	58.44	633	65.51
Aware of the Animal Act	23	26.92	71	24.18	119	57.81	36	57.89	103	45.71	51	52.73	402	41.60
Aware of the Child Labour Act	78	92.31	250	85.71	179	87.50	59	94.74	194	85.71	93	96.62	853	88.34
Aware of security and health-related legislation	39	46.15	170	58.24	170	82.81	42	68.42	123	54.29	63	65.19	607	62.81

A note on child trafficking

Additionally, it is important to consider whether children such as those quoted in this example, who have travelled away from their family home to work in the brick kiln, have been trafficked. The Palermo Trafficking Protocol²⁴ which provides the generally accepted working definition of trafficking, does not require children to have 'consented' to moving since they are considered unable to consent to their own exploitation.

It may consequently be argued that those children who have accompanied their parents and are working, even if their presence in the brick kilns is a temporary family relocation, have been moved into labour exploitation.

Moreover, the unaccompanied and orphaned children in child labour who have been recruited, whether by *naikes* (labour contractors) or employers, and who have moved from their place of origin to work in the brick kiln, have satisfied the 'transportation or transfer' actions cited in the Protocol. As a consequence, these children have been trafficked, are *de facto* in the WFCL, and their situation should be addressed as a matter of urgency. They are particularly vulnerable to abuse and exploitation.

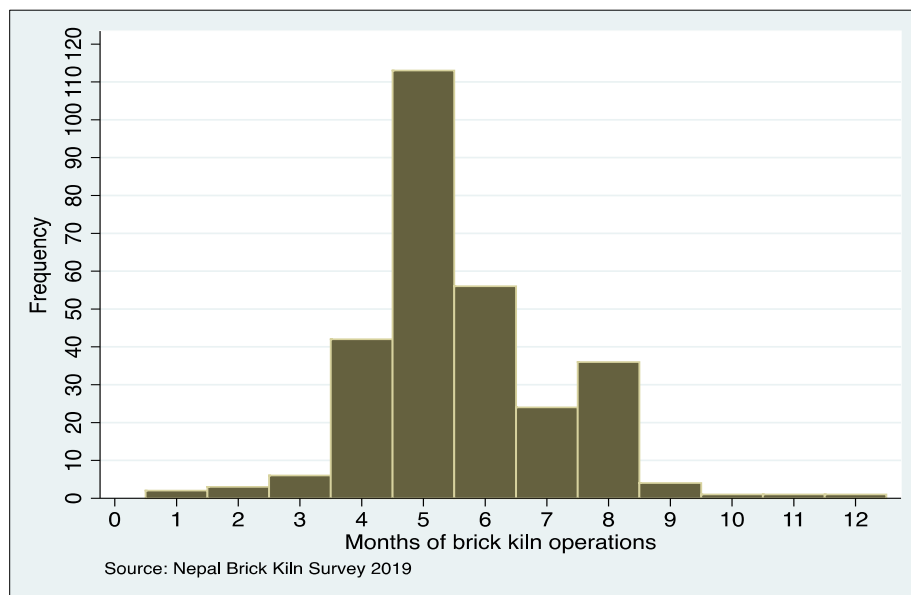
Hours of operation of the brick kilns

Figure 8 shows the number of months the brick kilns operate. Most of the brick kilns operate from four to eight months of the year, with the highest number of brick kilns operating for about five months. However, some kilns operate for only one month, while some work year-round. Most of these brick kilns start operations immediately after the end of the Dashain festival,²⁵ that is usually in the month of Ashwin (mid-September to mid-October), and close in the month of either Chaitra (mid-March to mid-April) or Baisakh (mid-April to mid-May). A small number of brick kilns operate from the month of Shrawan (mid-July to mid-August) to the month of Jestha (mid-May to mid-June). Generally the highly mechanized enterprises work longer than those that depend on manual labour.

²⁴ The UN Convention against Transnational Organized Crime (2000) is supplemented by three protocols, one of which covers human trafficking. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, is commonly called The Palermo Protocol in reference to where it was first signed.

²⁵ Dashain, also known as Bijaya Dashami, is the grandest, longest and most auspicious festival in Nepal, Dashain is celebrated by the whole country for the goddess Durgar's victory over the demon Mahishasura.

Figure 8: Distribution based on the number of months of brick kiln operations



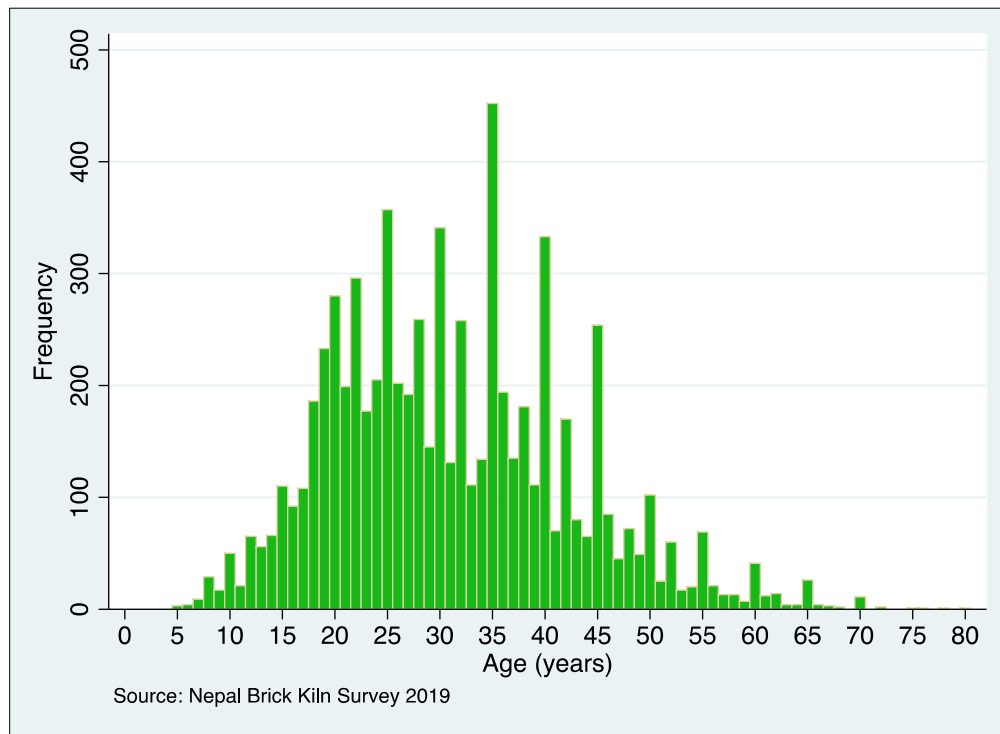
Socio-economic characteristics of the workers

Some axes of analysis in this section focus on main workers only (marital status, migration, education, source of income, accompanied children). This is because of either the structure of the questionnaire (numerous questions posed exclusively to main workers) or choice. For example, when accompanied/unaccompanied children are analysed, it would not make sense to include children who are with family members since these children are *de facto* accompanied, and this is why they were selected in the sample.

Age of the workers

Figure 9 shows the age distribution of the manual workers in the brick industry. The sample includes workers ranging in age from five to 80 years. The majority of brick kiln workers are in their mid-thirties, with the mean age being 31. A high proportion of the workers are between 20 and 45 years of age.

Figure 9: Distribution of workers by age



Marital status

Table 10 shows the number and percentage of main²⁶ workers by marital status and sex. Some 84% of main workers employed in the brick industry are male and 16% are female. Most (84.3%) of the main workers are married. Roughly 86% of the male main workers are married in comparison to female main workers (76%). 14% of the main workers are single and less than 1% of them are widowed, divorced or separated.

Table 10: Marital status of workers by sex

	Female		Male		Total	
	No.	%	No.	%	No.	%
Never married	3,044	18.8	11,363	13.0	14,408	13.9
Married	12,336	76.3	75,201	86.1	87,537	84.5

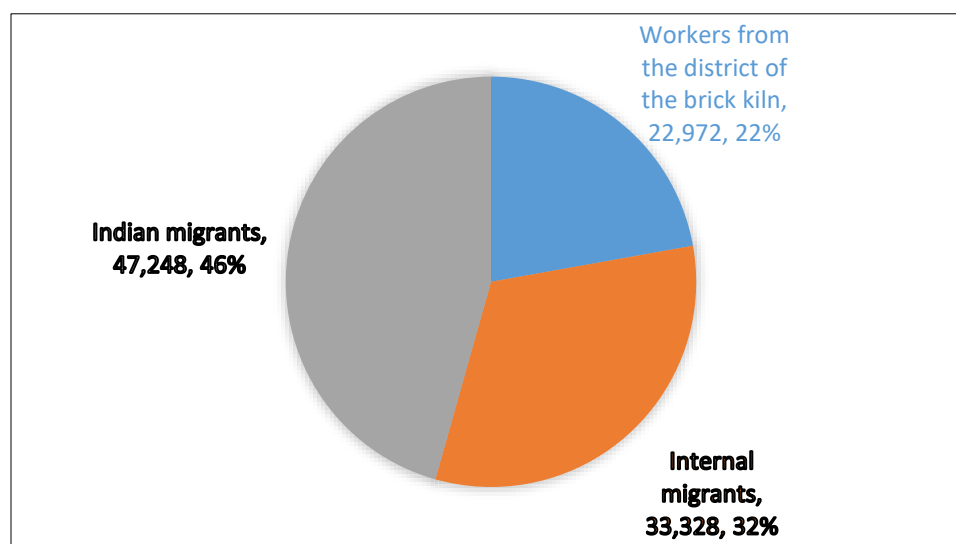
²⁶ Family members were not asked questions about their marital status. The analysis here is restricted to main manual workers.

Widowed	319	2.0	472	0.5	791	0.8
Divorced	129	0.8	70	0.1	200	0.2
Separated	339	2.1	244	0.3	584	0.6
Not reported	0	0.0	29	0.0	29	0.0
Total	16,168	100	87,380	100.0	103,548	100

Migration

Figure 10 illustrates the migration status of the main workers. Only 22% of the main workers come from the districts where the brick kilns are located; 78% of the workers migrated to work in the brick kilns from other districts of the country or from another country. Roughly 32% of main workers are internal migrants. All main workers who migrated from another country (46%) originate from India. This shows the high labour mobility that exists in the brick industry.

Figure 10: Migration status of main workers in the brick industry



Note: Numbers based on responses from the head of the household.

Table 11 shows the distribution of main workers originating from the five Nepalese districts that have the highest number of brick kiln workers: nearly 25% of the workers come from Sarlahi (3.3%), Kailali (4.2%), Dang (4.7%), Rautahat (5.6%) and Rolpa (6.9%). Workers in smaller numbers come from 53 more districts, shown in detail in Annex 2. Any programmes aimed, for example, at providing wider livelihood options at the point of origin of brick industry workers, might profitably target these five districts as a priority.

Table 11: Distribution of internal migrant workers in the brick industry based on their source of origin (five highest sending districts)

<i>District</i>	No.	%
Total 5 main districts	25,585	24.7
Rolpa	7,104	6.9
Rautahat	5,792	5.6
Dang	4,855	4.7
Kailali	4,385	4.2
Sarlahi	3,449	3.3

Note: Numbers based on responses from main workers (head of the household).

Education

Table 12 shows the education status of the main workers in the brick industry (excluding family members). About 46% of the main workers went to school while 54% did not. It is likely that most of the main workers who did not go to school are illiterate, although some may have received some level of informal education and thus be able to read and write. Among those who went to school, 80% have an educational level between class one and class 10. Only 5% of the main workers attended school beyond class 10.

Table 12: Education status of main workers in the brick industry

	No.	%
Did not go to school	55,796	53.9
Went to school	47,702	46.1
- Illiterate	269	0.56
- Literate/Formal education	6,481	13.59
- Class 1 - 5	21,943	46.00
- Class 6 - 8	12,777	26.78
- Class 9 - 10	3,858	8.09
- SEE/SLC	1,438	3.01
- Intermediate / 10+2	879	1.84
- Bachelor degree	17	0.04
- Master degree or above	40	0.08
Note: Numbers based on responses from the head of the household.		

Sources of income

Table 13 shows the distribution of main workers based on their source of income and country of origin. Most of the Nepalese main workers (54%) said that ‘employment’ is their main income source. Since work in the brick kiln is seasonal in nature and generally lasts for about six months, these workers usually depend on agriculture to sustain their livelihood during the remaining six months. About 43.6% of the main workers from Nepal said that agriculture is their major income source. Only 1% of the main workers said that they primarily earned a living in other occupations (non-agricultural). A much smaller percentage of Indian main workers (28.6%) cited agriculture as their primary source of income. The majority (66%) said that their main source of income was (unspecified) ‘employment’.

Table 13: Distribution of main workers based on income sources and country of origin

	Nepalese		Indian		Total	
	No.	%	No.	%	No.	%
Employment	24,532	43.6	31,166	66.0	55,698	53.8
Agriculture	30,379	54.0	13,525	28.6	43,904	42.4
Non-agriculture	560	1.0	454	1.0	1,015	1.0
Other	781	1.4	2,078	4.4	2,858	2.8
Not reported	48	0.1	25	0.1	73	0.1
Total	56,300	100.0	47,248	100.0	103,548	100

Note: Numbers based on responses from the main worker (head of the household).

Activities performed by children

Some 15,877 infants below the age of five are estimated to be living in the brick kilns while 18,037 children are accompanying their parents in the kilns but not working. In total, 35,775 children are estimated to be living in the brick kilns.

Figure 11 summarizes the distribution of children aged 5 – 17 working in the brick industry (total, children who are heads of household and children who are not heads of household), indicating

the number and percentage who are in child labour and in hazardous work. It is notable that almost all the children who are heads of household (98.6%) are in child labour. These are children who are most vulnerable to exploitation because they have no family protection. Among those children who are not household heads, the figure is substantially lower, with 42.8% of these children in child labour.

Figure 11: Distribution of children in child labour and hazardous work -- summary

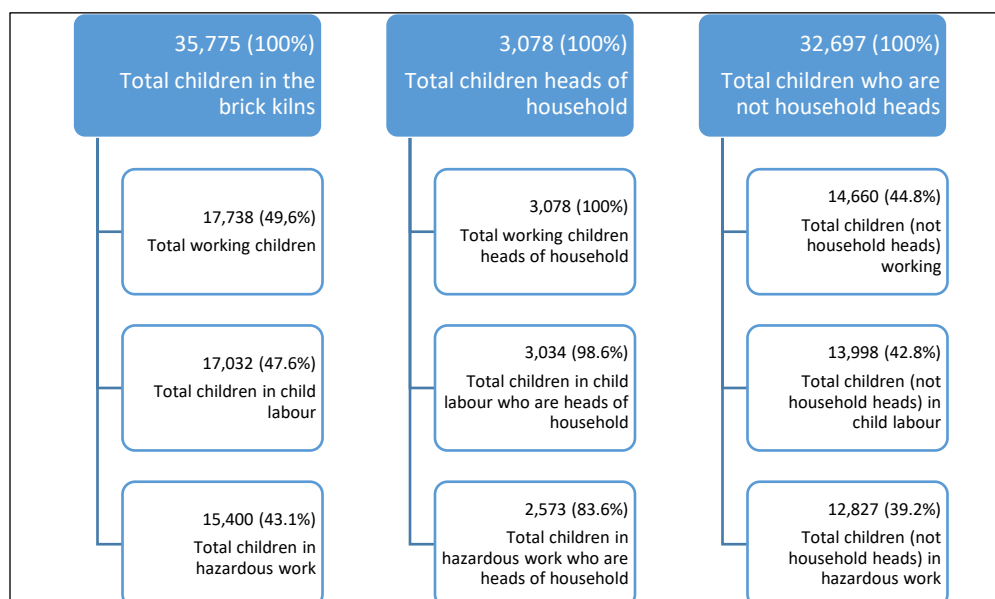


Table 14 shows the country of origin of the children who are main workers. Among the children working in the brick kiln, 1,973 children who were main workers/heads of household self-identified as ‘unaccompanied’.²⁷ While most of them (1,859) are above the MWA, 114 of them are under the MWA and therefore *de facto* in child labour (see Table 15).

Table 14: Distribution of working children heads of household/main workers by origin

	Nepalese	Indian	Total
Accompanied children heads of household	37.8	31.6	35.9
Unaccompanied children who are main workers	62.2	68.4	64.1
Total working children heads of household/main workers	100.0	100.0	100.0

²⁷ These children, as main workers/heads of household, were asked “Do you have your family, relatives and friends also living with you in the kiln?” and replied “no”.

Table 15: Distribution of working children heads of household/main workers by age group

	5-13	14-17	Total
Accompanied children heads of household	198	908	1,106
Unaccompanied children who are main workers	114	1,859	1,973
Total working children heads of household/main workers	312	2,767	3,078

Table 16 shows the status of children working in the brick industry, as manual workers. There are 17,738 children working (including family members) and of these, 17,032 (96%) are considered to be in child labour. All the working children aged between five and 13 are *de facto* in child labour because they should not be working at all at this age. A high number of children in the 14-17 year age group (10,454) have reached the MWA but the nature of the work they do is hazardous and they, too, are therefore considered to be in child labour. About 9.2% (1,631) of the total working children attend school in addition to working in the brick kiln. Of these children, those in the 5-13 age group are nevertheless considered to be in child labour by virtue of the fact that they do any work at all, and 804 children who have reached the MWA but are still in school are also in child labour because of the nature of the work they do.

Table 16: Status of children of different age groups working in the brick industry (including family members)

	5-13 yrs			14-17 yrs			Total		
	No.	% among working children	% among all children	No.	% among working children	% among all children	No.	% among working children	% among all children
Child labour	6,578	100.0	28.6	10,454	93.7	81.6	17,032	96.0	47.6
Enrolled at school and working in the brick kiln	768	11.7	3.3	863	7.7	6.7	1,631	9.2	4.6
Enrolled at school and in child labour	768	11.7	3.3	804	7.2	6.3	1,572	8.9	4.4
Working children	6,578	100.0	28.6	11,160	100.0	87.1	17,738	100.0	49.6

Table 17 shows the prevalence of working children among boys and girls aged 5-13 and 14-17 (including family members). The percentage of girls working in the brick kilns exceeds that of boys in both age groups (31.3% against 26.5% and 90.1% against 84.7%). Almost one-third of children aged 5-13 (28.6%), who should not be working at all, are working, and a high 87.1% of children between the ages of 14 and 17 are working.

Table 17: Prevalence of working children, by sex and age group

	5-13		14-17		Total	
	N (weighted)	Prevalence	N (weighted)	Prevalence	N (weighted)	Prevalence
Boys	3,412	26.5%	5,981	84.7%	9,393	47.2%
Girls	3,166	31.3%	5,179	90.1%	8,345	52.6%
Total	6,578	28.6%	11,160	87.1%	17,738	49.6%

Table 18 illustrates the percentage of children in child labour who are working alongside their families and those who are main workers, directly employed by the employer.

Table 18: Children in child labour who work to help the family or who are directly employed (%)

	Girls	Boys	Total
Children who work to help their family	98.4	100.0	99.2
Children who are directly employed to work (main children workers)	95.1	95.7	95.4
Total children	95.7	96.3	96.0

Workloads carried by children

Table 19 shows the distribution of working children (including family members) based on age group and the nature of the work they do. Some 39.3% of the working children carry a light load; 52.1% carry a slightly/moderately heavy load and 7.7% carry a heavy/extremely heavy load. Disconcertingly, a large number (3,992), almost two-thirds (60.7%) of working children in the 5-13 year age group, are shown to carry slightly/moderately heavy loads, 34 children aged 5-13 (0.5%) carry heavy/extremely heavy loads and 278 (4.2%) operate heavy machinery. Priority attention should be paid to these children who face extreme hazards.

Table 19: Distribution of children in the brick industry based on age group and nature of work²⁸

	5-13 yrs		14-17 yrs		Total	
	No.	%	No.	%	No.	%
Carry light load	2,514	38.2	4,460	40.0	6,974	39.3

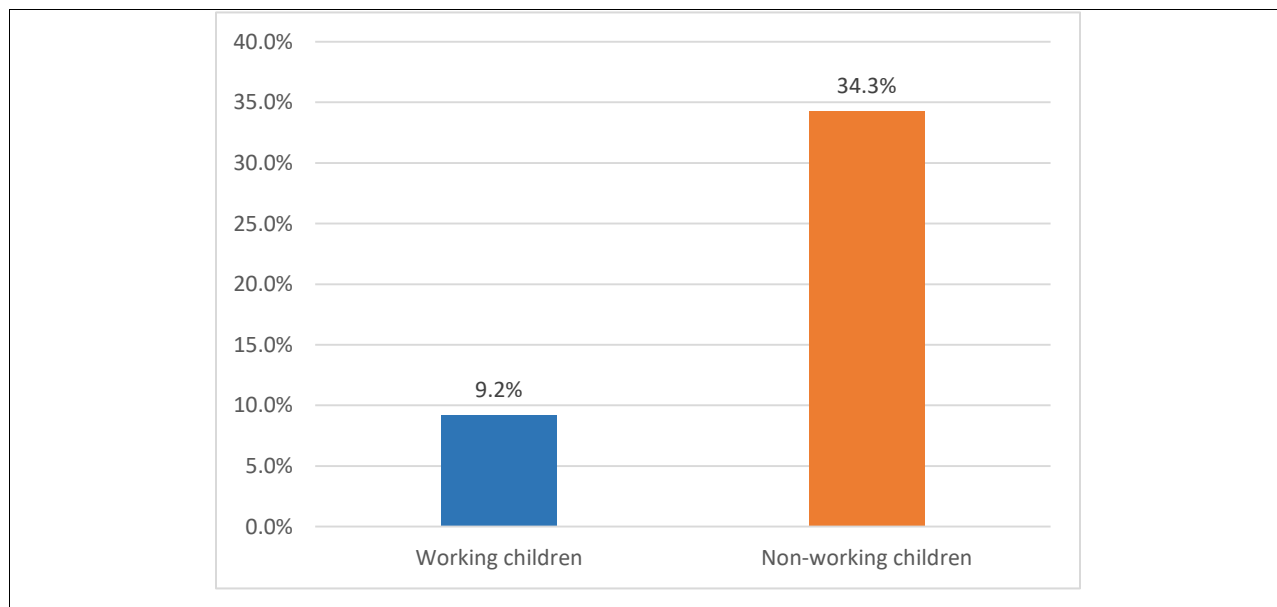
²⁸ Basis of analysis for percentages: all working children (including family members).

Carry slightly/moderately heavy load	3,992	60.7	5,254	47.1	9,246	52.1
Carry heavy/extremely heavy load	34	0.5	1,324	11.9	1,359	7.7
No information provided on load weights	37	0.6	122	1.1	159	0.9
Operate heavy machinery/equipment	278	4.2	149	1.3	426	2.4
No information provided on operation of heavy machinery/equipment	37	0.6	122	1.1	159	0.9
Total working children	6,578	100	11,160	100	17,738	100

Educational status of the children

Table 20 shows the educational status of children working in the brick industry (including family members). Only one in 10 working children (9.2%) attends school or kindergarten, whereas 34.3% of children who are not working go to school (Figure 12).

Figure 12: Percentage of working and non-working children attending school (including family members)



The percentage of working children who have not yet reached working age and who are in school or kindergarten is worryingly low at just 11.7%. Of working children who have reached the MWA, 7.7% nevertheless still also go to school. A small number of children (266 – 1.5%) said they work during school vacation, although it is not clear whether these children also work during the school year.

Table 18 : Educational status of children working in the brick industry

	5-13 yrs		14- 17 yrs		Total	
	No.	%	No.	%	No.	%
Enrolled in nursery/kindergarten	12	0.2	-	0.0	12	0.1
Enrolled in classes one to five	490	7.4	301	2.7	791	4.5
Enrolled in classes above class 5	266	4.0	562	5.0	828	4.7
On school vacation*	226	3.4	40	0.4	266	1.5
Total number of working children attending school	768	11.7	863	7.7	1,631	9.2
Dropped out of school	578	8.8	1,632	14.6	2,210	12.5
No information on school attendance	312	4.7	2,767	24.8	3,079	17.4
Total working children	6,578	100	11,160	100	17,738	100

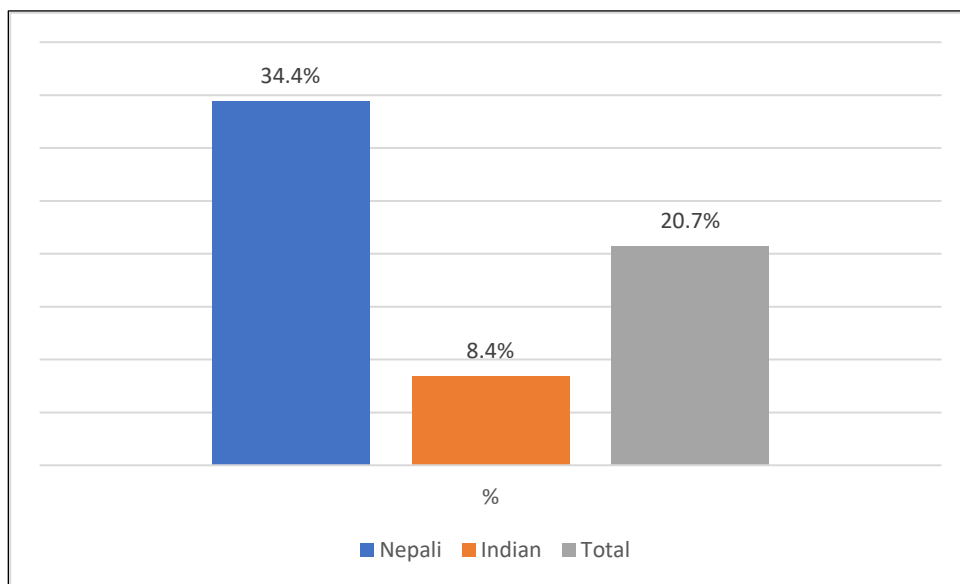
* Note that a child may be on vacation but also enrolled in nursery, for example, therefore the categories are not mutually exclusive.

While 52.6% of the children living in the brick kilns are of Indian origin, only 8.4% of children of Indian origin attend school (see Figure 13).²⁹ This compares to 34.4% of children of Nepali origin attending school when 47.4% of all children are Nepalese. It is not clear whether this is because

²⁹ The ethnic origin of the children is presumed according to the response their head of household gave regarding his/her origin.

of obstacles such as language difference or because parents of Indian origin do not send their children to Nepalese schools. When programming to encourage school attendance is introduced (see next paragraph), it would be useful to ask parents of Indian origin, especially, if they face particular obstacles to sending their children to school.

Figure 13: Percentage of children attending school, by nationality



Reasons for not attending school

Table 21 shows the reasons given for not attending school by children working in the brick industry (including family members). Based on the responses, the family's financial status is clearly a major factor in the child's education. Children not only said that their family could not afford to send them to school, they also quoted the consequent inability to buy books or materials as a reason. Addressing the family's financial difficulties through appropriate programming to help them to generate income and manage their money, in conjunction with programming to encourage parents and children to see the present and future value of school attendance, is clearly a priority. Since a significant number (1,467 children) also mentioned that there was no school nearby, consideration could be given to introducing on-site non-formal education resources to allow children to learn.

**Table 21: Reasons for not attending school by children of different age groups in the brick industry
(children not attending school, including family members)**

	5 – 13	14 - 17	Total
Household cannot afford it	1,686	3,057	4,743
Child not interested in going to school	1,209	1,068	2,277
Dropped out	578	1,632	2,210
No school nearby	741	726	1,467
No money to buy books or materials	437	565	1,002
On school leave	86	98	184
School is expensive	81	20	101
Other reasons	1,116	882	1,998

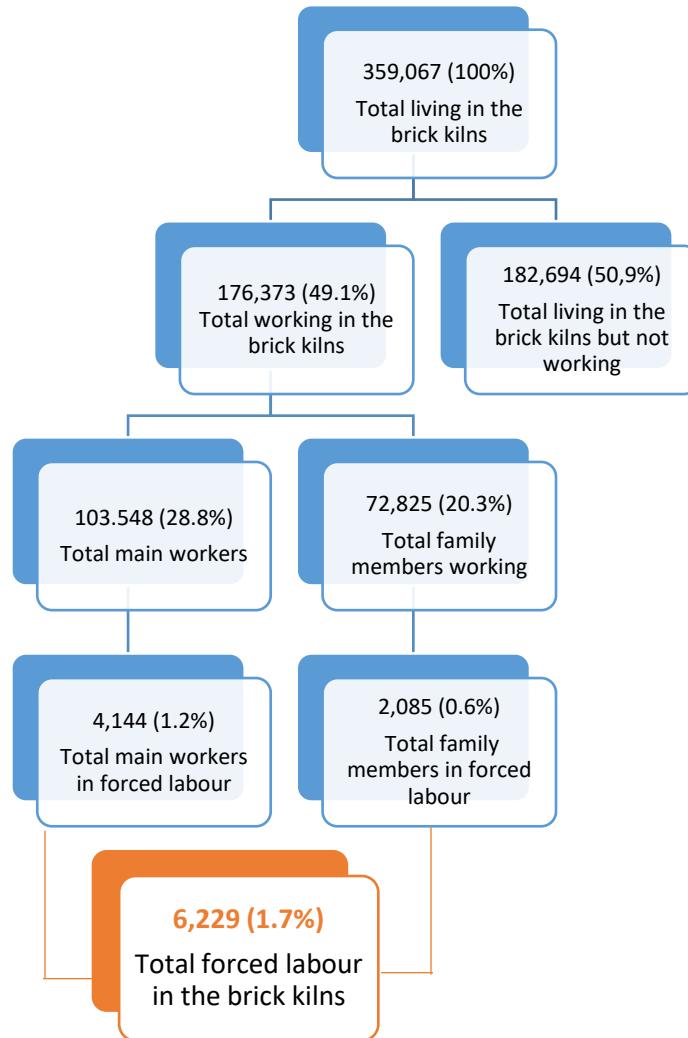
Note: Multiple answers may relate to the same child.

CHAPTER 6: FORCED LABOUR, BONDED LABOUR AND CHILD LABOUR

Dimensions and estimates of forced labour

There are 6,229 workers in forced labour in the brick kilns: 4,144 main workers and 2,085 family members. Figure 14 shows the breakdown of people working and living (but not working) in the brick kilns and how many of these are in forced labour.

Figure 14: Main workers and family members in forced labour in the brick kilns



By definition, a person is considered to be in forced labour if s/he works both involuntarily and under the threat and menace of some penalty. Both conditions must exist to be regarded as forced labour. There are 11 conditions which satisfy the 'involuntary' criterion. The observed frequency of such conditions provides an idea of those areas that require particular attention. Of these conditions, only five were reported by an individual identified to be in forced labour (question only asked of main workers). Figure 15 shows that the highest number of responses (4,041) were from main workers who said they were unable to leave the job without negative repercussions or some risk, followed by work for other employers that had not been agreed to (25), involuntary overtime that was not compensated (25) and involuntary overtime that was compensated (17).

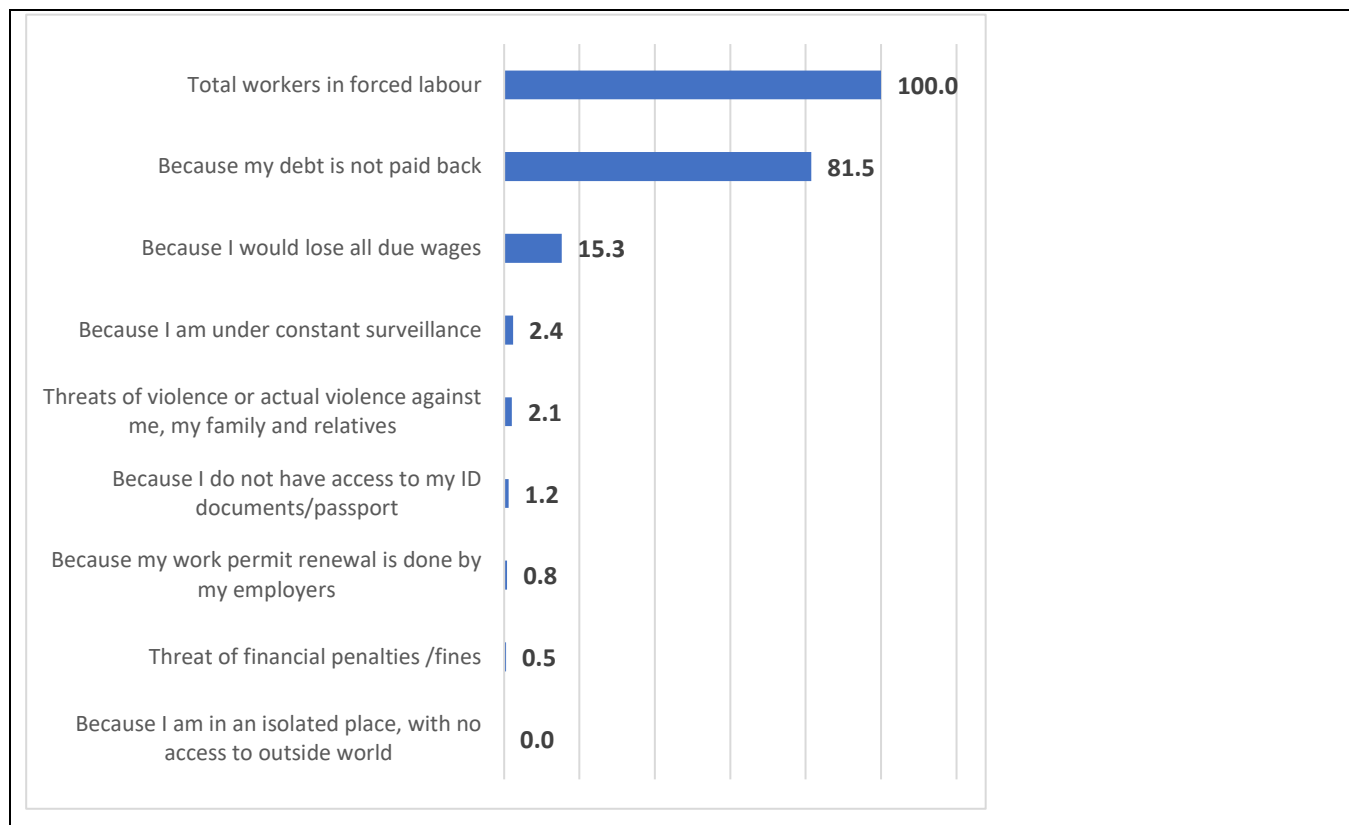
Figure 15 : Criteria for involuntary work (% among workers in forced labour, based on the answers of main workers)



Similarly, there are eight conditions which satisfy the 'threat and menace of some penalty' criterion (Figure 16). The highest number of responses (3,376) came from main workers who said their debt had not been repaid. Some 15.3% of the main workers agreed that they would lose all

wages due to them if they quit the work during the working season. Workers in many brick kilns are paid only when the season ends; this is mainly done to stop them moving to other brick kilns.

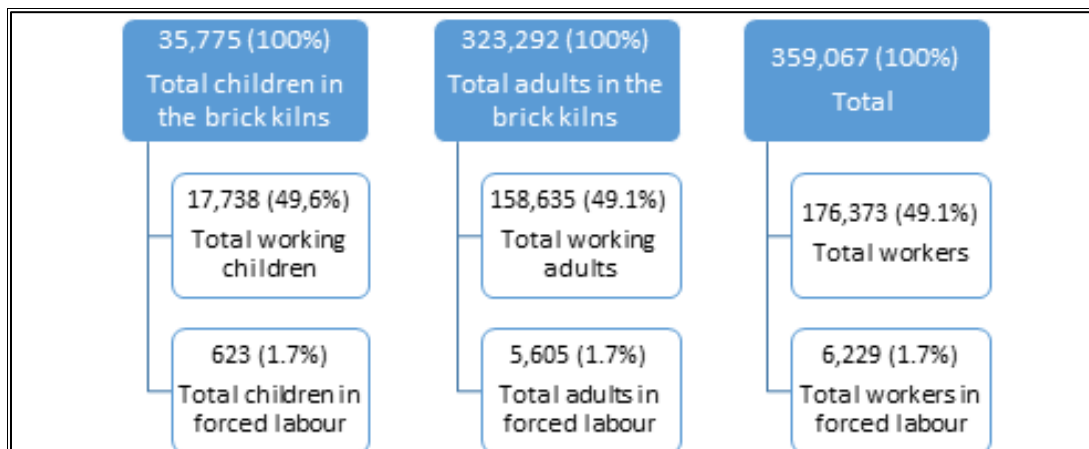
Figure 16 : Means of coercion (%) among workers in forced labour, based on the answers of main workers)



Approximately 11% of main workers (heads of household) were found to be working involuntarily (Table 22). Among these workers, 36.5% (4,144) were working under menace and coercion. The total number of main workers who satisfy both the involuntariness and threat and menace of penalty criteria is therefore 4,144 (4%). If a household/family head is identified as being in forced labour, then all the members living together with him/her in the same shelter and working with him/her or helping him are considered to be in forced labour also.³⁰ When such family members are included, then 6,229 (3.53%) of the total manual workers in the brick industry are classed as being in forced labour (see Figure 17 below).

³⁰ The inclusion of all family members in the forced/bonded labour category is based on the following rationale: the survey was conducted in the establishments themselves and household members were living together in the kiln. It is therefore appropriate to consider that the force/bonded labour situation of the main family worker also applies to the other family members, since the reason, motive and characteristics of their work in the kiln is the same. (This definition agreed by the CBS and ILO).

Figure 17 : Adults and children in forced labour in the brick kilns



A 2018 labour force survey identified that for every 10,000 workers sampled in the country, 12 workers were victims of forced labour (CBS 2018); the 3.5% of this survey, however, would suggest that the number is much higher: 353 per 10,000. This indicates that the prevalence of forced labour in the brick industry is some 30 times higher than in the general labour force.

Table 19 : Main workers in forced labour

	No.	% among main workers
Total main workers in involuntary labour	11,354	11.0
Total main workers who are working under menace and coercion among those in involuntary labour	4,144	4.0
Total main workers in forced labour	4,144	4.0

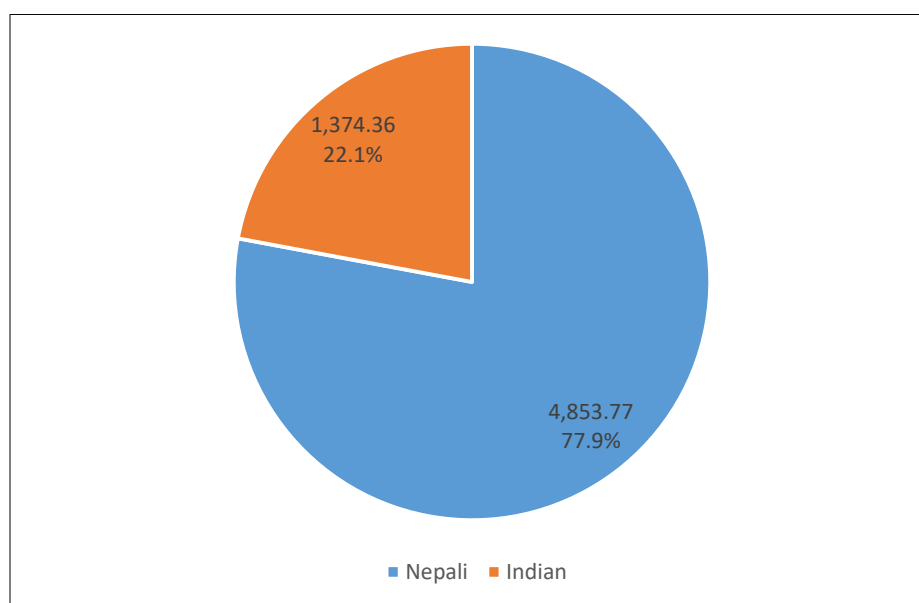
Among the total children working in brick kilns, 623 (3.5%) are identified as being in forced labour (therefore *de facto* in child labour). About 4% of the children identified as “family members” live and work alongside parents or someone who is identified as working in forced labour (Table 23). The proportion of unaccompanied children in forced labour is twice that of accompanied children in forced labour.

Table 20: Children in forced labour

	Not in forced labour		In forced labour		Total	
	No.	%	No.	%	No.	%
Main workers - Accompanied children	1,089	98.5	16	1.5	1,106	100
Main workers - Unaccompanied children	1,913	97.0	60	3.0	1,973	100
Family members - children	14,113	96.3	546	3.7	14,660	100
Total - children	17,115	96.5	623	3.5	17,738	100

Of the workers identified as being in forced labour, the majority (77.9%) are of Nepalese origin; just 22.1% are of Indian nationality (Figure 18).

Figure 18 : Nationality of workers in forced labour in the brick kilns³¹



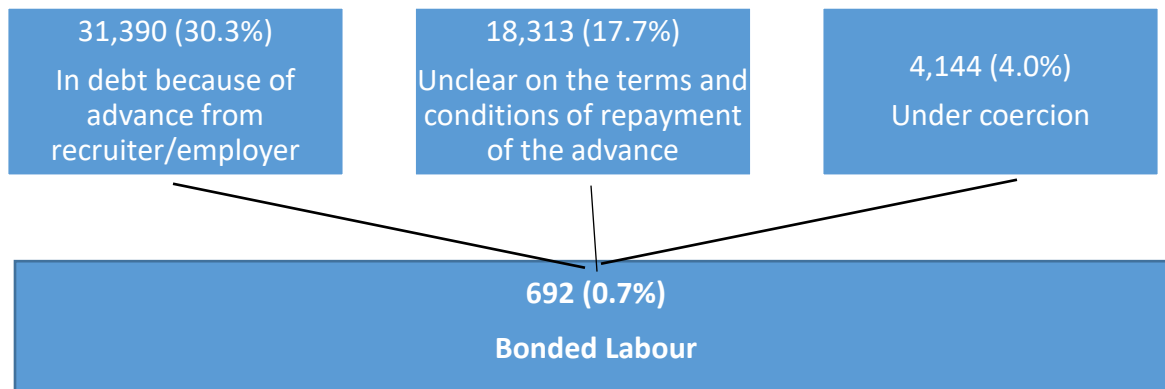
The proportion of girls/women in forced labour (34.5%) is slightly higher than their representation in the general worker population (29.4%), and the average age of victims of forced labour is approximately the same as the other workers (30 years against 31). The workers in forced labour are between seven and 65 years of age.

³¹ Questions on nationality were asked only of main workers, who are the head of their households. Family members are considered as having the same nationality as the head of household.

Bonded labour is a subset of forced labour. Bonded labour is defined through a number of conditions. First, the worker has to incur debt through an advance taken from a *naike* (labour contractor) or employer. Second, the worker has to have not clearly understood the terms and conditions of the repayment when the advance was made. Third, the worker does not have the freedom to leave the job/employer without some threat or risk. When all these conditions are satisfied, a person is defined as being in bonded labour. If a household head is identified as being in bonded labour, then all the members living in the same shelter are considered to be in bonded labour also.³²

Figures 19 and 20 show the dimensions of bonded labour in the brick industry in Nepal. About 30% of heads of family are in debt because they received an advance from the *naike* or employer. About 18% are in debt and have not understood the terms and conditions of repayment. These workers mainly belong to illiterate, poor and underprivileged households and trust the *naikes*, who are usually from their own villages.³³ The total number of workers in bonded labour identified at the family level (main workers) is 692 while the total number of bonded labourers in the brick industry is 1,035 with a prevalence of 0.3%. The proportion of total workers (including family members) who are in bonded labour is 0.59%. This implies that for every 10,000 workers sampled in the brick industry, 59 workers are in bonded labour.

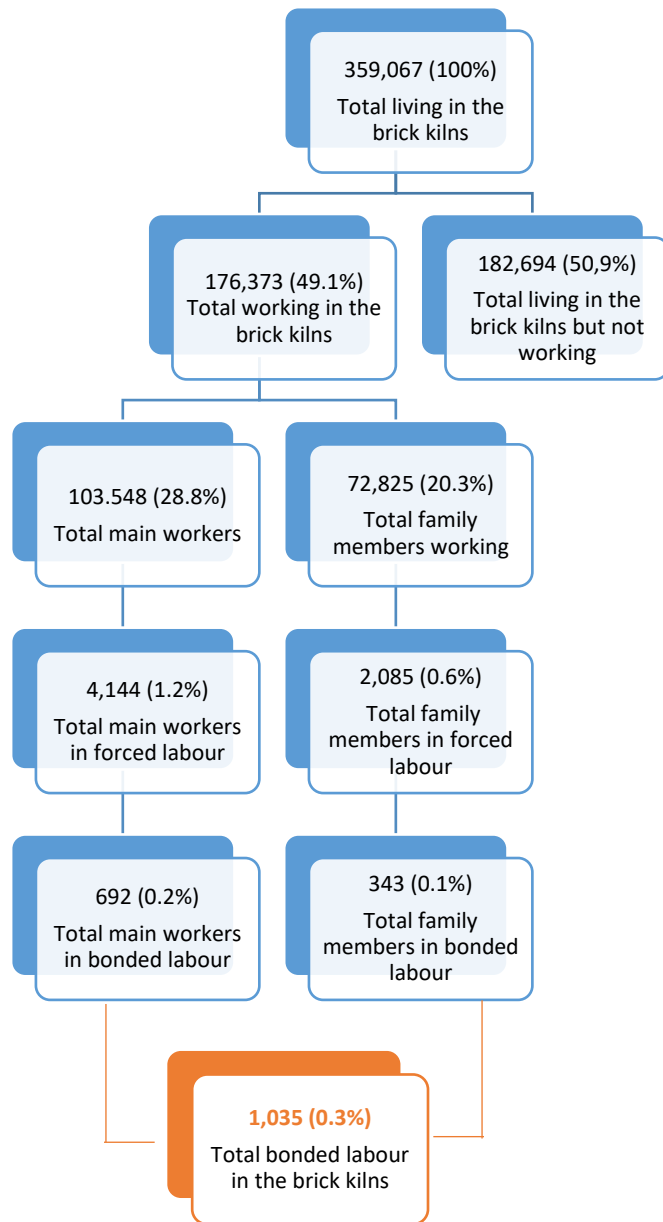
Figure 19 : Main workers in bonded labour



³² See above, footnote 30, p.58.

³³ Additional information acquired during the FGDs.

Figure 20 : Main workers and family members in bonded labour in the brick kilns



Dimensions and estimates of child labour

When the whole family unit migrates to work in the brick kilns, children accompanying them are also likely to work in the brick kilns. In Nepal's labour law, child labour is defined according to the nature of work, the age of the child and the number of hours worked in a reference time period (the preceding seven days).

Working in the brick kilns involves several hazardous conditions such as dust, flames, extreme cold or heat, working at heights, and inadequate ventilation. Approximately 15,400 or 43% of the children living in the brick kilns are involved in hazardous work. All children involved in hazardous work are considered as being in child labour.³⁴ Figure 21 shows that 65 (0.4% of working children, 0.2% of all children) children are found to be victims of child abuse. These children are also considered as in child labour in Nepalese law. 29.5% (5,226) of the working children work at night, meaning between 6 pm and 6 am. Children working for more than 36 hours in the previous week are also defined as working in child labour. Of the working children, 43.8% (7,771) of children had worked more than 36 hours in the previous week. Additionally, 2.4% (426) of the children operated heavy machinery, and 32.1% (5,699) carried moderately heavy, very heavy or extremely heavy loads. Among total working children, the rate of child labour in the brick industry is 96% (17,032 children). Of total workers, the number of children in child labour represents 9.7% (17,032). Just under half of the children in child labour (49% - 8,394) have Nepalese nationality; 51% (8,637) have Indian nationality (Figure 22).

Since work in the brick kiln is only for about six months, it is difficult for the parents to leave their children at home. Moreover, the parents do not want to be separated from their children. Both workers and *naikes* (labour contractors) said that the hardship and financial distress suffered by the family are partly the reason why children are put to work in the brick kiln. Another reason might be the incentive of having some spending money: one of the *naikes* explained that, when the season ends, the children who have received payment go back to their village and wear more expensive clothes; other children in the village are impressed knowing that their friends have earned money in the brick kiln, and the parents boast about this to neighbours. This can encourage other parents in the village to send their children to work in the brick kilns. There are, of course, other negative repercussions: children working in the brick kilns are deprived of an education and basic facilities, and their parents are trapped in the vicious cycle of poverty.

³⁴ 'Hazardous work' involving any person under the age of 18 is considered a Worst Form of Child Labour (WFCL) in international instruments. This is not specifically labelled as such in Nepalese law, which does, however, recognize the increased risk. See above, p.11.

Figure 21: Dimensions of child labour in the brick industry in Nepal (percentages among working children)

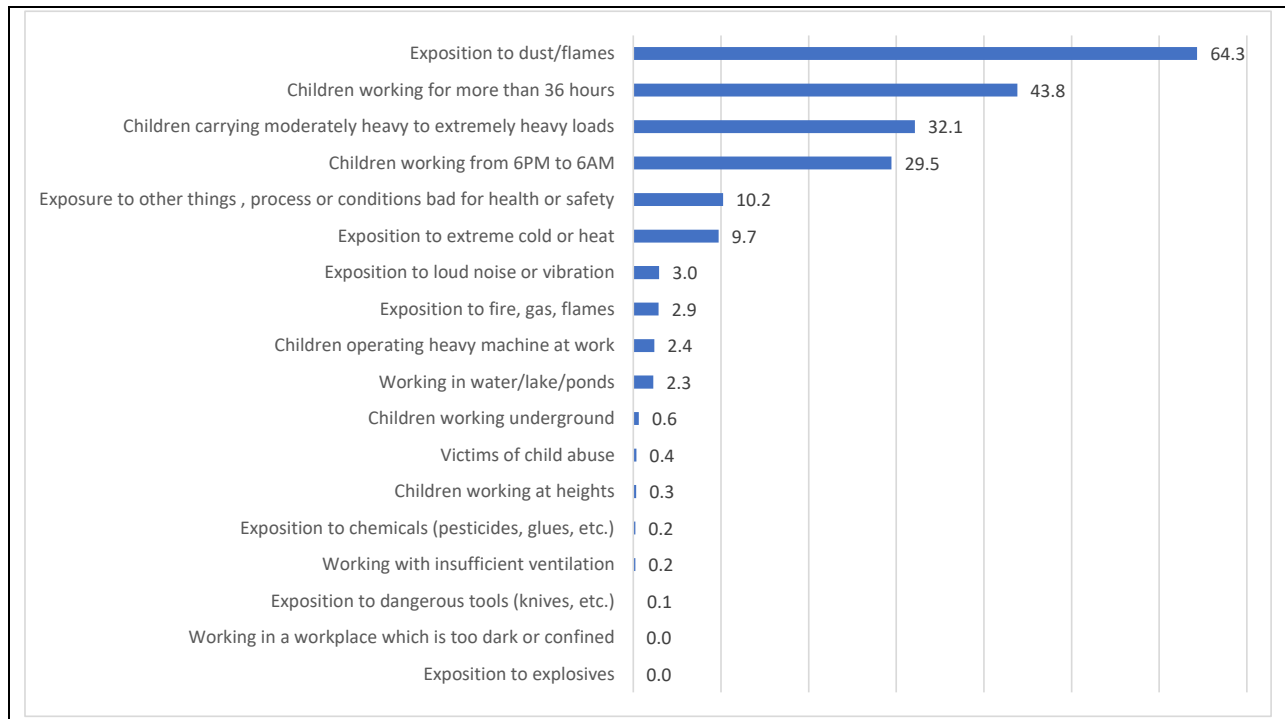
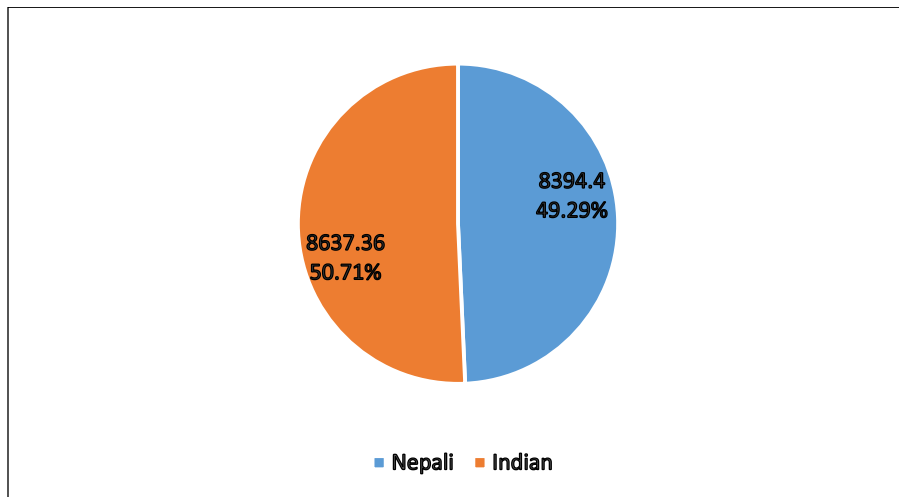


Figure 22 : Nationality of children in child labour in the brick kilns³⁵



³⁵ Numbers based on responses from heads of household only. Children have been considered as having the same nationality as the head of household.

CHAPTER 7: WORKING CONDITIONS AND EMPLOYMENT RELATIONSHIPS

All the axes of analysis in this section focus on main workers only, and exclude family members from the scope. This is because of the structure of the questionnaire (questions asked exclusively to main workers).

Recruitment of workers

Table 24 shows the number and percentage of main workers recruited by different agencies to work in the brick industry. Almost half of the main workers (49%) are recruited through a *naike* (labour contractor). Almost 22% of the main workers (all Indian) are recruited through an agent/recruiter from their country of origin. Approximately 15% of the main workers are recruited directly by the brick kiln owner. Less than 6% of the main workers are recruited through family members, relatives and friends.

Table 21: Number of main workers by means of recruitment

	No.	%
Through an agent/ recruiter from country of origin (in case of non-Nepali)	23,223	22.4
Through an agent/recruiter from Nepal	7,412	7.2
Through direct recruitment by the brick kiln owner	15,302	14.8
Through a labour contractor/ <i>naike</i>	50,383	48.7
Through a family member	1,069	1.0
Through other relatives	2,238	2.2
Through friends	3,382	3.3
Others	539	0.5
Total	103,548	100

Note: Numbers based on responses from the main workers/head of the household.

During the survey, questions were asked which were designed to illicit information on deception during recruitment (Table 25). The vast majority (99%) of the main workers said that the work proposed during the recruitment process turned out to be generally the same in reality. However, 5.4% of the main workers said that the information they were given on the number of working hours a day was different (note that the average working hours of main workers = 52 hours per week). Some 17% of the main workers agreed that the information they received on safety equipment and procedures during recruitment was different in reality. Only three-quarters of the

workers (74.4%) said that the information they were given on the duration of the contract and deductions from salary/wages was accurate. These results show that not all workers are fully informed of the reality of the work they will be doing in the brick kiln, and this should be taken into account in any programming designed to improve recruitment processes to the benefit of the worker.

Table 22: Information received during recruitment, by main workers (%)

Subject	Information received, consistent with reality	Information received, but different from what happens in reality	No information received
Type of work you were going to do	99.0	0.4	0.6
Working hours/days	91.7	5.4	2.9
Number of holiday (rest-days) per week	92.4	4.9	2.7
Living conditions (Lodging and Meal)	94.6	3.3	2.1
Safety equipment and procedures	71.1	16.9	12.0
Salary/Wages	96.6	1.5	1.9
Deductions from salary/wages	84.8	6.4	8.8
Contract duration	74.4	9.7	15.9
Terms of debt re-payment	93.1	3.0	3.9

Advance payment

Questions were also asked to identify the sources of advance payments to main workers in the brick industry and deductions taken from them (Figures 23 and 24). More than three-quarters (76%) of manual workers recruited from Nepal and other countries receive advance payments from the *naikes* (labour contractors) and only 3.5% of the manual workers receive advance payments from the employers. Usually the workers have a strong bond with their *naikes*. They are the one who hired them, provided the advance payment, takes responsibility for disbursement of the final payment, solves conflicts and other issues that may arise while the workers are in the brick kilns. Usually the owners deal with the *naikes* and not the workers. The advance payment is reimbursed mainly from the salary/wages of the worker -- 73% of the manual workers said that they repaid their advance this way, while 5.5% said that they repay the advance through the income of their family members. A small number of manual workers (less than 5%) repay the advance through regular monthly payments or an annual payment to the creditor.

Providing advance payments to manual workers to retain them for the next season is very common in the brick industry. Indeed, many workers insist on an advance before they will work.³⁶

Indian main workers tend to get an up-front payment more frequently from the recruiters than Nepalese main workers do (81% against 70%), and are less constrained by debt (26% against 34%). The higher salary of Indian workers may in part explain this.

Figure 23: Advance payment sources of main workers³⁷

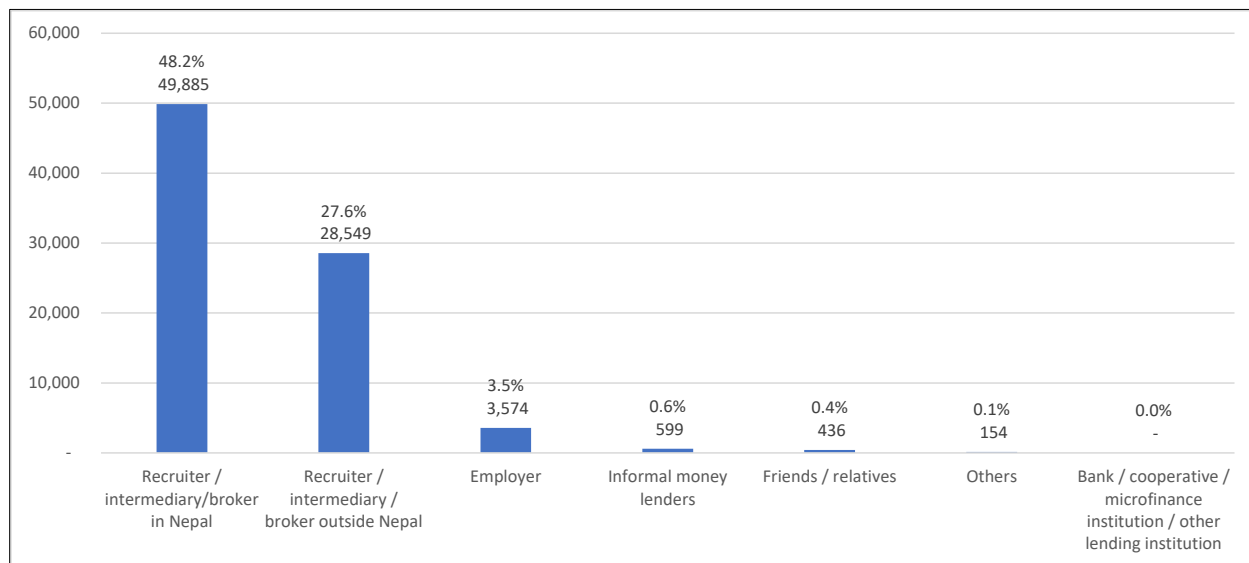
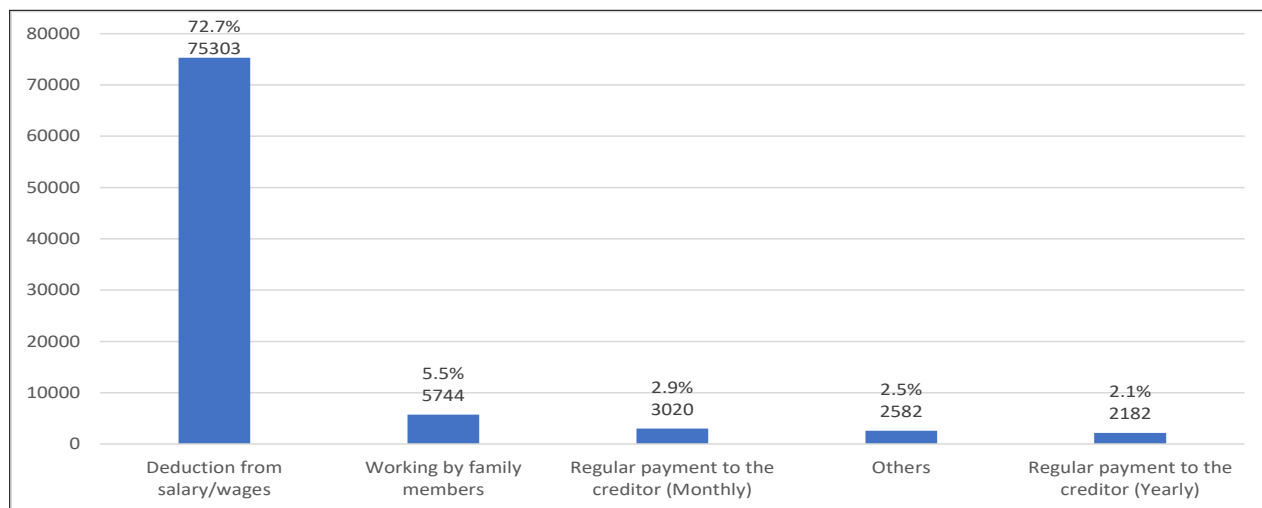


Figure 24 : Means of repayment of advance payment, by main workers³⁸



³⁶ Information obtained from FGD with *naikes*.

³⁷ The same worker can be in more than one category.

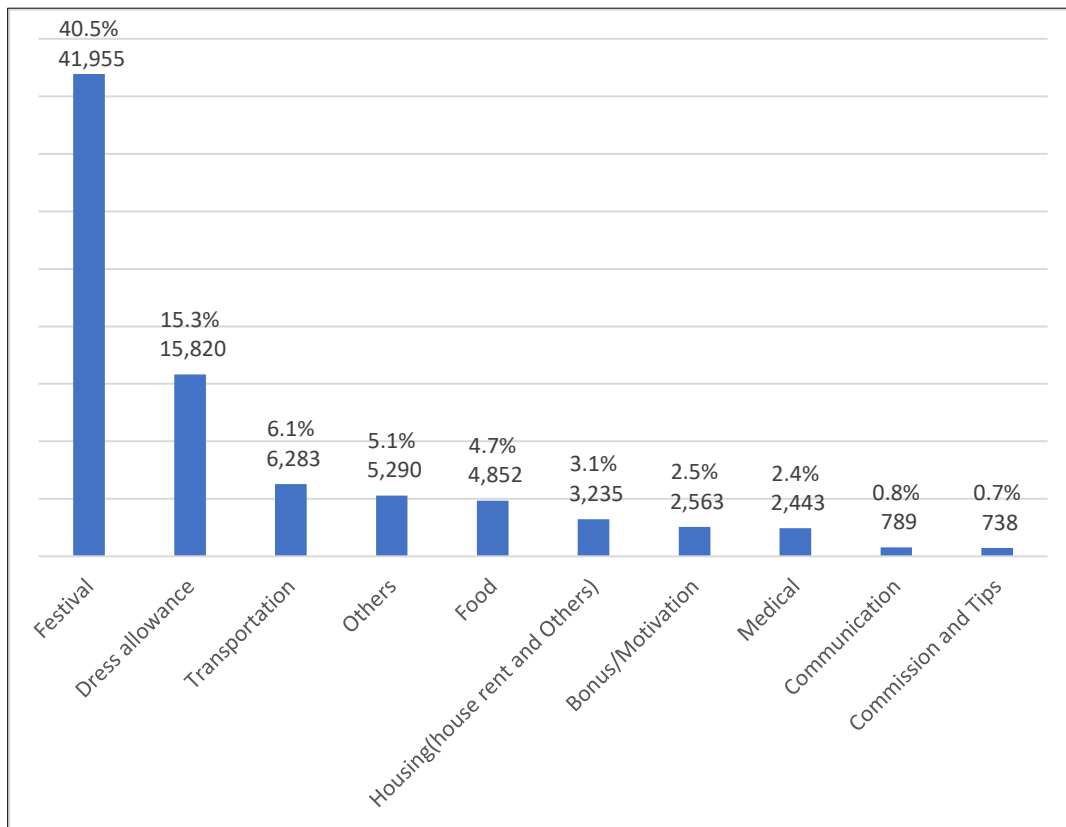
³⁸ The same worker can be in more than one category.

Since the whole family usually relocates to work in the brick kiln, there are expenses when they return home at the end of the season. They may be in debt to relatives and have to repay the debt when they get back. They may have borrowed money to maintain their livelihood at home and, in any case, will need to buy seeds, fertilizer and farm equipment so that they can plant rice or maize during June/July and harvest it in September before returning to work in the brick kiln. Those workers who do not have agricultural land generally use the advance payment to meet festival expenses, buy food and clothes, welcome guests etc. The biggest motivating factor to take an advance payment is that they do not have to pay interest. Depending on the brick kiln owners, the advance payment is distributed at the end of the brick-making season in May or sometimes June and July. In some brick kilns, the workers may receive the advance payment at the brick kiln itself after the chimney has been closed for the season.

Allowances and benefits

The survey also included questions on allowances and benefits (Figure 25). Very few of the families in the sample are given such 'bonuses', the highest incidence of an allowance being given (41%) relating to festival expenses. Approximately 6% of the families receive transportation allowance, particularly to pay for their return travel at the end of the season. Usually the manual workers receive food allowances weekly rather than monthly. Some of the brick kiln owners provide clothes for special occasions such as festivals. Some 16% of the families had received yearly dress allowances. Some employers provide additional cash and clothes for festivals like *Maghe Sankranti* and *Falgun Purnima*.

Figure 25 : Allowances received by main workers³⁹

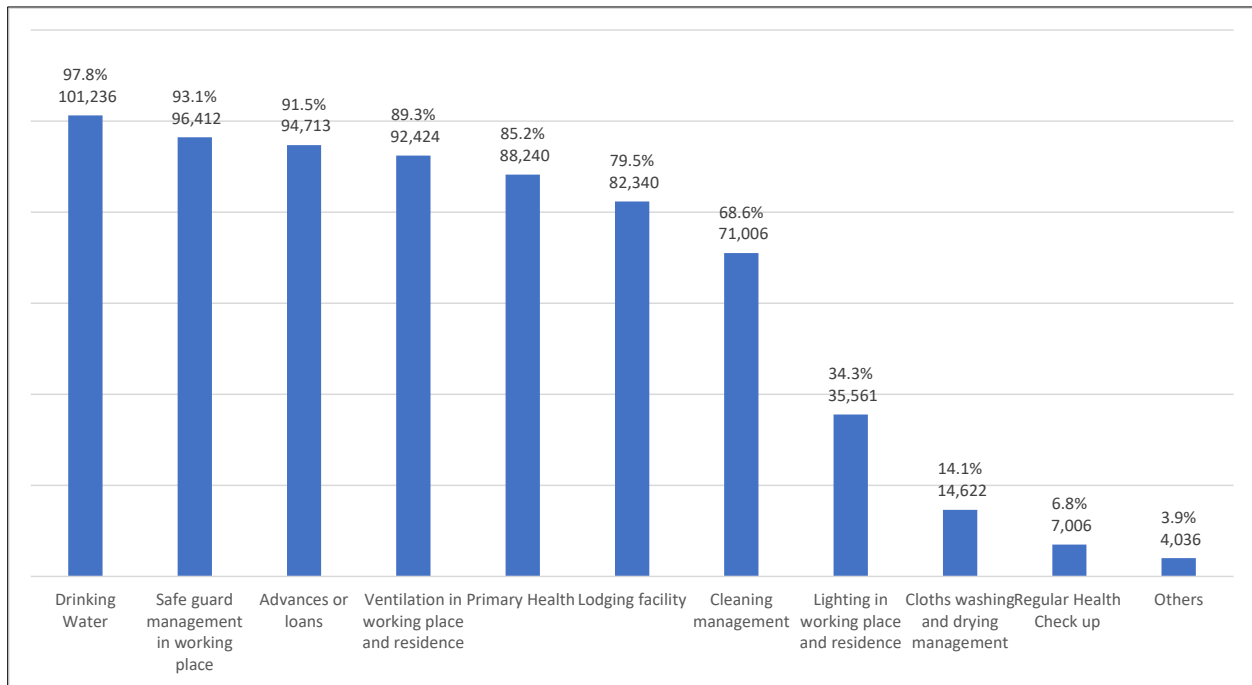


Facilities

Depending on the location and size of the brick industry, the brick kiln owners provide some basic facilities to their employees. This is illustrated in Figure 26, below. Although the majority of workers reported receiving facilities such as primary health care (85.2%), drinking water (97.8%), ventilation in the workplace and residence (89.3%), safety management in the workplace (93.1%), accommodation (79.5%) and advances or loans (91.5%), very few manual workers said they receive regular health check-ups (6.8%), electricity (34.3%) and washing and drying of clothes (14.1%). Additionally, field visits during the survey confirmed environmental hazards such as dust, high air temperatures and air pollution. The temporary shelters that accommodate the manual workers are generally poor (no proper air circulation, dirty floors, no mosquito nets), and lack facilities such as toilets and bathrooms. This is particularly true of the kilns located in the outskirts of the urban areas (such as the Kathmandu valley).

³⁹ The same worker can be in more than one category

Figure 26 : Facilities provided to main workers⁴⁰

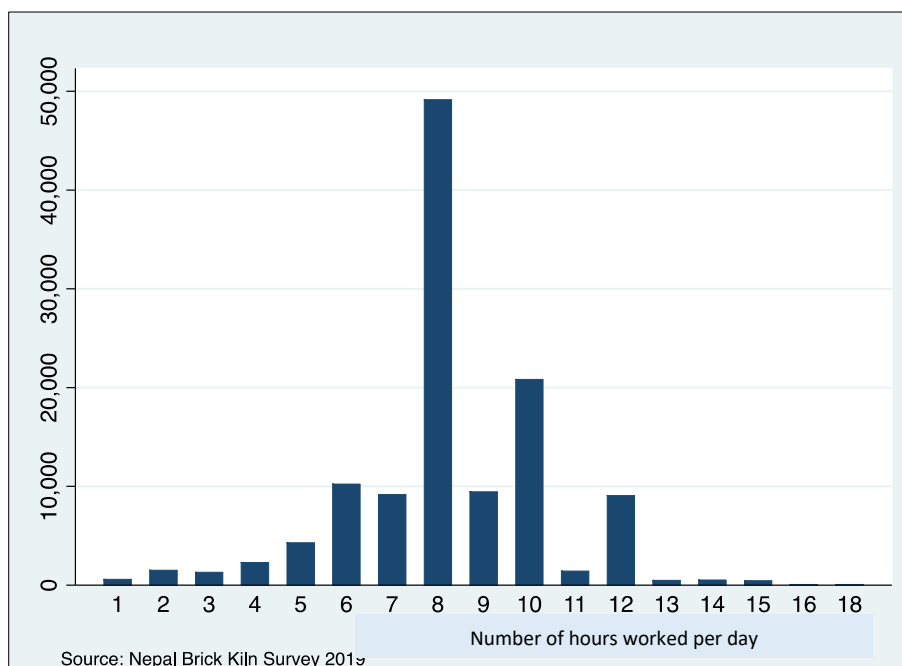


Hours of work

Figure 27 shows the distribution of main workers based on the number of hours worked a day. Most of the main workers worked an 8 hour-day. Some main workers, however, worked for 18 hours a day. Table 22 shows the working intensity of main workers in the brick industry based on the nature of the work performed. On average, a main worker works about 8.6 hours a day and 6.4 days a week.

⁴⁰ The same worker can be in more than one category.

Figure 27 : Distribution of main workers based on the number of hours worked per day in the brick industry



Overall, the ‘fire man’ works for the highest number of hours (9.2) a day. In fact, the ‘fire man’ is supposed to rotate every six hours. The working intensity of male workers was found to be slightly higher than that of female workers. Qualitative studies indicate that some children work as animal handlers in the brick industry. Boys work longer hours in work related to de-bricking, sorting and storing the fired bricks, while girls work longer hours in transporting and the ‘other’ category. Disconcertingly, the children often work more hours than the adults.

Table 26: Working intensity of main workers in the brick industry, by type of work

Type of work	All	Female	Male	Adult	Children
Clay man	8.5	7.3	8.5	8.5	9.6
Brick moulder	8.9	8.6	8.9	8.9	8.4
Brick transporter	8.5	8.7	8.4	8.4	9.5
Bojhai man	8.1	7.1	8.1	8.1	8.7
Rubbish man	7.9	7.8	8.0	7.9	
Firing work	9.2	8.0	9.2	9.2	8.0

De-bricking worker	8.3	7.8	8.4	8.3	8.7
Coal man	8.4	8.1	8.4	8.4	8.0
Animal care and driving	8.0		8.0	8.0	
Other	7.5	7.7	7.3	7.5	7.5
Total	8.6	8.5	8.6	8.6	9.1

Earnings, mode of payment and remuneration

Table 27 shows the approximate monthly earnings (Rs), mode of payment, and basis of remuneration of a main worker (the head or one leading the unit). More than half of the main workers (62%) earn between Rs 10,000 and Rs 20,000 per month while some 33% earn between Rs 20,000 and Rs 30,000.

Almost half the main workers (43%) are paid on a weekly basis, primarily in food allowances. Just under one-third (33%) of the workers said that they are paid on a monthly basis, and a negligible number of main workers (0.12%) said that they are paid daily. The manual workers in the brick kilns are paid mainly on a piece rate basis (that is, according to the number of bricks moulded or transported). About 79% of the main workers said that they are paid piece rate while 20% said they receive a fixed salary each month. Piece rate payment, based on the output delivered, incentivizes workers to work harder and produce higher output.

Children tend to be paid less than adult workers, and more than nine children in 10 are paid on a piece rate basis (91%).

Table 27 : Approximate monthly earnings (Rs), mode of payment and basis of remuneration of main workers in the brick industry, by age group

		Age Group					
		Children (< 18 years)		Adult (>=18 years)		Total	
		No.	%	No.	%	No.	%
Earning Category	< 10,000	17	6.11	564	2.61	581	2.66
	10,000 - 20,000	245	87.93	13,457	62.32	13,702	62.64
	20,000 - 30,000	17	5.97	7159	33.15	7,176	32.81
	> 30,000		0.00	413	1.91	413	1.89
	Total	278	100.00	21,594	100.00	21,872	100.00
Payment period	Daily	24	0.79	105	0.10	129	0.12
	Weekly	1,692	54.95	43,241	43.04	44,933	43.39
	Monthly	554	17.99	19,027	18.94	19,581	18.91
	Based on volume of work	809	26.27	32,926	32.77	33,734	32.58
	Other		0.00	5171	5.15	5171	4.99
	Total	3,079	100.00	100,469	100.00	103,548	100.00
Basis of remuneration	Hour	27	0.89	130	0.13	158	0.15
	Day	24	0.79	684	0.68	708	0.68
	Week		0.00	323	0.32	323	0.31
	Month	226	7.36	20,233	20.14	20,460	19.76
	Piece rate	2,800	90.96	78,876	78.51	81,676	78.88
	Other		0.00	224	0.22	224	0.22
	Total	3,079	100.00	100,469	100.00	103,548	100.00
Note: Numbers based on responses from the main worker/head of the household.							

Workers' satisfaction with wages and facilities

Table 28 shows the status of main worker satisfaction with wages. Most of the main workers (64%) said they were 'neutral', while 29% demonstrated a high level of satisfaction. Very few main workers had a low level of satisfaction (5%), or a very high level of satisfaction (2%). Overall, coal men are highly satisfied while brick transporters, workers involved with animal care, and workers in the "other" category are the least satisfied among all the manual workers.

Table 28: Status of main worker satisfaction towards wages

	Very high		High		Neutral		Low		Very low	
	No.	%	No.	%	No.	%	No.	%	No.	%
Clay man	36	2.23	500	30.52	984	60.08	117	7.17	0	0.00
Brick moulding	848	1.86	13,244	29.12	29,356	64.54	2,021	4.44	19	0.04
Brick transporter	340	1.41	5,696	23.62	16,801	69.68	1,264	5.24	9	0.04
Arranging raw bricks for firing	217	3.05	2,335	32.85	4,253	59.84	303	4.27	0	0.00
Rubbish man	71	1.90	1,156	31.09	2,248	60.48	243	6.52	0	0.00
Firing work	224	3.86	2,145	37.02	3,165	54.62	251	4.34	9	0.16
De-bricking, transporting, sorting and storing fired bricks	392	3.30	3,787	31.91	7,123	60.01	558	4.70	9	0.08
Coal man	143	4.04	1,485	41.97	1,712	48.40	175	4.95	23	0.64
Animal care and driving	0	0.00	0	0.00	0	0.00	20	100.00	0	0.00
Other	0	0.00	0	0.00	224	84.45	34	12.96	7	2.59
Total	2,271	2.19	30,348	29.31	65,866	63.61	4,987	4.82	76	0.07

Table 29: Status of main worker satisfaction towards facilities, by sex

F = Female M = Male		Very high		High		Neutral		Low		Very low	
		F	M	F	M	F	M	F	M	F	M
	Clay man	0	57	0	370	17	919	0	231	0	14
	Brick moulder	102	653	1,131	7,981	4,969	24,995	530	4,122	91	913
	Brick transporter	0	382	1,258	3,115	4,567	10,890	1,065	2,431	51	353
	<i>Bojhai</i> man	0	182	38	1,462	54	4,587	0	662	0	122
	Rubbish man	0	71	150	733	80	2,108	0	526	0	49
	Firing work	0	190	25	1,643	0	3,377	21	424	0	114
	De-bricking worker	64	369	640	2,128	747	6,119	193	1,137	101	367
	Coal man	0	133	68	952	84	1,935	0	285	0	81
	Animal care and driving	0	0	0	0	12	0	0	20	0	0
	Other	0	0	0	0	75	149	34	0	7	0
	Total	170	2,036	3,310	18,384	10,594	55,108	1,843	9,838	250	2,014

Table 29 shows the status of worker satisfaction with the facilities provided to main workers. Here, too, most of the main workers (63.5%) were neither satisfied nor dissatisfied, but 'neutral'. More than one in five (21%) had a high level of satisfaction, while 11% said they had a low level of satisfaction (11.3%) and only 4.3% had a very high or a very low level of satisfaction. Overall, coal men and firing men were highly satisfied while brick transporters and brick moulders were least satisfied with the facilities provided. In percentage terms, there were no significant discrepancies between the satisfaction levels of male and female main workers.

Awareness of labour rights, trade union membership and discrimination

Table 30 shows how aware main workers are of labour rights, their association with trade unions, and discrimination faced in the brick industry. Only about 4% of main workers know the minimum wage rate fixed by the government and there is little difference between male and female workers. Similarly, 4% of the main workers are aware of labour law/rules, although male workers (4%) outnumber female workers (2.3%) in terms of knowledge of labour legislative frameworks. Some 2% of the main workers said that they feel discriminated against in terms of wages and work hours, with women (2.7%) outnumbering men (1.4%). Only 0.4% of the main workers were members of a trade union.

Most of the workers are illiterate, low skilled and from ethnic minority groups, and this may in part explain why they do not understand that being unionized might help them fight to achieve their rights. Given the remote location of the majority of the brick kilns, and the difficulty of bringing workers together given the nature of their work, it is perhaps not surprising that the reach of trade unions is limited. Nevertheless, workers do have the right to join a union and, according to rough estimates provided by the trade unions, approximately 15,000, 20,000 and 7,000 brick kiln workers respectively are associated (have membership) with the Central Union of Painters, Plumbers, Electro and Construction Workers Nepal (CUPPEC), Construction and Allied Workers Union of Nepal (CAWUN), and All Nepal Federation of Trade Unions (ANCUW).

Trade union representatives report⁴¹ that many employers have negative perceptions of the unions. Union representatives also find it difficult to connect with the workers because of the seasonal nature of the work and the fact that workers may not work in the same brick kiln every season. They also report a lack of awareness among manual workers and said that, because they could not reach the workers, they could not provide the information required on laws, acts, rules and regulations. Representatives said they find it particularly difficult to interact and develop relationships with workers of Indian origin because of language and cultural barriers.

Overall, there was no evidence of serious discrimination of any kind that demands attention in the brick kilns. A negligible number of cases were noted. There were no distinct patterns of gender discrimination.

⁴¹ Information obtained during the FGD with trade union representatives.

Table 23 : Main worker awareness of labour rights, trade union association and discrimination faced in the brick industry, by sex and category of work

	Female		Male		Total	
	No.	%	No.	%	No.	%
Knowledge of minimum wage	530	3.28	3,404	3.90	3,934	3.80
Knowledge of labour law/rules	370	2.29	3,457	3.96	3,827	3.70
Feel discriminated against (wages and working time)	443	2.74	1,223	1.40	1,666	1.61
Membership of trade union	31	0.19	397	0.45	428	0.41
Types of discrimination						
Gender	0	0.00	53	0.06	53	0.05
Professional	0	0.00	69	0.08	69	0.07
Language	0	0.00	126	0.14	126	0.12
Cultural	0	0.00	57	0.07	57	0.06
Regional	0	0.00	49	0.06	49	0.05
Dalit (Scheduled caste)	42	0.26	69	0.08	111	0.11

CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

The issue of labour exploitation in the brick kilns is complex, multi-layered and depends on a range of factors. It must therefore be addressed in a number of ways and at the levels of the potential victims of exploitation, those who perpetrate it and the contexts in which it occurs. With this in mind, the recommendations that follow are presented according to the '3 x Ps' often used to address forced and bonded labour and child labour: prevention, protection and prosecution.

Recommendations

Prevention

It is important to understand the root causes of child labour and forced labour and to identify the origin 'hotspots' (districts such as Rolpa, Rautahat, Dang, Kailali, Sarlahi, Salyan from where the highest number of manual workers comes) so that they can be targeted and people who are vulnerable to exploitation may be reached early.

Most of the brick kilns' manual workers belong to under-privileged ethnic groups and migrate from remote areas. They are in general unschooled or have dropped out of school. Already vulnerable because of their low employability, they have often faced unexpected negative shocks in the family and have little or no savings to buffer them from such shocks. This 'trigger' factor increases their vulnerability to exploitation because they are more willing to accept exploitative working conditions.

Additionally, many manual workers are low skilled, landless or have a small parcel of land that is insufficient to sustain their livelihood. Many of these workers are trapped in the vicious cycle of poverty. Not surprisingly, many will consequently accept an advance payment for work in the brick kilns and this increases their vulnerability even further, since they now carry a debt that must be repaid.

Hardship and financial distress are also the principle reasons why the children from vulnerable families do not attend school and find themselves working in the brick kiln, often alongside family members.

It is consequently recommended that appropriate poverty-reduction interventions should be prioritized in both Nepal and India, in particular in the local communities from where the child labour or forced labour emanates. Experience suggests that income generation programming should always be accompanied by awareness-raising and education programmes that help vulnerable communities to understand the mechanisms of exploitation and trafficking, since improved income may encourage them to seek work elsewhere, putting them at risk of being recruited by traffickers.

Sustainable income-generation and long-term job and livelihood opportunities should be created and supported to help people to earn a decent income that allows them to meet their daily expenses. Before implementing specific programming, however, the local characteristics of the areas from where child or forced labour originate need to be studied to ensure an understanding

of labour markets and opportunities. For example, the areas suitable for animal husbandry can be promoted for livestock farming; and areas close to the market and suitable for vegetable growing can be promoted for off-season vegetable farming.

Illiteracy was found to be an important vulnerability factor for child labour and forced labour. Often manual workers lack technical skills that would allow them to diversify their livelihood opportunities and are not able to find easy and higher paying jobs. Since the majority of the adult workers are illiterate, they should be provided with informal education so that they can at least read and understand written contracts and terms of repayment, understand labour rights including minimum wage, and can calculate their earnings by themselves. An employment contract indicating working hours, remuneration, facilities and policies related to separation from work should be provided to all workers and should be counter-signed by the workers, the *naikes* (labour contractors) and the employers. Providing training on financial (money) management to these workers is important as it will help them to maximize use of their income and save/invest when possible in order to provide a future buffer to shocks.

Vocational training should be made available based on market needs, so that the skills learned are employable. Social partners are obvious collaborators in such actions, and including trade unions where possible will additionally facilitate union outreach and representation, increasing social protection for workers and enhancing their understanding of their labour rights.

The majority of the manual workers migrate as a family to work in the brick kilns. In this process, the education and health of the children are severely affected. Children accompanying their parents discontinue their schooling and start helping their parents in moulding or transporting bricks. Some of the reasons for children not attending school and beginning to work in the kilns include changes in the curriculum, the location of the brick kilns in remote areas, the lack of schools within walking distance, dropping out of school, a lack of money to buy books, the inability of families to meet household expenses, parents and children questioning the usefulness of school qualifications, lack of access to schooling (for example for Indian children in Nepal) and simply parents' lack of understanding of the importance and value of their children's education. Again, also, the advance payment received by parents for work they will do in the brick kiln means that the children are obliged to work to help repay the debt.

It is imperative that the tradition of workers bringing their children to the brick kiln should be discouraged in some way and, at the same time, parents should be made aware of the value of education. It may be that the family has to be helped to accept that just the head of household/adult family member goes to the brick kiln, leaving behind the other parent or other adult family members to care for the children while they attend school year-round. This will not be an easy task, however if programmed in conjunction with income-generating actions for the adults staying home, it could contribute to increased family income without exposing the children to the kilns. Programmes to make school attendance easier – whether through cash incentives, grants for books, NFE or bridging programmes – will encourage parents to send children to school. In short, a holistic view of the family's needs and the children's education is required.

The survey showed that children are mainly recruited for handling animals, so those brick kilns keeping animals for the transportation of bricks need to be closely monitored. However, because of a shortage of labour in the kilns, children are increasingly also involved in brick moulding

activities. Organizing awareness campaigns to motivate customers to buy child labour- and forced labour-free bricks is also important. The certification of products by a trustworthy third party has in some instances been shown to help build the trust of consumers, increase demand and the willingness to pay a small premium for such goods.

The *naikes* (labour contractors) are the people who distribute the advance payments and recruit the workers from the village. It is important to raise understanding among both *naikes* and employers of how their actions can contribute to reducing labour exploitation. First, the *naikes* should be made aware of the amount of advance payment to be distributed. Based on the number of adult workers in the family, a limited advance payment should be provided so that the debt is not burdensome. While recruiting the workers, *naikes* need to recruit only adult workers, stop recruiting unaccompanied children, and discourage children from accompanying their parents. *Naikes* and employers should be provided with training on labour law and child labour legislation, and how to recognize child and forced labour. The consequences of recruiting child and forced labour should be spelled out to employers and *naikes*. A system of licencing might be introduced so that *naikes* found violating labour and child labour laws can be deregistered. It is important that workers and potential workers are aware of this process so that they can identify certified recruiters.

Employers can do much to improve the lot of the children of brick kiln workers. Where possible, they might partner with nearby schools to make places available for children accompanying their families to the brick kilns, including the children of migrant workers from India. For this to happen, it will be necessary to introduce policies to issue school transfer certificates so that the child's education is not interrupted by seasonal relocation.

Parents working in the brick kilns often ask senior children to take care of small children below the age of five, so early childhood education and care centres should be established in the brick kilns. Employers need to be held accountable and sanctioned if such arrangements are not made for the children living in the brick kilns. Compulsory and free education (including school uniform, stationery, meals, and admission and tuition fees) should be made available through to high school.

The government should strictly monitor whether all the children are immediately registered after birth or not. A tracking system should be developed to monitor whether a child is attending school once s/he reaches school age. If a child has not been admitted to school, then s/he is vulnerable to child labour. A labour registration certificate should be given to eligible workers and only such workers should be employed.

Children of Indian origin are not eligible to attend Nepalese schools, and it is thus extremely difficult to stop them from working in the brick kilns. This is a cross-border labour issue and need to be diplomatically addressed. It might be possible for the Government of Nepal to initiate dialogue with the Government of India and concerned stakeholders to discuss ways to discourage Indian children from joining the brick kilns in Nepal.

Data on labour exploitation should be periodically collected and analysed. The lack of reliable data has meant that the government, inter-governmental agencies and concerned stakeholders

have been unable to develop effective programmes and policies to address child labour and forms of forced labour, including bonded labour.

Protection

Protection mechanisms need to be strengthened to protect both children and adults in the brick kilns. First, a grievance-solving mechanism should be established that is seen as trustworthy by those reporting and by employers. A grievance committee might include a mix of community leaders, *naikes* (labour contractors), employers, trade union and local government representatives so that the voices of workers are heard and solutions are reached in a transparent and fair way.

Any unaccompanied or orphan children working in the brick kilns should be the focus of urgent attention. The survey concluded that all of those surveyed were in child labour. Where possible, they should be removed as a matter of urgency and helped to return to their places of origin with steps being taken to ensure their safety, ability to learn/earn depending on their age, and to access follow-up and ongoing support. Child labour repatriation and rehabilitation guidelines should be developed and agreed as soon as possible with clear roles and responsibilities assigned to government agencies, employers and *naikes* to play their part in removing the children from exploitation and ensuring their long-term well-being. The government should provide full support to victims of child or forced labour for recovery and reintegration. Donor agencies should support a key government agency such as the District Child Welfare Board by providing resources to properly repatriate and support unaccompanied and orphan children that are found working in the brick kilns.

Government and concerned stakeholders should organize a broad awareness campaign to sensitize the employers, *naikes*, adult workers and the kiln community about the risks and hazards to which children are likely to be exposed in the brick kilns, the negative consequences for their health and future, and the rights of children to a safe and healthy childhood. Ways to provide immediate protection for children need to be developed and implemented. Given the limited number of labour inspectors, the government might either increase the number of such inspectors or transfer this task of the inspection authority to additional agencies. Such agencies should be well-trained to identify, release, protect, recover and reintegrate the victims of child or forced labour.

Prosecution

Although the Government of Nepal and the FNBI have agreed to make the brick industry child labour-free, exploitative conditions prevail in the brick kilns. Those employers, *naikes* (labour contractors) and others who contribute to exploitative outcomes, whether for children or for adults, need to be identified and investigated and sanctioned in accordance with labour and child rights legislation. Fines and employer-paid compensation should be sufficiently fixed so that they permanently deter the use of child labour and forced labour. To ensure that all those in the brick industry as well as the public in general are aware of the seriousness of pursuing perpetrators of exploitative labour, the government should consider providing resources to collect and publish

annual data on violations and sanctions relating to child or forced labour (not only in the brick kilns but across all sectors where child labour and forced labour are known to occur).

Labour inspection resources are limited in relation to the size of the country's workforce. As a result, labour inspection is carried out infrequently, resulting in easier non-compliance with labour and child rights legislation. Although the government has established multiple institutions for the enforcement of laws and regulations on child labour, including the worst forms, there are no coordinated efforts for inspection and compliance monitoring. The technical knowledge and capacity of the labour inspectors could be improved to ensure that they effectively identify child or forced labour, execute inspection/compliance monitoring and enforce laws prohibiting labour exploitation in all its forms.

The brick industry is often forgotten when national action plans for labour compliance are developed. As a result, the industry does not feel obliged to comply with the rules and regulations. It is important to engage all stakeholders, including brick industry management, when actions plans are developed.

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ANNEXES

Annex 1: Focus Group Discussions

<i>Location and composition of the FGDs</i>					
Date	Group	Site	Participants	Nationality	M/F
26 April 2019	workers	Harshachowk, Rautahat	Total 9: Coal Man (1), Brick transportation (2), Rubbish man (1), Bojhali man (1), Brick moulders (4)	India (7), Nepal (2)	M
26 April 2019	<i>naikes</i>	Harshachowk, Rautahat	Total 4: Bojhali man group (1), Firing man group (1), Brick moulding group (1), Brick transportation group (1)	Nepal (4)	M
27 April 2019	workers	Temporary Shelter, Brick kiln, Rautahat	Total 3: All brick moulders	Nepal (3)	M 2, F 1
6 May 2019	workers	Temporary Shelter, Brick kiln, Lalitpur	Total 10: Brick moulders (7), Brick transporter (2), Horse transporter (1)	Nepal (9), India (1)	F 7, M 3
6 May 2019	<i>naikes</i>	Temporary Shelter, Brick kiln, Lalitpur	Total 4: Brick moulding group (2), Brick transportation group (1), Horse/Donkey transportation group (1)	All from Nepal	M
29 May 2019	workers	Machapuchhre Brick Industry, Kaski	12 Workers (No explicit work role distinguished)	Nepal (12)	M 7, F 5
30 May 2019	<i>naikes</i>	Awalley Itta Udhayog, Dhading	3 <i>naikes</i>	Nepal (3)	M 2, F 1

Checklist for FGD with workers and origin of the workers

Main questions:

1. Let's start the discussion by talking about why you choose to work in the brick kilns.
2. Have you travelled/migrated with your family to work in the brick kiln? Why?
3. Do you have children living with you in the brick kiln? What do these children do there?
 - a) Do your children assist you in brick-related work?
 - b) Do they receive wages?
 - c) Do they assist you in the household activities?
 - d) Are they involved in own-use production of goods (such as fishing, collecting water, agricultural production etc)?
 - e) Why are they not sent to school?
4. Have you decided to work elsewhere other than the brick kilns in the past? If so why? Later, why have you decided to work in the brick kilns again?
5. Do you work overtime? If yes, why? Any compulsion?
6. Did you receive an advance payment? Is the advance payment system beneficial to you? Why and how?
7. Are there any disadvantages of receiving an advance payment? If yes, what are the disadvantages?
8. How much are you aware of labour rights/child labour rights?
9. What problems do you face in the brick kilns?
10. Have there been occasions where you were cheated during the employment process? If yes, why and how?
11. How would you report a problem? How is that problem resolved?
12. What factors will motivate you to continue working in the brick kilns? What suggestions would you like to provide to improve the working environment?

Additional questions

- How satisfied are you with your pay? On what basis do you receive your wages? What is the frequency of payment? How are you paid (cash, in kind)? Is there any difference in the pay rate for a male adult and female adult?
- Have you been working in the same kiln every year? If yes/no, why?
- What kind of safety and health protection do workers adopt while working in the brick kilns? Have you observed any occupational safety and health issues (injuries and illnesses)? Why do workers not adopt safety and health protection measures?

- What types of households/individuals work in the brick kilns? Are there any unaccompanied children working in the kilns?
- What sort of respect/working/employment relationship do you have with your employers and *naikes*?
- Have you received benefits from any organization (for example supporting children's education)? If yes, what sort of benefit have you received in the past?
- Have you heard about the trade unions? Are you affiliated with them? If yes/no, why? Do you have freedom to join a union of your choice?

Conclusion: Is there anything else you'd like to say about the working conditions/issues that you think is important to share with us?

Thank you so much for sharing your thoughts and opinions with us.

Annexe 2: Distribution of manual workers from all 58 districts of origin

District	No.	%
Gulmi	7	0.01
Kaski	8	0.01
Dolpa	11	0.02
Taplejung	13	0.02
Palpa	15	0.03
Okhaldhunga	16	0.03
Dadeldhura	16	0.03
Kathmandu	16	0.03
Parbat	24	0.04
Baglung	32	0.06
Dhading	38	0.07
Dailekh	41	0.07
Sankhuwasabha	46	0.08
Lamjung	52	0.09
Sunsari	53	0.09
Jumla	54	0.10
Nawalparasi East	58	0.10
Dolakha	60	0.11
Ilam	62	0.11
Gorkha	65	0.12
Dhankuta	72	0.13
Panchthar	116	0.21
Jajarkot	120	0.21
Lalitpur	135	0.24
Surkhet	156	0.28
Rukum West	159	0.28
Chitawan	181	0.32
Nuwakot	205	0.36
Tanahu	214	0.38
Sindhupalchok	263	0.47
Siraha	287	0.51
Bhaktapur	294	0.52
Dhanusa	314	0.56
Udayapur	345	0.61
Jhapa	355	0.63

Saptari	377	0.67
Rukum East	431	0.77
Kanchanpur	550	0.98
Nawalparasi West	660	1.17
Pyuthan	675	1.20
Morang	782	1.39
Makwanpur	908	1.61
Rupandehi	1,290	2.29
Sindhuli	1,449	2.57
Mahottari	1,571	2.79
Bardiya	1,599	2.84
Banke	1,627	2.89
Parsa	2,027	3.60
Kavrepalanchok	2,068	3.67
Kapilbastu	2,156	3.83
Ramechhap	2,259	4.01
Bara	3,102	5.51
Salyan	3,281	5.83
Sarlahi	3,449	6.13
Kailali	4,385	7.79
Dang	4,855	8.62
Rautahat	5,792	10.29
Rolpa	7,104	12.62
Total	56,300	100
Note: Numbers based on responses from head of the household.		

Annex 3: Checklist for FGD with *naikes* (labour contractors)

Main questions:

1. What types of work/duties/responsibilities do you perform in the brick industry?
2. Where and how do you find the workers? Is it easy to find workers? If not, why?
3. Are they from your village? How do you recruit them? Any written contract?
 - a) Do the workers ask for an advance payment from you? Why and when do they ask for such a payment?
 - b) Do you charge any interest?
 - c) Is there a proper agreement for its repayment?
 - d) On what basis do you trust these workers?
4. How do you track the work and payments to meet minimum wages and standards? Are there any repayment problems for the workers?
5. Any evidence where workers run away after receiving the payment?
6. Do you have to be accountable when the workers (you recruited) did not work well or ran away?
7. How do you handle such workers?
8. Is it easy to get the advance payment from the employer/brick kiln owner? Under what conditions/agreements do the owners provide you with such payments? Do they keep valuable items from you as collateral?
9. Have you observed children working in the brick kilns? What are the main reasons behind their involvement? Are you aware of the announcement of the Federation of Nepal Brick Industries (FNBI) to make brick kilns child labour-free?
10. In addition to the brick kilns, do you work elsewhere? What makes this brick kilns a good place for you to work? What are some of the positive aspects of working in these kilns?
11. What are the problems you face while working in the brick kilns? Where do you report them and how do you resolve them?
12. What suggestions would you like to provide to improve the overall working environment in the brick industry?

Additional questions

- Some people say that the workers get more benefit/wages if they contact the owners directly. What do you think about this?

- How are you paid? Based on the number of workers supplied, the types and quality of work performed by your workers etc? Can you elaborate on this?
- In the past, have you seen any agencies/labour inspectors visiting the brick kilns to monitor/check for child labour/working conditions/violation of labour acts etc? Do you think such monitoring is important? If yes/no, why?

Conclusion: Is there anything else you'd like to say about the working conditions/issues that you think is important to share with us?

Thank you so much for sharing your thoughts and opinions with us.

Annex 4: Participant list for the consultation workshop with employers

	Name	Designation	Organization
1	Mr. Narayan Sapkota	First Secretary	FNBI
2.	Mr. Binaya Kumar Yadan	Coordinator	Province-2
3.	Mr. Baburam Pathak	Jt.treasurer	Lumbini, FNBI
4.	Mr. Bikram Shah	President	Siraha, FNBI
5.	Mr. Badri Karki	Director	FNBI
6.	Mr. Surendra Kathayat	Member	Dhangadi
7.	Mr. Mahendra Bahadur Chitrakar	President	FNBI
8.	Mr. Guna Raj Thapa	President	Jhapa, FNBI
9.	Mr. Mahendra Shah	President	Province 1, FNBI
10.	Mr. Khagendra Shrestha	Coordinator	Province 1, FNBI
11.	Mr. Ramkaji Awale	Coordinator	Province 3, FNBI
12.	Mr. Natibhai Hyomba	President	Bhaktapur, FNBI
13.	Mr. Krishna Prasad Kaju	Member	Kathmandu
14.	Mr. Dhanapat Yadav	President	Nawalparasi, FNBI
15.	Mr. Kedar Gosai	President	Kathmandu Association, FNBI
16.	Mr. Jeetendra Khayamali	President	Kavere, FNBI
17.	Mr. Krishna Prasad Awal	General Secretary	FNBI
18.	Mr. Ek Raj Gajurel	President	Dhading, FNBI
19.	Mr. Krishna Awale	Treasurer	
20.	Mr. Rajesh Dhital	Director	CBS
21.	Dr.Ganesh Thapa	Consultant	ILO
22.	Mr. Kaji Ratna Awaley	Consultant	ILO
23.	Mr. Narayan Bhattarai	National programme coordinator	ILO
24.	Ms. Sujata Yonzan	Staff	ILO

Annex 5: Participant list for the consultation workshop with trade union representatives

	Name	Designation	Organization
1	Saraswati Dhungana		NTUC
2	Hum Bahadur Bhandari		ANCWU
3	Amit Lama		ANCWU
4	Udab Pandit		ANCWU
5	Budda Lama		ANCWU
6	Smritee Lama	Deputy Secretary	CUPPEC-Nepal (GEFONT)
7	Raj kumar Lama		ANTUF
8	Dinesh Luitel		CUPPEC-Nepal (GEFONT)
9	Rameshwor Shrestha		NDFONT/JTDCC
10	Surendra Bahadur Pande	Secretary	NDFONT
11	Kanu Ram		CUPPEC-Nepal (GEFONT)
12	Anita Kumari Chaudari		CUPPEC-Nepal (GEFONT)
13	Dhir Prasad Bhandari		NTUC
14	Naranath luiteo		CUPPEC-Nepal (GEFONT)
15	Rajesh Palikhe	Deputy General Secretary	NTUC
16	Binodh Shrestha	President	JTUCC
17	Santosh Dhungana		NDCO
18	Mandip Karki		NDRANI
19	Siddhi Raj Bhatta	President	NTUC
20	Raj Kumar Thakur	President	MTUC
21	Dawa Lama	Member	NDFONT
22	Krishna Prasad Belbasa	Senior Vice President	NTUC
23	Rajesh Dhital	Director	CBS
24	Narayan Bhattarai	National Project Coordinator	ILO
25	Dr. Ganesh Thapa	Consultant	ILO
26	Kaji Awaley	Monitoring and Evaluation Officer	ILO
27	Sujata Yonzon	AFA	ILO

Annex 6: Development partners consulted during the key informant interviews

	Name	Position	Organization
1.	Samyukta Bhandari	Partnership Management Officer	Global Fairness Initiative
2.	Mani Ram Acharya	Child Protection Programme Manager	Terre Des Hommes
3.	Lachhindra Maharjan	Advocacy Specialist	Save the Children
4.	Sita Ram Luitel	Program Coordinator	World Education, Inc
5.	Ram Chimariya	Consortium Regional Coordinator	Asia Brick Kiln Consortium
6.	Dr. Atish Yadav	Shelter Manager and Veterinarian	Animal Nepal
7.	Sujan Jojju	Senior Faculty Inspector	Ministry of Labour and Employment

Annex 7: Problems faced by the brick industry in Nepal

The ILO organized a workshop with brick kiln employers, members of FNBI, in conjunction with the data collection. During the workshop, the employers shared the following problems faced by the brick industry and the nature of assistance expected from the Government of Nepal and possible solutions:

- Unavailability of labour particularly skilled manpower from Nepal (such as fire man, *bojhai* man, rubbish man etc).
- Imposition of soil tax by the government.
- Solicitation of donations by several parties and locals.
- No easy access to required inputs/raw materials such as coal. Coal is expensive and there is a lack of quality assurance in imported coal.
- Clay scarcity.
- Difficulty of retaining workers without providing them with an advance payment. In some instances the workers/*naikes* do not return to work after receiving the advance.
- Provision of insurance to protect the health of workers and insure the loss of green bricks caused by unexpected heavy rainfall.
- Unanticipated increase in interest rates by financial institution once a loan has been sanctioned/received.
- Social problems especially from locals living in the vicinity of the brick kilns.

Solutions

- Help the brick industry to import coal/fuel from India at a reliable/low price.
- Impose a low tax rate on the brick industry. Give tax credits/rebate.
- Supply the workers to the brick industry in a mutual understanding between workers and the FNBI.
- Provide a favourable environment for insurance companies to provide services to the brick industry.
- Sanction loans with low interest rates (below 10%) to the brick industry.