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▶ A study of deficits in the fundamental principles and rights at work in the brick kiln supply chain

Focusing on child labour and bonded labour in Pakistan's brick kiln sector



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Acronyms and abbreviations

ADP	Annual Development Programme
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CNIC	Computerized National Identity Card
DVC	District Vigilance Committee
EBLIK	Elimination of Bonded Labour at Brick Kilns
EOBI	Employees' Old-Age Benefits Institution
FPRW	Fundamental Principles and Rights at Work
IEC	Information, education and communication
ILO	International Labour Organization
NGO	Non-governmental organization
OSH	Occupational safety and health
PBKOA	Pakistan Brick Kiln Owners' Association
PPE	Personal protective equipment
PVC	Provincial Vigilance Committee
SDGs	Sustainable Development Goals
WWF	Workers' Welfare Fund

Executive summary

Overview

This study analyses supply chain processes in Pakistan's **brick kiln sector**. It **aims to identify deficits related to the fundamental principles and rights at work (FPRW)**, with a focus on **child labour and bonded labour**.

The study begins by presenting an overview of the ILO's Core Conventions, Recommendations and Protocols related to child labour and forced labour, including observations by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the importance of these issues for the Sustainable Development Goals (SDGs). It examines policies, plans, programmes, laws and administrative arrangements that seek to address child labour, bonded labour and human trafficking, particularly in Pakistan's brick kiln sector. The study also identifies challenges to the implementation of laws and policies, as well as challenges related to labour inspection mechanisms and administrative measures. Major bottlenecks to legislative enforcement include the limited outreach of labour inspection, a lack of inspectors, and capacity and resource constraints. To better understand working relationships between key stakeholders, the study examines the brick kiln supply chain, including workplace hierarchies, to gauge power relations between workers and different tiers of management.

Primary research

The study presents the findings of its primary research – a survey and focus group discussions held with key stakeholders, including 117 workers at 70 brick kilns across Pakistan's four provinces. Discussions with brick kiln workers, brick kiln owners, government officials, labour unions and representatives of non-governmental organizations (NGOs) reveal serious gaps in the fundamental principles and rights at work in Pakistan's brick kiln supply chain. Child labour and the practice of workers taking monetary advances (*peshgi*) from kiln owners are both widespread in the brick kiln sector. Entire families, including women and children, are involved in brick-making.

Other decent work deficits include limited opportunities for social dialogue, weak workers' organizations and an excessive burden of work for women, who are simultaneously engaged in brick-making and bear the brunt of domestic care work. Challenges also exist in terms of working hours, holidays, the absence of social protection, a lack of protective and welfare measures for workers, poor occupational safety and health conditions, and prolonged periods of unemployment. Most brick kiln workers are out of work for between four and five months each year as brick kilns close during certain seasons, most notably during the monsoon season.

The study's findings reveal that a considerable proportion of brick kiln workers do not possess Computerized National Identity Cards (CNICs). This prevents them from accessing social protection schemes, social safety nets and credit. As such, the lack of CNICs is a major bottleneck in the brick kiln sector which increases workers' vulnerability.



A brick kiln worker with a child in Pakistan. © ILO.

Interviews with 53 brick kiln owners from all four Pakistani provinces indicate that most owners oppose the practice of monetary advances. However, they continue providing advances as they believe they have no other alternative for securing their work force. While kiln owners are largely in favour of social security for brick kiln workers, they criticize the mechanism for fixing the minimum wage. In Punjab, different categories of brick kiln workers are entitled to the same minimum wage rate despite regional variations in the costs of brick-making, as well as the price and quality of bricks.



Views of labour unions

- The labour union representatives interviewed for this study reveal that brick kiln workers lack protection under labour laws and social protection schemes. Unions are advocating for brick kiln workers to be covered by social security schemes, the Employees' Old-Age Benefits Institution, the Workers' Welfare Fund and state-sponsored poverty alleviation programmes. They also want unions that are active in the brick kiln sector to become members of District Vigilance Committees (DVCs).

The views of labour unions are echoed by NGO representatives, who highlight the exclusion of brick kiln workers in legislation and social protection. They emphasize the need to provide free, compulsory education for the children of brick kiln workers.

NGOs also underscore the importance of providing Computerized National Identity Cards to all brick kiln workers to enable them to access government initiatives, support and lines of credit. They call for the activation of District Vigilance Committees in all of Pakistan's provinces to address issues of bonded labour at the grassroots level.

The study also presents insights provided by government representatives from all four provinces on policies, laws, programmes and new developments in the brick kiln sector. Their inputs highlight a number of positive legislative and administrative developments.

Recommendations

Based on its findings, the study offers recommendations to address deficits related to the fundamental principles and rights at work, with a view to improving conditions for Pakistan's brick kiln workers. These include providing social security and health facilities for workers in order to ensure that they can reap the benefits of the Workers' Welfare Fund. Social security coverage is likely to reduce the financial burden that workers face, making them less likely to rely on monetary advances and less likely to move to urban areas or other kilns in search of work. The study also recommends the effective implementation of laws to curb bonded labour, while supporting workers to acquire Computerized National Identity Cards. This would empower workers and help to link them to the Government's social protection initiatives.

To tackle the challenge of child labour, it is vital to make schools available at, or near, brick kilns. The resources of the Workers' Welfare Fund could be used to provide schooling for brick kiln workers' children, including through mobile schools under the Directorates of Education of Workers' Welfare Boards. Provincial Departments of Education and Non-formal Basic Education should collaborate to enforce existing laws on compulsory basic education. The resources of Pakistan *Bait-ul-mal*, NGOs, the private sector and Brick Kiln Owners' Associations can also be used to advance education in a collaborative, integrated manner.

It is also essential to strengthen District Vigilance Committees – the main administrative structures at the district level with the mandate to monitor and support the enforcement of legislation, coordinate implementation in the field, and help to rehabilitate bonded labourers under the Bonded Labour System (Abolition) Act. In addition, it is vital to ensure the collection and availability of accurate, reliable data on brick kilns to inform planning and policy-making.

An enabling environment for social dialogue is equally essential, as is support for and solidarity with labour unions in the brick kiln sector. Awareness raising measures are needed to sensitize brick kiln owners on policies, laws, and occupational safety and health provisions. Moving forward, Pakistan's provinces should review their mechanisms for fixing minimum wages, while taking decisive action to enforce existing laws and implement relevant policies at brick kilns nationwide.



Chapter 1

Chapter 1

Introduction

► 1.1. Overview

This study analyses supply chain processes in Pakistan's brick kiln sector in order to identify deficits related to the fundamental principles and rights at work (FPRW), with a focus on child labour and bonded labour.

- **Chapter 1** describes the objectives and methodology of the research.
- **Chapter 2** briefly outlines the fundamental principles and rights at work, core ILO Conventions and comments by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) on Pakistan's implementation of core ILO Conventions in terms of standards on child labour and bonded labour.
- **Chapter 3** assesses labour rights at brick kilns and analyses policies, laws, plans and programmes in place in Pakistan's provinces to address child and bonded labour in the brick kiln sector.
- **Chapter 4** highlights relevant findings from existing literature and describes the brick-making process, as well as the roles and responsibilities of different actors in the brick kiln value chain.
- **Chapter 5** presents the findings of the survey conducted to inform this study and analyses the views of the key stakeholders interviewed.
- **Chapter 6** offers recommendations based on the study's findings, proposing ways forward to bridge decent work deficits in the brick kiln sector.

1.1.1. The importance of brick kilns in the rural economy

The contributions of brick kilns to Pakistan's economy are enormous and multifaceted, especially the rural economy. Brick production is the backbone of the construction industry and the brick kiln sector directly engages more than 1 million workers. Kilns are the main source of employment for the poorest of the poor in Pakistan. They inject money into the rural economy through distributional effects, as workers spend their wages on daily necessities which they purchase from local markets. By providing employment in rural areas, brick kilns limit rural-urban migration, which reduces pressure on cities. Due to their significant contributions, brick kilns deserve special attention from the Government and development institutions. It is especially important for these stakeholders to address issues of bonded labour, child labour, smoke emissions, environmental degradation and the mechanization of brick production across the brick kiln sector.

▶ 1.2. Objectives of the study

This study's overarching objectives are to:

- ▶ Comprehensively **study the supply chain processes of the brick kiln sector** in the province of Punjab – as well as the processes in Sindh, Khyber Pakhtunkhwa and Balochistan, if different practices prevail – and identify challenges faced by major actors.
- ▶ Identify **deficits in terms of the fundamental principles and rights at work**, focusing on the nature of child and bonded labour in the brick kiln supply chain in light of the CEACR's comments on specific ILO Conventions.
- ▶ Analyse **existing administrative, legal and policy arrangements** to protect brick kiln workers in Pakistan's four provinces.
- ▶ Develop **recommendations for the Government and social partners** based on this analysis, in order to address decent work deficits that affect workers engaged in the brick kiln supply chain.

▶ 1.3. Methodology

Research for this study involved a desk review of existing literature on the fundamental principles and rights at work, core ILO Conventions, CEACR observations, and policies, laws and programmes in Pakistan's provinces to address child and bonded labour in the brick kiln sector. The study examines various aspects of the brick production process, with a focus on workers' terms of engagement, working conditions, remuneration, age and sex. It also focuses on workers' rights to organize, to bargain collectively and to non-discrimination, as well as issues of forced and bonded labour. Annexes I and II present the questionnaires used to collect primary data from brick kiln workers and owners. These questionnaires were designed on the basis of a 'process activity analysis'. Focus groups were also organized with brick kiln workers and owners at the provincial level to elicit their opinions on the current situation in terms of laws, policies, various aspects of the fundamental principles and rights and work, and suggestions for improvements.

Interviews were conducted with government officials about policies, administrative measures, laws and the applicability of social protection to brick kiln workers. The views of District Vigilance Committee (DVC)¹ members, non-governmental organizations (NGOs) and labour unions were also obtained (see Annexes III and IV).

The study selected a sample of brick kilns in specific areas, bearing in mind the size of these kilns, their volume of business and the variety of labour practices therein. The study team visited an equal number of brick kilns in central and southern Punjab, as well as in the area surrounding Lahore.

¹ District Vigilance Committees are district level committees mandated by the Bonded Labour Act to steer, monitor and facilitate the enforcement of the Act. They are chaired by a District Commissioner.



Chapter 2

Chapter 2

Fundamental principles and rights at work

This chapter looks at ILO's Core Conventions and standards related to the fundamental principles and rights at work (FPRW), the decent work agenda, the SDGs and the observations of the ILO's monitoring mechanism on child and bonded labour in Pakistan's brick kiln sector.

► 2.1. ILO Declaration on Fundamental Principles and Rights at Work

Adopted in 1998, the ILO Declaration on Fundamental Principles and Rights at Work² commits all Member States to respect and promote principles and rights in four categories, whether or not they have ratified relevant ILO Conventions. These four categories are:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the abolition of child labour; and
- the elimination of discrimination in remuneration, employment and occupation.

The Declaration makes it clear that these rights are universal and that they apply to all people in all Member States. These fundamental principles and rights at work are grounded on the understanding that *"social progress goes hand-in-hand with economic growth."*³

² The Declaration was adopted during the 86th session of the International Labour Conference in 1998. Delegates unanimously affirmed the need for the ILO and its Member States to promote strong social policies, justice and democratic institutions, recognizing that economic growth is essential, but not sufficient, to ensure equity, social progress and poverty eradication.

³ See: ILO, *The teeth of the ILO: The impact of the 1998 ILO Declaration on Fundamentals Principles and Rights at Work*, 2018.

► 2.2. Core ILO Conventions

Eight core ILO Conventions cover all four categories of the fundamental principles and rights at work. As Pakistan has ratified all of these Conventions, it is obliged to comply with their provisions and to report periodically to the ILO's monitoring bodies.

2.2.1. Freedom of association and collective bargaining

Two core ILO Conventions articulate basic standards on freedom of association and collective bargaining:

- the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
and
- the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

The Freedom of Association and Protection of the Right to Organize Convention (No. 87) affirms that workers and employers, without any distinction, have the right to establish and join organizations of their own choosing. Workers' and employers' organizations have the right to draw up their constitutions, develop rules to freely elect their representatives, organize their administration and activities, and formulate their programmes. They also have the right to establish and join federations and confederations as they see fit. States are obliged to take all necessary and appropriate measures to ensure that workers and employers can exercise their right to organize freely, without any interference from public authorities.

The Right to Organize and Collective Bargaining Convention (No. 98) protects workers' right to unionize and seeks to end anti-union discrimination. States are required to take appropriate measures to promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations. In this way, the Convention aims to support the regulation of the terms and conditions of employment through collective agreements.

2.2.2. Forced labour

The two core ILO Conventions that call for an end to forced labour⁴ are:

- the Forced Labour Convention, 1930 (No. 29); and
- the Abolition of Forced Labour Convention, 1957 (No. 105).

The Forced Labour Convention (No. 29) specifies that 'forced labour' includes *"all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered voluntarily."* Therefore, bonded labour is considered a type of forced labour. The Abolition of Forced Labour Convention (No. 105) prohibits forced or compulsory labour in any form, for any purpose. States are required to suppress the use of forced or compulsory labour in all of its forms, as soon as possible.

⁴For more information, see: ILO, ["What is forced labour, modern slavery and human trafficking"](#).

Protocol of 2014 to the Forced Labour Convention, 1930

The Protocol to the Forced Labour Convention⁵ requires Member States to take effective measures to prevent and eliminate the use of forced labour. It calls for measures to protect victims, to ensure their access to appropriate and effective remedies, such as compensation, and to enforce sanctions against perpetrators. States must formulate a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour, in consultation with employers' and workers' organizations. This involves education and awareness raising for key stakeholders, extending the coverage of legislation 'to all', and strengthening the enforcement of laws through improved labour inspection. It also entails protective measures to prevent workers from being pushed into forced labour, support for due diligence, efforts to address the root causes of forced labour and the rehabilitation of survivors.

Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)

The Recommendation provides guidelines for developing and strengthening national policies, plans, laws, measures and inspection procedures to eradicate forced labour. This is grounded on respecting, promoting and realizing the fundamental principles and rights at work, with a focus on protection, prevention and rehabilitation measures. These measures include technical education, social protection for families, policy mainstreaming and integration. The Recommendation also calls for greater enforcement, punishments for perpetrators and international cooperation between Member States to eradicate forced labour.

2.2.3. Child labour

The two core ILO Conventions related to child labour are:

- ▶ the Minimum Age Convention, 1973 (No. 138); and
- ▶ the Worst Forms of Child Labour Convention, 1999 (No. 182).

According to the Minimum Age Convention (No. 138), the minimum age for admission to employment should not be less than 15 years old. The minimum age of 14 is specified for countries whose *"economy and educational facilities are not sufficiently developed."* The Convention requires each Member State to pursue a national policy designed to ensure the effective abolition of child labour. They must progressively raise the minimum age for admission to employment to *"a level consistent with the fullest physical and mental development of young persons"* and ensure that the minimum age for work is not less than the age at which compulsory schooling is completed.

The Convention permits 'light work' for children as long as this is *"not likely to be harmful to their health or development"* and does not *"prejudice their attendance at school."* It also prohibits the employment of persons under 18 years old in occupations that pose a risk to the health and safety of young persons.

⁵ For more information, see: ILO, *ILO Standards on Forced Labour: The New Protocol and Recommendation at a Glance*, 2016.

The Worst Forms of Child Labour Convention (No. 182) defines a child as a person who is under 18 years old. It requires Member States to take immediate and effective measures to urgently prohibit and eliminate the worst forms of child labour,⁶ including bonded child labour.

Minimum Age Recommendation, 1973 (No. 146)

The Recommendation calls on Member States to devise a national policy and plan of action to eliminate child labour. It recommends measures to improve labour inspection machinery, focusing on education and training. It also requires measures to protect persons under 18 years old from employment in hazardous occupations. To this end, it highlights the importance of supportive measures, including poverty alleviation, employment generation, social security and welfare measures.

Worst Forms of Child Labour Recommendation, 1999 (No. 190)

The Recommendation offers guidelines to be considered when Member States are designing action plans to eradicate the worst forms of child labour. It also provides guidance on what kinds of work should be declared 'hazardous'. It highlights the importance of statistics on the worst forms of child labour, as well as the need to simplify laws and procedures, and to improve the implementation of laws and administrative measures. It calls for measures to rehabilitate child labourers, alongside international cooperation to eradicate the worst forms of child labour.

2.2.4. Non-discrimination

The core ILO Conventions that address discrimination are:

- the Equal Remuneration Convention, 1951 (No. 100); and
- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Equal Remuneration Convention (No. 100) affirms the right of both women and men to receive equal remuneration for work of equal value. States are required to ensure equal remuneration through national laws or regulations, legally established or recognized machinery for wage determination, collective agreements between employers and workers, or a combination of these measures.

The Discrimination (Employment and Occupation) Convention (No. 111) prohibits any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. To eliminate discrimination, Member States are obliged to pursue a national policy to promote equal opportunities and treatment in employment through *"methods appropriate to national conditions and practice."*

⁶ According to the Convention, the worst forms of child labour include slavery, the sale or trafficking of children, debt bondage, serfdom, forced or compulsory labour, the use, procurement or offering of a child for prostitution, for the production of pornography or for pornographic performances, the use, procurement or offering of a child for illicit activities, particularly the production and trafficking of drugs (as defined by relevant international treaties), and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

► 2.3. CEACR observations on child labour and bonded labour

In its 2020 report on the Forced Labour Convention (No. 29), the Committee of Experts on the Application of Conventions and Recommendations requests the Government of Pakistan to "*continue taking effective measures to eliminate bonded labour in all its provinces, including through the effective implementation of the newly enacted provincial laws, abolishing bonded labour and to provide information in this regard.*" It also urges the Government to "*continue adopting measures aimed at supporting freed bonded labourers.*"

The Committee calls for action on Pakistan's National Strategy to Eliminate Child and Bonded Labour, as well as on provincial initiatives under the National Labour Protection Framework (NLPF). The Committee requests the Government of Pakistan to strengthen District Vigilance Committees, to make legislative implementation more effective by taking action against employers, and to improve efforts to monitor the administration of the law on bonded labour. The Committee expects the Government to ensure the availability of reliable statistics on bonded labour, as well as to promote research on the subject.

In its 2020 report on the Worst Forms of Child Labour Convention (No. 182), the Committee urges the Government of Pakistan to intensify its efforts to eliminate child debt bondage. It calls for the effective implementation of laws on bonded labour and the establishment of District Vigilance Committees in all of the country's provinces. It recommends strengthening the capacities of District Vigilance Committees and law enforcement officials responsible for monitoring child bonded labour.

The Committee also encourages necessary measures to ensure that the Balochistan Bonded Labour System (Abolition) Bill of 2019 is swiftly adopted. It directly requests the Government to continue providing information on measures taken or envisaged – both in law and in practice – by provincial governments to protect children under 18 years old from hazardous work in the brick kiln sector. It requests information on results achieved, including the number of children removed from work in brick kilns through labour inspections, as well as the number of children who receive direct assistance for their rehabilitation and social integration. It further calls for information on the application of the Punjab Prohibition of Child Labour at Brick Kilns Act of 2016, including the number of prosecutions conducted and penalties imposed for offences related to child labour in brick kilns.

The Committee's observations on the Minimum Age Convention (No. 138) request the Government to take necessary measures to ensure the rapid adoption of the Balochistan Employment of Children (Prohibition and Regulation) Bill of 2019 and draft laws in Islamabad Capital Territory that prohibit the employment of anyone under the age of 18.

The Committee calls on the Government of Pakistan to continue strengthening the capacity of the labour inspectorate and to continue providing information to the Committee. This includes information on the number and nature of violations detected and penalties imposed for cases of child labour. It urges the Government to continue enhancing measures to ensure that violators are prosecuted and receive sufficiently effective and dissuasive penalties.

Acknowledging the information provided by the Government of Pakistan on the Forced Labour Convention (No. 29), the Worst Forms of Child Labour Convention (No. 182) and the Minimum Age Convention (No. 138), the Committee emphasizes the need for:

- free access to education;
- effective, time-bound measures to protect and withdraw children from the worst forms of child labour, while providing for their rehabilitation and social integration; and
- measures to raise the minimum age for admission to employment from 14 to 16, in line with the age for the completion of compulsory schooling in Pakistan (16 years old) and Article 2(3) of Convention No. 138.

► 2.4. Decent work agenda and the Sustainable Development Goals

Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace, 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.

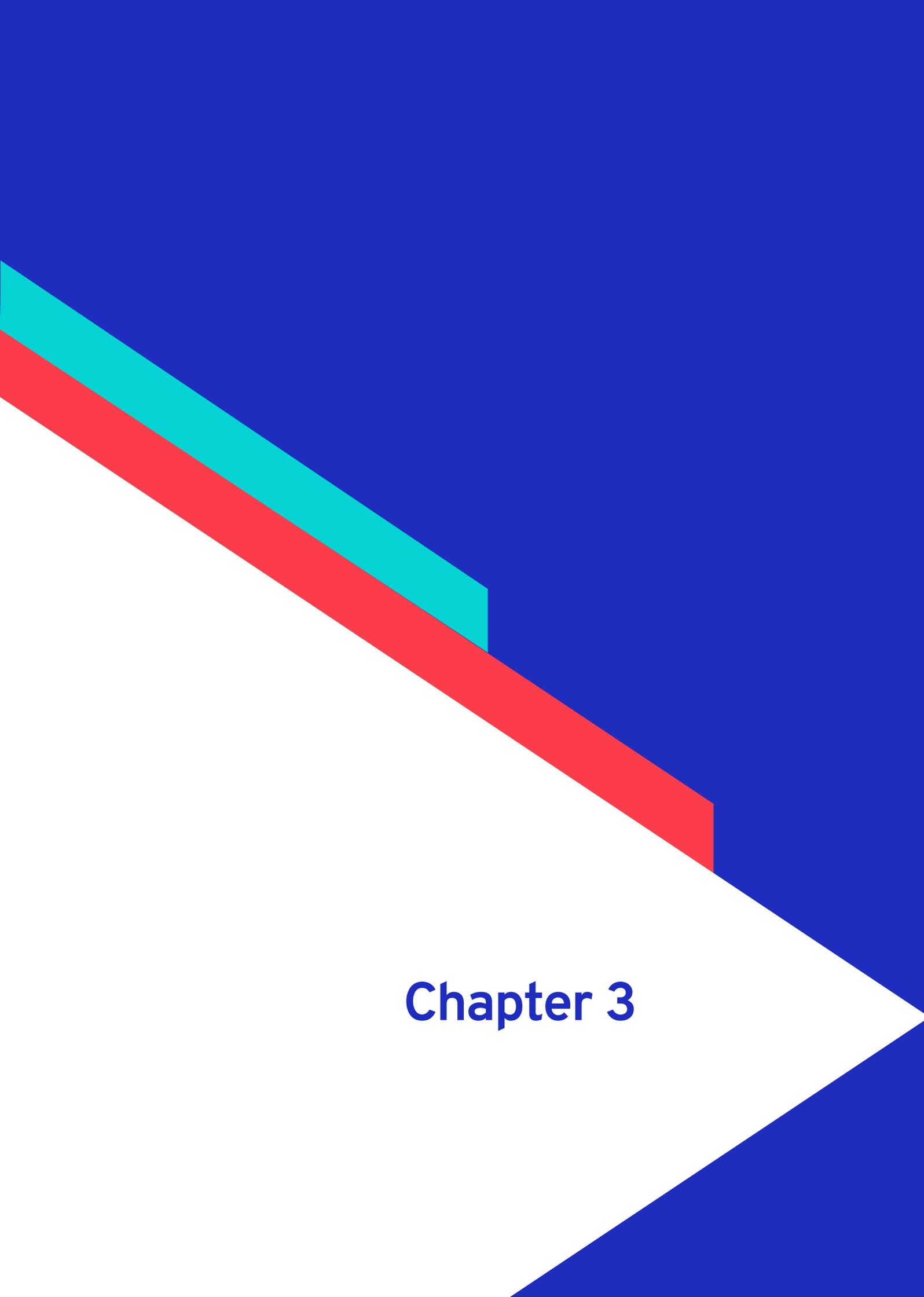
The ILO's Decent Work Agenda is the internationally recognized agenda for the world of work. It includes the elimination of child labour and bonded labour. In 2015, decent work and the four pillars of the Decent Work Agenda – employment creation, social protection, rights at work and social dialogue – became integral elements of the 2030 Agenda for Sustainable Development. Target 8.7 of Sustainable Development Goal (SDG) 8, 'Decent Work and Economic Growth', requires Member States to:



Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.



This target has reinforced global commitments to decisively eliminate child labour and forced/bonded labour.



Chapter 3

Chapter 3

Policies, laws and action plans in Pakistan

This chapter analyses Pakistan's constitutional provisions, existing legal and policy frameworks, and other initiatives to address child and bonded labour in the brick kiln sector.

► 3.1. Constitutional provisions

The Constitution of Pakistan guarantees the basic rights of all workers. Article 3 prohibits any form of exploitation, while Article 11 prohibits slavery, all forms of forced labour, trafficking in human beings and child labour. Article 17 promotes freedom of association and Article 25 affirms the right to equality before the law and the prohibition of discrimination on the basis of sex. Article 25A requires the State to provide free and compulsory education to all children who are between 5 and 16 years old.

Article 37(e) makes provisions for secure and humane conditions of work, including by ensuring that children and women are not employed in vocations "*unsuited to their age or sex.*" Article 38(b) concerns the State's responsibility to provide facilities for work and livelihoods that enable reasonable rest and leisure. Article 38(c) guarantees social security, either through compulsory social insurance or by other means. Therefore, the Constitution establishes a comprehensive, systemic legal framework to support the realization of the fundamental principles and rights at work.

► 3.2. Policies, strategies and action plans on child and bonded labour

At the federal and provincial levels, several policies, strategies and plans aim to eradicate bonded and child labour in Pakistan – both in general and specifically in the brick kiln sector. Time and again, the Government has demonstrated its commitment to preventing children and young persons from engaging in hazardous work.

This includes work in brick kilns, mines, tanneries, the construction sector and the production of glass bangles, among other forms of work.⁷

3.2.1. Policy frameworks at the national level

National Policy and Action Plan to Combat Child Labour, 2000

The National Policy to Combat Child Labour aims to gradually eradicate child labour in all economic sectors through a multi-pronged, participatory approach. It calls for networking between existing institutions, the integration of activities, moves to strengthen institutions and to intensify concerted efforts to:

- ▶ immediately withdraw children from hazardous and exploitative employment;
- ▶ rehabilitate vulnerable children by expanding infrastructure for vocational training, skills development and youth apprenticeship programmes; and
- ▶ progressively eliminate child labour through awareness raising, by engaging social partners and communities, expanding educational opportunities, empowering poor families, enhancing social safety nets, strengthening law enforcement and establishing monitoring bodies.

The National Action Plan to Combat Child Labour advocates for awareness raising, monitoring, strengthening the information base, increasing educational opportunities and empowering households to reduce their dependence on child labour.

National Policy and Plan of Action for the Abolition of Bonded Labour, 2001

The National Policy and Plan of Action for the Abolition of Bonded Labour aim to:

- ▶ eliminate bonded and forced labour practices wherever these exist in Pakistan;
- ▶ ensure compliance with all international instruments, covenants, conventions and protocols that protect fundamental human rights, whether or not these have been ratified by Pakistan; and
- ▶ make concerted efforts to transform traditional socio-economic structures and reduce poverty through an integrated, coordinated approach.

Federal Fund for the Rehabilitation and Welfare of Freed Bonded Labourers, 2001

The Federal Fund for the Rehabilitation and Welfare of Freed Bonded Labourers was established in 2001, with an allocation of 114 million Pakistani rupees. Of this sum, 48 million rupees were spent on building a labour colony for freed *haris*⁸ in the province of Sindh. The fund ceased to function when the 18th Constitutional Amendment transferred responsibility for labour issues to the provincial level in 2010.

⁷ Government of Pakistan, *Labour Policy 2010*, 2010.

⁸ *Haris* are landless workers who work the land of other individuals, either on a sharing basis or a rental basis. The term is commonly used in the interior of Sindh.

National Strategy to Eliminate Child and Bonded Labour in Pakistan, 2016

The Ministry of Overseas Pakistanis and Human Resource Development developed a National Strategy to Eliminate Child and Bonded Labour with the ILO's technical support and in consultation with all relevant stakeholders. This provides a framework for coordination to end child and bonded labour through a number of measures. These measures include capacity development, policy integration, resource mobilization, mainstreaming the issues of child and bonded labour, strengthening laws, enhancing law enforcement, improving the collection, analysis and use of data, forging partnerships, and spearheading information, education and communication (IEC) initiatives.

National Labour Protection Framework, 2018

In 2017–2018, the Ministry of Overseas Pakistanis and Human Resource Development developed the National Labour Protection Framework with the ILO's support. This time-bound document covers seven thematic areas: child labour, forced labour, labour inspection, freedom of association, non-discrimination, occupational safety and health (OSH), and social dialogue. Within each area, it addresses legislative, institutional, coverage-related and capacity building aspects. The National Labour Protection Framework includes Provincial Implementation Plans (PIPs), devised with inputs from workers, employers, government representatives and civil society. These comprise promising provincial initiatives, laws, policies and other specific measures with timelines to end child and bonded labour.

National policy frameworks and the fundamental principles and rights at work

Pakistan's national policies and action plans on child and bonded labour have been drafted in line with the fundamental principles and rights at work, as well as realities on the ground. However, they have not achieved their desired results due to implementation challenges. For instance, as the National Policy and Action Plan to Combat Child Labour seek to eradicate child labour in the brick kiln sector, the Government of Pakistan initially undertook valuable sector-specific research. Yet the lack of coordination and limited strategic action prevented the achievement of the policy's and action plan's objectives. While the National Policy and Plan of Action for the Abolition of Bonded Labour emphasized the role of socio-cultural factors in perpetuating forced and bonded labour, the document did not garner recognition from key stakeholders. Similarly, the activities of the Federal Fund for the Rehabilitation and Welfare of Bonded Labour remained restricted to *haris* in Sindh's agricultural sector. It was unable to introduce interventions in the brick kiln sector due to the lack of initiatives by relevant stakeholders.

The National Strategy to Eliminate Child and Bonded Labour seeks to bridge implementation gaps in terms of administrative arrangements and the enforcement of labour laws by using existing institutional frameworks in a more concerted and coordinated manner. It is currently being discussed during meetings of the Federal Tripartite Consultative Committee (FTCC). The Ministry of Overseas Pakistanis and Human Resource Development is examining viable ways forward to begin implementing the strategy. The Federal Government is also coordinating with the provinces to update the targets of Provincial Implementation Plans.

3.2.2. Policy frameworks at the provincial level

In the wake of the 18th Constitutional Amendment in 2010, Pakistan's provinces announced their own labour policies. These address the fundamental principles and rights at work, including the elimination of child and bonded labour in the brick kiln sector.

Punjab's and Sindh's Provincial Action Plans to Eradicate Bonded Labour, 2013

In 2013, the provinces of Punjab and Sindh developed Provincial Action Plans (PAPs) to eradicate bonded labour with the ILO's technical support. These Provincial Action Plans are based on recommendations from key stakeholders. They involve legal, administrative, financial and social measures to address bonded labour.

Punjab Labour Policy, 2018

Punjab's Labour Policy reflects the province's commitment to effectively implementing labour standards, advancing social dialogue, improving workplace safety, achieving an objective living wage, and eradicating child and bonded labour. It aims to enhance awareness raising, achieve excellence in terms of the labour inspection regime, deliver quality technical training, simplify labour laws, provide medical facilities for registered workers – even after retirement – and gradually extend the labour protection framework to all workers.

Sindh Labour Policy, 2018

Sindh's Labour Policy, entitled *A Framework of Industrial Relations, Social and Economic Well-Being of the People of Sindh*, commits to simplifying and consolidating labour laws, eliminating child and bonded labour, and extending social protection to workers in the informal economy. It also prioritizes dispute resolution, improvements in occupational safety and health, the protection of workers' basic rights, and the creation of a worker-friendly and industry-friendly environment. In addition, it aims to work towards a living wage by strengthening the province's wage determination mechanism.

Khyber Pakhtunkhwa Labour Policy, 2018

Khyber Pakhtunkhwa's Labour Policy is committed to promoting decent work for all, in line with International Labour Standards (ILS) and constitutional guarantees. It aims to advance decent work by improving occupational safety and health, ensuring the payment of wages through scheduled banks, addressing discrimination and promoting women's entry into the labour market. It also prioritizes efforts to reinvigorate the labour inspection mechanism, promote social dialogue, extend the coverage of laws to 'uncovered' workers, and integrate efforts to eliminate child and bonded labour. Moreover, it commits to extending social security to all of the province's brick kiln workers within three years.

Khyber Pakhtunkhwa Child Labour Policy, 2018

Khyber Pakhtunkhwa is the only Pakistani province with a specific Child Labour Policy.

Developed in consultation with key stakeholders, the policy calls for the gradual eradication of child labour through a participatory approach, policy integration, reliable statistics, research and development, workplace improvements, and awareness raising and education for key stakeholders. It also requires the immediate eradication of the worst forms of child labour, coupled with coordinated efforts to increase enrolment in schools, improve referral mechanisms and ensure the effective enforcement of laws.

Provincial policy frameworks and the fundamental principles and rights at work

Provincial policies commit to eliminating child, forced and bonded labour from all economic sectors, including the brick kiln sector. All of these policies address gaps in the fundamental principles and rights at work. While they cover labour rights fairly comprehensively, a lack of policy implementation remains a major challenge. For instance, provincial policies require the creation of steering committees and implementation mechanisms for the coordination of efforts to achieve their objectives. These set-ups have yet to be established and practical efforts to achieve policy targets have yet to begin. In Punjab, a Provincial Plan of Action on Bonded Labour was discussed at various forums in 2014 and 2015, but these discussions did not yield an action plan.

► 3.3. Laws on child and bonded labour in the brick kiln sector

Before the 18th Amendment to Pakistan's Constitution in 2010, two federal laws applied to issues of child and bonded labour:

- the Employment of Children Act, 1991; and
- the Bonded Labour System (Abolition) Act, 1992.

These laws also applied to the brick kiln sector nationwide. After the 18th Amendment, Pakistan's provinces were mandated to promulgate their own laws, in line with their specific socio-economic and cultural conditions, with overall coordination support from the Federal Government.⁹

3.3.1. Laws on child labour

Employment of Children Act, 1991

This federal law still applies in Balochistan, as the province has not yet promulgated a law of its own. Under the Employment of Act, a person under 14 years old is a child. Their employment is prohibited in any occupation or process listed in the Act's Schedule.¹⁰ Employing a child in contravention of Section 3 of the Act is punishable by imprisonment for up one year, a fine of up to 20,000 rupees, or both.

⁹ Under the 18th Amendment, existing federal laws remain in force in provinces that have not yet promulgated their own laws.

¹⁰ Four occupations and 34 processes are included in the Act's Schedule.

Khyber Pakhtunkhwa Prohibition of Employment of Children Act, 2015

The Act defines a child as a person under 14 years old and prohibits the employment of children. It permits children's engagement in 'light work', provided that a child is not under 12 years old, is accompanied by a family member, and works for a maximum of two hours per day for the purpose of acquiring skills in a private undertaking or in any school established, assisted or recognized by the Government. Section 3(2) specifies that adolescents – that is, persons who are between 14 years old and under 18 years old – cannot be employed or permitted to work in any form of hazardous work listed in the Act's Schedule.¹¹ Employing a child in contravention of Section 3 of the Act is punishable by imprisonment for a term of up to six months, a fine of up to 50,000 rupees, or both. If a child is employed in a hazardous occupation or process listed in the Act's Schedule, fines of no less than 10,000 rupees and up to 100,000 rupees are to be imposed, and prison terms may extend to three years.

Punjab Restriction on Employment of Children Act, 2016

The Act defines a child as a person under 15 years old and prohibits the employment of children in any establishment. It specifies that adolescents – that is, persons between 15 years old and under 18 years old – cannot be employed in any form of hazardous work listed in the Act's Schedule. Penalties for contraventions of the Act range from imprisonment for no less than seven days and up to six months, and a fine of no less than 10,000 rupees and up to 50,000 rupees. Penalties are more severe if a child or adolescent is engaged in any form of slavery, forced labour, debt bondage or trafficking. In these cases, terms of imprisonment can be no less than three years and up to seven years, and fines may be no less than 200,000 rupees and up to 1 million rupees. Penalties are extended for repeat offenses. Under Section 14, a labour inspector may seal an establishment that violates the Act's provisions.

Punjab Prohibition of Child Labour at Brick Kilns Act, 2016

Section 3 of the Act specifies that every engagement or appointment of a worker requires a written contract – using a prescribed 'form' – between the worker and the occupier/employer. This contract must specify the terms and conditions of employment or engagement, including the amount of any 'advance' (*peshgi*) provided to the worker – that is, money paid in advance to brick kiln workers as a form of loan, which bonds the worker to provide services until they pay back the advance. The contract must also specify the wages that the worker will earn, as well as the payback schedule for the monetary advance. The contract may be terminated by either party. If a worker is engaged in contravention of these requirements, they are considered to be a bonded labourer. While employers may provide an advance to a worker, this should not exceed a sum of 50,000 rupees.

If a child who is over 5 years old is found at a brick kiln during school hours, he or she is considered to be employed, engaged or permitted to work at the kiln, unless proven otherwise. Contravention of the provisions of the Punjab Prohibition of Child Labour at Brick Kilns Act are punishable by imprisonment for no less than seven days and up to six months, and a fine of no less than 50,000 rupees and up to 500,000 rupees. A parent or guardian who permits their child to work at a brick kiln is jointly and equally liable for the offence under Sub-Section (1), alongside the employer.

¹¹ Four occupations and 35 processes are included in the Act's Schedule.

Sindh Prohibition of Employment of Children Act, 2017

The Act defines a child as a person under 14 years old. Section 3(1) specifies that children cannot be employed or permitted to work in any establishment. Section 3(2) prohibits adolescents – that is, anyone over 14 years old but under 18 years old – from being employed or permitted to work in any hazardous work listed in the Act's Schedule. Employing a child in contravention of Section 3(1) is punishable by imprisonment for a term of up to six months, or a fine of up to 50,000 rupees. If a child is engaged in hazardous work, the fines imposed range from no less than 10,000 rupees and up to 100,000 rupees, and imprisonment for a term of up to three years. The same penalty applies to abetting this offence. The prison term for a second offence may extend to 15 years.

Child labour laws and the fundamental principles and rights at work

Pakistan's federal law on child labour contains a 'Schedule' that lists hazardous occupations and processes. However, this Schedule has not been updated in the past 30 years and was retained by the provinces when they adapted the federal law into provincial legislation. This is a concern, as are the anomalies present in certain laws. For instance, working in brick kilns is considered a hazardous occupation by the Punjab Prohibition of Child Labour at Brick Kilns Act of 2016.¹² Yet this is not reflected in the Act's Schedule, which lists 38 hazardous processes and occupations. Working in brick kilns is similarly absent from the Schedules of Acts promulgated by other provinces.

The Punjab Restriction on Employment of Children Act defines a child as a person under the age of 15, while other provincial laws on child labour define a child as anyone under 14 years old. In addition to these anomalies, it is extremely challenging to enforce laws in the brick kiln sector due to a lack of labour inspectors, the lack of transportation and the lack of resources. These bottlenecks constrain the effective implementation of provincial legislation on child labour.

3.3.2. Laws on bonded labour

Pakistan's laws on bonded labour cover forced labour and apply to all economic sectors, including the brick kiln sector.

Bonded Labour System (Abolition) Act, 1992

This federal law applies in Islamabad Capital Territory and also continues to apply in Balochistan, as the province has not yet promulgated its own legislation on bonded labour. The Bonded Labour System (Abolition) Act prohibits bonded labour, abolishes the system and practices of bonded labour, and extinguishes the practice of monetary advances. The Act is meant to be enforced through District Vigilance Committees. Section 15 of the Act specifies that these committees should be composed of local elected representatives, as well as representatives of the district administration, the bar association, the press, recognized social services and the Department of Labour.

¹² The Preamble of the Punjab Prohibition of Child Labour at Brick Kilns Act of 2016 states that the Act provides for the prohibition of child labour and the regulation of labour at brick kilns. Since the environment of brick kilns is hazardous for children – adversely affecting their growth, health and education – child labour must be prohibited and labour at brick kilns must be regulated.

The functions of District Vigilance Committees are to:

- ▶ advise district administrations on matters related to the effective implementation of the Bonded Labour System (Abolition) Act and ensure the Act's implementation 'in a proper manner';
- ▶ observe the functioning of the law;
- ▶ assist the rehabilitation of freed bonded labourers; and
- ▶ provide bonded labourers the assistance required to achieve the objectives of the law.¹³

Violations of the Act's provisions, as well as abetting violations, are punishable by imprisonment for a term of up to one year or a fine of up to 5,000 rupees.

Sindh Bonded Labour System (Abolition) Act, 2015

The Act abolishes the bonded labour system in Sindh and is meant to be administered through District Vigilance Committees. A provision on the need for labour inspection has recently been added to the Act. Violations of the Act, and abetting violations, are punishable by imprisonment for a term of no less than two years and up to five years, a fine of no less than 100,000 rupees, or both.

Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015

The Act prohibits the bonded labour system and suspends all outstanding monetary advances linked to the system. However, it does not cover forced labour. Section 6 permits advances of up to three times the prescribed minimum wage. It specifies that a second advance cannot be extended or taken until the first advance is paid back, and that instalments for returning the advance cannot exceed one-quarter of the worker's wages. Employers are required to maintain a proper record of advances taken by every worker in a prescribed manner. Violations of the Act are punishable by imprisonment for a term of no less than two years and up to five years, a fine of no less than 50,000 rupees and up to 200,000 rupees, or both. The same punishment applies to anyone who abets an offence under the Act.

Punjab Bonded Labour System (Abolition) (Amendment) Act, 2018

The Act prohibits bonded labour, abolishes the system and practices of bonded labour, and 'extinguishes' the practice of monetary advances. It also addresses forced labour. Its provisions specify how advances must be recovered in a prescribed manner. Compelling anyone to provide any form of bonded labour is punishable by imprisonment for no less than two years and up to five years, a fine of no less than 50,000 rupees and up to 200,000 rupees, or both. Section 12 specifies that enforcing any ritual or custom that leads to bonded labour for any worker is punishable by imprisonment for no less than two years and up to five years, and a fine of no less than 350,000 rupees.¹⁴

¹³ Under the Act, District Vigilance Committees are mandated to assist the Government with the rehabilitation of freed bonded labourers. This may include the provision of soft loans, vocational training and functional literacy, among other forms of support.

¹⁴ Section 12 states that: "*Punishment for extracting bonded labour.- (1) A person who enforces any custom, tradition, practice, contract, agreement or other instrument by virtue of which any person or any member of his family is required to render any service under the bonded labour system, shall be punished with imprisonment for a term which may extend to five years but which shall not be less than two years and with fine which may extend to one hundred thousand rupees but shall not be less than three hundred fifty thousand rupees.*"

Section 15 strengthens the role of District Vigilance Committees (DVCs) by adding the following functions to their responsibilities:

- to create awareness among labourers and employers about their rights and liabilities under the Act; and
- to resolve disputes among labourers and employers, which are to be referred to an Authorized Officer.¹⁵

Section 15(3) specifies that District Vigilance Committees can each create a Sub-Committee to carry out the functions assigned by Sub-section (2). Section 15-A has recently been added to the Act, which requires the Government of Punjab to constitute a Provincial Vigilance Committee, composed of members appointed by the Government to:

- review the implementation of the Act and the Action Plan on the Abolition of Bonded or Forced Labour, including the rehabilitation of persons freed from bonded labour;
- monitor the working of the District Vigilance Committees constituted under the Act and its Rules; and
- address the concerns of national and international bodies on matters related to bonded and forced labour.

Bonded labour laws and the fundamental principles and rights at work

The Bonded Labour System (Abolition) Act abolishes the bonded labour system, extinguishes and prohibits the practice of monetary advances for workers. However, it does not include a specific inspection mechanism and its monitoring relies on District Vigilance Committees. Recent provincial laws define 'forced labour' and introduce the institution of 'inspectors'.

Another important positive development is that these laws limit the amount that can be provided to workers as an 'advance' and prescribe a mechanism for reimbursement. Moreover, Punjab has expanded the pivotal role of District Vigilance Committees. The Punjab Bonded Labour System (Abolition) (Amendment) Act adds the rehabilitation of bonded labourers to these committees' mandate.

¹⁵ Authorized Officers are notified under the Bonded Labour Act and are responsible for enforcing the act's provisions. District Vigilance Committees are required to refer cases to these Authorized Officers for action, as per the provisions of the Bonded Labour Act. In turn, Authorized Officers can refer cases concerning disputes back to District Vigilance Committees. Under new amendments, District Vigilance Committees may constitute sub-committees for the amicable resolution of disputes.



Other provinces can follow Punjab's example to improve the functioning of District Vigilance Committees through greater supervision and coordination. This tried and tested policy model can also support integration between provinces, enabling the identification of other policy opportunities.

It also increases their responsibilities under the supervision of a Provincial Vigilance Committee. Other provinces can follow Punjab's example to improve the functioning of District Vigilance Committees through greater supervision and coordination. This tried and tested policy model can also support integration between provinces, enabling the identification of other policy opportunities.

▶ 3.4. Laws on trafficking

Prevention of Trafficking in Persons Act, 2018

The Prevention of Trafficking in Persons Act of 2018 prohibits human trafficking. Section 3(1) specifies that any person who *"recruits, harbours, transports, provides or obtains another person"* or *"attempts to do so"* for compelled labour or commercial sex acts through the use of force, fraud or coercion commits the offence of trafficking in persons. This crime is punishable by imprisonment for a term of up to seven years, a fine of up to 1 million rupees, or both. According to Section 3(2), trafficking a child or woman is punishable by imprisonment for a term of no less than two years and up to 10 years. Under the Act, the police are required to investigate suspected and confirmed cases of trafficking. The Federal Investigation Agency (FIA) is required to investigate any offence that involves the transportation of a victim into or out of Pakistan. Section 9 specifies that an offence under this Act is cognizable and non-bailable.

The Act also provides for the safety of survivors and compensation for victims. Section 14 requires the Government to develop and disseminate information about the Act to the general public, in order to raise awareness. It also calls for international cooperation, data collection and the promotion of research on trafficking in persons.

▶ 3.5. The difficulties of applying labour laws to brick kilns

Applying labour laws to brick kilns in Pakistan is extremely difficult for a number of reasons. Work arrangements in these establishments are on a 'piece rate' basis and families – rather than workers – are engaged at brick kilns. Their work premises are not defined or confined to certain limits and no formal working hours are established. Most brick kiln workers are engaged for 'flexible hours', without any direct control by the management.

Instead of being focused on workplaces, Pakistan's labour laws are employer-centric. Some laws apply on the basis of the number of workers employed. For example, the Factories Act applies to industrial establishments with 10 or more employed workers.

The Industrial and Commercial Employments (Standing Orders) Ordinance applies when 20 workers¹⁶ or more are engaged. This is also the case for laws related to social security and employees' old-age pensions. Most brick kiln workers are engaged as families with informal arrangements, rather than formal contracts. It is difficult to bring these vague employment relationships under the ambit of labour laws.

As laws on industrial relations are also oriented towards employers and establishments, technically very few people are considered to be formally employed workers in brick kilns. Based on these laws, only the 'personal staff' of the brick kiln owner are covered, that is, a clerk (*munshi*) and a driver.¹⁷ This makes it exceptionally difficult – if not impossible – for brick kiln workers to form trade unions. They usually cannot gather the required number of members from the same kiln, which prevents the formation of trade unions at the brick kiln level. The absence of brick kiln level labour unions restricts collective bargaining because laws on industrial relations require a Collective Bargaining Agent (CBA) to be selected at the plant (brick kiln) level.

The Punjab Occupational Safety and Health Act of 2019 and the Sindh Occupational Safety and Health Act of 2017 apply to workplaces in these provinces, including brick kilns. However, due to a lack of labour inspection machinery,¹⁸ occupational safety and health provisions have not yet been implemented in brick kilns.

While brick kilns must be registered under the Factories Act, their workers are not usually registered with social security initiatives or the Employees' Old-Age Benefits Institution (EOBI). As such, brick kiln workers do not receive benefits from Workers' Welfare Boards. By contrast, workers employed in industrial establishments registered under the Factories Act receive a marriage grant of 200,000 rupees when their daughters marry, free schooling for their children at Workers' Welfare Board schools, and residential facilities. When a worker dies, a death grant of 500,000 rupees is paid to their next of kin. Brick kiln workers also do not possess social security or EOBI Cards which workers at industrial establishments are eligible for.

► 3.6. Minimum wage

Pakistan's provinces have established Minimum Wage Boards under their provincial minimum wage laws. Provincial Minimum Wage Boards recommend minimum wage rates for adult and adolescent workers employed in industrial and commercial establishments. To perform their functions, these board may obtain relevant information from industrial and commercial establishments. They may also conduct an inquiry to ensure the implementation of minimum wages in any such establishment. The boards may review their recommendations if economic conditions change, the cost of living increases, or other relevant factors demand a reconsideration of the minimum wage.

¹⁶ Sindh and Khyber Pakhtunkhwa have the reduced the number of workers to 10, rather than 20, through the Sindh Terms of Employment (Standing Orders) Act of 2015 and the Khyber Pakhtunkhwa Industrial and Commercial Employment (Standing Orders) Act of 2013.

¹⁷ They do not have formal employment contracts and a formal letter of appointment is not provided. Moreover, no prescribed record of employment or the payment of wages is available.

¹⁸ The Punjab Occupational Health and Safety Act of 2019 also lacks subsidiary rules.

In this case, the boards recommend that the Government amend, modify or revise the established minimum wage. While Minimum Wage Boards are tripartite in nature, they include very few representatives from the brick kiln sector. Only two representatives are included as members on each board – one representing kiln owners and one representing brick kiln workers.

In Punjab, a uniform minimum wage applies across the province. Brick kiln owners criticize this practice, claiming that the quality, cost and price of bricks differs in different parts of Punjab.¹⁹ Pointing to Section 4(2) of the Minimum Wage Act,²⁰ they argue that the minimum wage should be determined on a regional basis.

There is no mechanism for fixing minimum wage rates at the industry level in Sindh, Khyber Pakhtunkhwa or Balochistan. These provinces notify the minimum wage for unskilled workers and do not notify industry-based minimum wages for semi-skilled, skilled or highly-skilled workers.

► 3.7. Brick kiln workers and social protection

The Provincial Employees' Social Security Ordinance of 1965 covers the benefits that are provided to certain workers and their dependants in the event of sickness, maternity, employment, injury, death and related matters. The Ordinance applies to establishments that employ five or more workers. Old-age pensions are governed by the Employees' Old-Age Benefits Act of 1976, which applies to establishments with five or more workers.

These laws do not apply to the brick kiln sector. As a result, brick kiln workers are deprived of social protection and the welfare schemes of Workers' Welfare Boards. This sets them apart from workers at registered industrial establishments under the Factories Act who are eligible for such schemes.

► 3.8 Limitations of labour inspection

Pakistan's labour inspection machinery has limited capacity in terms of human resources and expertise. In the absence of special transportation facilities, labour inspectors are unable to reach brick kilns, which are usually located in remote rural areas.

¹⁹ For instance, although the same minimum wage applies across Punjab, the rate for producing 1,000 bricks in the area surrounding Lahore is 15,000 rupees, compared to 11,000 rupees in Faisalabad and 8,000 rupees in Southern Punjab.

²⁰ Section 4(2) of the Punjab Minimum Wages Act of 2019 requires the Minimum Wage Board to indicate in its recommendations whether minimum wage rates should be adopted uniformly throughout the province, or with local variations for specified localities.

► 3.9. Specific interventions

Specific interventions to combat child labour and bonded labour have not been mainstreamed in Pakistan. With the ILO's support, the Government of Punjab set up a Legal Aid Cell to provide legal aid services and support to bonded labourers in the brick kiln sector. While this initiative survived for some time under the Annual Development Programme (ADP), it was not successfully mainstreamed. Other projects to support brick kiln workers in Punjab include the *Elimination of Bonded Labour in Brick Kilns Project* (EBLIK-I) and EBLIK-4D.²¹ These supported brick kiln workers to obtain Computerized National Identity Cards (CNICs), provided non-formal education for brick kiln workers and their children, conducted research studies, offered legal aid services and linked families to micro-credit schemes. The seven-year *Eliminate Child and Bonded Labour Project (Integrated Project for Promotion of Decent Work for Vulnerable Workers in Punjab)* began as an Annual Development Programme scheme in 2014. It aimed to eliminate child and bonded labour, including in brick kilns, with a focus on integrated efforts, the rehabilitation of freed bonded labourers, networking, coordination, strengthening legislation, capacity building and training. The project was not completed and was closed down after three years.



Box 1. Specific enrolment campaign in Punjab

In 2016, the Punjab Labour and Human Resource Department, the School Education Department and the Punjab Social Protection Authority launched a programme to enrol the children of brick kiln workers in schools. Labour inspectors identified working children and shared their data with the School Education Department. The campaign enrolled 80,000 children of brick kiln workers in educational institutions and linked their families with the Punjab Social Protection Authority. These households received a stipend if they provided a school attendance certificate. While the programme continued for some months, it could not be continued due to the absence of regular government support and limited coordination between government departments.*

**Note: Workers have complained about their stipends being discontinued. The Punjab Social Protection Authority is experiencing verification challenges. The School Education Department believes that many children have left school and, therefore, their attendance cannot be certified.*

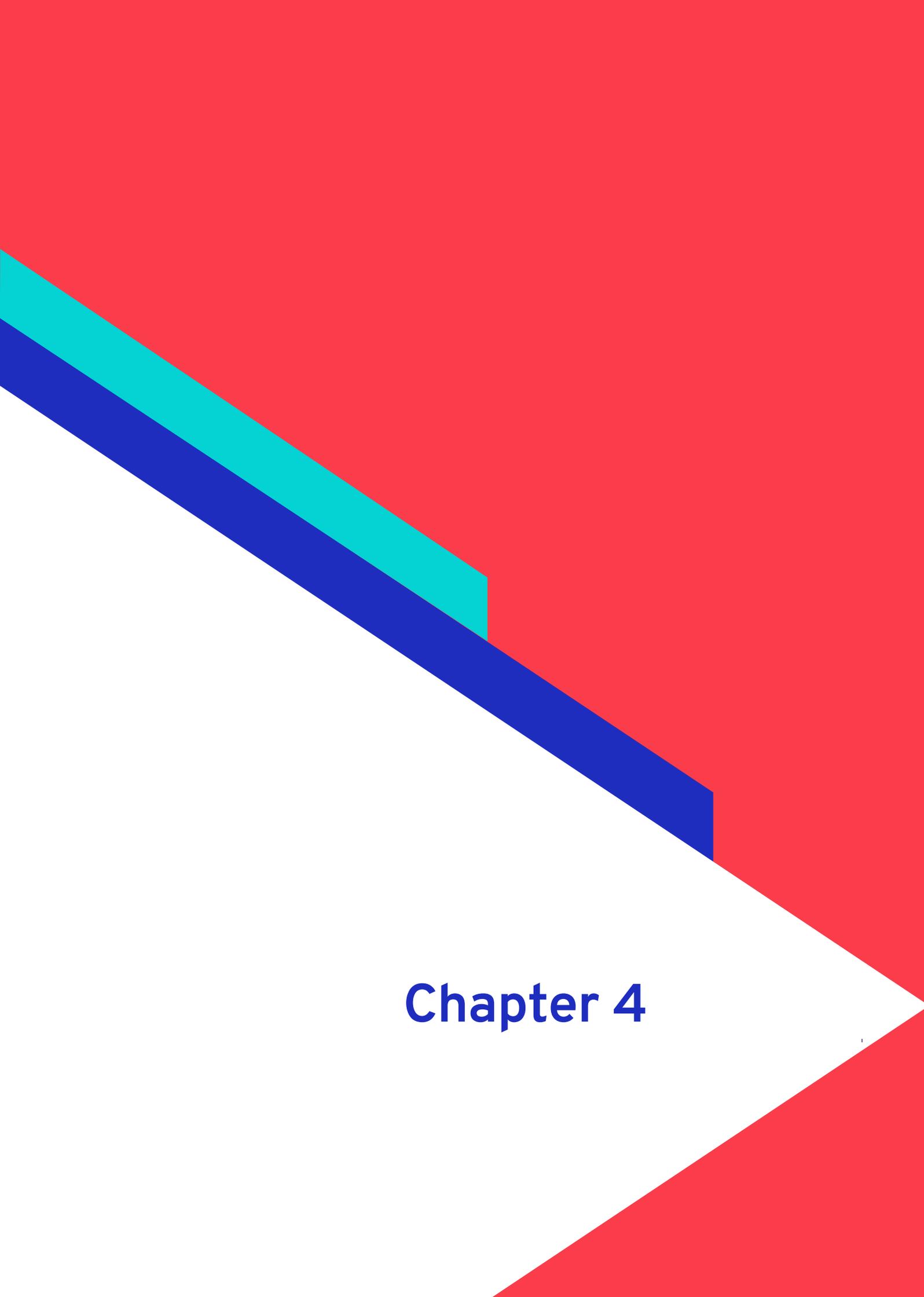
²¹ This project was implemented in four districts of Punjab: Bahawalpur, Gujrat, Faisalabad and Sargodha.

▶ 3.10. Ehsaas

The *Ehsaas* Programme is the Government of Pakistan's flagship social protection and poverty alleviation initiative. It centres on improving opportunities for poor persons, particularly women, youths, children and workers.

Registration in the *Mazdoor ka Ehsaas* ('Compassion for Workers') initiative, which focuses on workers in the informal economy, is currently underway. Eligible women beneficiaries will receive a monthly grant of 4,000 rupees in the form of an unconditional cash transfer. Eligible families are entitled to a stipend designed to keep their children in school, which could be an effective way of addressing child labour in the brick kiln sector. The initiative also offers opportunities for income generation and access to credit for daily wage workers. The Government of Pakistan is in the process of issuing *Insaf* Health Cards to 'deserving' families, which covers free medical treatment for services worth up to 1 million rupees.

Although these initiatives are promising, brick kiln workers remain isolated. Most are illiterate and unaware of schemes that could benefit them. Eligible workers are often unable to benefit from dedicated schemes as they do not possess Computerized National Identity Cards, which are required to receive cash grants and access other benefits.

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Chapter 4

Chapter 4

The brick kiln supply chain process, and the roles and responsibilities of workers and key actors

This chapter outlines supply chain processes in the brick kiln sector, including the roles and responsibilities of workers and key actors, as well as researchers' insights on labour practices and their impact on workers. It explores the interface between kiln workers and the value chain hierarchy to understand the employee-employer relationship and the nature of decent work deficits.

► 4.1. Existing literature at a glance

Available literature on brick kilns in Pakistan highlights the prevalence of bonded labour, child labour, a lack of social protection and violations of labour laws, including minimum wage laws. Several sources explore the practice of advances (*peshgi*), indebtedness and bondage in the sector.²² According to Javaid Iqbal, "*Poverty is emphasized as being the root cause for accepting advances by the families of brick kiln workers and trapping themselves into bondage.*" He also notes that it contracts of bondage "*are accepted due to uncertainty, lack of stability in employment and absence of any social safety nets in Pakistan.*"²³

²² Akmal Hussain, *Child Workers in Construction and Related Industries in Pakistan* (ILO, 1990); Yameena Mitha, Masood Anwar, Nighat Said Khan, and Asmaa Javed Pal, *Solid Foundations, Solid Contributions: Women in the Brick Kiln Industry* (Lahore: ASR, 1989); Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Los Angeles, CA: University of California Press Berkeley, 1998); A. Narmeen Hamid, *Health and Industrial Status of Working Children in Brick Kilns, Carpet Weaving Industry and Garages: A medical study conducted in Lahore in collaboration with the Islamic Welfare Society* (UNICEF, 1993); ILO, *Stopping Forced Labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 2001; A. R. Kemal, *Child Labour in Pakistan* (UNICEF and Pakistan Institute of Development Economics, 1994).

²³ M. Javaid Iqbal, "Bonded Labor in the Brick Kiln Industry of Pakistan", *The Lahore Journal of Economics* 11, No. 1 (2006), 99-119.

Poverty is also linked to family size and a very high dependency ratio, whereby *"low earnings are not enough to meet the requirements of large families."* As brick kiln worker households are caught in a *"vicious cycle of poverty"*, children and women *"have to bear the brunt of the burden"*, with families unable to afford education-related expenses for their children.²⁴

Advances can be viewed as a strategy for workers to their meet expenses during the 'off season', and for brick kiln owners to keep their workforce intact during 'peak season'. According to Murray et al, *"With high levels of unemployment in Pakistan, peshgi can be viewed positively by workers. Furthermore, uncleared debt can also be misconstrued as being consistently in work and never at risk of unemployment and insecurity."*²⁵

The literature also affirms that child labour is rife in Pakistan's brick kiln sector. Nationwide, brick kilns *"depend on the labour of children (10–14 years) as patheras and of male adolescents (14–17 years) in other work groups."* Girls who do not work in kilns *"perform domestic chores to free up older family members for kiln work. If a criterion for unacceptable child labour is the denial of primary education, then virtually all children, like their parents before them, are so employed."*²⁷

Available research on working conditions identifies the prevalence of hazardous conditions that cause back pain and eye infections among children working at brick kilns.²⁸ The working environment is not considered to be conducive to education.²⁹ An estimated 86 per cent of the children of brick kiln workers do not attend school and are deprived of an education due to poverty and the use of child labour to supplement household incomes.³⁰

The literature demonstrates that there is no mobility in the social status of brick kiln workers and no improvement in workers' economic status.



The pervasive threat of unemployment can be a vector in driving people into bonded labour – a situation that also suits owners. The prospect of finding new work outside traditional means of employment can be daunting for labourers. [...] as work in brick kilns is seasonal, labourers need strategies to diversify their work and ensure income flow throughout the year. This is the primary basis for peshgi – workers take loans during the off season to sustain themselves.²⁶

²⁴ M. Javaid Iqbal, 2006.

²⁵ Murray, Fraser, Samantha Theminimulle, Nida Mustaq, Shehryar Fazli, and Sasha Jespersen, *Modern Slavery in Pakistan* (DAI, 2019).

²⁶ Ibid.

²⁷ Pakistan Institute of Labour Education and Research (PILER), *Unfree labour in Pakistan: Work, debt and bondage in brick kilns*, 2004.

²⁸ ILO, *Risk assessment of work by children in brick kilns in Sahiwal and Sukkur districts: Report of a research study by the Centre for the Improvement of Working Conditions & Environment, Lahore, Pakistan, under the ILO-EC project Combating Abusive Child Labour (CACL-II)*, 2011.

²⁹ Anam Azam and Muhammad Rafiq, "Victims of circumstances: A case study to explore the socio economic problems of bounded labor working at brick kiln in Pakistan", *International Journal of Business, Economics and Management Works* 1 (2014), 1–5.

³⁰ Aysha Aftab, *Rights of Bonded Laborers at Brick Kilns: A Social Protection Perspective from Pakistan* (Tokyo: Human Rights Education in Asia-Pacific, 2015).

Moreover, there are no facilities for safe drinking water at brick kilns no access to health care facilities and no education system for women workers.³¹ Workers lack awareness of their labour rights, socio-economic vulnerabilities are pronounced and women workers are considered to be more vulnerable than men working in the brick kiln sector.³²

In 2017, a study by the Government of Khyber Pakhtunkhwa found that "*a sizable proportion of brick kiln workers were migrants, i.e. 29 were Afghani; 5% of workforce at brick kiln was children.*" Moreover, the study reports that "*55% of the workers interviewed reported that they received advances from owner, however, there was no incidence of exploitation of those advances, none of the workers reported that they were charged mark-up on advances.*" When asked about the purpose of advances, workers cited medical treatment and the marriage of daughters. Furthermore, "*only 4% of workers reported grievances against owners.*"³³

► 4.2. The brick kiln supply chain process

The supply chain process in the brick kiln sector consists of various stages – from arranging good quality clay to making raw bricks, transporting bricks to the kiln, backing bricks, transporting bricks out of the kiln and, finally, transporting red bricks to construction sites. These major stages are discussed below in the context of workers' engagement and labour issues.³⁴

4.2.1. Making raw bricks

Raw bricks are made from clay,³⁵ mixed with water and kneaded. The mixture is transported to a *perh*, that is, the site where bricks are made through a hand moulding process. Moulds are either made entirely of wood, or of iron lined with wood. Sand is used in the moulds to reduce the clay's stickiness. Wet clay bricks are then left out in the open to dry over the course of a few days. It takes roughly two hours for two or three persons to prepare enough mud for 1,500 –2,000 bricks.³⁶ Men and boys are largely responsible for preparing the mud and transporting it to the *perh*. This highly labour-intensive work tends to be performed in the evening or early morning, shielded from the most extreme heat of the day, while women and girls perform household chores. However, entire families – adult men, women and children – are engaged in brick production. For instance, women and children lay bricks out to dry before they are transported to kilns.

³¹ Anam Azam and Muhammad Rafiq, "Victims of circumstances: A case study to explore the socio economic problems of bounded labor working at brick kiln in Pakistan", *International Journal of Business, Economics and Management Works* 1 (2014), 1–5.

³² Azam and Rafiq, 2014.

³³ The survey of brick kilns in two districts (Nowshera and Peshawar) was conducted through the joint efforts of the Khyber Pakhtunkhwa Department of Labour and the Khyber Pakhtunkhwa Bureau of Statistics in 2017.

³⁴ This section principally relies on information from the following sources, as well as the observations of the researcher: Pakistan Institute of Labour Education and Research (PILER), *Unfree labour in Pakistan: Work, debt and bondage in brick kilns*, 2004; M. Javaid Iqbal, "Bonded Labor in the Brick Kiln Industry of Pakistan", *The Lahore Journal of Economics* 11, No. 1 (2006), 99–119; ILO, *Risk assessment of work by children in brick kilns in Sahiwal and Sukkur districts: Report of a research study by the Centre for the Improvement of Working Conditions & Environment, Lahore, Pakistan, under the ILO-IPEC project Combating Abusive Child Labour (CACL-II)*, 2011.

³⁵ Good quality clay for bricks is usually transported to the kiln site by brick kiln owners using tractor-driven carts.

³⁶ Small machines have been introduced by many brick kilns owners to prepare mud for bricks. These machines help workers save time, minimize fatigue and ease physical labour.

As brick-making is piece-rate work, workers are paid for every 1,000 bricks they produce.³⁷ Payments are made on a weekly basis, in cash, to the head of the household, with deductions made for any 'advance' (*peshgi*) taken – that is any money borrowed in advance by a worker.

The practice of monetary advances has major implications for the fundamental principles and rights at work in the brick kiln sectors. It is also worth noting that brick-making workers – known locally as *pathera* – usually live at brick kilns. Some *pathera* are migrant workers.

4.2.2. Transporting bricks to the kiln

Once the raw bricks have dried, they are transported to a kiln on animal-pulled carts or motorcycle-driven trolleys. Adult men, known as *barai walas*, cover stacked bricks with clay, leaving holes in for the kiln's fire to pass through. They are paid in cash on a weekly basis for every 1,000 bricks they transport to the kiln. *Barai walas* are local workers who live in villages near brick kilns. They do not take advances and the women and children in their families do not perform this work.

► Table 1. Expected hazards in the brick kiln value chain

Process	Workers involved	Expected hazards
Making raw bricks	<i>Pathera</i>	Hard labour, fatigue, exposure to the sun, exposure to sand, repetitive and monotonous work, excessive dust and smoke, cuts, injuries, skin problems and snake bites
Transporting bricks to and from a brick kiln	<i>Barai walas and nikasi walas</i>	Hectic work, injuries due to the handling of bricks and snake bites
Baking and firing bricks	<i>Jalai walas/ mister</i>	Extreme heat, long working hours and skin problems

4.2.3. Baking and firing

For the baking process, coal is mixed with a number of cheaper fuels, including plastic scraps, shredded rubber tyres, wood shavings, dried fruit pulp, poultry farm excrement and lubricant oil. While the bricks are fired, over roughly four days, black smoke bellows from the kiln's chimney. The holes in each portion of the fired bricks are then covered and left to cool for a week, yielding the 'end product': red clay bricks. The most skilled workers in brick kilns, known as *jalai walas* or *misteri*, are responsible for firing bricks. The bricks' quality depends on their expertise. *Jalai walas* work in teams of four, with the 'team leader' negotiating their terms of engagement with brick kiln owners. They are paid on a monthly basis for their continuous, hazardous work. These workers endure extreme heat as they work for eight hours at a time while the bricks are fired, and remain at the kilns at night.

³⁷ According to the notification, workers receive 1,295 rupees for every 1,000 bricks they produce in Punjab. There is no mechanism for fixing a sector-specific minimum wage in other provinces. The rates for 1,000 bricks vary from 850 rupees to 1,000 rupees.

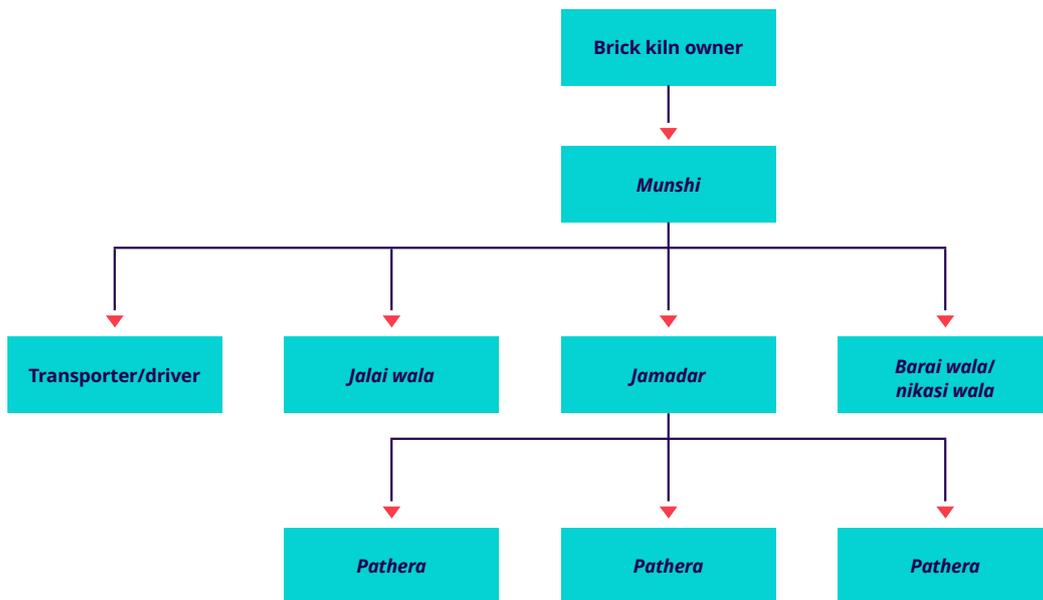
4.2.4. Transporting red bricks

Fired bricks removed from the kiln and either transported directly to customers, or they are stacked outside the kiln for sale. The workers involved in the process are called *nikasi wals*, all of whom are men. They use donkey-pulled carts or motorcycle-driven trolleys to transport bricks out of the kiln. In general, the same workers transport bricks to and from brick kilns.

► 4.3. Management practices at brick kilns

The management of brick kilns relies on informal arrangements, with contracts and advances arranged informally. However, a clerk (*munshi*) at each kiln maintains a register of these arrangements. Figure 1 illustrates the workplace hierarchy at Pakistan’s brick kilns.

►Figure 1. Workplace hierarchy at brick kilns



4.3.1. Brick kiln owners

There is no formal management, in the true sense, at brick kilns. The brick kiln owner manages business affairs and relations with workers with the support of two clerks (*munshis*). As employers, brick kiln owners are at the top of the workplace hierarchy and the brick kiln value chain. They may own one or more kilns, and may also own other businesses. They must be financially well-off as they have to bear the burden of advances, which may exceed 5 million rupees per kiln.

4.3.2. Munshi

Brick kiln owners delegate responsibility for a kiln's day-to-day affairs to clerks (*munshis*). As representatives of the management, they are responsible for dealing with workers, financial management and the payment of remuneration on a weekly basis.

They keep track of advances, deductions, the number of bricks made and transported by workers, the quality of the bricks, in addition to monitoring each worker's tasks. Each *munshi* is usually supported by another worker if they have a heavy workload. *Munshis* act as the 'occupiers' of the brick kiln in the absence of the owner and remain employed based on their loyalty to the owner.

4.3.3. Jamadar

Jamadars are a key link between workers and employers in the brick kiln sector. They act as facilitators who arrange labour by engaging workers (*pathera*) through informal contracts. They also act as guarantors (*zamin*) for any advances extended by the brick kiln owner to workers, giving them a pivotal role in the *peshgi* system. *Jamadars* support brick kiln owner to recover advances and ensure that workers perform the tasks agreed in their informal contracts.³⁸

Jamadars are paid a commission by kiln owners, usually 5 rupees for every 1,000 bricks produced by a worker they have engaged. They tend to have extensive experience and connections with various brick kiln owners and workers. Depending on the volume of work, a brick kiln may have one *jamadar*, or it may have many.

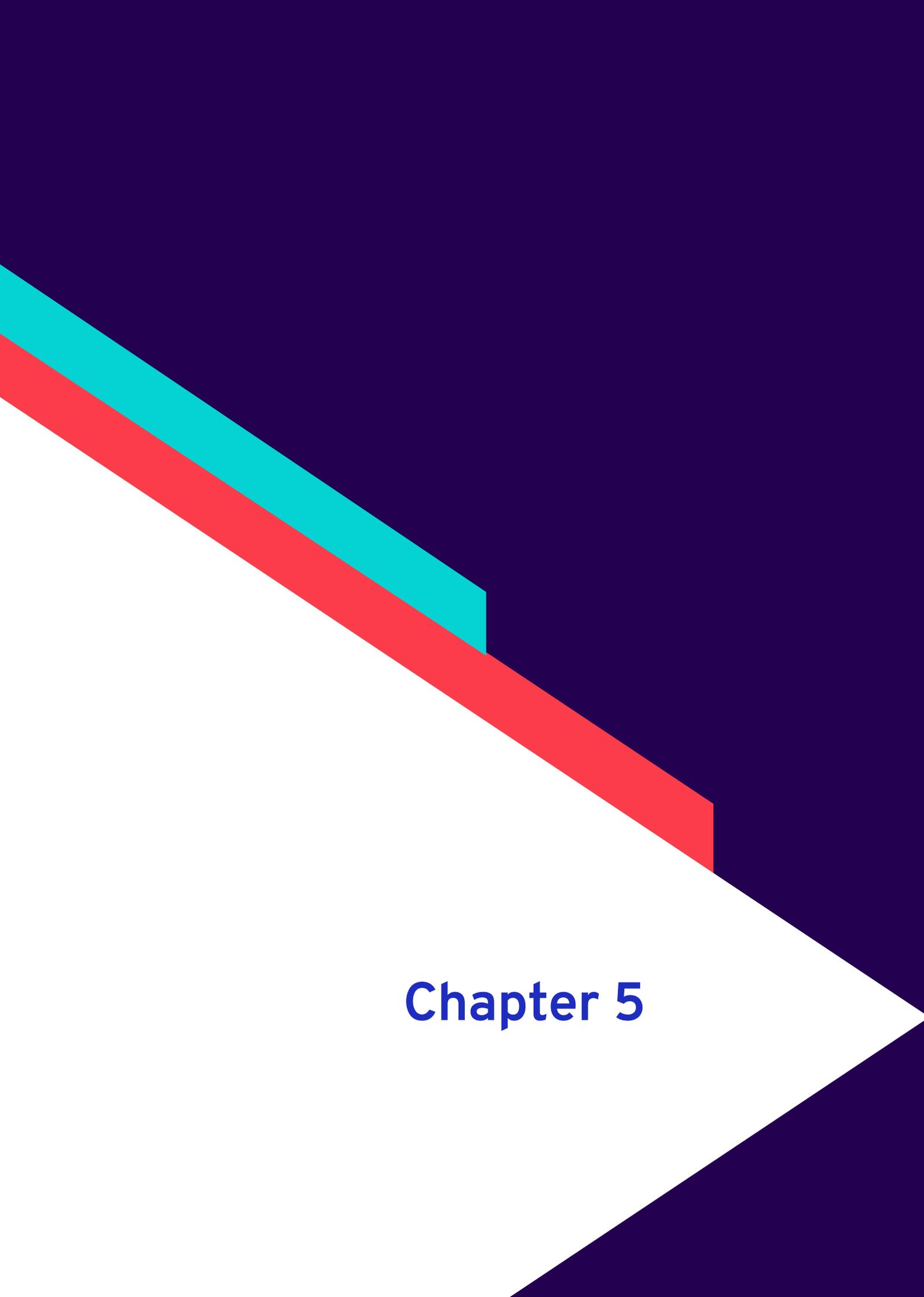
► 4.4. Modernization of brick kilns

Brick kilns are being modernized in the province of Punjab. Owners are adopting new technologies, including:

- 'zigzag technology', which makes kilns more environmentally-friendly by using less coal, reducing smoke emissions and saving energy; and
- technology for the mechanization of brick kilns, including machines to make raw bricks and reduce kilns' reliance on manual labour.

Mechanizing brick production will have a major impact on employment in the brick kiln sector, as brick-makers represent more than 70 per cent of the sector's workforce.

³⁸ Workers who do not take advances do not need a *jamadar* to engage them in work. Instead, they directly approach the *munshi*. These workers secure work if the *munshi* is satisfied that they are 'good people'.



Chapter 5

Chapter 5

Findings and analysis

This chapter presents the responses of the brick kiln workers, owners, civil society organizations and government officials interviewed for this study on the fundamental principles and rights at work in the brick kiln sector, with a focus on child and bonded labour.³⁹

► 5.1. Number of respondents interviewed

To collect data for this study, 70 brick kilns were visited and 170 respondents (brick kiln workers and owners) were interviewed at the workplace.⁴⁰ Table 2 provides a breakdown of these workers and owners by province, as well as the 15 civil society representatives and 17 government officials interviewed.

► Table 2. Respondents interviewed for this study

Sr. no.	Respondents	Punjab	Sindh	Khyber Pakhtunkhwa	Balochistan	Total
1	Brick kiln workers	53	25	22	17	117
2	Brick kiln owners	20	14	10	9	53
3	Civil society	5	5	5	-	15
4	Government officials	5	4	5	3	17
5	Total	83	48	42	29	202

³⁹ See Annexes I-IV for the questionnaires used.

⁴⁰ The remaining 32 respondents from the Government and civil society were interviewed at their offices.

► 5.2. Responses of surveyed brick kiln workers

Provincial and gender breakdown

Of the 117 brick kiln workers interviewed using the form in Annex I, the majority (45 per cent) are from Punjab, followed by Sindh (21 per cent), Khyber Pakhtunkhwa (19 per cent) and Balochistan (15 per cent). Only 18 of the workers interviewed (15 per cent) are women.

Identity documents

Computerized National Identity Cards (CNICs) are extremely important identity documents – vital for proving Pakistani citizenship, accessing social protection and securing credit. However, 33 of the workers (28.5 per cent) do not possess Computerized National Identity Cards. The proportion is highest in Sindh, where 17 of 25 workers interviewed (68 per cent) lack CNICs. Most of these workers belong to a minority group. Overall, fewer women than men appear to possess CNICs, as just seven of the 18 women interviewed (39 per cent) lack these vital identity documents.

Workers' education

While basic education is a fundamental right protected by Article 25A of Pakistan's Constitution, 69 of the brick kiln workers interviewed (59 per cent) have never attended school. A complete lack of education is more common among women than men, as 16 of the 18 women interviewed (89 per cent) have never attended school.

Family size

On average, the brick kiln workers interviewed have large families – 48 of these workers (41 per cent) have more than seven family members each, which is above the national average.⁴¹

Occupations and working conditions

Brick kilns are dominated by brick-makers (*pathera*) since raw bricks are the principal intermediary product in the sector and their labour-intensive production requires a large number of workers. Thus, 82 of the workers interviewed (70 per cent) are engaged in brick-making, including all of the women respondents.

Excessive working hours appear common place, as 82 of the workers interviewed (70 per cent) work for six days a week, while 29 workers (25 per cent) reported working seven days a week. Among women respondents, nine (50 per cent) work every day during the week. This constitutes a violation of Pakistan's labour laws and has major implications for workers' health and safety. Laws that regulate working hours, conditions and periods of leave⁴² stipulate that workers should work for no more than eight hours per day, for no more than six days a week, and must be given a mandatory holiday.

⁴¹ According to the Statistics Division of Pakistan, the average national household size is 6.5 people per household.

⁴² The Factories Act and the Shops and Establishments Ordinance.

The vast majority (82 per cent) of the workers interviewed are employed for less than nine months per year – with 48 workers (41 per cent) engaged for less than six months, and another 41 per cent engaged for between six and nine months. Most of the women interviewed (13 of 18 workers, or 72 per cent) work between six and nine months per year.

During the 'off season', 98 of the respondents (84 per cent) remain out of work, while just four (3 per cent) engage in work at their brick kiln – either mending, repairing or transporting bricks (as *nikasi walas*). The remaining 15 respondents (13 per cent) use this time to meet relatives or attend to private matters.

Wages

The weekly income of brick kiln worker households depends on the number of family members engaged in work. Those with more working family members have higher incomes. Of the workers interviewed, 58 (nearly 50 per cent) reported household incomes of less than 5,000 rupees per week, while 37 workers have household incomes of less than 10,000 rupees per week. The monthly minimum wage for unskilled workers in Pakistan is 17,500 rupees.⁴³ This indicates that, once advances are deducted from workers' wages, brick kiln workers earn far less than the prescribed minimum wage.⁴⁴

While 105 respondents (90 per cent) claimed that there is no sex-based discrimination in remuneration, seven respondents (6 per cent) highlighted differences in wages between women and men. Women workers, however, did not report any wage discrimination on the basis of sex. The vast majority of respondents (108 workers, 92 per cent of those interviewed) did not report any type of mistreatment. Nevertheless, only 73 respondents (62 per cent) are satisfied with brick kiln practices. The remaining 44 workers (38 per cent) are unsatisfied, largely due to wage-related concerns.

Advances

Almost all of the workers interviewed (111 of 117 workers, or 95 per cent) have taken advances from brick kiln owners. Overall, the advanced amounts are higher in Punjab than in other provinces. Among the respondents, 55 workers (47 per cent) have taken advances of less than 100,000 rupees – an amount considered to be 'manageable', as workers are usually able to pay back the advance within a few months. By contrast, 36 workers (31 per cent) have taken much larger advances of between 100,000 rupees and 300,000 rupees.

Brick-makers (*pathera*) are most likely to request advances, while workers who transport bricks (*barai walas*) and those who fire bricks (*jalai walas*) rarely do so. Recent amendments to bonded labour laws only allow advances equivalent to three months of the current minimum wage – roughly 55,000 rupees – provided that the advance is documented in a prescribed manner, with a proper recovery mechanism in place. Under this arrangement, workers with large families and more working family members may receive proportionately higher sums of advanced money than workers with smaller families.

⁴³ The Government of Sindh recently increased the minimum wage for unskilled workers to 19,500 rupees per month. As work at brick kilns is semi-skilled work, minimum wage rates are even higher. Punjab is the only province which has developed a mechanism of notifying minimum wage rates for different categories of workers at brick kilns. The latest notified rate for producing 1,000 raw bricks is 1,295 rupees. An average family produces between 1,500 and 2,000 bricks every day.

⁴⁴ On average, between three and six family members work as brick-makers (*patheras*) in brick kilns.

The most common reason for requesting an advance is the need to cover expenses related to a daughter's marriage, the death of a family member or health care in cases of illness. These reasons were cited by 69 respondents (59 per cent), while 25 workers use advances to cover daily expenses (21 per cent) and 19 workers rely on advances when they are out of work (16 per cent).

Most respondents (88 workers, or 75 per cent) are able to return advanced sums on a weekly basis every Thursday – the day when they receive their wages. Only 28 workers (24 per cent) find it easy to repay advances, while 57 workers find this difficult (49 per cent) and 32 workers (27 per cent) usually request another advance to pay back previous advances.

Hiring practices, coercion and harassment

Among the workers interviewed, just 25 respondents (21 per cent) are critical of hiring practices at brick kilns – including practices related to low wages, limited facilities at the workplace and managers preference for hiring workers whom they 'like'. In terms of coercion and harassment at the workplace, 45 workers (38 per cent) reported workers quarrelling with each other, 10 respondents (9 per cent) reported confrontations between workers and management, and four workers (3 per cent) reported instances of litigation between brick kiln workers and owners. Quarrels between workers are largely linked to the use of tools, the theft of tools or wooden and iron moulds, and issues related to children. Common reasons for confrontations between workers and managers include the deduction of advances from workers' wages and workers' demands for new advances. Instances of litigation are linked to payments of less than the worker's agreed wage. In these cases, workers approach the competent authority under the Payment of Wages Act.

Occupational safety and health

While 29 workers (25 per cent) reported suffering minor injuries in the past six months, 69 respondents (59 per cent) reported illnesses among their family members – including fever, cough, tuberculosis, stomach problems and hepatitis. Most workers (82 respondents, or 70 per cent of those interviewed) have no knowledge of personal protective equipment (PPE).

Social dialogue and unionization

Only 12 respondents (10 per cent) are members of trade unions at their brick kilns. None of the women workers interviewed are union members. While 71 workers (61 per cent) confirmed that they are able to discuss their problems with *jamadars*, brick kiln owners or contractors, the remaining 46 workers (39 per cent) claimed that they have no opportunities for discussion or negotiation. When discussions are held, these focus on matters related to advances, remuneration, social security and workers' welfare.

Children's education and child labour

The 53 brick kiln workers interviewed in Punjab have 207 children between them. Among these children, no girls under or over 14 years old work at brick kilns; instead they are engaged in household chores. Compared to other provinces, a high number of brick kiln workers' children in Punjab – both

under and over 14 years old – are enrolled in education.

This may be due to the availability of schools near brick kilns. Among the 120 children of the 25 brick kiln workers interviewed in Sindh, no girls are enrolled in education. Of the 94 children of the 22 workers interviewed in Khyber Pakhtunkhwa, just one of 26 girls under the age of 14 attends school. No girls over this age are enrolled in education. In Balochistan, none of the 99 children of the 17 workers interviewed attend school because no educational facilities exist near their brick kilns.

► **Table 3. Number of brick kiln workers' children interviewed for this study**

Province	Brick kiln workers interviewed	Reported number of children	Children under 14 years old, by sex				Children over 14 years old, by sex			
			Boys	Girls	Boys attending school	Girls attending school	Boys	Girls	Boys attending school	Girls attending school
Punjab 	53	207	81	64	44	14	33	29	13	3
Sindh 	25	120	22	64	13	0	14	20	7	0
Khyber Pakhtunkhwa 	22	94	21	26	14	1	21	26	4	0
Balochistan 	17	99	31	18	0	0	28	22	0	0
Total	117	520	155	172	71	15	96	97	23	3

A high proportion of children over 14 years old are out of school among brick kiln worker households. Enrolment is comparatively better among children under the age of 14. Boys who are out of school tend to be engaged in work, either working with their families at brick kilns or performing other forms of work. Girls who are out of school tend to be engaged in household chores or caring for younger children.

In terms of child labour, 96 respondents (82 per cent) reported that children help their families with the brick-making process. According to 73 respondents (62 per cent), parents do not send their children



Box 2. The brick kiln cluster at Dasht in Quetta, Balochistan

A cluster of 180 brick kilns exists at Dasht, located at kilometre 34 on Sibi Road in Quetta, Balochistan. The cluster is characterized by a strong owners' association and a lack of organization among workers. Most brick kiln workers in the cluster are migrants, usually from other parts of Balochistan or from the provinces of Sindh and Punjab. They work during the peak season and return to their places of origin in the winter.

Worker-employer relations run along traditional lines, with informal arrangements in place rather than formal management practices. Workers usually take advances, which they return every week using their wages as brick-makers. Most of these workers have been attached to the same brick kiln for years. The locality has no school and no medical dispensary. Workers do not have access to clean drinking water and most lack access to electricity. Their living conditions are extremely poor, without basic sanitation facilities such as toilets or sewage systems.

As Dasht is located near the city of Quetta, key stakeholders in the area should seek to improve workers' living and working conditions. The local leadership of the Pakistan Brick Kiln Owners' Association (PBKOA) should take an active role in these interventions.

to school because they themselves are illiterate. Another 35 respondents (30 per cent) cited the lack of available schools near brick kilns as the main reason for children being deprived of an education.

► 5.3. Focus group discussions with brick kiln workers

During the focus group discussions conducted for this study, brick kiln workers revealed that their families have been involved in brick-making for generations. However, they remain unrecognized as workers. They are denied basic labour rights and the protections enjoyed by workers in the formal economy. Key issues raised by workers include:

- Brick kiln workers labour in conditions of economic stress, due to the deductions made to their weekly wages in order to return the advances they have taken.
- Brick kiln workers are not registered with social security schemes or the Employees' Old-Age Benefits Institution (EOBI). This deprives them of access to social protection, health care and old-age benefits.
- While brick kilns are registered under the Factories Act, workers lack the protections extended to other factory workers in the country. They cannot access benefits from the Workers' Welfare Fund (WWF) as they lack EOBI Cards or social security cards. As most workers do not possess Computerized National Identity Cards, they cannot access public services.

- As labour relations and the workplace environment at brick kilns is not conducive to the formation of unions or to workers becoming organized, workers are deprived of their basic right to freedom of association.⁴⁵
- Working conditions at brick kilns are usually harsh. Workers are obliged to work in extreme weather conditions without protective equipment or safety measures in place.
- Most brick kilns are located in remote rural areas. Workers usually live near kilns, isolated from the mainstream population and without access to basic public facilities and services. For instance, they are usually unable to access social safety nets or programmes geared towards poverty alleviation, employment or skills development.
- Schools are either unavailable or inaccessible for brick kiln worker households. As such, many workers prefer to send their children out to work rather than to pursue an education.

► 5.4. Responses of surveyed brick kiln owners

For most of the brick kiln owners interviewed, owning kilns has been a family business for generations. Of the 53 owners interviewed using the form in Annex II, 41 owners (77 per cent) inherited kilns from their fathers. Just three owners (6 per cent) began their professional lives as brick kiln workers.

Kiln operations

Forty owners (75 per cent) reported that their brick kilns are operational for five to six months per year, while 13 respondents (25 per cent) reported kilns operating for seven to eight months each year. Most owners (49 of 53 owners, or 92 per cent) do not engage in work during the monsoon season.

Wages

According to 22 of the owners interviewed (42 per cent), the cost of labour is the leading challenge in the brick kiln sector. Fifty owners (94 per cent) are dissatisfied with Punjab's mechanism for fixing the minimum wage, although most owners are satisfied with these mechanisms in other provinces.

Sector-specific minimum wages are fixed in Punjab, unlike in other provinces which calculate the minimum wage for unskilled workers in general. As such, minimum wages in Punjab tend to be higher than in other provinces. According to 50 of the owners interviewed (94 per cent), there is no discrimination in wages on the basis of sex for work of equal value at their brick kilns.

⁴⁵ According to the workers interviewed, families of different backgrounds (belonging to different castes and origins) work at brick kilns, and there is little harmony among them. Thus, it is difficult to find like-minded workers and organize them in a workers' organization.

Advances

According to brick kiln owners, the practice of workers taking advances is common. Respondents in Punjab and Sindh believe that advances are most common among brick-makers, while owners in Khyber Pakhtunkhwa and Balochistan believe that all workers take advances. Most respondents (40 of the 53 owners interviewed, or 75 per cent) claim that there is no alternative to advances. If they do not offer monetary advances to workers, they believe that they will lose their labour force.

Occupational safety and health

Brick kiln owners do not appear particularly concerned with workers' health and safety. Twenty respondents (38 per cent) have not taken any precautionary or protective occupational safety and health measures in the past six months.

Social dialogue

Brick kiln owners appear to take a positive view of social dialogue. Most respondents (47 of the 53 owners interviewed, or 89 per cent) discuss workplace issues with workers. They consider discussions a productive way to improve labour relations, boost the observance of labour rights, build trust, enhance cooperation, resolve concerns and increase productivity. According to kiln owners, discussions centre on wages, social issues and workers' protection. Most respondents do not find it difficult to engage in dialogue with workers or workers' organizations.

Child labour

Most brick kiln owners in Punjab (40 of the 53 owners interviewed, or 75 per cent) claim that child labour does not occur at their brick kilns. However, 13 respondents (25 per cent) admitted that they have observed children working at their kilns. Child labour was also reported by six of the 14 owners interviewed in Sindh (43 per cent), three of the 10 owners interviewed in Khyber Pakhtunkhwa (30 per cent) and four of the nine owners interviewed in Balochistan (44 per cent). Brick kiln owners consider a lack of accessible schools to be the main reason for child labour at brick kilns.

► 5.5. Focus group discussions with brick kiln owners

Brick kiln owners in Punjab, who are active members of the Pakistan Brick Kiln Owners' Association, raised a number of concerns during focus group discussions:

- Brick kiln owners are critical of the mechanism for fixing the minimum wage in Punjab. In recent years, owners have facilitated the brick-making process by arranging the supply of quality soil and mechanizing the process of preparing mud. In their view, workers' capacity to produce bricks has doubled, while the minimum wage for brick-making has gradually increased.

Owners consider it 'unjustified' that the same minimum wage for brick-making exists across the province although the costs of producing and selling bricks varies in different parts of Punjab, as does the quality of the bricks produced.⁴⁶

- Brick kiln owners are critical of Punjab's social security scheme. Heads of households enter into contracts with brick kiln owners as workers, yet the kilns tend to engage the workers' family members as well. They believe that these family members are not covered by the definition of 'employee' included in the Provincial Employees' Social Security Ordinance of 1965. According to the owners interviewed, workers' wages exceed the wage ceiling under this law⁴⁷ and, therefore, they should not be covered by the existing social security scheme.⁴⁸
- The Punjab Prohibition of Child Labour at Brick Kilns Act of 2016 allows the practice of monetary advances. Brick kiln owners believe that this contradicts the provisions of the Bonded Labour System (Abolition) Act.⁴⁹
- Brick kiln owners are critical of the role of non-governmental organizations and labour unions in the brick kiln sector, accusing them of drawing attention to issues of advances, social security and the minimum wage.
- According to brick kiln owners, production costs in the brick kiln sector are rising due to the rising price of coal and increases in the minimum wage. There is growing pressure to switch to environmentally-friendly bricks. Owners consider these 'major threats' to the existing brick kiln sector. They want the Government to take these threats seriously given the role that brick kilns play in the rural economy in terms of providing employment and restricting rural-urban migration.

Brick kiln owners in Sindh, Khyber Pakhtunkhwa and Balochistan echoed the concerns raised by kiln owners in Punjab. The fact that social security schemes do not apply to the brick kiln sector in these provinces is a major concern for kiln owners. According to these respondents, if workers had access to social security, this would reduce the economic 'burden' on brick kiln owners to provide monetary advances and cover health expenses when workers fall ill.

The kiln owners also highlighted the need for schools near brick kiln clusters to educate workers' children.

⁴⁶ For instance, the costs of producing bricks varies in different parts of Punjab, as do the prices and quality of red bricks. The price and quality of bricks around Lahore and central Punjab are high. However, the minimum wage rate for raw brick-making are the same (1,295 rupees per 1,000 bricks) throughout Punjab.

⁴⁷ Employees who earn more than 22,000 rupees per month are not covered by the social security scheme.

⁴⁸ This argument by the brick kiln owners interviewed is incorrect. The law specifies that a worker with a monthly wage of more than 22,000 rupees cannot be covered by social security. However, families rather than individual employees work at brick kilns. Between three and six family members are engaged in brick-making work. As such, the income of brick kiln workers' families remains far below the prescribed wage ceiling.

⁴⁹ This point is addressed by newly promulgated Bonded Labour System (Abolition) Acts in Pakistan's provinces. These allow advances equivalent to three or four months' wages, at the set minimum wage rate, in a prescribed manner.

► 5.6. Views of labour unions

Labour unions do not believe that they have any influence at brick kilns because they cannot negotiate with brick kiln owners, unlike unions in the formal economy.⁵⁰ In Punjab, some labour unions and workers' groups are active and have been able to be heard publicly. They have approached the Department of Labour and district administrations to raise complaints and advocate on a range of issues linked to the minimum wage and labour rights. During the discussions held for this study, labour unions expressed the following views:

- Brick kiln workers are deprived of their basic rights and cannot demand these rights due to a lack of resources – including financial resources, expertise and negotiation skills.
- While laws exist to protect brick kiln workers, implementation remains very weak, including the implementation of policies and measures to tackle child and bonded labour. For instance, the Bonded Labour System (Abolition) Act of 1992 has yet to achieve concrete results.
- The legal and administrative measures taken to date have not brought about positive changes in the lives of brick kiln workers.
- Most of the children of brick kiln workers are out of school because of the costs of education and the fact that schools are rarely available near brick kiln workers' homes.
- District Vigilance Committees should be more representative. Their members should include union representatives in the brick kiln sector.
- Brick kiln workers are not covered by social protection schemes, including social security, the Employees' Old-Age Benefits Institution and the Workers' Welfare Fund. Their lack of access to social safety nets is largely due to brick kiln workers' isolation from the mainstream population.
- Labour unions in the brick kiln sector are financially and technically weak. They do not have the strength or backing from the rank and file required to negotiate with brick kiln owners. By contrast, brick kiln owners have a strong association at the national level, which coordinates with its members on issues of concern.
- Brick kiln workers are not protected from workplace hazards or harsh weather conditions.

⁵⁰ Brick kilns are located in rural areas. Both brick kiln workers and owners are from rural backgrounds, are relatively less educated and less accustomed to formal negotiation processes compared to workers and managers in urban industrial and commercial establishments. Labour unions in the brick kiln sector are weak in terms of finances and expertise. Worker's federations at the federal and provincial levels are already under financial pressure. They cannot bear additional travel and board costs, nor can they afford to patronize labour unions in the brick kiln sector. These challenges make it extremely difficult for labour unions to negotiate with brick kiln owners.

► 5.7. Views of non-governmental organizations

Non-governmental organizations are extremely critical of efforts by the Government and other stakeholders to benefit brick kiln workers, as well as the ways in which labour administration institutions function. NGOs in Sindh consider the practice of bonded labour to be especially widespread. As the province's political elite are from rural areas, where bonded labour is not viewed negatively, NGOs argue that politicians do not consider bonded labour to be a problem. Due to the COVID-19 pandemic, civil society organizations have struggled to draw attention to bonded labour. NGOs believe that no specific government interventions have been undertaken to address bonded and child labour at brick kilns in Sindh. District Vigilance Committees have only been established in 11 districts since the Sindh Bonded Labour System (Abolition) Act was promulgated in 2015. To date, no committee meetings have been held in these districts.

During this study's focus group discussions, representatives of NGOs expressed the following views:

- The brick kiln sector does not comply with international standards, including the fundamental principles and rights at work, and routinely violates basic human rights.
- Most brick kiln workers are involved in brick-making. They depend on advances (*peshgi*) and entire families – including women and children – are engaged in work.
- Labour laws⁵¹ are difficult to apply to the brick kiln sector due to the nature of the work involved and a lack of capacity within Pakistan's labour inspection machinery. As a result, workers lack social protection coverage and work in poor conditions, exposed to poor hardships and hazards – most notably, severe weather and a lack of protective measures. They live in sub-standard conditions without basic amenities.
- Migrant workers and workers from minority groups are particularly vulnerable in the brick kiln sector. As 'outsiders', they lack social and political clout. This limits their influence over their labour conditions. They suffer discriminatory treatment in wages, advances and day-to-day affairs.
- Brick kiln workers do not have a united voice since trade unions in the sector are weak and the national labour movement does not pay particular attention to these workers.
- Brick kiln workers lack awareness and knowledge of basic labour rights.
- There is limited scope for social dialogue between brick kiln workers and kiln owners.
- Brick kiln workers do not educate their children because schools are not available near their homes and because of the costs associated with education. Therefore, they prefer their children to work.
- In Punjab, the enrolment of the children of brick kiln workers in educational institutions has not been sustained due to lack of government coordination and the withdrawal of financial support for families.

⁵¹ The Factories Act applies applicable and more than 10,000 brick kilns are registered in Punjab alone. Inspectors inspect brick kilns under the Factories Act, the Payment of Wages Act, minimum wages laws and laws related to child labour. However, the number of inspections is low. In addition to the scarcity of inspectors, the inspection system faces a number of challenges, including resource constraints and a lack of transport. Social protection laws do not yet apply to brick kilns, nor do the Workers' Welfare Fund Ordinance, Companies Profit (Workers Participation) Act, the Employees' Old-Age Benefits Act and the Workers' Children (Education) Ordinance (CESS).

► 5.8. Views of government officials

According to the Labour Department officials interviewed for this study, industrial relation laws cover brick kiln workers. These workers are allowed to form trade unions and some active unions exist in Punjab. To improve the situation, it is important to strengthen the education and awareness of workers and trade union leaders. The officials interviewed are satisfied with the implementation of minimum wage laws and agree that all relevant stakeholders should jointly devise a workable model of social security for brick kiln workers. They recognize the importance of social dialogue and believe that capacity building for brick kiln owners and workers on the importance of social dialogue, and techniques to engage in such dialogue, would be beneficial.

Government officials in **Punjab** highlighted the following points:

- More than 10,000 brick kilns are registered under the Factories Act. Punjab's Department of Labour is putting pressure on brick kiln owners to build toilets and provide clean drinking water for workers at the workplace. The Department of Labour is also increasing inspections under child labour laws. However, capacity and resource limitations continue to prevent adequate inspections in the brick kiln sector.
- The Bonded Labour Act has been amended to make it more effective. A Provincial Vigilance Committee (PVC) has been notified and made functional to oversee the functioning of District Vigilance Committees in Punjab. The Provincial Vigilance Committee is also coordinating among relevant stakeholders to curb human trafficking.
- Punjab's Department of Labour has successfully completed two projects: the *Elimination of Bonded Labour at Brick Kilns in the districts of Lahore and Kasur* (EBLIK) and the *Elimination of Bonded Labour at Brick Kilns* in four districts (EBLIK-4D), namely Faisalabad, Bahawalpur, Gujrat and Sargodha. These projects helped workers to acquire Computerized National Identity Cards and supported non-formal basic education, hygiene facilities, and links to micro credit and legal aid services. A special drive was also launched to enrol workers' children in schools, with cash benefits provided by the Punjab Social Protection Authority to the families of roughly 80,000 children.⁵²
- The practice of monetary advances is the greatest challenge facing the brick kiln sector. Other challenges to the implementation of laws and policies in the sector include a lack of capacity within the Department of Labour, a lack of cooperation between social partners, widespread poverty, and the lack of awareness, education and resources among brick kiln workers.

Government officials in **Sindh** raised the following points:

- According to social security officials, approximately 425 brick kilns are registered with the Sindh Employees' Social Security Institution (SESSI). However, workers do not benefit from registration because brick kiln owners do not contribute to the Social Security Fund.

⁵² These were project-based interventions that ended once the projects' were closed. Project efforts could not be sustained due to a lack of coordination between the Department of Labour, the Punjab Social Protection Authority and the Department of School Education. The Punjab Social Protection Authority discontinued stipends for brick kiln workers' households because education authorities ceased to report on children's school attendance. These education authorities claim that workers' children stopped attending schools after some time.

- Rules for the implementation of the Sindh Bonded Labour System (Abolition) Act of 2015 are being devised. The Government of Sindh is also considering ways to strengthen District Vigilance Committees.
- Advances are the root cause of problems in the brick kiln sector. The system of advances persists as a result of the mutual understanding between brick kiln workers and owners.

Officials of **Khyber Pakhtunkhwa's** Department of Labour highlighted that:

- Promising steps have been taken after the 18th Amendment to the Constitution, including widening the scope of various labour laws and increasing penalties for violations. Labour inspectors have been empowered to monitor the process of advances and the recovery of loans.⁵³ A dedicated Bonded Labour Unit has been created to provide legal aid to bonded labourers. District Vigilance Committees are also being set up.
- Children engaged in brick kilns work alongside their families. They are not independently engaged by brick kiln owners. A provincial child labour survey is underway to determine the extent of child labour in different sectors, including brick kilns.
- No discrimination on the basis of sex, origin or ethnicity exists in Khyber Pakhtunkhwa's brick kiln sector, according to provincial government officials.

According to officials of **Balochistan's** Department of Labour and Manpower:

- The Balochistan Bonded Labour System (Abolition) Act has been drafted with the technical support of the ILO. It is currently with the Cabinet, awaiting promulgation.
- No confirmed cases of bonded labour exist in Balochistan's brick kiln sector. The absence of reliable statistics is a critical issue. Although the Government gathers information from the field, accurate data and records of compliance with labour laws at brick kilns are not available. Brick kilns will be covered by the forthcoming survey on child labour in Balochistan. Government officials suggest specific initiatives to gather statistics on bonded labour, the number of brick kilns in Balochistan and compliance with labour laws.

Although the Government gathers information from the field, accurate data and records of compliance with labour laws at brick kilns are not available. Brick kilns will be covered by the forthcoming survey on child labour in Balochistan. Government officials suggest specific initiatives to gather statistics on bonded labour, the number of brick kilns in Balochistan and compliance with labour laws.

⁵³ The institution of Inspector has been introduced through an amendment under the new versions of provincial Bonded Labour System (Abolition) Acts. However, inspections have not yet begun.

- ▶ Brick kiln workers can form unions under the Balochistan Industrial Relations Act (BIRA). Under the Payment of Wages Act, workers can lodge court cases concerning underpayment or the non-payment of wages. While social security officials note that the Department of Labour and Manpower is making efforts to register brick kilns and brick kiln workers in social security schemes, brick kiln owners remain reluctant.

▶ 5.9. Discussion of key findings from this study's survey

The survey and focus group discussions conducted for this study point to a number of gaps in the fundamental principles and rights at work across Pakistan's brick kiln sector. Basic rights guaranteed by the Constitution and labour laws are often not upheld for brick kiln workers.

A significant proportion of brick kiln workers do not possess Computerized National Identity Cards. This prevents them from exercising their rights as citizens, including the right to vote and the right to access social protection schemes. While this is not a decent work deficit *per se*, ensuring that workers in the brick kiln sector possess valid identity documents is an essential first step towards upholding their fundamental rights.

The widespread practice of workers taking monetary advances is the root cause of bonded labour. The situation is particularly concerning in the province of Punjab, where advances can amount to hundreds of thousands of Pakistani Rupees. As discussed above, advances of less than 100,000 rupees can be settled fairly easily if an understanding is arrived at between brick kiln owners, workers and governments, based on recent legislation that requires advances and their recovery to be documented in a prescribed manner.

It is important to understand why workers request advances. They generally use these funds to cover the marriage expenses of their daughters and health care costs in cases of illness. As brick-making is seasonal and grinds to a halt during the rainy season, 41 per cent of the workers surveyed are employed for less than six months each year – reflecting the sector's underutilization of human resources. Many workers rely on advances to feed their families while they are unemployed. Extending social security schemes and the benefits of the Workers' Welfare Fund to brick kiln workers would have a positive impact on the practice of advances, especially in terms of sums of less than 300,000 rupees.

The trade union movement is very weak in the brick kiln sector. The sector needs active trade unions that are capable of working with brick kiln owners, as well as national and sub-national authorities, to advance workers' rights. Unions in the brick kiln sector, under the patronage of labour leadership, should establish a strong working relationship with the Punjab Brick-Kiln Owners' Association and other provincial associations, in addition to collaborating and engaging in meaningful dialogue with other key stakeholders.

Entire families tend to be engaged in brick-making. Heads of households, most of whom are men, bargain with brick kiln owners about wage rates, advances and other issues.

They also receive the remuneration for their household as a whole. While women perform extensive work in the brick kiln sector, they do not receive separate wages. It is vital to address this form of structural discrimination.

To date, only the province of Punjab has developed a mechanism for setting different minimum wage rates for different categories of workers (skilled, semi-skilled, highly skilled and unskilled workers) through its Minimum Wage Board. It is important for Pakistan's other provinces, under their respective Minimum Wages Boards, to each develop a similar mechanism for fixing the minimum wage for different categories of workers – with remuneration based on workers' skills and the value of their work. Minimum Wage Boards should consider the price, quality and cost of bricks in different regions, in consultation with social partners and their representative bodies.

In addition to concerns about wages, the lack of occupational safety and health measures is a major concern in the brick kiln sector. The fact that more than 50 per cent of the workers interviewed for this study suffer from diseases such as tuberculosis, hepatitis, coughs and indigestion reflects a lack of precautionary measures and health services at brick kilns.⁵⁴ Raising awareness of health, safety and hygiene among brick kiln owners and workers would have a positive impact on their understanding of occupational safety and health. In turn, this would lead to safer workplaces.

As noted above, Article 25A of the Constitution of Pakistan obliges the State to provide free education to children who are between 5 and 16 years old. All of Pakistan's provinces have promulgated laws on compulsory education, which make District Education Authorities responsible for the enrolment of all children up to the age of 16 in formal or non-formal education. The lack of educational facilities near brick kiln workers' places of residence is a key reason for child labour in the brick kiln sector. Other causes of child labour include illiteracy among parents, the large size of brick kiln workers' families and associated financial pressure, low wages, and the burden of monetary advances.

⁵⁴ In this regard, further research with focus on this medical aspect would be required for detailed information about the causes and occurrence of diseases among various categories of brick kiln workers.



Chapter 6

Chapter 6

Recommendations

Based on its findings, this study proposes the following recommendations to address deficits in the fundamental principles and rights at work in Pakistan's brick kiln sector:



- 1. Focus on providing **social security coverage and health facilities** in order to enable brick kiln workers to access the benefits offered by the Workers' Welfare Fund. As this study demonstrates, workers rely on monetary advances to cover health costs, daily needs and marriage expenses. If they were protected by social security and linked with the Workers' Welfare Fund, they would be better able to cover most of their expenses without asking for advanced payment from brick kiln owners. Social security coverage would also discourage workers from frequently moving from one brick kiln to another, or from one locality to another.



- 2. Discourage and gradually eliminate the practice of **advances (peshgi)**. Initially imposing an administrative ceiling and reducing this ceiling gradually, via negotiation with social partners, would be a promising alternative to monetary advances. In this way, the amount of advances would be reduced to the legally prescribed limit. This is in line with recently amended bonded labour laws and the Payment of Wages Act, which specifies that an advance should not exceed three months' wages.



- 3. Tackle the complex issue of **child labour** through a multi-pronged and integrated approach. This should include ensuring social protection for brick kiln workers' families, linking workers' households with social protection floors, making schools available and, ideally, covering brick kiln workers under the Workers' Welfare Fund. Launching mobile schools under the Directorate of Education of Workers' Welfare Boards could be another alternative. Departments of Education and Non-Formal Basic Education should collaborate with Brick Kiln Owners' Associations, NGOs and Pakistan *Bait-ul-Mal* to ensure that formal or non-formal basic education is available near clusters of brick kilns.



- 4. Ensure that social partners take an active role in increasing the **enrolment of brick kiln workers' children in education**, coupled with coordination between government departments of Education and Labour. Schools of the Workers' Welfare Fund could provide free education for out-of-school children from brick kiln worker households, just as they provide for the children of factory workers. Initiating a 'mobile school scheme' specifically for the children of brick kiln workers could be another promising alternative, as could talent scholarships and education subsidies to enrol these children in private schools.⁵⁵

⁵⁵ Worker's Welfare Fund is already providing 'talent scholarships' to the children of eligible workers who are studying in the schools in the public and private sector which are not owned by the Workers' Welfare Boards.

All such initiatives should prioritize the education of girls and women, who are neglected as especially vulnerable members of brick kiln communities.



- ▶ 5. Strengthen **District Vigilance Committees** and make them functional in the provinces of Sindh, Khyber Pakhtunkhwa and Balochistan in order to enforce legal provisions. Introduce a provincial steering and coordination mechanism in each of these provinces – a Provincial Vigilance Committee, along the lines of the body created in Punjab – in order to make District Vigilance Committees more effective. Provincial committees are well-suited to coordinating and overseeing national strategies, provincial policies and plans of action to combat child and bonded labour. When implemented with Provincial Vigilance Committees that provide strategic guidance, District Vigilance Committees can become a hub for working with many social actors and promoting social dialogue.

This is important because District Vigilance Committees have not been made fully functional in all of Pakistan’s districts, despite the fact that they are the main district level administrative structure with the mandate to monitor and support the enforcement of legislation, to coordinate implementation in the field, and to help rehabilitate bonded labourers under the Bonded Labour System (Abolition) Act. This gives them a key operational role. They are representative bodies as they are comprised of the representatives of brick kiln workers, kiln owners, the judiciary, the media, civil society, the local bar, press clubs, NGOs, the police, district administrations and all relevant public sector departments. As bonded labour is a challenge with its roots in social and cultural dynamics, its solution lies in administrative, social and legal action. From an organizational perspective, providing managerial training and support for District Vigilance Committees could generate a multiplier effect throughout policies on the brick kiln sector.



- ▶ 6. Collect **accurate, reliable statistics and data** to inform planning and policy-making. There is a need for employment figures disaggregated by sector, as well as data on monetary advances, child labour, bonded labour, social protection and missing facilities in the brick kiln sector. Provincial governments should take special measures to ensure data availability for researchers, planners and policy-makers. There is a need for an evidence-based approach since access to knowledge, and basing policies on this evidence, increases the likelihood that policies will be effective. Amplifying the knowledge base is also a key aspect of qualifying policies overall.



- ▶ 7. Secure workers’ jobs through technical and financial⁵⁶ governmental support for the adoption of **‘zigzag’ and environmentally-friendly technology** in the brick kiln sector, coupled with other measures to continue production during the rainy season. This will enable workers to continue working throughout the year, rather than spending an average of five months every year out of work during the monsoon and smog seasons.

⁵⁶ The Government of Punjab has already initiated a provision for soft loans amounting to 1 million rupees for each brick kiln to adopt ‘zigzag technology’.



- 8. Sustain **dialogue among social partners** to address the implementation of relevant laws, conflicting provisions in different laws, minimum wage fixation, social security coverage and the drafting of subsidiary rules for recently amended labour laws to ensure their enforcement.



- 9. Strengthen the **implementation of labour laws**, including laws related to child and bonded labour, through administrative measures, capacity development for labour inspectors, improved monitoring, reporting and following-up, as well as by involving social partners in inspection processes.



- 10. Advance **legislative development** in each province. Balochistan should expedite the promulgation of the Balochistan Bonded Labour System (Abolition) Act and notify District Vigilance Committees. Sindh should notify the draft Rules of the Sindh Bonded Labour System (Abolition) Act of 2015 and improve the Act's implementation by making District Vigilance Committees functional. Khyber Pakhtunkhwa should improve the ways in which District Vigilance Committees work.



- 11. Recognize and promote **representative brick kiln organizations** so that workers feel on par with brick kiln owners during social dialogue processes. This is also important for resolving issues related to labour rights and deficits in the fundamental principles and rights at work through effective, meaningful negotiation between all partners, on an equal footing.



- 12. Coordinate with the National Database and Registration Authority (NADRA) to support the issuance of **Computerized National Identity Cards** for all adult brick kiln workers, both women and men, as well as B Forms for members of brick kiln communities who are under 18 years old. Access to these identity documents is a gateway to social protection which can be achieved through social dialogue with almost immediate results.

These documents are prerequisites for any accessing any benefits, facilities and social protection floors, including the *Ehsaas* Programme. The *Mazdoor ka Ehsaas* initiative specifically provides monthly grants to eligible workers in the informal economy. For instance, women beneficiaries receive a monthly grant of 4,000 rupees in the form of unconditional cash transfers. Eligible families are entitled to a stipend for their children's retention in education. This could be effective way of addressing child labour in the brick kiln sector. There are also opportunities for daily wage workers to expand their opportunities for earning and accessing credit.



- 13. Establish a **Welfare Fund** under the Bonded Labour System (Abolition) Act to provide the resources needed for the rehabilitation of bonded labourers. This fund could be set up with seed money from the Government and large construction companies, which should contribute as part of their corporate social responsibility (CSR) initiatives.



- ▶ 14. Raise **awareness** among brick kiln owners and workers about labour laws, policies, international standards and the negative effects of bondage. This should be a permanent part of Labour Departments' efforts to ensure that key stakeholders are sensitized on the need to eradicate child and bonded labour from the brick kiln sector.



- ▶ 15. Continue the time-bound actions agreed upon by social partners and key stakeholders for the implementation of the **National Strategy to Eliminate Child and Bonded Labour** in Pakistan and the Provincial Implementation Plans under the National Labour Protection Framework. Both contain comprehensive, actionable measures to eradicate child and bonded labour. In parallel, Pakistan's provinces should begin work on the commitments made in their recent labour policies to eradicate child and bonded labour.

To address deficits in the fundamental principles and rights at work in Pakistan's brick kiln sector, one important way forward is to initiate dialogue between governments, brick kiln workers' organizations and representative organizations of brick kiln owners. These stakeholders should prioritize the recommendations outlined above and, based on mutual understanding, move forward towards solutions to current challenges. Decisions arrived at through consensus should be followed by decisive action.

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Annexes

► Annex I. Questionnaire for brick kiln workers

Study on the supply chain process of the brick kiln sector to identify deficits of the fundamental principles and rights at work (FPRW), focusing on child labour and bonded labour

Form I

(Information to be gathered from government officials on policies and laws)

1. Personal information

- a. Respondent number: _____
- b. Sex: Male Female
- c. Age: _____
- d. Computerized National Identity Card (CNIC)/birth registration:
 Yes No
- e. Religion/ethnicity: _____
- f. Present residence: _____
- g. Permanent address: _____
- h. Education:
 Secondary and above Less than secondary Less than primary
 Never been to school
- i. Number of family members/siblings working:
Adults: _____ Children: _____ Women: _____

2. Nature of work

- a. Types of work:
 Brick-making *Barai wala* and *nikasi wala* Fireman
 Workers involved in the transportation of bricks and coal
 Other: _____

- ▶ b. How many days do you work in a week?
 7 days 6 days Fewer than 6 days
- ▶ c. How many months did you work during the last year?
 Less than 6 months Less than 9 months More than 9 months
- ▶ d. What do you do during the rainy season?

3. Remuneration

- ▶ a. How much do you earn in a week?
 Less than 6,000 rupees More than 6,000 rupees
- ▶ b. How much does your family earn in a week?
 Less than 12,000 rupees More than 12,000 rupees

4. Advances (peshgi)

- ▶ a. Have you or your family members received an advance from your employer/brick kiln owner?
 Yes No
- ▶ b. If you answered 'yes', how much was the advance worth (amount in rupees)? _____
- ▶ c. What did you do with this money?

- ▶ d. How did you return the advance?

- ▶ e. What is your opinion about the recovery process?
 - i. You easily manage to pay back instalments from your weekly earnings.
 - ii. You manage to pay back instalments from your weekly earnings with some difficulty.
 - iii. It is very difficult to regularly pay back instalments from your weekly earnings. Usually you have to take an additional loan to pay back the original instalments.
- ▶ f. Do you pay for any facility (residence, electricity, any other) provided by the brick kiln owner or contractor?
 Yes No
- ▶ g. If you answered 'yes', please provide details of the amount deducted per week and its purpose: _____

► h. Are you comfortable with the hiring process and the oversight of your work by the brick kiln owner/contractor?

- Yes No

► i. If you answered 'no', please provide two main reasons for your answer:

► i. Have you seen any of the following at your workplace in the last 6 months?

- i. Workers quarrelling with each other.
- ii. A quarrel between a worker and the brick kiln owner/*munshi/jamadar*.
- iii. The use of harsh language by the owner/*munshi/jamadar* towards a worker.
- iv. A worker being beaten by the brick kiln owner or the owner's staff.
- v. Litigation between a worker and the brick kiln owner.

► k. If you answered 'yes' to any of the situations above, please provide details:

5. Child labour

► a. How many children do you have?

- i. Boys (over 14 years old) _____ Boys (under 14 years old) _____
- ii. Girls (over 14 years old) _____ Girls (under 14 years old) _____

► b. How many of your children go to school (formal school/informal education/technical and vocational education and training (TVET))?

- i. Boys (over 14 years old) _____ Boys (under 14 years old) _____
- ii. Girls (over 14 years old) _____ Girls (under 14 years old) _____

► c. What are the main types of activities that children are involved in?

- Helping their family at the brick kiln
- Working in a workshop or with a vendor to acquire skills
- Working as a daily wage labourer o
- Any other task (please describe):

► d. In your opinion, why do many brick kiln workers not send their children to school?

6. Discrimination

- ▶ a. Do you know whether some of brick kiln workers are paid differently for work of the same value?

Yes No

- ▶ b. If you answered 'yes', how do you feel about this?

- ▶ c. Have you witnessed any case(s) of mistreatment?

Yes No

- ▶ d. If you answered 'yes', what kind of mistreatment have you witnessed and how do you feel about it?

7. Freedom of association

- ▶ a. Are you a member of any of the following?

Labour union Society Cooperative

- ▶ b. Is there a labour union at the brick kiln where you work?

Yes No

- ▶ c. If you answered 'yes', are you a member of this labour union?

Yes No

8. Social dialogue

- ▶ a. Do you have the chance to discuss problems with the *jamadar*/brick kiln owner/contractor?

Yes No

- ▶ b. If you answered 'yes', what are the main issues discussed (please select all the responses that apply)?

- i. Remuneration
- ii. Advances
- iii. Occupational safety and health
- iv. Working conditions
- v. Social security
- vi. Marriage grants
- vii. Lower payment than agreed and deductions

- viii. Workers' welfare
 - ix. Workplace-related disputes
 - x. Harassment or violence at the workplace
 - xi. Other: _____
- c. Are you satisfied with the system?
- Yes No
- d. If you answered 'no', please specify the reasons why you are dissatisfied with the system?
- _____
- _____
- _____

9. Occupational safety and health

- a. Have you been injured at work during the last 6 months?
- Yes No
- b. If you answered 'yes', please describe the nature of the injury:
- _____
- _____
- _____
- c. Have you or your family fallen sick during the last 6 months?
- Yes No
- d. If you answered 'yes', please specify which illness you or your family members suffered from:
- _____
- _____
- _____
- e. Do you have any knowledge about personal protective equipment (PPE)?
- Yes No
- f. If you answered 'yes', please confirm whether you wear PPE or not?
- Yes No

Enumerator's name: _____

Date of completion: _____

Signature: _____

▶ Annex II. Questionnaire for brick kiln owners

Study on the supply chain process of the brick kiln sector to identify deficits of the fundamental principles and rights at work (FPRW), focusing on child labour and bonded labour

Form II

(Information to be gathered from government officials on policies and laws)

1. Personal information

- ▶ a. Respondent number: _____
- ▶ b. Sex: Male Female
- ▶ c. Age: _____
- ▶ d. Name of the brick kiln: _____
- ▶ e. Education:
 Secondary and above Less than secondary Never been to school

2. Brick kilns as a business

- ▶ a. How did you enter the brick kiln business?

- ▶ b. What are the main advantages and difficulties of brick production?

- ▶ c. What would you do differently if you could? Why?

- ▶ d. How many months in a year do brick kilns remain operational?
- ▶ e. What do you do during the rainy season?

- ▶ f. Are you satisfied with the existing mechanism for fixing the minimum wage for brick kiln workers?
 Yes No

- ▶ g. Please provide reasons for your answer (whether it was 'yes' or 'no'):

3. Child labour

- ▶ a. Have you ever seen children working in brick kilns?
 Yes No

- ▶ b. In your opinion, what could be done to keep children in school?

4. Advances (peshgi)

- ▶ a. What categories of workers receive more advances?

- ▶ b. Do believe there are any alternatives to advances to replace this existing practice?

- ▶ c. Workers usually complain about malpractice or deductions for the recovery of advances.
What is your point of view?

5. Discrimination

- ▶ a. How many women usually work at your brick kiln? _____

- ▶ b. Do any of these women work alone, as opposed to working alongside their families?
 Yes No

- ▶ c. What types of work/activities are women usually involved in at brick kilns?
 Brick-making *Barai wala* or *nikasi wala* Any other activity: _____

- ▶ d. Do you believe that women and men workers receive similar wages for work of equal value?
 Yes No

6. Freedom of association

- ▶ a. Brick kiln owners and brick kiln workers have separate representative organizations. In your opinion, how can these organizations work together to uphold basic rights, and increase production and productivity in the brick kiln sector?

7. Social dialogue

- ▶ a. Do you discuss workplace issues with your workers?

Yes No

- ▶ b. If you answered 'yes', what types of issues do you usually discuss with your workers?

- ▶ c. How often do these discussions take place?

i. Rarely ii. Off and on iii. Every month
 iv. Every fortnight v. Every week

- ▶ d. What difficulties are there when discussing issues with workers and their representative organizations?

8. Occupational safety and health

- ▶ a. Do your brick kilns take precautionary measures for workers' protection?

Yes No

- ▶ b. What measures have you taken in the last 6 months to improve health and safety conditions for brick kiln workers?

Enumerator's name: _____

Date of completion: _____

Signature: _____

▶ Annex III. Questionnaire for government officials

Study on the supply chain process of the brick kiln sector to identify deficits of the fundamental principles and rights at work (FPRW), focusing on child labour and bonded labour

Form III

(Information to be gathered from government officials on policies and laws)

1. Personal information

- ▶ a. Name and designation: _____
- ▶ b. Department name: _____

2. Deficits in the fundamental principles and rights at work (FPRW) and government responses

(Department of Labour)

- ▶ a. The Government has taken steps to address decent work and gaps in the fundamental principles and rights at work in the brick kiln sector. Please comment on these steps:

- ▶ b. What are the major challenges to implementing laws in the brick kiln sector? What specific measures has the department taken in this regard during the past two years?

3. Child labour

(Department of Labour)

- ▶ a. Please describe the implementation of policies and laws to eradicate child labour, particularly in the brick kiln sector of your province:

- ▶ b. Please highlight any specific intervention that has yielded good results in terms of addressing child labour in your province’s brick kiln sector:

- ▶ c. What major challenges exist in terms of addressing child labour in your province’s brick kiln sector?

4. Bonded/forced labour

(Department of Labour)

- ▶ a. Please describe the implementation of the Bonded Labour Act in your province:

- ▶ b. What major challenges exist in terms of implementing policies and laws to eradicate bonded labour in your province’s brick kiln sector?

- ▶ c. To what extent have District Vigilance Committees been able to address bonded labour in the past year?

- ▶ d. How can the functioning of District Vigilance Committees be improved?

5. Discrimination

(Department of Labour)

- ▶ a. Do you believe that workers are paid and treated differently on the basis of religion, sex, origin, colour, ethnicity, etc. in terms of the provision of advances and their work contracts at brick kilns?

- ▶ b. Please describe any specific measure/initiative to address differences in workers' treatment or wages in your province's brick kiln sector during the last year:

6. Freedom of association and collective bargaining

(Department of Labour)

- ▶ a. Can brick kiln workers in the province form unions? Can they freely join a union or federation of their own choosing?

- ▶ b. Please confirm the number of labour unions and federations in your province:

- ▶ c. Do you believe that existing labour unions effectively advocate for the rights and concerns of brick kiln workers?

- ▶ d. Please suggest measures to improve brick kiln workers' freedom of association and collective bargaining in your province:

7. Social dialogue

(Department of Labour)

- ▶ a. How can social dialogue be an effective tool for addressing decent work deficits in the brick kiln sector?

8. Minimum wage

(Minimum Wage Board)

- ▶ a. Brick kiln owners complain that Minimum Wage Boards fix the minimum wage for brick kiln workers at a unified rate, despite variations in the quality and price of bricks in different parts of the province.

Please comment on this:

- ▶ b. Please explain how the minimum wage is implemented at brick kilns in your province:

9. Social protection

(Officials of the Employees' Social Security Institution only)

- ▶ a. Please explain how the existing social security scheme could be implemented in the brick kiln sector:

- ▶ b. Brick kilns are located in rural areas without dispensaries. How could medical services be provided to workers if brick kilns were registered under the social security scheme?

10. Occupational safety and health

(Department of Labour)

- ▶ a. Please highlight the occupational safety and health provisions in labour laws that apply to brick kilns, and efforts by the department to ensure the effective enforcement of these provisions in the past year:

- ▶ b. Please describe the programmes and administrative measures taken to improve brick kiln workers' working conditions in your province:

Enumerator's name: _____

Date of completion: _____

Signature: _____

▶ Annex IV. Questionnaire for NGOs and trade unions

Study on the supply chain process of the brick kiln sector to identify deficits of the fundamental principles and rights at work (FPRW), focusing on child labour and bonded labour

Form IV

(Information to be gathered from non-governmental organizations and trade unions)

1. Personal information

- ▶ a. Name of your organization/union: _____
- ▶ b. Respondent's name and designation: _____

2. General situation of deficits in the fundamental principles and rights at work

- ▶ a. Please provide information on deficits related to the fundamental principles and rights at work in your province's brick kiln sector:

- ▶ b. What major challenges exist in terms of implementing policies and laws in your province's brick kiln sector?

3. Child labour

- ▶ a. In your opinion, how prevalent is child labour in the brick kiln sector?

- ▶ b. Do you believe that existing measures to eradicate child labour in brick kilns are effective and delivering good results?

- ▶ c. In your opinion, what needs to be changed in order to address the issue of child labour in your province’s brick kiln sector?

4. Bonded/forced labour

- ▶ a. Do you believe that existing policies, laws and administrative measures on bonded labour are relevant and are effectively contributing to the elimination of this practice in the brick kiln sector?

- ▶ b. What is your opinion about the functioning of District Vigilance Committees?

5. Discrimination

- ▶ a. Have you witnessed any differences in the treatment of different workers, or specific groups of workers, in terms of securing employment, the payment of wages or the provision of advances in brick kilns?

- ▶ b. How can issues of discrimination in remuneration and employment be addressed in the brick kiln sector?

6. Freedom of association and collective bargaining

(Labour unions only)

- ▶ a. Please explain the role of labour unions in the brick kiln sector in your province:

- b. To what extent is collective bargaining (negotiation by a Collective Bargaining Agent (CBA)) practised in the brick kiln sector?

- c. Are existing labour unions effectively advocating for brick kiln workers at the 'shop floor' and provincial levels?

- d. How can the performance and functioning of labour unions in the brick kiln sector be improved?

7. Social dialogue

- a. In your opinion, how is social dialogue (discussions between brick kiln owners and workers) being utilized as a means of resolving workplace issues in the brick kiln sector?

- b. How can social dialogue be promoted in the brick kiln sector?

8. Social protection

- a. Please describe social protection deficits in the brick kiln sector in your province:

- b. How can existing social security schemes be effectively implemented in the brick kiln sector?

9. Occupational safety and health

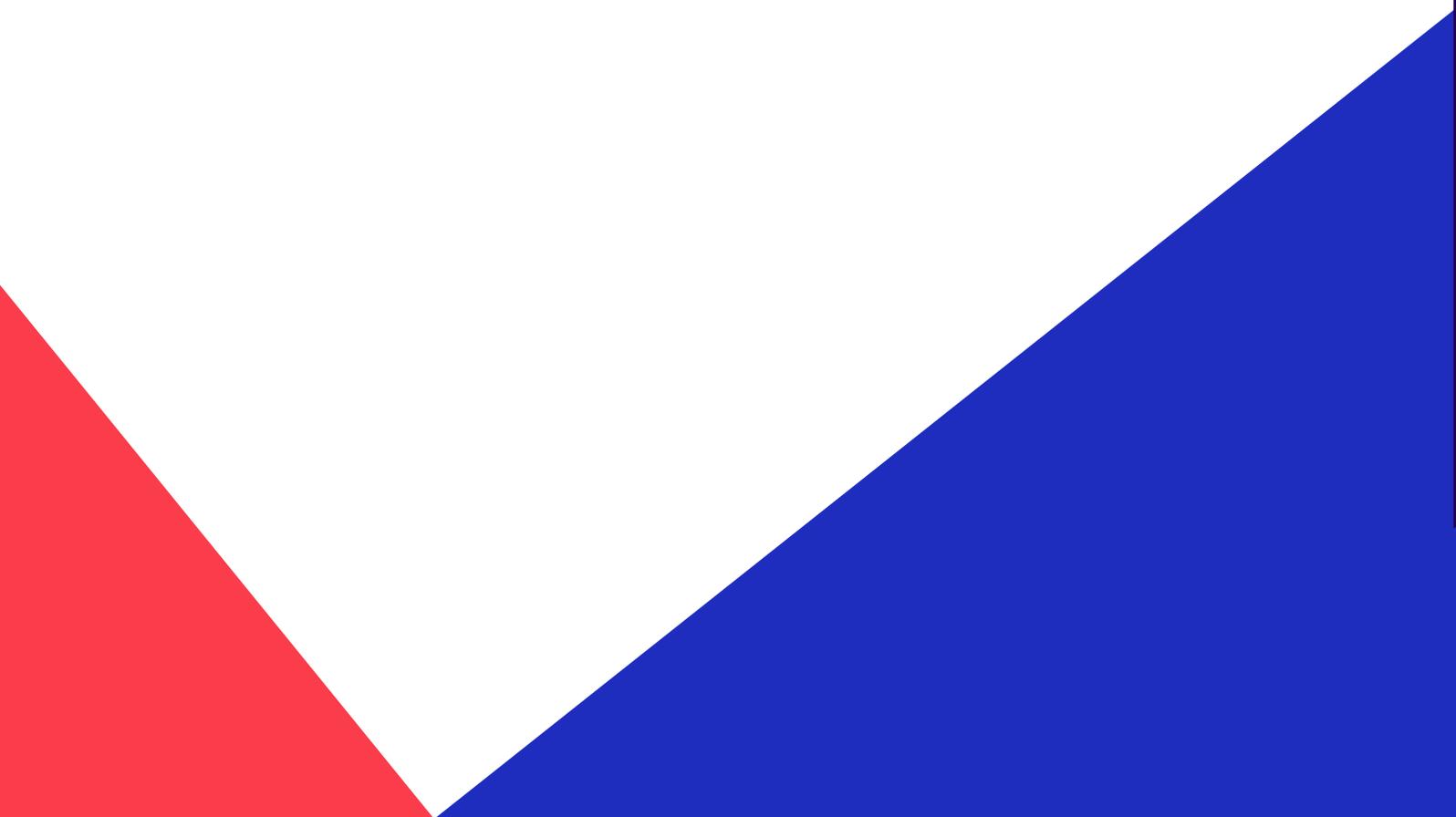
▶ a. How are brick kilns adhering to health and safety standards?

▶ b. How can your organization contribute to improving the existing health and safety situation at brick kilns in your province?

Enumerator's name: _____

Date of completion: _____

Signature: _____





A study of deficits in the fundamental principles and rights at work in the brick kiln supply chain: Focusing on child labour and bonded labour in Pakistan's brick kiln sector

This study analyses supply chain processes in Pakistan's brick kiln sector, in order to identify deficits related to the fundamental principles and rights at work (FPRW), with a focus on child labour and bonded labour. It identifies challenges to the implementation of laws and policies, alongside inspection mechanisms and administrative measures. To better understand working relationships between key stakeholders, the study examines the brick kiln supply chain – including workplace hierarchies to gauge power relations between workers and different tiers of management. The study also presents the findings of its primary research – a survey and focus group discussions with key stakeholders, including brick kiln workers, owners, government officials and representatives of nongovernmental organizations. It offers recommendations to address decent work deficits to improve conditions for brick kiln workers across Pakistan.

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