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## **Bonded Labour and the Brick Kiln Industry**

by Iqbal Shah

Brick kiln is the sprawling construction sector in the country that contribute to local economy but the most neglected industry sector in Pakistan where industry related laws governing the working and living conditions of labour associated with it have not been implemented in its true spirit.

Despite enactment of legislation on labour rights,( Minimum Wage, Payment of Wages Act, Social Security Laws, EOBI, and Workers Welfare Schemes of Workers Welfare Board and Bonded Labour System (Abolition) Act of 1992 and KP bonded labour system abolition act 2015, frequent warnings of higher courts, international commitments and establishment of monitoring committees (of social welfare department), the brick kiln industry remains out of the reach of Labour and Human Resources Department. The brick kiln workers are largely deprived of their legal rights and welfare entitlements and forced to work in unhealthy and unsafe environments ( as harsh working conditions of toiling from 6am to 6pm in the evening and exploitative living conditions where everybody lives up to the expectations of kiln owners). Child labour and sexual harassment continue to go unnoticed despite constitutional guarantees and legal provisions.

Most of the workers are migrants and live in the pakka / kacha,. They lack running water, adequate dwelling and their access to education and health facility is limited. Adult literacy is nominal and a limited number of children go to school. Most of the workers lack CNICs and their access to the nearby big market is limited.

Their working condition are no more better than their living conditions. Most of the workers are conditioned to work longer hours as 12 to 14 hours a day. Majority of workers are bonded as they have taken loan in return of their toil as they would produce, work in the preparation of bricks. A system exists that binds the labour force to the kiln through a person called "Jammadar", who strikes a deal between the workers and the brick kiln owners and bind the two in a contract , mostly verbal and not written. This system is called "Peshgi", or "Debt" as advances are taken in return of labour to produce value in shape of bricks. The debt usually piled up and could not be paid by the indebted families, thus carried over to generations as 'eternal' debt , The Wage Act is not followed in its true spirit, as 96% of workers ( male and female) do not receive the same payment for the same type of work. Disparity exists in wage payment as female workers are paid less than their male counterparts for the same type of

work. 90% of the brick owners do not maintain any record of loan and repayment and workers are not satisfied with the system.

As many as 91% workers are not free to leave their job at will. Workers are not free to join or form their union. This dismal situation is further aggravated by labour department officials who do not visit and monitor the kiln under Forced labour abolition law rule 4. No district vigilance committee has been formed to look into the affairs of brick kiln. No Social Security Card is issued to workers as the kiln owners are not contributing their share regularly to the mandatory Employees Old Age Benefits Institution (EOBI).

The term “bonded labor” refers to workers who render services under conditions of bondage arising from economic considerations, notably through a loan or advance. Where debt is the root cause of bondage, the implication is that the worker (and their dependants or heirs) is tied to a particular creditor for a specified or unspecified period until the loan is repaid (ILO, 2001:32). The Bonded Labour Abolition Act defines the bonded as thus," a person who is forced or partially forced to surrender his freedom of movement or render his/ her services at low market value, forfeit his/her right to employment in other places in pursuance of peshgi or advance".

### **Consequences of this inhuman treatment:**

Sexual abuse, torture and beating at the brick kilns have been reported.

Families languish in long standing pile of debt and thus fall prey to inhuman treatment.

Most of them live below poverty line and this aggravate there situation as they are not able to send their children to school, access health facilities.

Too much work by the children at the brick kilns poses a great threat to their physical, mental, intellectual, moral and psychological well being, as large family size and lack of educational facilities near the kiln force families to involve children in the toil to prepare bricks from dawn to dusk. Estimates made by UNICEF show that at least 250,000 children work in brick kilns. It is also estimated that two-fifths to two-thirds of the total working children are in the brick kiln industry and most of them are bonded (Kemal, 1994:16).

Peshgi and debt are not only taken at the start but continue in a systemized manner, due to emergencies, illness, marriages and some other life events, like weddings, funerals, arrest of a relative, an accident, heavy rains that bring extra expenses and thus increase the family debt and continue from generation to generation.

As mostly owners of the brick kiln provides for accommodation, so they exploit this situation to get children to work with their parents.

### ***Child Labour Status:***

Estimates made by UNICEF show that at least 250,000 children work in brick kilns. It is also estimated that two-fifths to two-thirds of the total working children are in the brick kiln industry and most of them are bonded (Kemal, 1994:16). According to the Pakistan Labour Force Survey (2007-2008), there are over 21 million children between 10 to 14 years of age out of which 2.68 million are employed.

### ***The policy aims at:***

- motivating the school dropout children go back to schools, child labour and neglected girl children to get back to the formal school by giving psychological training to them to have their egos boosted up.
- providing sports facilities for children overall development
- providing good quality education and skill developments to beneficiaries
- motivate the parents and community for behavioural changes.
- provide more opportunities for children to learn about arts, science, social sciences etc
- to develop changes in policymaking by vigorous lobbying and advocacy
- to work as village parliament for the beneficiaries to voice their grievances and lobby for their human rights
- creating Village Development Council to think, act and change bonded labour livelihood conditions
- helping change the attitude of dependency syndrome on bonded labour
- having provision for legal redress and legal team assistance to get out of bondage.

The plan requires the reorganization and streamlining of various governmental and non governmental agencies already working in the field by the pooling of resources, accurate management and extending educational, health, training, alternative livelihood programmes off season for the bonded labour. Only in this way we can manage to redefine the laws, improve working condition and respect for human rights.

### ***Social and economic impact of the strategy:***

Given the complexity of the problem, there is need for a policy that employs a microfinance and advocacy-led approach designed to address the causes of bonded labor. This integrated approach relies on three assumptions. First, since bondage results primarily from the inter-

linkage of credit and labor markets, access to appropriate financial services is a fundamental prevention strategy.

Second, microfinance is not sufficient to prevent bondage, but a group-based savings and credit delivery mechanism, formation cooperatives and trade unions can be excellent vehicles to provide other essential services for economic and social empowerment. Third, related activities( as training in other life skills /alternative livelihood (skills based) is going to strengthen the capacity of households to generate a livelihood, contribute to the reduction of expenses that can push them into bondage, reduce their economic and social dependence on the employer, and build social capital by their inclusion in the community.

This multi-prong model is a long-term, holistic and sustainable approach at tackling the human rights problem of child labour, bonded labour and lack of access to quality education based on the formation of cooperatives, trade unions and strong advocacy campaign.

The community of bonded labour need to be mobilized and organized through concerted efforts for a sustained long term program that leads to their economic emancipation. The policy requires the reorganization and streamlining of various governmental and non governmental agencies working in the field by the pooling of resources, accurate management and extending educational, health, training, welfare services , housing schemes, cooperative societies and trade unions .Only in this way we are able to change the conditions of bonded families.

The key characteristics include the eradication of child labour, bonded labour in the brick kiln industry, and ensuring the provision of education to all children in the brick kiln industrial zone of Khyber Pakhtunkhwa.

The project intends to alleviate poverty via the eradication of child labour and bonded labour and ensuring that children are able to access education both in the short and long term and also adult are trained off season in other life skills to lead a qualitative life. Studies suggest that children are taking the jobs of adult family members because of the economics of child labour. The project ensures that instead of children, it is the parents who gain employment and other life skills and receive at the very least the minimum wage. Self help groups ( as trade unions and cooperative societies) and access to social security schemes of the government (as scheme of workers welfare board, EOBI, social welfare, labour department schemes, housing scheme of government, line education department etc) form an integral part of the programme.

A strong networking, capacity building & awareness raising is essential for strategic interventions and holds the key towards sustainability.

**The strategy:**

1. Amendment in the law that apply to brick kiln industry, will hold the government accountable for its part to play to eradicate bonded labour, ensure housing schemes in the brick kiln clusters like other industrial zones, and ensuring education to the children of labour force associated with brick kilns.
2. Forming active trade unions and cooperative societies that work towards the betterment of bonded labour
3. Make it binding on social welfare officer to visit sites to see working conditions together with NGO or local elders as envisaged in Abolition Act .
4. All labor laws, particularly laws relating to the workers of the brick kiln industry such as Minimum Wage law, Payment of Wages Act, Social Security Laws, EOBI, and Workers Welfare Schemes of Workers Welfare Board and Bonded Labor System (Abolition) Act will be consolidated into a single enactment mean exclusively for the brick kilns.
5. Kilns will be allowed in clusters (consist 20 to 30 kilns) that allow for social welfare scheme currently prevailing in other industries.
6. A fund was made available ( Federal welfare fund) that aimed to rehabilitate bonded labour after their freedom from the clutches of the brick kiln owners ( where is that fund and how much it spent actually on the welfare and rehabilitation of bonded labours.
7. Alternative livelihood programmes: Doing off season programmes for the alternative livelihood ( as skill learning programme, driving, adult accounting basics, mechanic training,).
8. Providing educational facilities to the children of bonded labour through worker welfare board schools.
9. Facilitating bonded labour to work in societies and getting loans from co-operatives.

10. Co-operative society will work towards the housing scheme of different cluster by invoking government responsibilities to make housing schemes for them to live decent lives. Societies and trade unions will work towards the eradication of child labour, improving child education and micro-finance schemes aiming at alternative income generating schemes for the bonded labourers.
11. Civil societies, social sector need to be engaged and involved and the working of government departments, such as Labor, Home Department, Police, Social Security, Employees Old Age Institutions , cooperatives , industry department and industry development department etc. need redirection, overhauling and strengthening and this will be achieved through concerted efforts directed towards improving the working of these departments, proposing amendment in those laws that are outdated keeping vigilance on the working patterns of government departments. So it will be threefold dimensional strategy, ( 1 ) creating awareness in the labour force community pertaining to their rights and obligations, (2) invoking government departments through strong advocacy campaign to fulfill their responsibilities and duties and ,(3) proposing amendments in the laws pertaining to the working and living conditions of kiln bonded workers.

However, the success of the strategy will mostly depend on the nature of its implementation rather than the nature of the scheme.

The impact of such change through law and policy is enormous, in that future generations of children and bonded labourers are empowered to access their fundamental human rights. Changing attitudes is important as it ensures that the cycle of human rights abuse ( such as bonded labour) and child exploitation is broken and does not continue in the future. Empowering bonded labourers through cooperatives and unions pave the way for a greater choice between alternatives and thus decreases the dependency syndrome on bonded labour.