

## **Employment Relationship in the Brick Industry of Nepal**

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### **Abstract**

Nepal has made remarkable progress in fighting traditional bonded labour practices (such as *Kamaiya*, *Kamlhari* and *Haliya*), several studies and medias often report the existence of bonded labour in some sector of economy. One of the sectors widely recognized for child/bonded/forced labour practices is brick industry. However, no official statistics on forced/bonded/child labour were available in this industry. Central Bureau of Statistics (CBS) has recently conducted a survey on employment relationship in brick kiln industry by using scientific sampling technique and well-designed questionnaire. One of the objective of this study focuses on quantifying the prevalence of the child, forced and bonded labour in brick industry and assessing the pathways for improving the employment relationship in it. 301 brick kilns among more than 1000, were sampled representing seven provinces of the country. In total, 4210 units/households were sampled from these brick kilns. To complement the quantitative study a qualitative study to understand basic mechanisms behind the exploitation of children and workers as forced and bonded labour in brick industry was conducted. The focus group discussions (FGDs), key informant interview (KII) and workshops were organized as potential tools for the qualitative study. Major findings of the study include the prevalence of forced, bonded and child labour in brick industry. Total number of people engaged in brick kilns are estimated. There are working children in brick industry. This paper tries to highlight these findings in a systematic way and policy recommendations has been presented to end bonded labour in Nepal.

**Keywords:** Brick kiln, Child labour, Employer, Trade union, Wage rate

### **I. Introduction:**

Brick industry is a multi-million-dollar industry in Nepal (Premchander et al. 2011) and produces annually about six billion bricks from more than 1000 brick kilns (Baum, 2012). It provides employment to at least 142000 individuals belonging from the poorest illiterate population segment of the country (Premchander et al. 2011). Since majority of brick kilns are located in rural areas, it injects incredible amount of money to rural economy especially by buying the local produces. Moreover, in the context of increasing urbanization and collapse of thousands of buildings/houses from the twin-earthquakes that strike in 2015, the role of brick industry in building better Nepal cannot be undermined (Goda et al., 2015). Despite these positive aspects, the industry has been blamed for child/bonded/forced labour practices. Among several products manufactured using child and forced labour across the countries in the globe, brick is listed by the United States Department of Labour (USDOL) as one of the products made using forced/child labour in Nepal (USDOL 2018). Government of Nepal has ratified the ILO's fundamental conventions i.e. Convention on Forced Labour (No. 29), Convention on the Abolition of Forced Labour (No.105) and Convention on the Worst Forms of Child Labour (No. 182). Nepal Labour Act 2074 has already come into effect on 4<sup>th</sup> of September, 2017. Based on New Labour Act 2074, Nepal Government has recently framed Labour Rules, 2075 (2018). Furthermore, Nepal has fully embraced Sustainable Development Goals and vowed to meet its targets. Target 8.7 aims to end all forms of forced labour by 2030 and end forced labour of children, along with all other forms of child labour, by 2025.

## II. Methodology:

This study employs mixed methods (quantitative and qualitative) approach for data collection. As child, forced and bonded labour is a complex and sensitive issue, only collecting quantitative information may not fully capture and reveal true working conditions, therefore, qualitative study was conducted to complement the findings from quantitative study. The universe of operational brick kilns was taken from first Nepal Economic Census 2018 conducted by CBS. Two-stage stratified cluster sampling approach was used for sample selection using existing seven provinces as strata. The sampling size was statistically determined using the ILO-IPEC interactives tools. The sample size (number of households) was estimated to be 4075. About 14 household unit were decided to sample from each brick kiln requiring 300 brick kilns to be selected in the country. The qualitative approach was used to collect in-depth information on the characteristics of work performed by children and adults in brick industry, the socioeconomic and cultural factors behind forced /bonded/child labour, the dynamics of brick industry etc. Focus group discussions (FGDs), consultation workshop and key informants' interview (KII) were used to collect information with concerned stakeholders.

## III. Result:

The tables with detail data are presented in Annex I.

Table 1 presents total number of persons engaged in brick industry by nationality, sex and type of employment. Total number of people engaged in brick kilns are estimated to be about one lakh eighty-six thousand (1,86,150). Recent results from labour force survey revealed that about ten lakhs seventy-two thousand people (10,72,000) are employed in the manufacturing sector (CBS 2018). This suggests that about 17% of the workers involved in the manufacturing sector are employed in the brick industry.

Table 2 presents the status of employers' awareness towards the basic acts/laws. About 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 related act of employees.

Table 3 shows the status of children working in brick industry. There are 17,738 working children in the brick industry. Among the total working children, 90% (15919) are found to be child labour. Among the unaccompanied children, 93% (2,001) are child labour. There are 15,584 children living with the family in the brick kilns.

Table 4 shows the distribution of children based on nature of work and age groups. About 28% of the working children carried light load, 28% carried slightly/moderately heavy load and 2% carried heavy/extremely heavy load.

Table 5 exhibits different dimensions of forced labour in brick industry. Less than 1% of the total workers agreed on each statement that defines involuntariness. Since these conditions are observed in rare cases, it is not surprising to see the low number of responses. Except one of the statements i.e. work in illicit activities or use of illicit substances without consent, responses were observed in the rest of nine conditions. The total number of workers who satisfies both the involuntariness and the threat and menace of any penalty are 453 with the prevalence rate of 0.26%. This means that for about 10,000 workers sampled, 26 of them are forced labour in the brick industry. The recent labour force survey results identified that for each 10,000 workers sampled in the country, about 12 workers are identified to be the victims of forced labour (CBS 2018). This indicates that the prevalence of forced labour in brick industry is about two times higher than other sectors of the economy.

The bonded labour is a subset of the forced labour. Similarly, to the forced labour, there are few dimensions that characterizes bonded labour (Table 6). Based on the above four conditions, the prevalence of bonded labour was found to be 0.14%. This implies that for each 10,000 workers sampled in the brick industry, 14 workers are working as bonded labour.

As whole family unit migrates to work in the brick kilns, children accompanying them are also likely to work in the brick kilns. Using ICLS 2008 framework, child labour based on the nature of work, age categories and the number of hours worked in a reference time period i.e. last week. Overall, the prevalence of the child labour is 9.03% (15919) in the brick industry (Table 7).

#### IV. Discussion, Conclusion and Recommendations:

This study looked into the employment relationship at different layers of work for producing bricks in Nepal and recommended options to end forced/child labour practices. The protocol of the forced labour convention focuses on prevention, protection and prosecution. Accordingly, knowledge-base for initiating three dimensional interventions—Prevention, Protection and Prosecution (PPP) measures to eliminate the child labour and forced labour from the brick industry were recommended. Overall, the elimination of the child labour and forced labour from the brick industry requires collective efforts from all the concerned stakeholders including donor community, trade unions, and brick kiln industry. The root causes of the child labour and forced labour should be addressed by the Government through establishing a coherent policy, legal and regulatory framework and strictly implementing such policies. The government should strictly monitor whether all the children after birth are immediately registered or not. A tracking system should be developed to figure out if a child is attending school or not after certain years (when child reach the school admissible age). If a child has not been admitted to school, then he or she is likely to work as a child labour. A labour registration certificate should be given to the eligible workers and only such workers need to be employed. Government and concerned stakeholders should organize a massive awareness campaign to sensitize the employers, Naikes, adult workers and the kiln community about the possible risks and hazards that children are likely to be exposed in the brick kilns, its negative consequences to their health and future, and the basic rights of children for a safe and healthy childhood.

#### V. References:

1. Baum, E. 2012. Present Status of Brick Production in Asia. Proceedings of the Workshop on public policies to mitigate environmental impact of artisanal brick production. CCAC.
2. CBS. 2018. Report on the Nepal Labour Force Survey 2017/18. Central Bureau of Statistics. Kathmandu. Nepal.
3. Goda et al. 2015. The 2015 Gorkha Nepal earthquake: Insights from earthquake damage survey. *Frontiers in Built Environment*, 1(8), 1–15.
4. GoN.2000. Child Labour (Prohibition and Regulation) Act, No. 14, enacted 2000. [http://www.nepaldemocracy.org/documents/national\\_laws/childlabour\\_act.htm](http://www.nepaldemocracy.org/documents/national_laws/childlabour_act.htm). Government of Nepal
5. ILO-IPEC.2014. Occupational Health and Safety Assessment of Child Workers in the Brick Industry, Nepal. Geneva. [http://www.ilo.org/ipecc/Informationresources/WCMS\\_IPEC\\_PUB\\_25297/lang--en/index.htm](http://www.ilo.org/ipecc/Informationresources/WCMS_IPEC_PUB_25297/lang--en/index.htm).
6. ILO. 2013. ILO Committee of Experts. Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Nepal (ratification: 2002). [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:3057745:NO](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3057745:NO).International Labour Organization.
7. Premchander, S., Bloesch, U., Tuladhar, B., & Raghunandan, D. (2011). External Review of Clean Building Technologies for Nepal VSBK-CESEF Project 2008-2011.
8. USDOL. 2018. U.S. Department of labour's 2018 list of goods produced by child labour or forced labour. The United State Demand of Labour. Accessed on 28<sup>th</sup> of July 2019. <https://www.dol.gov/sites/dolgov/files/ILAB/ListofGoods.pdf>
9. WE. 2018. Futures beyond bricks: a holistic approach to mitigating exploitative labour. Summary report 2018-World Education. Kathmandu, Nepal: World Education.

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### VI. Annexes

#### A. Annex I

**Table 1: Number of persons engaged by nationality, sex and type of employment, 2019**

Employment Type	Total				Nepali				Indian			
	Female		Male		Female		Male		Female		Male	
	No	%	No	%	No	%	No	%	No	%	No	%
Non Productive Worker	483	4.9	9,293	95.1	483	100.0	9,241	99.4	-	-	51	0.6
Productive Worker	35,824	20.3	140,548	79.7	21,636	60.4	77,534	55.2	14,188	39.6	63,014	44.8
Employees with disability	19	12.3	138	87.7	10	49.7	93	67.5	10	50.3	45	32.5
<b>Total</b>	<b>36,308</b>	<b>20</b>	<b>149,843</b>	<b>80</b>	<b>22,119</b>	<b>60.9</b>	<b>86,776</b>	<b>57.9</b>	<b>14,188</b>	<b>39.1</b>	<b>63,067</b>	<b>42.1</b>

**Table 2: Status of awareness towards the basic acts/laws in the brick industry by location**

Awareness category	Having awareness	State 1		State 2		State 3		State 4		State 5		State 6 & 7		Total	
		No	%	No	%	No	%	No	%	No	%	No	%	No	%
Number of Brick Kiln Industry		85	8.8	292	30.2	205	21.2	62	6.4	226	23.4	96	9.9	966	100.0
Labour act	Yes	59	69.2	186	63.7	160	78.1	42	68.4	129	57.1	56	58.4	633	65.5
	No	26	30.8	106	36.3	45	21.9	20	31.6	97	42.9	40	41.6	333	34.5
Animal act	Yes	23	26.9	71	24.2	119	57.8	36	57.9	103	45.7	51	52.7	402	41.6
	No	62	73.1	221	75.8	86	42.2	26	42.1	123	54.3	45	47.3	564	58.4
Child labour act	Yes	78	92.3	250	85.7	179	87.5	59	94.7	194	85.7	93	96.6	853	88.3
	No	7	7.7	42	14.3	26	12.5	3	5.3	32	14.3	3	3.4	113	11.7
Security and health related act	Yes	39	46.2	170	58.2	170	82.8	42	68.4	123	54.3	63	65.2	607	62.8
	No	46	53.8	122	41.8	35	17.2	20	31.6	103	45.7	33	34.8	359	37.2

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**Table 3: Status of children of different age groups working in the brick industry**

Status	5-11 years		12-14 years		15-17 years		Total	
	No	%	No	%	No	%	No	%
Child labour	3,380	100.0	4,631	93.5	7,908	84.1	15,919	89.8
Enrolled at school and work in the brick kiln	375	11.1	602	12.2	654	6.9	1,631	9.2
Enrolled at school and are child labour	375	11.1	533	10.8	525	5.6	1,433	8.1
Unaccompanied working children	18	0.5	289	5.8	1,847	19.6	2,154	12.1
Unaccompanied working children that are child labour	18	0.5	286	5.8	1,697	18.0	2,001	11.3
Working children joining family	3,361	99.4	4,664	94.2	7,559	80.4	15,584	87.9
Working children	3,380	19.05	4,953	27.9	9,405	53.02	17,738	100

Notes: The per cent is calculated in terms of working children.

**Table 4: Distribution of children based on the nature of work and age groups in the brick industry**

Nature of Work	05 - 11 years		12 - 14 years		15 - 17 years		Total	
	No	%	No	%	No	%	No	%
Carry light load	1468	29.4	1426	28.6	2099	42.1	4993	28.2
Carry slightly/moderately heavy load	789	15.8	1373	27.5	2838	56.8	5000	28.2
Carry heavy/extremely heavy load	0	0	0	0	612	100.0	612	3.5
Operate heavy machine/equipment at work	187	43.9	137	32.2	102	23.9	426	2.4

**Table 5: Status of different dimensions of forced labour in the brick industry in Nepal**

Forced labour conditions	No	%
<i>Involuntariness</i>		
You were obliged to accept the job itself	142	0.14
Involuntary overtime (beyond 12 work-hours/day) or on-call work (compensated)	163	0.16
Involuntary overtime (beyond 12 work-hours/day) or on-call work (not compensated)	185	0.18
Involuntary work in hazardous conditions without protection	151	0.15

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Work in illicit activities or use of illicit substances without consent	0	0.00
Work at sub-standard or with no wages	38	0.04
Work under sub-standard living conditions which are not suitable to the job	91	0.09
Work for other employers that were not agreed to	43	0.04
Work for longer period of time than that which was agreed	20	0.02
Work with no or reduced freedom to terminate work contract	401	0.39
<b><i>Threat and menace of any penalty</i></b>		
Threats of violence or actual violence against me, my family and relatives	86	0.75
Threat of financial penalties /fines	21	0.18
Because I am under constant surveillance	99	0.86
Because I am in an isolated place, with no access to outside world	0	0.00
Because my debt is not paid back	3,376	29.61
Because my work permit renewal is done by my employers	34	0.30
Because I do not have access to my ID documents/passport	51	0.45
Because I would lose all due wages	633	5.55
<b><i>Total forced labour*</i></b>	<b>453</b>	<b>0.26</b>

Notes: A person is considered being employed as forced labour if s/he has worked under both involuntarily and the threat and menace of any penalty. Both conditions must exist to be statistically regarded as forced labour.

**Table 6: Status of different dimensions of bonded labour in the brick industry in Nepal**

%	No	%
<b><i>First condition</i></b>		
Took the loan / advance from naikes and employers	80,633	45.72
Have paid any other costs to obtain the job	1,211	0.69
<b><i>Second condition</i></b>		
Did not understand the terms and condition of the repayment while taking advance payment	15,002	8.51
Feel discriminated in terms of wages and working time	1666	0.94
Did not have written agreement on the plan of reimbursement	60,667	34.40
Haven't signed any contract prior to starting the job	98,792	56.01
Terms and conditions of paper when signed during the contract and starting job is not same	50	0.03
<b><i>Third condition</i></b>		

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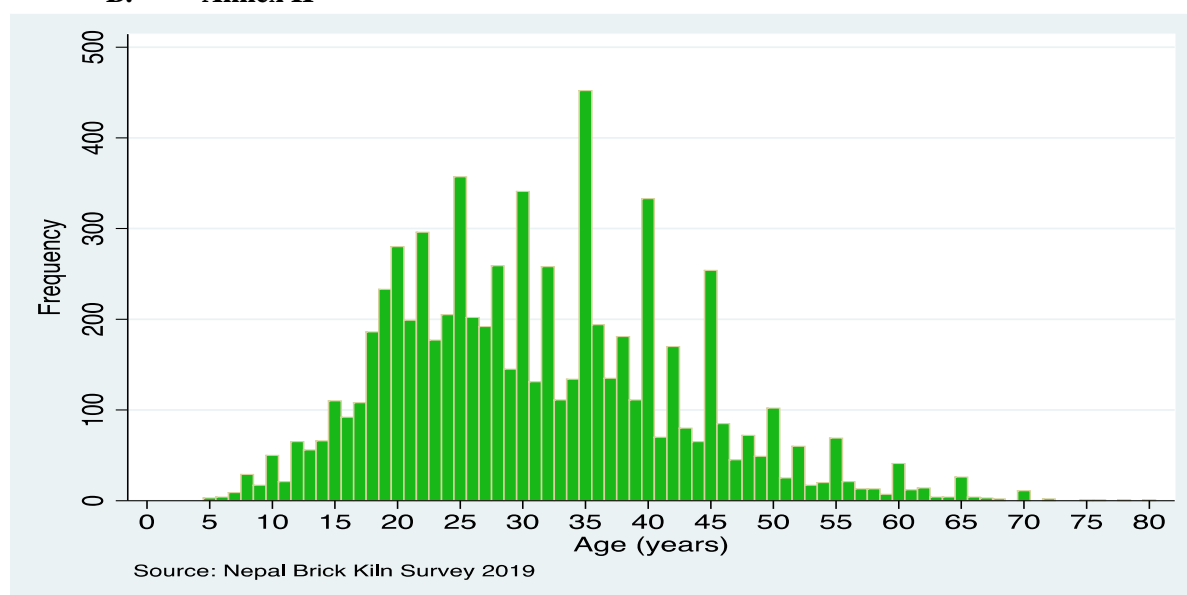
Do not have a freedom to leave the job/employer without any threat/risks	11,251	6.38
<b>Fourth condition</b>		
Individual is on forced labour	453	0.26
<b>Total bonded labour</b>	<b>249</b>	<b>0.14</b>

Note: All four conditions need to be met for worker to be qualified as bonded labour.

**Table 7: Status of different dimensions of child labour, and child in forced and bonded labour in the brick industry in Nepal**

Conditions	Number	Per cent
Children are involved in hazardous work activities*	14,152	8.02
Victims of child abuse*	65	0.04
Children of age from 15 to 17 years working at least 43 hours of work per week	4,791	2.79
Children of age from 12 to 14 years working at least 14 hours a week	4,047	2.29
Children of age from 5 to 11 years working at least an hour in a week	3,380	1.92
<b>Total child labour</b>	<b>15919</b>	<b>9.03</b>

### B. Annex II



**Figure 1: Age distribution of the productive workers in Nepalese brick industry**