



# ILO - EVALUATION

- Evaluation Title: **Reducing vulnerability to bondage in India through promotion of decent work (RVBIPDW) - Mid Term evaluation**
- Involving Projects: **IND/11/02/CAN, GLO/06/58/UKM, GLO/06/59/NET, INT/04/67/IRL & RBSA funds**
- Type of Evaluation : **Mid Term - Independent**
- Country(ies) : **India**
- Date of the evaluation: **December 2011-March2012**
- Name of consultant(s): **Sandhya Kanneganti**
- Administrative Office: **DWT-CO India**
- Technical Backstopping Office: **DECLARATION SAP/FL**
- Date project ends: **Nov 2013**
- Donor: country and budget US\$ **Canada, US\$600,000**
- Evaluation Manager: **Mr. Jajoon Coue, DWT-Bangkok**
- Evaluation Budget: **USD 15,000**
- Key Words: **Forced Labour, Vulnerability to bondage, debt bondage**

This evaluation has been conducted according to ILO's evaluation policies and procedures. It has been quality controlled by the ILO Evaluation Unit

**Independent Mid Term Evaluation  
of  
Reducing Vulnerability to Bondage in India through  
Promotion of Decent Work (RVBIPDW)**



Country: *India, Tamil Nadu State*

Mid Term Evaluation: *December 2011*

Mode of Evaluation: *Independent Evaluation*

Technical Area: *Forced Labour*

Evaluation Manager: *Jajoon Coue, ROAP*

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Project Start: *July 2008*

Project code: *IND/11/02/CAN – also: GLO/06/58/UKM;*

*INT/04/67/IRL; GLO/06/59/NET; and RBSA: A27005325605*

Donor: *UK, Irish, Netherlands, RBSA – USD 637,470.81*

Key Words: *Forced labour, vulnerability to bondage*

**Sandhya Kanneganti**

**March 2012**

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## **Acknowledgements**

The evaluator thankfully acknowledges the support given by Mr.Jajoon Coue, DWT-Bangkok and contribution of Ms. Pannudda Boonpala, DWT India - Dy. Director, and Ms. Neetu Lamba, National Professional Officer (Program), ILO Country Office, New Delhi. The inputs given by project back stopping members from ILO SAP FL HQ, Geneva, and ILO Project Team at Chennai have been very helpful.

I gratefully acknowledge the time given and ideas shared by Mr.Anil Swarup, D.G. (LW), Joint Secretary, Ministry of Labour, Government of India and Dr. Lakshmidhar Mishra, member of the National Human Rights Commission. I also thankfully acknowledge the inputs on the draft evaluation findings by the participants of the Stakeholders Workshop on 19.11.2011. I acknowledge with thanks Dr.Prabhakar Rao, former Principal Secretary, Dept. of Employment and Labour and the officers of various government departments for their valuable time and insights into the project interventions and its implementation.

I am especially grateful to the different stakeholders for their valuable inputs during the field visits, Focus Group Discussions, and Key Informant Interviews including the brick kiln and rice mill workers and mastries, representatives of Employers' Association and Joint Federation of Trade Unions, office bearers of Sakthi Brick Kiln Union, etc.

A special thanks to Ms.Maria Sathya, ILO National Project Manager and Mr. P. Stephen, Project Coordinator, Ms.Mary Surao and Mr.Manish Sahu, for all the logistics and administrative support, sharing their experience in project implementation and for providing the required documents to undertake this evaluation.

## Acronyms

AITUC	All India Trade Union Congress
CABMA	Chengalpattu Area Brick Manufacturers' Association
CBO	Community Based Organisation
DC	District Collector
DLC	District Literacy Council
DoLE	Department of Labour and Employment
EA	Employers' Association
G.O	Government Order
GoI	Government of India
GoTN	Government of Tamil Nadu
FGD	Focus Group Discussion
ILO	International Labour Organisation
IPs	Implementing Partners
JAFTU	Joint Federation of Trade Unions
LPF	Labour Progressive Federation
MBC	Most Backward Class
MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
MoLE	Ministry of Labour and Employment
MoU	Memorandum of Understanding
NCLP	National Child Labour Project
NGO	Non Government Organisation
NPM	National Project Manager
NRBS	Non Residential Bridge Schools
NTU	National Trade Union
PEBLISA	Promoting the prevention and elimination of bonded labour in South Asia
RSBY	Rashtriya Swasthya Bima Yojana (National Health Insurance Scheme)
RVBIPDW	Reducing vulnerability to bondage through promotion of decent work in India Project
SAP FL	Special Action Program to control Forced Labour
S.C	Scheduled Castes
SSA	Sarva Siksha Abhiyan (National Elementary Education Programme)
SSS	Social Security Schemes
ST	Scheduled Tribe
SHG	Self Help Group
SPROUT	Summary Project Outline
SPAC	State Project Advisory Committee
TNILS	Tamil Nadu Institute for Labour Studies
TNCWWB	Tamil Nadu Construction Workers Welfare Board
TNMWWB	Tamil Nadu Manual Workers Welfare Board
TOR	Terms of Reference
TU	Trade Union
WWB	Workers Welfare Board

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## Executive Summary

Reducing vulnerability to bondage in India through promotion of decent work (RVBIPDW) Project is an area and sector based bonded labour prevention and elimination project. It is under implementation in the two districts of Tamil Nadu – Kanchipuram and Tiruvallur, from June 2008. RVBIPDW has been funded by different donors at different times with a total project fund of US\$ 637,470.81 of which by the time of evaluation USD 466,611.81 was the Project expenditure. The overall development goal of the project is “the reduction of poverty in India (Tamil Nadu), through promotion of decent work and the elimination of labour exploitation, including bonded labour.”<sup>1</sup> Its Immediate Objective (Purpose) is “to reduce vulnerability of workers to bondage situations in brick manufacturing and rice mill sector in Tamil Nadu by achieving a significant improvement in living and working conditions for women and men workers and their family members”<sup>2</sup>

The project strategy is to seek improvements to the lives and working conditions *in situ* at the workplace (including by removing possible elements of bondage and coercion in the labour relationship). The project strategy is to undertake a combination of measures in destination and source areas of migrant workers in the brick kiln sector, and in the living/working areas of non-migrant workers in the rice mills sector

The project has four components including, improving *social protection and welfare* of vulnerable workers and their family members through convergence of government schemes; Improving *recruitment and employment practices* by devising new and transparent practices for the recruitment and contracting of migrant workers; Improving *working conditions* by strengthening the capacity of workers and employers to undertake social dialogue for resolution of workplace issues; and fourthly *empowerment of workers and rights based awareness education* enabling them to organize themselves and engage in collective bargaining.

The project is implemented by Decent Work Team – India (DWT-India)<sup>3</sup> in partnership with Government of India (GoI) and Government of Tamil Nadu (GoTN). The Special Action Programme to Combat Forced Labour (SAP-FL), ILO provides the technical back stopping support. While the State Project Advisory Committee (SPAC) provided the overall guidance, the District Collectors and Implementing Partners - Employers’ Association and National Trade Unions - implemented the project activities at the field level.

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<sup>1</sup> SPROUT – Summary Project Outline, 2008

<sup>2</sup> Ibid

<sup>3</sup> Decent Work Team – India is the changed name of ILO Sub Regional Office (SRO) New Delhi



This is an independent evaluation done at the end of three years of project implementation from June 2008 to October 2011. The Report is divided into six sections and has eight Annexes.

**Section 1** gives an overview of the project, its background, context, development goals, strategy, funding, coverage, key components and immediate objectives, implementation arrangements.

**Section 2** discusses the evaluation purpose and scope, evaluation framework, methodology and qualifications to the Terms of Reference. The evaluation involved a desk review of the project documents and progress reports, minutes of key meetings of the SPAC, MIS reports of Implementation Partners, etc. The evaluator travelled to the field areas and visited work sites, conducted Focus Group Discussions (FGDs) with stakeholders and interviewed key individuals.

**Section 3** covers the basis of evaluation, summary of key findings and a detailed discussion on the component wise achievements and issues relating to the strategic fit and validity of the project design, effectiveness of implementation, roles of various stakeholders and Implementation Partners, impact orientation and sustainability of project interventions. They are briefly noted below:

- The project has a tremendous relevance to the ground realities and a strategic fit with the state and national development framework. The project facilitated development of a new approach to recruitment of migrant workers that needs pilot testing in the brick kiln and rice mills sectors.
- The project design is logical and coherent, and appropriate to tackling sector and area specific issues. The nuanced & non confrontationist strategies and interventions adapted got all stakeholders on board for good results.
- The convergence approach ensured access to several ongoing government welfare programs and social security schemes to 47% of the target group under the Tamil Nadu Construction Workers Welfare Board for brick kiln workers and under the Tamil Nadu Manual Workers Welfare Board for the rice mill workers. There is evidence of improved workplace facilities and strengthened capacity of stakeholders to address the root causes of bonded labour.
- Employers in brick kiln sector played a critical role in improving the living conditions at the workplaces, provided better housing, day care centres for children, safe drinking water, first aid kits with trained personnel, contributed towards provision of noon meals to children educated at worksite schools, resulting in significant reduction of child labour in brick kiln areas and for enrolling workers in welfare boards. More important the Employers Association adopted a code of conduct. However, compared to the brick kiln sector, the project interventions in the Rice Mill sector did not take off substantially due to the non-involvement of the Rice Mill Owners, frequent changes of District Collectors, etc.
- While workplace facilities were improved, the project progress reports and discussions with the stakeholders did not through up evidence of any significant achievement with regard to improvements in enterprise productivity (production technology and processes to reduce drudgery).

- The National Trade Unions and their Joint Federation has played an important role in sensitising and educating the workers on their legal issues and labour rights and facilitated them to form their own workers organisation at least in one sector – brick kiln sector. The brick kiln workers are currently pursuing their charter of demands with the employers and government. Post project, it is not clear to what extent the Trade Unions will work towards contributing time and effort for prevention and elimination of forced labour.
- Overall the effectiveness of project implementation seems to be positive, especially seen from the perspective of achievement of all immediate objectives. However, the weak project structure, especially the institutional mechanism in implementation reveals a mixed picture. The presence of a project coordinator supporting the Implementation Partners ensured wide range of consultations in identifying sector and area specific issues and intervention strategy.
- A Memorandum of Agreement between the ILO and Government of Tamil Nadu (GoTN), greater strategic ownership and role in implementation of the project for GoTN agencies, issue of overarching guidelines from State level may have ensured more effective and potentially sustainable results.
- The financial resources for the implementation of project activities appear to be adequate. The uncertainty of fund flow and the intermittent nature of financial commitment for the project seem to have resulted in project interventions not being implemented in a consistent and continuous manner. The limited ILO Project Team's resources seem to have been overstretched with too many responsibilities, especially that of the National Project Manager.
- Both the project districts have a high percentage of socially excluded groups like the Scheduled Castes (SCs), Scheduled Tribes (STs) and Most Backward Classes (MBCs). A high proportion of the project beneficiaries belong to these poor and discriminated communities. It is evident that the project outcomes benefited both male (53%) and female (47%) workers, especially in social security coverage under Workers Welfare Boards (WWB). Women workers were linked to the SHG movement under the *Pudu vallvu* or *Vazhndhu Kattuvom*. Trainings were held on women workers legal rights, maternal health & child care, etc. 36% of the office bearers of the Sakhti Union of brick kiln workers and mastries are women. Considering that alcoholism is very common among male workers, street plays were organized in the workplaces to create awareness about till effects of alcohol and work place discipline.
- The RVBIPDW project has potential to influence policy relating to prevention and abolition of bonded labour system in India. Inputs were provided to the National Task Force on Bonded Labour setup by the Ministry of Labour and Employment, GoI and to the Sub Group on child labour and bonded labour for the mid-term review of the XI Five year Plan.
- Considering the contribution of the brick kiln industry to overall employment and productivity to the construction sector in the State, the complexity and deep rooted inequities in labour recruitment practices, the exploitative working conditions, the State Government needs to play an effective institutional role in sustaining and scaling up the good practices of the project by committing appropriate human resources and financial commitment.
- Other States including, Andhra Pradesh, Orissa and Uttar Pradesh have shown keen interest to replicate similar approach to address the root causes of bonded labour both in source and destination districts/states, with technical support from ILO

**Section 4** discusses the potential good practices and critical lessons emerging out of project implementation. The potential good practices include, the project's strategy covering both source and destination districts, attempt at addressing core recruitment issues leading to bondage, convergence strategy to enhance social protection to the workers, the social dialogue process facilitated and participatory approach, role of Employers' Associations and Trade Unions and promotion of workers' organisations. The critical lessons are related to project design and funding, institutional mechanism for implementation and the clear and obvious need for a proactive role on the part of the State Government

**Section 5** provides a set of recommendations aimed at ILO, Government of Tamil Nadu, and Government of India. The recommendations in brief are:

1. ILO needs to take a call on the whether to deepen its work in Tamil Nadu by extending the current project period or move on to other States who are reportedly showing keen interest in replicating the model. Or it can do both depending on the resources it is able to commit.
2. ILO Project team should develop an exit strategy for its further engagement in Tamil Nadu and the resources it will provide during the transition period. Inter alia it should support GoTN and other stakeholders to develop a road map and action plan to take forward the project interventions, especially in the brick kiln sector.
3. In designing similar projects in future, ILO should ensure greater role in project implementation for the local State Government and limit its (ILOs) role to providing technical support to all stakeholders including the GoTN, Trade Unions and Employers Associations, etc. Considering the complex nature of issues a more realistic timeline, committed long term funding, greater role for local government partner, would ensure achievement of the expected results in a more sustainable manner.
4. Department of Labour and Employment, GoTN should work with ILO and other stakeholders to develop an exit strategy for the transition period. A road map and action plan should be developed to take forward the project interventions by GoTN. It should issue Government Orders articulating the overarching policy framework and operational guidelines on the agreed road map and action plan for taking forward the project interventions.
5. GoTN should extend the project interventions to cover all brick kiln districts so as to enhance productivity in the sector by regulating recruitment practices and improving working conditions in the brick kilns within the purview of the existing laws.
6. GoTN should take up a campaign for registering all brick kiln workers by making it mandatory for the employers to employ only registered worker in their chambers. A continuous sensitization and capacity building of various government agencies and employers in this sector will go a long way in reducing vulnerability to bondage in this sector.
7. It is recommended that the implementation processes of the TNCWWB, especially relating to registration, claim settlement etc. should be improved upon by way of introducing Smart Cards, Portal based MIS, etc. to become

more migrant labour friendly (allowing easy transfer, renewing, accessing claim amounts, etc.).

8. Tailor made financial services may be developed and access to the same facilitated by GoTN to the migrant brick kiln workers to address the vicious cycle of high advance and low wages and perpetual indebtedness.
9. Government of India should put in place a mechanism for implementing the recommendations of the National Task Force on Bonded Labour including bringing greater definitional clarity in defining bonded labour, convergence based project for prevention and rehabilitation; creation of corpus fund at Centre, etc.
10. Government of India could develop a program similar to the National Child Labour Project (NCLP) for addressing issues relating to debt bondage in identified sectors, providing funds to support activities like special enumeration, formalizing agreements between the employers and workers, and enhancing social protection coverage, etc.
11. GoI should help the State governments put in place a robust implementation architecture for its Workers Welfare Boards in general and specifically for the Construction Workers Welfare Boards.
12. The Employers' Association and the National Trade Unions should continue their engagement in the brick kiln and if possible in the rice mill sector, so as to facilitate registration, enhance access to welfare benefits, improve working conditions, and organization of migrant labour. ILO should continue to provide technical support to them and help them develop plans for future engagement.

The project has tremendous relevance to the ground realities and its merit lies in the innovative way it targeted migrant labour problems in the brick kiln and rice mill sector. The innovative and participatory approach in strengthening capacities of stakeholders to address the root causes for vulnerability to bondage and enhancing workplace facilities is highly replicable.

The overall achievements of RVBIPDW should be understood in the broader context of mainstream program implementation of to avoid any attribution error. The Project's significant value lies in its potentially innovative strategy, approach and intervention models for addressing a complex issue like bonded labour. Implementing the new ideas of Workers Pool, Formal Agreements between Employers and Workers, organizing the workers, will go a long way in effectively changing the recruitment practices that lead to bondage of labour. GoI, GoTN and other States should now take forward the project interventions to their logical end.

## **Section 1**

### **Overview of Reducing Vulnerability to Bondage in India Project**

Bonded labour is outlawed in India since the adoption of the Bonded Labour System (Abolition) Act in 1976. This legislation allowed for governments to release and rehabilitate several thousands of bonded labour across India over the years. However, in practice while the traditional forms of bondage manifest through complex social and economic dependency associated with feudal agricultural systems have largely disappeared, new forms of bondage have emerged in a wide range of economic sectors. Workers in the informal economy are often vulnerable to exploitative recruitment practices and continue to be trapped in extreme poverty.

Research and reports relating to the issue show that the nature of bondage has undergone a change.<sup>4</sup> There are several gaps seen in terms of defining bondage, understanding the changing nature of bondage, low number of prosecutions, weak implementation and non availability of a comprehensive approach to address vulnerability to bondage. While there is a mechanism for freeing the bonded labour and rehabilitating them, the root cause of the problem is not addressed effectively. The National Task Force<sup>5</sup> of GoI has reiterated that if minimum wages are not paid and the advance has not been paid through banking channels there would be a presumption of bondage. Other key issues to be addressed are inadequate access to Social Protection, ignorance of rights and entitlements, inadequate livelihood opportunities, poor access to the services of formal financial institutions.

#### **1.1 Introduction**

Reducing vulnerability to bondage in India through decent work (RVBIPDW) is an area and sector based bonded labour prevention and elimination project. It is under implementation in two districts of Tamil Nadu – Kanchipuram and Tiruvallur from 2008. RVBIPDW has been funded by different donors at different times with a cumulative project fund of USD 637,470 (Rs.3.06 crores appx.)<sup>6</sup>. The Special Action Programme to Combat Forced Labour (SAP-FL), ILO leads on the project in collaboration with Decent Work Team – India and in partnership with Government of India (GoI) and Government of Tamil Nadu (GoTN). At the field level employers and worker’s organizations are the Implementing Partners working closely with district administration and the State level ILO Project Team.

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<sup>4</sup> For more information ILO Working Paper “Bonded Labour in India - Its incidence and pattern, 2005 Ravi S.Srivastava, and “India’s Unfree Workforce – Of Bondage - Old and New”, Edited by Jan Breman, Isabelle Guerin and Aseem Prakash be referred to.

<sup>5</sup> The National Task Force set up by Government of India (GoI) to review the Act under the Chairmanship of Director General, Labour Welfare, Ministry of Labour and Employment (MoLE), GoI, with members from MoLE; Ministry of Social Justice and Empowerment (MoSJE), National Human Rights Commission (NHRC) and ILO

<sup>6</sup> With \$ rate fluctuating, an exchange rate of Rs.48 is taken for illustration purpose in this report.

## **1.2 Project Background**

The Bonded Labour System (Abolition) Act in 1976, outlaws bonded labour in India and provides for their release and rehabilitation. However, exploitative labour practices continue to prevail in many parts of the informal economy. Such practices are found to be endemic in sectors like brick manufacturing, rice mills, quarrying, etc. Typical recruitment practices and working conditions involve: operating through middlemen, payment of high advances on wages and paying minimum/less than minimum wages during the work periods; working until the advances are settled without freedom to leave in-between, working for long hours, living at worksites that lack basic health and sanitation facilities during the season, etc.

Migrant and casual workers, both men and women, are most vulnerable to these kinds of exploitative recruitment and employment practices. These workers do not have trade union membership or support due to the absence of any formal and clear employment relationship with the employers, distributed nature of workplaces, illiteracy and ignorance. Often their children do not have access to education. Such practices are seen as amounting to forced labour, especially as the worker has no freedom to leave the job at will and till the advance wage amount is settled in full.

The ILO is mandated by the two most universally ratified forced labour Conventions (Nos. 29 and 105) and the Worst Forms of Child Labour Convention (No. 182) to support member States to address the problems of forced labour including human trafficking. The 1998 Declaration on Fundamental Principles and Rights at Work is an important vehicle by which the ILO can assist member States to tackle forced labour through promotional means and technical cooperation. The Declaration's Special Action Programme to combat Forced Labour (SAP-FL) established in 2002 spearheads ILO's action against forced labour. This programme assists member States "to take practical action to address different types of forced labour problems, through research, awareness-raising, capacity-strengthening, policy advice and supporting direct interventions to prevent forced labour and to assist its victims to rebuild their lives following their release."<sup>7</sup>

## **1.3 Link to National Development Frameworks**

The India United Nations Development Framework (UNDAF) (2008-12) Outcome 3, which is closely aligned with the approach to India's Eleventh Five Year Plan, emphasizes on enhancing decentralized governance for convergence at the District level. Under this Outcome 3, ILO leads for output 3.1.4, on enhancement of awareness among disadvantaged and excluded groups of their rights and entitlements, and strengthening their capacity to access social services and participate in local development processes. Progressive elimination of unacceptable forms of work is the third priority of the ILO Decent Work Country Programme for India (DWCP) (2008-2012). The other related priorities are: 'enhancement of opportunities for productive

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<sup>7</sup> SPROUT, 2008

work for vulnerable groups’ (priority no.1); and ‘extension of social protection particularly in the context of informalization’ (priority no.2)<sup>8</sup>.

“The ILO has been working since 2002 in India, as part of the sub-regional project “Promoting the Prevention and Elimination of Bonded Labour in South Asia” (PEBLISA), funded by the Government of the Netherlands. This project, focused on the prevention of bonded labour in clusters of villages in Tiruvallur District in Tamil Nadu and Rangareddy district in Andhra Pradesh, provided numerous insights into the root causes of over-indebtedness of poor families and their consequent vulnerability to exploitation, including to bonded labour. The various interventions developed and field-tested offer useful lessons for testing on a larger scale and with workers in more diverse occupational settings.”<sup>9</sup>

The independent final project evaluation of PEBLISA in 2006 recommended seeking more active partnership with both employers’ and workers’ organizations in future project implementation. It also recommended emphasis on social protection, location of the program both in source districts & destination districts and implementation in specific sectors. ILO designed RVBIPDW project with multi stakeholder consultations on the invitation of the the Ministry of Labour and Employment (MoLE), GoI, during 2007 to build on the lessons learned through PEBLISA, and up scale the interventions in selected districts in the states of Tamil Nadu, Andhra Pradesh and Orissa.

The RVBIPDW project forms an integral part of DWCP India and complements other activities of ILO that seek to reduce vulnerability in the labour markets, such as on-going work on enhancing social protection in the informal economy, support to implementation of the National Rural Employment Guarantee Scheme and the programmes for the elimination of the worst forms of child labour.

#### **1.4 Project Context and Preparatory Work**

The State of Tamil Nadu, where PEBLISA’s positive impact was most pronounced and the implementation environment most favourable was selected for implementation of RVBIPDW Project. It was proposed to be expanded to other States subsequently.

Tamil Nadu despite being a relatively well developed State in India has higher than national average of very poor population. A large proportion of these very poor are from the socially excluded communities including, the Scheduled Castes (SC) and Scheduled Tribes (ST). Between June and July 2007, high level meetings in Chennai and multi-stakeholder consultations in the two Districts of Tiruvallur and

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<sup>8</sup> ILO Decent Work Country Program, 2008-2012.

<sup>9</sup> SPROUT, 2008

Kanchipuram were held. These meetings involved active participation of employers and their organizations, trade unions, community-based organizations (especially dalit and tribal peoples' organizations), NGOs and key officials of all relevant line departments in identifying what the main thrusts of the future project should be. Four economic sectors were identified during these consultations including, rice mills, brick kilns, handlooms and stone quarries, in which poverty and vulnerability of workers to bonded labour were most pronounced, and where interventions were needed as a matter of priority.

The Rapid appraisals undertaken by PRAXIS in 2007 brought out clearly the factors leading to vulnerability of workers to bondage.<sup>10</sup> Specifically the appraisals showed that majority of workers are from SC, ST, Most Backward Class (MBC) communities, seasonal migration is most common, 80 - 90% of them are less than 40 years, mobility of the workers is strictly controlled and is based on repayment of advances, full repayment of advances are impossible as new advances are given (by the same employer or different employer) binding the workers to the employer, middlemen or maistries facilitate the process, uncertainty of loan repayment and productivity concerns makes employers demand long working hours from the workers with no leisure.

Further, it was found that the temporary workplace shelters are very congested with poor sanitation facilities, and that workers do not have access to welfare benefits, such as social security measures, insurance, provident fund linkage, etc. They also had no access to public distribution system, micro credit from formal institutions, etc. due to not living in their own villages for long.

Women's work is seen to be more rote and involves much more hardship and drudgery. Pregnant women are not aware of essential pre and postnatal precautions to be taken. Women also have to do all the household activities such as fetching water, cooking meals, washing clothes, alcoholism is very common among the workers, etc. Dropping out of school, early marriages (to become a 'pair' of workers to work in tandem) for accessing work opportunities and clear family debts are a common practise.

The recommendations of the Rapid Appraisals included (1) improving the working conditions, (2) improving the wages and labour welfare, (3) improving health status of the workers, (4) facilitating access of the workers to the rights, entitlements and government services at their native villages (5) strengthening of social and political capital of the communities of workers and (6) promoting education of the younger generation, literacy with due emphasis on functional literacy and life skills in the communities. It is important that multiple actors have to be actively involved in addressing these vulnerability issues.<sup>11</sup>

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<sup>10</sup> PRAXIS, Rapid Appraisals in Tiruvallur and Kanchipuram districts of Tamil Nadu, 2007

<sup>11</sup> Ibid



The findings and recommendations of the Rapid Appraisals fed into the project design process covering the brick kiln and rice mill sectors. A further enumeration through the District Literacy Councils (DLC) during 2008 was undertaken in the identified project blocks - Kattankolathur of Kanchipuram and Sholavarm and Puezhal blocks of Tiruvallur districts respectively. This listed the workplaces and their basic characteristics which provided inputs for designing project activities in both the sectors. Detailed discussions were held with the employers, who agreed to participate in the programme and contribute financially to several activities for the welfare of the workers. Discussions were also held with the maistries (labour brokers) to ensure their active engagement in the project. The project was launched in June 2008 in the two districts and action plans finalized in consultation with the stakeholders and ILO's technical support.

### **1.5 Project Development and Immediate Objectives**

The overall development objective (Goal) of RVBIPDW Project is: *“the reduction of poverty in India (Tamil Nadu), through promotion of decent work and the elimination of labour exploitation, including bonded labour.”*<sup>12</sup>

The Immediate Objective (Purpose) of the project is: *“To reduce vulnerability of workers to bondage situations in brick manufacturing and rice mill sector in Tamil Nadu by achieving a significant improvement in living and working conditions for women and men workers and their family members”*<sup>13</sup>

### **1.6 Project Strategy and Approach**

The project design adopted “a carefully sequenced, step-by-step strategy which gradually builds up the confidence of all participating stakeholders over time, through a continuous process of dialogue and consultation at all stages.”<sup>14</sup> The project strategy sought improvements to the lives and working conditions *in situ* at the workplace (including by removing possible elements of bondage and coercion in the labour relationship). However, it does not rule out the “release and rehabilitation” option, provided for under the Bonded Labour System (Abolition) Act.

The project followed a comprehensive strategy that involved three main components. Corresponding indicative activities were given in the log frame of the project. The fourth component emerged out of the implementation of the project. These are<sup>15</sup>:

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<sup>12</sup> SPROUT – Summary Project Outline, 2008

<sup>13</sup> Ibid

<sup>14</sup> SPROUT, 2008 and Project Progress Reports

<sup>15</sup> Ibid

1. Improving *social protection and welfare* of vulnerable workers and their family members, primarily through facilitating convergence of government schemes and also through promotion of self-help groups;
2. Improving *recruitment and employment practices* by working on an experimental basis with job agents (maistries) and employers to devise new and transparent practices for the recruitment and contracting of, in particular, migrant workers; and
3. Improving *working conditions* by strengthening the capacity of workers and employers to undertake social dialogue for resolution of workplace issues and exploring ways to enhance enterprise productivity while respecting workers' rights.
4. Fourth component relating to empowerment of workers and right based awareness education on enabling them to organize themselves and engage in collective bargaining was added over the course of project implementation

A family based convergence approach was followed so as to enhance access to an all-inclusive package of entitlements from the ongoing government programs relating to health, employment, education for child, social security, financial inclusion, etc. Different ongoing schemes were identified to match needs of workers. This convergent approach sought to ensure access to ration card, voter ID, Serva Siksha Abhiyan (SSA, universal elementary education program) for the children at worksites, micro credit, registration of workers under the Social Security Schemes of the Workers Welfare Boards, enrolment in life and health schemes, etc.

The project strategy was to undertake a combination of measures in destination and source areas of migrant workers in the brick kiln sector, and in the living/working areas of non-migrant workers in the rice mills sector:

- In the Districts of destination/workplaces, worker and family welfare and other enterprise productivity-enhancing measures were aimed together to uplift conditions in the workplaces, and hence enable the fulfillment of basic workers' rights without undermining enterprise viability.
- In the source Districts from where migrant workers originate, measures were to be taken to improve the functioning of recruitment systems, so as to eliminate the use of abusive and coercive practices, and to better track migrant workers to improve their access to social protection and other publicly-funded schemes.<sup>16</sup>

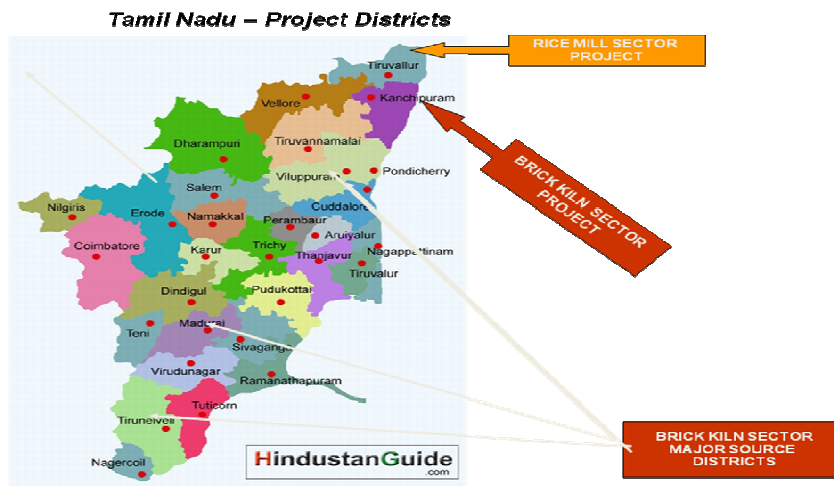
### **1.7 Project Coverage and Target Group**

The RVBIPDW Project is being implemented in two districts of Tamil Nadu—Kanchipuram and Tiruvallur. These are indicated in Figure 1 below:

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<sup>16</sup> Ibid

**Figure 1 – Project Districts**



The ultimate beneficiaries are women, men and children currently working and/or living on the worksites to be targeted by the project. It is estimated that the project will reach:

- 4,000 families who live and work (for part of the year) in the brick kilns sector in Kanchipuram (Kattankolathur area) and
- 3,000 families who live and work in the rice mills sector in Tiruvallur (Red Hills area).

These families were to be benefited through improvements to their living and working conditions that will be generated as a result of project interventions. The direct recipients of the project were to be the intermediate stakeholders in government, employers' and workers' organizations, and selected NGOs and CBOs, who will be responsible for implementation of various project activities. Their capacity was strengthened to facilitate them to build awareness among the target group workers and organize them.

### **1.8 Project Funding and Project Period**

The Project received total donor fund of US\$ 637,470 (approximately Rs.3.06 crores appx.) from multiple donors over three years' time. Table 1 indicates the donor name, amount of grant and the period for which the support was received.

<b>Table 1. Funding for RVBIPDW Project from different Donors – 2008-2011</b>			
<b>Year</b>	<b>Donor</b>	<b>Fund Support (USD)</b>	<b>EXPENDITURE (INR)</b>
<b>2008</b>	UK	142,384.00	102,154.34
	IRISH	7,896.00	7,021.43
<b>2009</b>	UK	253,403.81	191,401.88
<b>2010</b>	NETHERLAND	59,938	51,502.43
	UK	22564	14,075.47
	IRISH	87293	38,584.79
<b>2011</b>	IRISH	41992	40,293.77
	RBSA	22000	21,577.70
<b>Total</b>		<b>637,470.81</b>	<b>466,611.81</b>
P.S: The balance of funds was spent on workshops and meetings relating to other States.			

The project fund was leveraged to facilitate the target group access Government welfare programs through convergent activities. Employers also contributed resources to support, in part, activities under the second component. Donor resources were used for supporting activities under both the second and third components, as well as for the overall costs of the project.

While initially the project was to cover a period of 18 months only (July 2008 – December 2009), given the then available donor support, it was continued for up to the present (2011), i.e., for about 3 years in order to achieve a sustainable impact.

### **1.9 Project Outputs**

In line with the strategy, the project aimed to make progress in the following three main result areas:<sup>17</sup>

**Result/output 1:** A model of convergence of government schemes for the benefit of approximately 7,000 vulnerable workers and their families will have been developed, tested, monitored and documented in the targeted source and destination Districts

**Result/output 2<sup>18</sup>:** A replicable model of fair recruitment of migrant workers and improved contracting arrangements will have been developed and tested

**Result/output 3:** Strengthened capacity of employers, workers and government for social dialogue to improve working conditions and ensure respect of workers' rights

<sup>17</sup> SPROUT, 2008

<sup>18</sup> This project structure applies to the brick-kilns sector. For rice mills, the three result areas are: 1. Convergence for enhanced social protection; 2. Strengthened voice of workers; 3. Improved working conditions

## **1.10 Institutional framework and management arrangements**

The Project was envisaged to be implemented through a Project Society set up for this purpose with representatives of all relevant government departments, Employers, Trade Unions, etc. ILO was expected to provide technical support to this Project Society. However, the Project Society was never established. Instead the State Project Advisory Committee (SPAC), Chaired by the Secretary, Department of Labour and Employment and all other stakeholders, was formed to guide the project implementation. At the district level, the DLC or NCLP Society, as the case may be was involved in facilitating convergence.

The ILO Project Team, headed by National Project Manager (NPM) directly implemented the Project through sub contracts with Implementing Partners (IPs). The National Project Manager (NPM) undertook field visits to the districts and held project review workshops and stakeholder consultations at different levels as part of project implementation. The NPM coordinated all aspects of project formulation, devising work plans, developing project operational guidelines, producing technical guidance materials and outputs, building capacity of project partners, monitoring, reporting and documentation, as well as releasing funds for all ILO-supported project activities. The District Project Coordinators working with the IPs facilitated implementation of activities, ensured inter-departmental coordination and convergence of schemes, monitored and periodically reported on progress. The District Collector held occasional review meetings.

At the National level, Joint Secretary/Director General (Labour Welfare), Ministry of Labour and Employment (MOLE), GoI headed the joint review mechanism along with ILO and oversaw and advised on project progress. The project was technically backstopped by SAP-FL in Geneva, which retained ultimate responsibility for financial management and for delivery of project results. SAP-FL was also to arrange/coordinate technical inputs from other HQ units as necessary.

Systems were put in place for monitoring & documenting project progress. Several Key indicators were identified at the beginning of the Project implementation and progress against them was measured at regular intervals. Documentation of various project processes and interventions was ensured through the IPs and project personnel.

## **Section 2**

### **Project Evaluation**

#### **2. Project Evaluation**

This independent evaluation is undertaken during October-November 2011 on completion of three years of RVBIPDW project implementation. The Report is the result of a desk review of the Project documents including SPROUT, project progress reports, etc., visits to the field area of implementation, Focus Group Discussions, consultations and in-depth key informant interviews with various stakeholders.

The Evaluation Manger for this independent evaluation is Mr.Jajoon Coue, DWT- Bangkok

#### **2.1 Purpose, scope and clients of evaluation**

The Terms of Reference at Annex 1 clearly indicates the scope for evaluation and is to cover all project activities. This evaluation reviews the project design, its strategy, relevance, implementation issues, and achievement of objectives. It looks at the role of different stakeholders in project implementation and sustainability of project interventions, and makes recommendations addressed at ILO, GoTN and GoI. It is expected to help them in formulating next course of action. In addition, it documents potential good practices and critical lessons emerging from project implementation. The evaluation assesses the overall impact orientation of the RVBIPDW Project and sustainability of its interventions.

The principal clients for this evaluation are the project management, ILO constituents in India and in Tamil Nadu, AP, Orissa and UP, ILO New Delhi, ILO RO Bangkok, ILO technical unit (SAPFL), CODEV, EVAL and the project donors.

#### **2.2 Evaluation framework**

Keeping in view the overall ILO Evaluation Framework and Strategy, this evaluation attempts to address the concerns like relevance, effectiveness, efficiency and sustainability.<sup>19</sup> It seeks to address the various evaluation questions listed in the TOR and is expected to determine if the project achieved its stated immediate objective.

The evaluation framework looks at the specific design of RVBIPDW, its intervention models, objectives and expected results/outcomes as articulated in the SPROUT and other project documents. It assesses project interventions at different levels and identifies good practices and critical lessons, and makes recommendations to different stakeholders.

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<sup>19</sup> ILO Technical Cooperation Manual, Chapter 7 on Project Evaluation– Version 1

## **2.3 Evaluation methodology**

The desk review of the Rapid Assessments in the project areas, SPROUT, work plans and MoUs with Implementation Partners, periodical project briefs, etc. was done. Briefings were received from ILO representatives in DWT-India and SAP FL, Geneva, and ILO Project Team in Chennai. Focus Group Discussions (FGD) and Key Informant Interviews (KII) were conducted with various stakeholders in Tamil Nadu and in the project districts, to draw out key findings, good practices and lessons for future. The list of documents and reports reviewed are at Annex 2. List of people interviewed/ consulted is at Annex 3. Summary of the preliminary findings and recommendations of the review were presented at the Stakeholders Workshop on 19<sup>th</sup> November 2011. A copy of the presentation is at Annex 4. The feedback of the participants is incorporated into the Final report.

The target sites for field visits, conducting FGDs and identification of key interviewees was done in consultation with the ILO Project Team at Chennai. The selection process was guided the scope to get maximum inputs/insight into project implementation from a cross section of stakeholders in Blocks (sub districts) where project activities were implemented. In the time available for the evaluation mission, three project districts - two destination districts and one source district - were visited by the evaluator. FGDs were held with Trade Union representatives, Workers Union members and Office Bearers from source district and Self Help Group (SHG) members. Key Informant Interviews were held with GoTN representatives including the Secretary, Dept. of Labour and Employment, Chief Inspector of Factories, and ILO Project Managers, including, National Project Manager, District Project Coordinators, Employers' Association Office Bearers etc. The evaluation norms, standards and ethical safeguards have been followed in conducting this independent evaluation.

## **2.4 Qualification to Terms of Review**

The ToR is quite comprehensive and clearly delineates the scope and expectations. Section III of the ToR lists suggested aspects to be addressed. While all efforts were made to understand and analyze various aspects of the project design and its implementation, short duration of the field mission, Brick kilns being closed due to off season, and inability to meet some important stakeholders were the main constraints. For example, the current office bearers of CABMA, the representatives of the Rice Mills Owners Association, a key representative of the National Trade Union, Mr. Mani, could not be met. The first two stakeholders could not be met as they did not give time and the last one due to his sudden demise during the review period.

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## **Section 3**

### **Review of Project Implementation - Achievements and Key Findings**

#### **Basis for review and Key Findings**

The project evaluation assessed its relevance, strategic fit, validity of its design, progress in implementation of various project components/activities and achievements of immediate objectives. It also looked at effectiveness of the implementation and management arrangements, efficiency of resource use, and scope for policy influencing. The role of different Implementation Partners and how the project supported and built their capacities and influenced policy level interventions was reviewed. Finally, it assessed the scope and elements of sustainability in project design, implementation and impact orientation.

#### **3.1 Summary of key findings**

In brief, the project has a tremendous relevance to the ground realities and a strategic fit with the state and national development framework. The project facilitated development of a new approach to recruitment of migrant workers that needs pilot testing in the brick kiln and rice mills sectors. The convergence approach ensured improved access to several ongoing government welfare programs to the workers in both the sectors, which were hitherto not available to them. Significant achievement is the registering of 47% of the identified migrant workers in the project area under the Tamil Nadu Construction Workers Welfare Board (TNCWWB) for brick kiln workers and under the Tamil Nadu Manual Workers Welfare Board (TNMWWB) for the rice mill workers. There is evidence of improved workplace facilities and strengthened capacity of stakeholders to address the root causes of bonded labour. As the data of such registration in other Blocks is not made available to the evaluator, it was not possible to compare this with what has been the normal achievement under TNCWWB and TNMWWB in other Blocks.

Employers in brick kiln sector have committed to improve the living conditions at the workplaces, provided better housing, safe drinking water, first aid kits with trained personnel. It is reported<sup>20</sup> that they contributed about USD 18,913 (Rs.8,70,000/-) towards provision of noon meals to children educated at worksite schools, resulting in significant reduction of child labour in brick kiln areas and for enrolling workers in welfare boards. More important the Employers Association adopted a code of conduct.

The National Trade Unions and their Joint Federation has played an important role in sensitising and educating the workers on their legal and labour rights in both

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<sup>20</sup> Project Progress Report, 2010



the sectors and facilitated them to form their own workers organisation, especially in brick kiln sector.

Other States including, Andhra Pradesh, Orissa and Uttar Pradesh have reportedly shown keen interest to replicate similar approach to address the root causes of bonded labour both in source and destination districts/states. Stakeholder workshops were held in these states for development of program and action plans with technical support from ILO. Each of the above themes is further discussed in detail in this chapter.

### **3.2 Relevance and strategic fit of the project**

The basic strategy of the project, objectives and specific interventions on the field are fully relevant and consistent with the situation on the ground. The Rapid Assessments<sup>21</sup> and enumeration<sup>22</sup> of the worksites at the beginning of the project clearly brought out the high incidence of vulnerability to bondage among social groups like Scheduled Castes (SCs), Scheduled Tribes (STs) in these two districts - Kanchipuram and Tiruvallur – of Tamil Nadu. These field assessments fed into project design & implementation strategy. There was a need for comprehensive approach to address bonded labour situation and concerns. RVBIPDW through promotion of decent work project has a strategic fit with the GoI and GoTN policy and overall ILO SAP-FL approach for elimination of forced labour.

### **3.3 Validity of the project design**

The project design is logical and coherent, and appropriate to tackling sector and area specific issues. The nuanced and non confrontationist strategies and interventions adapted got all stakeholders on board for good results.

While the project was based on the availability of limited funds for a short time, the project design took into consideration the long term ways to address issues of bondage. The specific focus on brick kilns and rice mills sector and the area based approach covering specific sub districts (Blocks) where bonded labour practices are prevalent and efforts at addressing the core issues resulting in vulnerability to bondage and its efforts to bring all stakeholders on board has enhanced the validity of the project design.

However, the project structure was weakly formulated and even this was not followed during the implementation having serious consequences. For instance, the institutional mechanism for implementation could have been embedded within the government structures, in addition to capacity building of all stakeholders, for more

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<sup>21</sup> Praxis, Summary Report of Rapid Appraisal of Vulnerability of Workers to Bondage Situations in Brick kiln Sector in Tamil Nadu - 2008

<sup>22</sup> Enumeration Reports of the respective District Literacy Missions in the project blocks, 2008

effective results and long term sustainability of interventions addressing the complex situation of bondage of labour. The unrealistic project timelines and uncertain/intermittent funding compounded the situation.

### **3.4 Project Component wise activities and achievements**

The project progress reports indicate a good effort to document the various activities and ensure appropriate action plans for all Implementation Partners. By and large against all the indicators there is documented evidence of achievement. Annex 5 provides the outreach of the project against various indicators in both the sectors. In the brick kiln sector the project covered 9716 workers<sup>23</sup> and 299 maistries (agents/middle men). In the rice mill sector it covered 293 drying yards and rice mills involving 2673 workers.<sup>24</sup> Annex 6 gives a before and after situation in the brick kiln pilot block with regard to specific indicators, clearly bringing out the real value that that the project brought on the ground.

The achievement of immediate objectives of the project is above the envisaged targets in some regards and significant with regard to some indicators. It is important to keep a balanced perspective and avoid attribution error. While the project team facilitated the process, a lot of government agencies and programs were involved in the convergence of schemes for the benefit of the workers. There are several Government programs underway including *Vazhndhu Kattuvom* or recently renamed as *Pudhu Vallvu* (leading poverty reduction program involving promoting SHGs) of Rural Development Department, the Education Department's SSA with its emphasis on reaching out of school children, registration of unorganized sector workers under SSS taken as a priority by the DoLE, etc. Hence, it is important to keep the perspective that while the project interventions made it possible for the workers to access the benefits of the ongoing schemes, positive achievements were possible due to active participation of the local government representatives at different levels in the pilot blocks/districts.

The real value addition of the RVBIPDW project is its convergence approach and efforts at leveraging government programs for the benefit of the target group with the support of CABMA. It also demonstrated the efficacy of a unique partnership model for addressing issues relating to prevention of bonded labour. The project brought focused attention to the issues and developed new tools and ways of working that could prevent vulnerability to bondage.

How this has been done is further discussed below:

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<sup>23</sup> July 2011 update. The original enumeration in 2008 listed 4109 workers in the brick kiln sector. However, as these are migrant workers, each year some of them shift to other districts/blocks and kilns.

<sup>24</sup> Enumeration by District Literacy Mission, 2008

### **3.4.1 Activities and achievements under Component 1:**

*“Improving social protection and welfare of vulnerable workers and their family members, primarily through facilitating convergence of government schemes and also through promotion of self-help groups.”<sup>25</sup>*

The implementing strategy for this component was convergence with respective government departments and Employer Associations. The activities undertaken included registration of workers with Worker Welfare Boards, coverage of workers under Life Insurance -Janashree BimaYojana, facilitation to access government entitlements (day care centers and elementary education for children, ration cards for enhanced access to public distribution system, election cards, old age/widow pensions, etc.), promotion of savings among workers and access to micro credit, through membership in SHGs, etc.

With regard to Project Component No.1, the achievements<sup>26</sup> include covering of more than 47% in brick kiln and rice mill workers to access Social Security Schemes (SSS) under TNCWWB and TNMWWB respectively thanks to the awareness and enrollment camps at worksite. In brick kiln sector 4356 workers out of 9716 workers were facilitated access to SSS under TNCWWB. This is particularly significant considering that prior to the project barely 1% of the workers in the brick kiln project bloc/area were registered under the TNCWWB<sup>27</sup>. Further, in Tiruvallur district which is also a brick kiln district, only 102 brick kiln workers are enrolled under TNCWWB during the three year period.<sup>28</sup> This clearly brings out the fact that high % of enrolment under TNCWWB is due to project facilitation.

In Rice Mill Sector 1257 out of 2673 workers are registered under the TNMWWB including, 657 Men and 600 women. This accounted about 47% of the total workers enumerated in 2008. At the time of enumeration in these two blocs of Sholavaram and Puzhal blocks of Tiruvallur district only 2.51% of the identified workers i.e 67 workers were registered under the WWB prior to the project.<sup>29</sup>

During each of the project year, the number of workers who got covered under LIC – JBY insurance scheme with the support of the brick manufacturing employers ranged from 148 to 708. Under this scheme 211 children, including 102 boys and 109 girls, received Education Scholarship for a total value of USD 4021 (Rs.1,89,000/-). Three natural death claims were also received from LIC.

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<sup>25</sup> SPROUT, 2008

<sup>26</sup> All figures are as provided by the Project in the progress reports and special data collection during Nov-Dec 2011. Some of them are corroborated with the figures from the TN Govt. data where possible/available.

<sup>27</sup> Enumeration undertaken by the Kanchipuram District Literacy Mission, 2008

<sup>28</sup> Data provided by the project team

<sup>29</sup> Enumeration undertaken by the Tiruvallur District Literacy Mission, 2008

From the project progress reports it is found that substantial work is done relating to the out of school children in brick kiln sector. During the project period several hundreds of out of school children were facilitated to study at SSA run Non Residential Bridge Schools (NRBCs) in 33 brick kilns with yearly break up of 425 (2008-09), 841 (2009-10) and 823 (2010-11). In 37 brick kiln premises separate rooms were provided, 17 of them were new buildings for conducting SSA bridge course classes. Altogether 170 children were mainstreamed in regular schools in destination district during 2010-11. Prior to the project no NRBCs were opened or operated in the brick kiln areas. Because of the involvement of the Employers Association as partners enumeration of the out of school children by local volunteers was possible in these sectors. Further, the employers also contributed to the stipend cost of SSA volunteer, mid-day meals program, etc.

It is reported that based on the experience of addressing out of school children of migrant labour in Kattankolathur block, the SSA program started 12 bridge schools in the brick kilns of Tiruvallur district, non project district. It is reported that a mapping of the incoming and outgoing children of seasonal migrant workers is being done and tracked for inclusion in SSA executed interventions. It is also reported that a question about seasonal migrant children is included in the monthly reporting format of SSA and all district SSA teams were asked to submit details of children of seasonal/migrant workers.

The Project progress reports indicate a high degree of convergence and facilitation for accessing other anti-poverty programs to the workers and their families including. In the source districts, altogether 5047 workers were facilitated to get access to Government entitlements and welfare programs through appropriate facilitation. Of these, inclusion of 1583 women migrant workers in SHGs, paving way for access to micro credit under the *Vazhndhu Kattuvom* project<sup>30</sup> was ensured. Further, 2645 workers were got included in Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS); 241 workers got access to housing under the *Indira Awas Yojana* (IAY) and another 222 were registered under the TNCWWB, 93 of them got Old age Pension and 150 of them got voter ID cards.

In the Rice Mill Sector workers stay on the worksites throughout the year, hence there will be no source district based intervention. The convergence effort for rice mill workers was done at their work places. This involved facilitating the workers apply for ration cards (101), community certificates (156), voter id (338), SHG membership (3 groups), and old age pension and widow pensions and WWB enrolment. Lack of full involvement of rice mills employers is the result. They provided residence certificate to register with TNMWWB and first aid training. There is no information about how many first aid boxes have been positioned in the 290 workplaces in the project blocks. It is reported that the Rice Mill Owners did not show

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<sup>30</sup> *Vazhndhu Kattuvom* Project is the World Bank Funded poverty reduction program being implemented by the Dept. of Rural Development, Govt. of Tamil Nadu.

much interest in partnering with project processes.<sup>31</sup>Hence no implementing partnerships were signed with Rice mill owners association and they were not fully involved in the processes of the project, conducting convergence camps, etc. Consequently the results of the project in this sector were much lower than that in the brick kiln sector.

### **3.4.2 Activities and achievements under Component 2**

*“Improving recruitment and employment practices by working on an experimental basis with job agents (maistries) and employers to devise new and transparent practices for the recruitment and contracting of, in particular, migrant workers”<sup>32</sup>*

The unique partnership strategy for implementing Component 2 was through social dialogue process involving the Tripartite Partners – Employers, Government and Workers organization. The activities undertaken were consultation meetings & workshops with all partners, setting up of Tripartite Sub Committee on regulation of recruitment & working conditions in brick kiln sector etc.

Through various workshops, sensitization measures and trainings, fundamental issues leading to bondage situation were identified by the stakeholders and agreed to act upon. Before the project there was no formal mechanism for discussing the issues relating to regulation of recruitment practices, collective bargaining for wage fixation let alone a voluntary code of conduct on the part of the employers. It is reported that eight out of the eleven items of the Code of Conduct developed by the Brick Kiln Employers’ Association with the facilitation of the project are being followed.<sup>33</sup>

The Tripartite Sub Committee constituted under the project with representatives from the Employers’ Association, Trade Unions, and GoTN (Inspector of Factories, Chengalpatt block, Kanchipuram district) recommended setting up of a workers pool and an appointment order based recruitment of migrant labour and wage payments through bank accounts in brick kiln sector. The recommended Appointment Order proforma is at annex 7. The recommendations of the Committee are yet to be field tested. A web based data entry application has been developed to track the employment history of workers who register with the workers pool. The application also includes database of employers, job agents, workers, schemes accessed by workers, facilities at workplaces, etc. Implementation of this component is at a very critical stage.

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<sup>31</sup> Interviews with project team and brick kiln employers in the field, October-November 2011

<sup>32</sup> SPROUT,2008

<sup>33</sup> Annex 8 – Before and After the project scenario against a set of indicators, December, 2011

### 3.4.3 Activities and achievements under Component 3

*“Improving working conditions by strengthening the capacity of workers and employers to undertake social dialogue for resolution of workplace issues and exploring ways to enhance enterprise productivity while respecting workers’ rights.”<sup>34</sup>*

The Implementing Partner for this component is the Employers’ Associations. Specifically this involved Chengalpattu Area Brick Manufacturers Association (CABMA) in Kanchipuram district. In the Red Hills area in Tiruvallur District, the employers association did not show interest in partnering with the project.

The activities undertaken were facilitation for enhancing access to government welfare benefits and social security schemes, employers making financial contribution for project activities and workers welfare, improving working conditions and workplace facilities, improving housing for workers, providing safety equipment like helmets, gloves, glasses and masks etc. for brick kiln workers. This also involved adapting a Code of Conduct for employers, conducting medical camps in workplaces, first aid training, capacity building to peer educators, and workers representatives.

The most significant of the Project achievement was opening access to the workers in the brick kiln and rice mill sectors. These workplaces were not accessible to NGOs, Social Workers or for Trade Unions earlier. The RVBIPDW project facilitated *social dialogue* process succeeded in bringing the employers, maistries, workers and trade unions to sit across and resolve many issues. Especially in the brick kiln sector, the CABMA in Kanchipuram district played a pioneering role.

Housing facilities were improved by way of construction of 625 *pucca* houses. This is significant as the enumeration in the brick kiln sector during 2008 showed that only 4% of houses were concrete houses, and 28% were tiled/asbestos roof houses. Drinking water facilities and hand pumps have been increased. It is reported that against 51% workplaces with first aid facilities during the enumeration in 2008, 78% brick kilns have first aid kits with medicines. About 102 members were trained in first aid, including 42 Supervisors in 67% of the brick kilns and 60 Peer Educators. 150 workers were facilitated to receive gloves, helmets, glasses and masks through the TNCWWB. The Employers Association advised all its members to avoid employment of child labour in brick kilns and also to extend insurance coverage for the workers.<sup>35</sup>

While workplace facilities were improved, the project progress reports and discussions with the stakeholders did not through up evidence of any significant

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<sup>34</sup> SPROUT, 2008

<sup>35</sup> 65<sup>th</sup> Brick Manufacturers Annual General Body meeting held on 14<sup>th</sup> September 2011 at Chennai.

achievement with regard to improvements in enterprise productivity (production technology and processes to reduce drudgery).

### 3.4.4 Activities and achievements under Component 4

*“Empowering the workers by imparting rights based awareness education and enabling them to **organize themselves** and engage in collective bargaining.”<sup>36</sup>*

The Implementing Partner of this component was Joint Action Forum of Central Trade Unions. The activities undertaken are enumeration in source districts, advocacy & lobbying, trainings & workshop to members, leaders and volunteers of Trade Unions and Workers Associations, on Labour Rights & Social Security Schemes; minimum wages & collective bargaining; gender, maternal health & child care; Role of Leader, etc.

RVBIPDW project envisaged a distinct role for Trade Unions (TUs). JAFTU was formed comprising of six National Trade Unions. JAFTU was represented in the SPAC. In the brick kiln sector, three major source districts have been divided into six clusters. Each one of the cluster was led by one Trade Union for conducting of trainings, holding workshops etc. JAFTU is not a legal entity to execute service contract with ILO. Hence, on behalf of JAFTU the responsibility was entrusted to one of the constituent member TU. The Labour Progressive Federation (LPF) played the Implementing Partner role in the brick kiln sector in source districts, while the Employers’ Association played the Implementing Partner role in implementing project activities in workplace/destination districts. In rice mill sector in Tiruvallur district, this responsibility was handled by the All India Trade Union Congress (AITUC) Trade Union from July 2011. Earlier to that NCLP and JAFTU implemented the project activities. The TUs hired Project Coordinator for mobilizing various workers organizations and workers’

The Project achievements are development of four training modules in local languages on Labour Rights and Social Security Schemes, collective bargaining, leadership and



**Voices 1: Shakti Sanghma,  
Secretary**

*“Maistries are like tabla, beaten from both sides. Workers complain about low advances & working conditions, while employers protest about poor performance.*

*However, we (maistries & workers) have more common interests than conflicting interests,*

<sup>36</sup> SPROUT, 2008

financial education for training the workers. IEC material including, posters, stickers, brochures, flyers, video film, etc. for dissemination of project messages and experience were developed. Many workers were trained on organizing themselves for better wage negotiations and workplace facilities and to pursue their charter of demands. Annex 8 has the Charter of Demnad. 376 maistries (labour agents) have been sensitized on all relevant issues through several workshops. Training / awareness camps to workers on labour rights, financial inclusion and government schemes were organized. Women workers were sensitized on their rights.

It is reported that the National Trade Union members and office bearers were sensitized and trained on bonded labour concerns so as to integrate/mainstream the same into their regular union activity. However, there is no evidence by way of passing of resolutions in their Union meetings, setting up of special cell/core group to work on bonded labour issues.

A significant development in the brick kiln project area is the emergence of *Sakthi* Brick Kiln Workers Union and its registration under the Trade Union Act. So far 1825 workers are enrolled as members at the

**Voices 2 – Brick Kiln worker**

*“Higher advances lead to cheating and indebtedness. Owners prefer to give more advance as they get more ‘pairs’ and can ‘control’ better. But due to the sensitization by ILO project, we realize that less advance gets us*

time of the evaluation. It is reported that the National Trade Unions are in the process of enrolling brick kiln workers into their Unions. However, no enrolment figures were share with the evaluator. Wage negotiation between the *Sakthi* Workers Union and one employer (Jayam Brick Works) is reportedly underway. There are plans to enter into bipartite agreement before the start of the next work season in 2012.

In the rice mill sector no serious and tangible results could be achieved in wage revision negotiations with the rice mill owners. The last wage revision has been done in 2004. The negotiations between the workers (represented by the NTUs) and the owners in July 2009 ended in a deadlock. Following a decision to facilitate the formation of a separate trade union for rice mill workers to negotiate with owners directly, bye laws were agreed to. However, even after two years the registration of the union is still not done and there is no significant progress in the formation and strengthening of the workers union in Tiruvallur project district in the rice mill sector.

The project sensitized and raised awareness levels on core aspects resulting in vulnerability to bondage among all stakeholders. The intense awareness campaigns including trainings, brainstorming workshops for various stakeholders undertaken by the project has impacted in ‘changing the thinking of the labour about getting high advances and organizing themselves for better bargaining’ (See Text box: Voices 1 and 2 – Brick Kiln workers and Maistries).<sup>37</sup>

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<sup>37</sup> As emerged in the Focus Group Discussions in Tindivanam Taluk of Villupuram district



### 3.5 Effectiveness of project implementation and management arrangements

Overall the effectiveness of project implementation seems to indicate mixed results. While the immediate objectives of the project have been achieved as discussed at section 3.4, better management arrangements could have optimised project delivery, especially viewed from long term perspective.

A review of the management arrangements put in place to implement the project on the ground reveals a mixed picture. The Project Society with representatives from GoTN and all other stakeholders envisaged as part of the institutional mechanism for project implementation was not set up.<sup>38</sup> Instead, the State Project Advisory Committee (SPAC) with Secretary, DoLE, GoTN as Chairperson was created. Other representatives of the GoTN were Additional Commissioner, Labour and Employment, Chief Inspector of Factories, representatives of JAFTU, Rice Mill and Brick kiln Employers Association, and Employers Federation of South India. The NPM, RVBIPDW project, ILO was the convener of SPAC.

During periodical meetings the project progress was reviewed and minutes issued. However, no other instructions or guidelines were issued to the subordinate units or District Collector or district level DOLE and Inspector of Factories' officials. The project could have been more optimally implemented if there was appropriate strategic support in terms of clear guidelines and deliverables on project implementation to relevant field functionaries from the State level.

**Voices 6 – Secretary, Dept. of  
Labour & Employment**

**Kanchipuram district**

*“It was not to be a government driven program.....How can government address the ‘agreement’ issues? It is between the owner and the worker.....The best achievement of the project is in bringing both of them on the*

The project team working with the Implementation Partners undertook intense field level activities in collaboration with local government agencies to achieve project goals. If appropriate role in project management at the State level was ensured and there was greater ownership of the program, the results would have been more effective. There is limited evidence of government utilizing the project presence strategically to examine and address sector specific issues at a district or State level, or attempt at converging enforcement activities more effectively for greater impact on reducing vulnerability to bondage. Follow up instructions from respective departments were not issued on the Minutes of SPAC, though these Minutes were used for mobilizing support at the field level by the project team and implementation partners.

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<sup>38</sup> SPROUT, 2008

Appropriate State level institutional support could have sustained the momentum in project implementation, apart from SPAC meetings, could have helped in providing the critical handholding support to the district team, especially in view of the frequent changes of the District Collectors (5 of them during project period in Tiruvallur district), when financial flow for the project was uncertain/low. It could have also have built capacities of the Labour Commissioner's office and in the office of Chief Inspector of Factories to help in eventual institutionalisation of the project initiatives for long term sustainability.

From the progress reports and interactions with the various stakeholders, it seems that the lessons emerging in Brick Kiln sector were not taken forward in the Rice Mill Sector. The project management in Tiruvallur district seems to have many gaps, including, absence of implementation role for employers association, frequent change of district collector, systemic delays of working through NCLP Society resulting in delayed release of funds, long gaps in implementing project activities due to uncertainty in ILO funding (momentum in brick kiln sector was managed with the support of the employers association), etc.

### 3.6 Efficiency of resource use

The total project funding was USD 637,470. Table 2 shows that USD 226,464 was spent directly on project activities in Tamil Nadu. Balance funds were utilized for preparatory assessments, DWT-India, conducting stakeholders' workshops in other states, etc. It is learnt that, about 40% of the project fund was spent for direct activities in the field area. The costs of technical back stopping support from SAP FL (Geneva) and mission expenses were not included in the total cost.

<b>Table 2. Expenditure for Tamil Nadu under RVBIPDW Project June 2007 to November 2011</b>			
<b>Implementing Partner wise</b>			
<b>SL.NO.</b>	<b>IMPLEMENTING PARTNER</b>	<b>AMOUNT SPENT INR</b>	<b>PERCENTAGE SPENT</b>
1	Joint Action Forum of Trade Unions (JAFTU)	40,62,503	37
2	Employers' Association : Chengalpattu Area Brick Manufacturers' Association (CABMA)	21,39,378	20
3	Governmental Agencies : District Literacy Mission and Tiruvallur Child Abolition, Rehabilitation and Education Society (CARE Society)	14,19,694	13
4	ILO Workshops & Meetings with the Stakeholders	12,55,906	12
5	External Collaborators for programme development & documentation	10,40,668	10
6	External Collaborators for Research Studies	7,96,244	7
7	Governmental Agency : Enumeration by District Literacy Mission	1,55,879	1
	<b>TOTAL</b>	<b>1,08,70,272</b>	<b>100</b>
	<b>USD : @ 48</b>	<b>(USD 2,26,464)</b>	

While a more sophisticated costing could not be undertaken for want of data on all direct and indirect costs (for ILO and for GoTN), a back of the envelope assessment indicates a per capita direct expenditure of Rs.906 (USD 18) to cover about 12,000 workers in both the sectors. It works out to USD 6 per worker, per year. This is for 3 years intervention. What is significant is how the limited project finances have been well utilized to ensure convergence and facilitate access to ongoing government programs with the participation of Implementation Partners like CABMA.

Through convergence good linkages were established between the workers, employers association and government officials resulting in accessing benefits of government schemes. The financial resources for the implementation of project activities appear to be sufficient. However, the uncertainty of fund flow caused loss of momentum in project implementation. Replicating the model is financially feasible. However, that is possible only if the government's human resources and program funds are well integrated and delivered with support of NGOs or CSOs.

Table 3 indicates the pattern of fund utilisation, broad break up of funds utilised by individual implementation partners, specific project activities, etc. 36% of the funds were utilised for IEC activities for building awareness on bonded labour issues, labour rights etc. 29% was spent on trainings and convergence activities.

<b>Sl.No.</b>	<b>Type of Expenditure</b>	<b>Expenditure in INR</b>	<b>%</b>
1	IEC & Labour Rights Education to Trade Union Volunteers and Workers	39,58,203	36
2	Trainings for Workers, Maistries, Facilitation of Convergence and Field Support.	34,17,206	29
3	Stakeholders Meetings and Workshops	12,55,906	12
4	Consultancy for Programme Development and Documentation	10,40,668	10
5	Research Studies	7,96,244	7
6	Trainings for Employers, Managers and Supervisors.	1,41,866	4
7	Enumeration of Workplaces in two blocks and one source District	2,60,179	2
	<b>TOTAL</b>	<b>1,08,70,272</b>	<b>100</b>
	<b>USD : @48</b>	<b>2,26,464</b>	

As the project document did not quantify the expected proportion of fund utilisation for different project activities/IPs and by ILO for providing technical support, it was not possible to say whether the funds were spent efficiently for the purposes intended. Human resources available for project implementation at the field level seem to be adequate as a whole range of partners including, NGOs, employers and counsellors, etc. were available.

The Project management team's resources seem to have been overstretched. The NPM had to monitor implementation of the project at the district level, undertake field visits, fund mobilization, liaise with the State Government, Implementation Partners, etc. and also attend to project meetings and workshops of ILO at Delhi and elsewhere.

### 3.7 Social inclusion & gender issues

In the project area, among the brick kilns and rice mills workers, higher proportion of socially excluded groups like the SCs and STs are present. In brick kiln area, SCs are more in number and in rice mill sector STs are more<sup>39</sup> Project document lays emphasis on reaching out to them. The project progress reports do not indicate the



social categories of the beneficiaries and the application form for WWB enrolment does not have a provision for collection of caste details. However, considering that the enumeration reports indicate that the large majority of the target group belongs to poor and socially discriminated communities like SCs/STs, it can be assumed that they could have been the largest beneficiaries. Further, the Sakthi Brick Kiln Workers Union membership shows that out of 1825 members, 84% belong to SCs, others are STs and Most Backward Class.

The rapid assessments in the project area showed that the position of women workers is particularly more vulnerable, especially as the nature of work they undertake is more repetitive and drudgery. The enumeration figures show that the 49% and 45% are women workers in brick kiln and rice mill sectors respectively. This could be due to the recruitment practice being based on selection of 'pairs' of workers. This invariably meant the proportion of men and women in the workforce would be almost equal.

The project implementation ensured that interventions in field benefited both male and female workers. The coverage of workers in both brick kiln and rice mill sector under WWB is 5783, which includes 3066 male (53%) and 2717 female is 47%. This indicates that care was taken to ensure gender parity in facilitating access to welfare benefits.

Women workers were linked to the SHG movement under the *Pudu vallvu* or *Vazhndhu Kattuvom*. Women workers were particularly sensitized on their rights and trained on issues relevant to women like gender, maternal health & child care, etc.

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<sup>39</sup> Enumeration undertaken by DLC

Training on legal rights related to women workers covered the Visaka Guidelines, Equal Remuneration Act, Minimum Wages Act, Domestic Violence Act, Hindu Marriage Act, Property Rights, etc.

Among the children of the workers mainstreamed to schools and joined in NRBCs, 48-49% were girl children in Kanchipuram district during each of the project years. In the rice mill area it was 47 per cent.

In an effort to empower women workers, several exclusive trainings and workshops were conducted in both the sectors. The depth and usefulness of these trainings is evident from the fact that 36% of the Sakthi brick kiln workers union is women. Considering that alcoholism is very common among male workers, street plays were organized in the workplaces to create awareness about till effects of alcohol and work place discipline.

### **3.8 Role of Trade Unions as Implementation Partners**

The RVBIPDW project design envisaged a distinct role for the Implementation Partners, including the Employers' Associations and the Trade Unions. They were involved in all core activities of the project interventions for prevention and elimination of vulnerability to bondage.

The agreed action plans with JAFTU included training and building capacities of their members, build awareness among workers in both the sectors, help them organise themselves and facilitate them to enhance their bargaining position. They are to mainstream bonded labour issues in their regular TU activities and create public awareness in reducing vulnerability to bondage in employment. They were to mobilize and organise workers, in brick kiln and rice mill sectors to form their own trade unions and enhance their bargaining power.

The TUs seem to be involved in all the core activities of the project like creating awareness, capacity building for trade union members, migrant workers on their rights and entitlements, and on the importance of organising themselves. They undertook training and documentation, sensitising employers, etc.”<sup>40</sup> They visited work sites to identify improvements needed to be made, educating employers, etc. The representatives of JAFTU participated in meetings and workshops/campaigns against bonded labour prevention. As member of the SPAC the TUs were engaged at policy level workshops.

Overall JAFTU played a positive role in awareness raising and sensitizing. The NTUs particularly took action to facilitate the emergence of the Sakthi Union in Brick Kiln source districts. However, the success was limited and had not much concrete results in Rice Mill Sector in Thiruvallur district. It was also not evident that a

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<sup>40</sup> Progress Reports, RVBIPDW

significant number of the migrant workers were mobilized to join as members of the mainstream TUs. Post project, it would be challenging for the TUs to sustain the activities relating to bonded labour issues. It is also not clear to what extent they will continue to play an important role in policy advocacy on bonded labour issues without ILOs support.

### 3.9 Role of Employers' Association as Implementing Partners

During the interviews with stakeholders, one factor that was often reiterated by them was the role of employers being critical to the success of the project, especially in reaching out to the workers in these two sectors who were not accessible to anyone, let alone register under the WWBs, earlier to the project. This was possible due to the willing participation of the Employers and their Association, especially in the brick kiln sector. On the contrary, in rice mill areas the employers were not cooperative and were unwilling to adapt the code of conduct or participate in other project activities. Hence no major improvements were done in workplaces. While they did facilitate registration under the TNMWWB, it is reported that they did not show much interest in supporting LIC coverage for their workers.

It was envisaged that the Employers' Associations will be key player in addressing recruitment practices and improvements at workplaces. 20% of the project fund was spent in partnership with Employers' Association. Employers' facilitated enrolment of workers under SSS of the WWBs, conducted Medical Camps, improved work places and provided buildings for SSA bridge schools. They have also made direct monetary contribution by way of paying the insurance premium for workers and mid-day meal for their children attending SSA schools. It is reported that the CABMA has resolved to adapt the eleven-point Code of Conduct and that eight of the eleven points are already adapted by all its members. It is evident that partnership with employers' associations is critical to replicating and scaling of the model.

There is a change in the office bearers of CABMA due to internal Association elections. The evaluator did not have an opportunity to interact with the new office bearers and to assess their levels of commitment to take forward the work of their predecessors. It is also not clear to what extent they will take forward the project interventions beyond the project period in the brick kiln sector. As the rice mill sector owners association did not join as the implementation partner of the project, it is unlikely that they would provide similar support post project.

#### **Voices 5 – Owner, Brick kiln**

*“The Workers agreement will not work if implemented in only one district or bloc. Workers will go away to other districts. So it should be implemented across the State. Government should take more pro active role.” –*

**Mr. Manoharan Owner of Brick**

### 3.10 Role of Government of Tamil Nadu

The Construction Industry contributes 11.4% to the Net State Domestic Product at Factor Cost by industry of origin at current prices.<sup>41</sup> It is reported that “there are about 4000 brick kilns involving 300,000 to 400,000 workers in this sector in Tamil Nadu. In addition to this there are thousands of brick kilns, where several hundred thousand workers are working.”<sup>42</sup> The contribution of brick kiln sector within this would be substantial both in terms of employment of labour and in terms of productivity to the construction sector. Further, the labour recruitment practices and issues are too complex and deep rooted for any one agency to work on them and bring about any significant change with external involvement of the most important and key player as the Government and its various agencies. Hence, the need for and importance of a more proactive role on the part of GoTN.

As discussed at section 3.5, the actual role of GoTN was limited in the implementation of the project, though it was implemented in the name of the government. The Project Society envisaged in SPROUT was not created to manage the project. It is understood that a serious consideration was given to setting up a Society for project implementation, but was not pursued keeping in view the trade-off between time taken for establishing a new institutional structure linked to GoTN and being able to achieve results in a short term period.

Further, there was no MoU between ILO and GoTN delineating clear deliverables and specific support the government should provide in taking forward the project activities. The ToR for SPAC provides only some broad brush expectations from GoTN. Absence of any fund flow arrangements between the ILO and DoLE, GoTN to some extent seem to have led to a perception that this is not a serious/major project<sup>43</sup>. The SPAC provided broad guidance through review meetings but not real strategic involvement and strong lead on project implementation. The institutional mechanism did not provide for any particular role for Commissioner of Labour or Chief Inspector of Factories, except for them being represented in SPAC. No doubt convergence with various government programs and agencies happened at the local level, but it appears that there was limited intuitional ownership from GoTN at the strategic level.

It appears to the evaluator that there is limited understanding of its role, opportunity and expectations within in GoTN. No significant effort was made to connect the project activities to core mandate & larger sectoral issues that the DOLE and Chief Inspector of Factories deals with. There was also no significant integration with enforcement work. The political and electoral developments in the State of Tamil Nadu, further added to the Project woes.

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<sup>41</sup> The link is [http://164.100.34.61/dwh/tbl/nad/nsdp/NSDP\\_Tamilnadu.xls](http://164.100.34.61/dwh/tbl/nad/nsdp/NSDP_Tamilnadu.xls)

<sup>42</sup> JAFTU presentation to the evaluator on 28<sup>th</sup> October 2011, Chennai

<sup>43</sup> Evaluators observations from the interaction with government officials

The plans for expansion of the project interventions to four other districts were discussed in the GoI level and SPAC meetings in December 2010, but there was no progress on the matter. It appears that the Election code of conduct due to consecutive elections to the State Assembly and Panchayat did not permit processing of this proposal further. If there were appropriate institutional linkages and a strategic champion within the government, the project implementation would have taken a more effective and stronger root for the interventions to go beyond project period.

### **3.11 Role of Govt. of India and potential of the project for strategic influence**

RVBIPDW project has a tremendous potential to influence policy relating to prevention and abolition of bonded labour system in India. The Director General (Labour Welfare) and Joint Secretary, GoI has played a very active role in the development of the project and has reviewed its progress at some of the strategic meetings. He has also been advocating and encouraging individual State Governments to replicate the Tamil Nadu Model.

Emerging lessons from project interventions were shared at many GoI and International workshops. Inputs were provided to the National Task Force on Bonded Labour setup by the Ministry of Labour and Employment, GoI. Inputs were also provided to the sub group on child labour and bonded labour for the mid-term review of the XI Plan. However, there appears to be no centrally funded program or formal institutional mechanism being advocated by GoI. If the new models for changing the recruitment practices by way of introducing workers pool, entering into agreement between the employers and workers, organising the unions of the migrant workers, etc. are implemented successfully, there would be scope for influencing changes to related policies in a fundamental and significant manner.

It is reported that the Government of Andhra Pradesh has passed Government Order (GO) to implement state action plan for eliminating vulnerability to bondage through welfare boards. A pilot project is to be implemented in the brick kiln sector in Rangareddy district of A.P.State with MoU between Govt. of AP and Govt. of Orissa. Field level survey is completed. Govt. of Orissa has developed a draft project – to finalize it following a MOU for interstate coordination. Draft documents and proposed welfare board for BK workers, pilot testing of workers pool and replicating the code of conduct is under discussion in Uttar Pradesh.

It is reported that a significant policy work involving inter-ministerial Task Force, sub group on child labour & bonded labour, BPL census, linkages with welfare boards & RSBY, unique MOU to strengthen interstate coordination & Inter State Migrant Workers Act is underway at GoI level. If appropriate focus is ensured on building the institutional capacity of various stakeholders, including government, at all levels, much stands to be gained. The impact of the capacity building among the local institutions is likely to remain to a reasonable degree, though as key people change



due to transfers and elections there will be a dilution of knowledge and commitment and further need for continuing capacity building.

### **3.12 Impact orientation and sustainability**

The impact orientation of the project lies in its convergent strategy, collaborative work with all stakeholders and in the combination of welfare and “right” approach. Sustainability of the same for long term affective results depends on who takes the lead post-project. There is a need to sustain awareness building programs among all stakeholders. Real work of making changes to recruitment systems in the two sectors is yet to be achieved. Sustainable impact of the project will be visible when the social dialogue process continues among all the stakeholders and the idea of workers pool, formal agreement between the workers and the employers is implemented on a scale.

The intervention models developed and implemented by the project seem to be replicable and scalable. The project has been sharing its experience with other states since 2009 and they are showing keen interest to replicate the model in their respective states. There has been a significant impact of the integrated and comprehensive nature of the interventions on the ground, especially with regard to change in the mindset among the workers and employers (See Box: Voices 1-5 and 7 – Employers). The challenges will continue till the core issues are addressed in a concerted manner, though there is some amount of enhanced awareness at the moment.

The project implementation has given a working model for addressing issues relating to bondage of labour, by mainly focusing on the convergence of services, sensitisation of employers to develop a code of conduct, improving workplace conditions, organising and empowering workers to form workers union and raise a charter of demands, enrolling them under government social security schemes, improving access to SSA bridge schools for workers’ children, better awareness generation and capacity building, etc. This can be sustained only through enhancing the institutional capacities within the government to take forward further action.

Considering the contribution of the brick kiln industry to overall employment and productivity to the construction sector in the State, the complexity and deep rooted inequities in labour recruitment practices, the exploitative working conditions, the State needs to play an effective institutional role in sustaining and scaling up the good practices of the project by committing appropriate human resources and financial commitment.

#### **3.12.1 Sustainability of the involvement of Employers’ Associations**

Once the project is over, it is not clear how many employers will continue to follow the code of conduct. The workers pool ideas, agreement between employers and workers, etc. are yet to be implemented. That is at the root of changing the

**Voices 3 – Brick kiln worker**

*“Owners supported for LIC and other activities thinking that maistries will form a union, but once workers union formed, they are not happy” – Amuda*

recruitment practises and their implementation is yet to be done. There are continuing apprehensions about ushering in effective changes in the recruitment practices in an isolated block or two. “I am willing to try the agreement based recruitment in my brick kiln. But it won’t work. We discussed the agreement in many meetings. It can’t be implemented only in one Taluk, as it will be done so to the

disadvantage of the local brick kiln owners. As it is 25% of brick kilns are closed as workers cheat the owners and competition is so high. The agreement needs to be implemented across the State. For which Government of Tamil Nadu needs to play a very proactive role.”<sup>44</sup> There are also apprehensions among the Sakthi Union members about the future support of Employers’ Association. (See Voices 4)

General workplace improvements seem to have been done including, housing, water supply, sanitation, etc. However, it is not evident that much work happened with regard to identifying technology and enterprise productivity changes and processes improvements.<sup>45</sup> Apart from improved access to welfare programs in source and destination districts, improvement in facilities at workplaces, productivity-enhancing measures at enterprise level hold the key for long term improvement of workplace conditions. This is what can enable the fulfillment of basic workers’ rights without undermining enterprise viability.<sup>46</sup> This could be an area for further work in future. Measures to enhance enterprise productivity could be identified and implemented, thus allowing a gradual upgrading of workplace and working conditions over time.

**Voices 4 – Shakti Sangham Officer Bearer**

*“They (employers) are discussing in their association meetings about fixing/revising wages and other problems. They are anticipating & afraid that Shakti Union will become strong and negotiate with them. So they are not keen to support our work anymore.” –Mr.Kumar,*

### 3.12.2 Sustainability of the role of Trade Unions

The project experience shows that the JAFTU has a distinct and specific role to play in supporting the workers organize themselves and building awareness among them about labour laws, legislation, importance of coming together and empowering themselves. The project did a lot of capacity building for the TUs. The role of implementing partners has provided the TUs the required set of objectives, ideas and

<sup>44</sup> Interview with Mr.Manoharan, Owner of Jayam Brick Works, former general Secretary of CABMA on 2.11.2011 at Chennai

<sup>45</sup> SPROUT, 2008

<sup>46</sup> Ibid

experience for working in these two sectors. The fledgling *Shakti Sangham* in the brick kiln sector needs to be supported. The TU work among the rice mills workers has a long way to go. They can replicate the work done in Kanchipuram district in other districts among the brick kiln workers. They can provide required support to the workers there by way of training on organising themselves and capacity building for its office bearers and managers.

The job of JAFTU is really cut out for them. However, in the absence of the Project, it is not clear to what extent they will continue to work towards committing time and efforts for prevention and elimination of forced labour. The road map should help them develop tentative plan of action to integrate and mainstream bonded labour related issues into their current and future work. They need to mainstream this activity into their regular union activities. They need to establish separate cells within their TUs and take up focused program of action, and a campaign to enroll unorganized sector workers from these two sectors into their unions.

This would provide them the necessary institutional back up and scope to participate in the consultative process for preventing and eliminating bondage and formalizing the informal arrangements currently prevailing in these two sectors.

The ILO can continue to provide technical support developing and taking forward the road map in the short term and expanding the program in other States. It could organise inter-state, national and/or international level events for cross-learning and dissemination of project experiences.

### **3.13 Continuing challenges and exit strategy**

The continuing challenges that need to be effectively addressed for real success of the emerging model is further confidence building and clearing of apprehensions at all levels and among all stakeholders. That is at the heart of reduction of quantum of advance, fixation of rate of wages and issue of written appointment letter that is legally binding on the signatories. Government hesitation to associate with efforts to regulate recruitment system makes it that much more difficult.

Other challenges include, financial institutions to be responsive to the unique needs of the migrant workers, making the registration of workers mandatory by all employers, enrolment under WWB, providing identity/residential proof to apply for government welfare schemes, enhanced understanding among all employers, making existing government schemes migrant friendly (SHG, SGSY, ICDS, MGNREGS, PDS), continuing education and awareness building for the workers to organize themselves and work towards changing the recruitment practices, etc. GoTN has to examine the scope for replication/scaling across the other districts in the State.

Some of these continuing challenges are: change of all key players at the State and district levels, among the Government Departments, Employers' Associations,

JAFTU, plans for implementing the workers pool and agreement concept in all brick kilns in the State, etc. This brings us to ask a few pertinent and relevant questions at this stage of project implementation: What is the exit strategy? Who will hold the project together nurture it to its logical growth? How will the project interventions continue in the two project districts and get scaled to other districts in the same sector? Who will handhold the fledgling Sakthi Union? How will further cooperation of the employers be ensured? In the coming months serious brainstorming needs to be done by all stakeholders to develop a credible transition plan that looks at all aspects – social, institutional, managerial, financial, participatory aspects, etc. This exercise also needs to raise the continuing challenges and how to address them.

The Project Coordinator, recruited by the Implementing Partner, played a critical role in facilitating the stakeholders to come on to one platform and address the issues. He motivated and facilitated the process of convergence, capacity building, establishing linkages between the stakeholders, etc. However, who would play the role of the project coordinator in future is an issue to be addressed during the transition period. Who within the government set up could play that role or if one external resource person can be hired to full fill that role?

There are still many concerns and apprehensions among the stakeholders on how to move from the present system of recruitment involving – recruitment through Maistries, pre-employment advances, recovery of advance from wages, low wages and no direct contact between the employer and workers – to proposed system of recruitment involving – creation of Workers Pool, registration with nominal fee of employers, workers and maistries in workers pool, recruitment through workers pool, direct work agreement between the employer and the worker. These apprehensions need to be addressed in a systematic manner to fully realize the potential of the project interventions.

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## Section 4

### Potential Good Practices and Critical Lessons

The RVBIPDW project throws up many potential good practices and some critical lessons in addressing a complex issue of vulnerability to bondage of labour in general and in particular to the rice mill and brick kiln sectors.

#### 4.1 Potential good practices

**4.1.1 The project's attempt at addressing the core issues** relating to recruitment practices resulting in vulnerability to bondage in certain economic sectors and suggesting loping the new ways through Formal Agreements, Workers Pool, etc. is truly pioneering. It needs to be implemented for demonstrating the usefulness of the ideas.

**4.1.2 Efficacy of convergence approach** - Strategy for convergence and enhancing social protection seem to be a strong entry point for reaching the workers scattered around different campuses and work places in brick kiln sector. It is a good motivating tool to mobilize tripartite partner's participation in improving the working conditions and work place facilities. This approach was helpful to gain confidence of workers and maistries. Conducting Street plays, small group meetings, creating awareness through Peer Educators in the work places seem to be effective strategies to educate workers and employers on the Government schemes.

**4.1.3 Social dialogue & participatory approach** – The participatory approach involving continuous sensitization and orientation of all stakeholders and facilitating the social dialogue process was effective in making them realize mutually beneficial solutions for a seemingly intractable problem. In other words the uncertainty of labour availability, need for giving high wage advances and productivity concerns of the employers and concerns of the workers for higher wages, absence of exploitative practices on site and better working conditions etc. could be addressed through social dialogue. It led to widespread dissemination of messages through the participants within the target group in source areas and work places. It increased confidence level among all stakeholders. It helped build good rapport between them and helped build unity among workers to protect their rights and access social protection schemes of the Government. This participatory approach was been instrumental for the workers to take part in the project activities and collective action. This process has created an opportunity for the workers to organize themselves as a worker's organization "Sakthi Brick Kiln Workers Union".

**4.1.4 Willing participation of the Employers' Association:** One of the good practices emerging from the project implementation is the criticality of the employers' role in facilitating awareness among workers, access to social security schemes and for making work place improvements in brick kiln sector. This was in marked contrast to the experience in the rice mill sector. The rice mill sector interventions indicate the need for pushing the employers/owners to respond to the rising expectations and concerns and that depending on their good will is inadequate for serious improvements.

**4.1.5 Organizing the migrant workers** – Promotion of workers organizations is a prerequisite for enhancing their capacities to negotiate fair wages, better conditions of work and work place facilities. Trade Unions are best suited to bring awareness to the workers about the benefits of organizing themselves. Organizing the workers - Intensive awareness raising and capacity building is critical for organizing the workers. Handholding support to access government schemes and to strengthen the workers organization is also required for their long term institutional sustainability. Well informed and articulate Peer Educators could ensure effective awareness and confidence building among the workers. This can be done more effectively in source areas.

**4.1.6 Interventions strategy both covering source and destination districts:** The project implementation confirms that there is a need to take up parallel interventions both at the source and destination areas keeping in view the peculiar nature and life situation of the migrant labour and seasonality of work.

## **4.2 Critical Lessons**

**4.2.1 Project design and funding related** - It would seem that RVBIPDW is not a 'project' in a real sense of the term. There is no clear timeline for project completion, no long term fund commitment, no partnership agreement with local government partner clearly delineating individual roles and responsibilities in project implementation, etc. Considering the complex nature of the issues, a more realistic timeline, committed long term funding, greater role for the local state partner, would ensure achievement of the expected results in a more sustainable manner. Projects of this nature rise many expectations on the ground. The real potential of the model being tested does not get realized. This results in skeptics not being answered and a clearly replicable model not emerging at the end of the project period. This is a useful lesson to keep in perspective while designing future projects.

**4.2.2 Need for institutionalizing project implementation** & ring fencing operational aspects optimizes impact. A frequent change of District Collectors in one of the project districts has resulted in some discontinuity and lack of adequate support for project coordinators. Further, individual incumbents' tendency to drive the implementation with different agencies (Initially with District Literacy Mission, then with District NCLP Society, for ex.) resulted in loss of valuable time and need for capacity building to different stakeholders each time.<sup>47</sup> Lack of clear operational guidelines on project implementation indicating the lead agency at the District or Block level, timelines etc. from the State Government compounded the problem. Embedding the project implementation within the governmental systems and ensuring some fund flow from ILO to the government agency (however small) will ensure greater ownership on the part of the government and commitment of human and financial resources to ensure long term sustainability. Clear operational guidelines on implementation issues could mitigate against potential delay, lack of focus, and bureaucratic bottlenecks. Such an institutional mechanism will build the capacities of the concerned government department, builds ownership, and buy in from State partner.

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<sup>47</sup> As garnered by the evaluator from interview with District Coordinator, Thiruvallur

**4.2.3 Need for proactive role of the State Government** – The third lesson relates to the expectations from the government, especially in view of the complexity of the problem, the high commercial value of the brick kiln industry, the asymmetric power relations between the employers and the workers, the inter district character of migration of labour, advances and wage negotiations in the sector, etc. Government that could be a neutral convener in bringing to table two stakeholders with asymmetric power – owners/employers and workers.

The emerging lesson is that if the State government plays a proactive role, it can lead to significant impact in terms of addressing the core issues of setting up workers pool, formal agreements between the workers and the owners of the brick kilns/rice mills, etc. Trying these processes/tools in a single bloc/taluk or one district will not achieve major results. Considering the high degree of inter-state and inter-district migration in India and the well documented evidence of vulnerability to bondage, a strong lesson that emerges is the need for a GoI program and institutional architecture to address the issue at national level. Integrating this with social security schemes and enforcement activities at operational level will help. This can be done with appropriate sensitization of government staff at different levels and enlisting cooperation of employers. Convergence and coordination among different governmental agencies is crucial for reaching out to migrant target group and ensuring that they break out of bondage and also get easy access to all intended government schemes.

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## Section 5

### Key Recommendations

The recommendations being made here flow from the observations and findings of the evaluation. They are specifically aimed at the three key stakeholders involved in designing and implementing the project on reducing vulnerability to bondage through decent work, i.e., the ILO, Government of India and Government of Tami Nadu and the two Implementing Partners – Employers’ Association and the National Trade Unions. The key recommendations are:

- i. ILO needs to take a call on the whether to deepen its work in Tamil Nadu by extending the current project period or move on to other States who are reportedly showing keen interest in replicating the model. Or it can do both depending on the resources it is able to commit.
- ii. ILO Project team should develop an exit strategy for its disengagement or limited engagement in Tamil Nadu and the resources it will provide during the transition period. Inter alia it should support GoTN to develop a road map and action plan to take forward the project interventions, especially in the brick kiln sector.
- iii. In designing similar projects in future, ILO should ensure greater role in project implementation for the local State Government and limit its (ILOs) role to providing technical support to all stakeholders – Government, Trade Unions, Employers’ Associations, etc.
- iv. Department of Labour and Employment, GoTN in turn should issue Government Orders articulating the overarching policy guidelines on the agreed road map and action plan for taking forward the project interventions.
- v. GoTN should extend the project interventions to cover all brick kiln districts so as to enhance productivity in the sector by regulating recruitment practices and improving working conditions in the brick kilns within the purview of the existing laws.
- vi. GoTN should take up a campaign for registering all brick kiln workers by making it mandatory for the employers to employ only registered worker in their chambers. A continuous sensitization and capacity building of various government agencies and employers in this sector will go a long way in reducing vulnerability to bondage in this sector.
- vii. It is recommended that the implementation processes of the TNCWWB, especially relating to registration, claim settlement etc. should be modified to become more migrant labour friendly.
- viii. Tailor made financial services may be developed and access to the same facilitated by GoTN to the migrant brick kiln workers to address the vicious cycle of high advance and low wages and perpetual indebtedness.
- ix. Government of India should put in place a mechanism for implementing the recommendations of the National Task Force on Bonded Labour including bringing greater definitional clarity in defining bonded labour, convergence based project for prevention and rehabilitation; creation of corpus fund at Centre, etc.
- x. Government of India could develop a program similar to the National Child Labour Project (NCLP) for addressing issues relating to debt bondage in identified sectors, providing funds to support activities like special



- enumeration, formalizing agreements between the employers and workers, and enhancing social protection coverage, etc.
- xi. GoI should help the State governments put in place a robust implementation architecture for its Workers Welfare Boards in general and specifically for the Construction Workers Welfare Boards.
  - xii. The Employers' Association and the National Trade Unions should continue their engagement in the brick kiln and if possible in the rice mill sector, so as to facilitate registration, enhance access to welfare benefits, improve working conditions and organization of migrant labour. ILO should continue to provide technical support to them and help them develop plans for future engagement.

## **5.1 Key Recommendations for ILO**

### **5.1.1 What next? Future course of action – deepening work in TN - ILO needs to take a call on whether to deepen its work in Tamil Nadu by extending the period of the current project or move on to other States who are showing keen interest in replicating the model. Or it can do both depending on the resources it is able to commit.**

The argument for deepening engagement in Tamil Nadu is that the work is at a critical stage in the brick kiln sector, especially in terms of regulating the recruitment practices and improving working conditions. The concepts of a workers pool, formal agreement between the worker and the employers, building the capacities of the Sakthi Union of brick kiln workers and maistries for successfully negotiating their charter of demands, etc. are yet to be implemented. There is an emerging opportunity to work directly with the fledgling Shakti Union. It could perhaps be the new implementing partner.

In the rice mill sector there is a long way to go. It will require substantial financial commitment and human resources to revive and push forward the project interventions in this sector. If that is not possible, it may be advisable to drop project activity in this sector.

Further, several challenges need to be addressed for extending the project support in Tamil Nadu. Foremost of this is ensuring greater strategic involvement and ownership of the State Government. It should take lead on experimenting (at least for two to three seasons) the model developed for formalizing the recruitment practices across all brick kiln districts, deepening convergence at field level and enhancing coverage under the T.N. Construction Workers Welfare Board. ILO can provide limited technical support to GoTN for taking forward the project work.

### **5.1.2 What next? Future course of action – expanding to other States - ILO can take the opportunity of the keenness of other states for replicating the project models. It is reported that stakeholders from Andhra Pradesh, Orissa, Uttar Pradesh and Chhattisgarh have visited the project site during the past two years and workshops have been held in few of these states. Memorandum of Understanding is already signed by Orissa Government (source State) for addressing the inter-state migration of brick kiln workers to Andhra Pradesh**

(destination state). The latter is in the process of doing so. ILO can provide technical support to these States.

**5.1.3 Develop an exit strategy and support GoTN to develop a road map** –The ILO strategy envisages that during the course of the project, the local partners ideally take on increasing responsibility for converting the project’s outputs into outcomes. It is also expected that after the project itself has ended, they would take responsibility to make the outcomes contribute to broader, long-term impacts. It is recommended that the ILO Project team develop an exit strategy for its disengagement or limited engagement in Tamil Nadu and the resources it will provide during the transition period.

ILO should support GoTN to develop a road map and action plan to take forward the project interventions especially in the brick kiln sector. A comprehensive and doable plan of action with budget sources and timelines should be worked with consultations at all levels of government. On the final agreed road map clear policy guidelines may be got issued delineating the overall framework, strategies, objectives, and deliverables. The policy guidelines should clearly indicate the proposed institutional mechanism, roles and responsibilities of various departments and stakeholders, budgets, employers, JAFTU, monitoring systems to be put in place, etc. It may be examined if resources could be ear marked out of the TNCWWB fund to cover some of the costs.

**5.1.4 Limit ILO’s role to providing technical advice** - ILO is best at providing technical support on forced labour. So its role in program implementation should be minimal, unlike in this project where the whole project was implemented by the ILO Team, including contracting the Implementation Partners, facilitating convergence, coordinating and monitoring project outputs, etc. Convergence is what the District Collector is expected to do. Effort should be made to create a nodal team as part of the district administration and providing technical support to this team and to the office of Commissioner Labour and Employment and Chief Inspector of Factories would ensure capacity building for long terms sustainability and scaling of the model.

Technical support may be provided by ILO to all stakeholders – Government, Trade Unions, Employers’ Associations, etc. For long terms involvement, it may be examined if technical support can be given to build the capacities of the Tamil Nadu State Institute for Labour Studies which in turn can undertake capacity building for all stakeholders later.

**5.1.5 Project implementation related** - The institutional mechanism for project implementation should have greater role for State partners. This should clearly define the role of different government agencies, expected deliverables and the mechanism for fund flow (however small amount it may be) to the state agencies. Such an arrangement will result in greater ownership on the part of the State partners, capacity building for relevant agencies/ departments, and greater effort at replicating and scaling the emerging lessons. In designing future projects ILO should ensure institutionalizing role of the State Government in project implementation.

## **5.2 Key Recommendations for Government of Tamil Nadu**

**5.2.1 Extend the project coverage to other brick kiln districts** - It is recommended that GoTN should extend the project interventions to cover all brick kiln districts. Regulation of recruitment by creation of sector specific Workers Pool/Recruitment Cell. Payment of minimum wages, reducing quantum of pre-employment advances etc. require more effective government interventions through appropriate government orders/legislation.

The brick kiln workers in the context of their criticality for the construction industry and the contribution of this industry to the State GDP and to the employment of labour. Regularizing recruitment practices in this sector would go a long way in addressing the concerns of all the stakeholders – workers/maistries (low wages, long working hours, poor working conditions), employers (high advances, uncertainty of labour availability, indiscipline), etc.

Productivity can be enhanced by regulating recruitment practices and improve working conditions of the brick kiln sector within the purview of the existing laws. This can be in the way of enumeration, registering, brokering a formal agreement for reasonable advances and fair wages, toll free number to register grievances, improved facilities in work places, etc.

**5.2.2 Develop a road map and action plan** - A road map and action plan needs to be developed identifying project interventions that can be taken forward by the GoTN with the existing institutional back stopping and monitoring. The road map should define the institutional mechanism, indicate clear deliverables, delineate roles and responsibilities, timelines, and budget sources. It should clearly indicate how agreements between employers and workers, setting up of Workers Pool, enhancing coverage under the Workers Welfare Boards, etc. will be facilitated. This road map could be a transition plan in the short run (year 2012-2013) and an action plan for taking forward the project interventions and scale the same in the long run.

**5.2.3 Provide overarching policy guidelines** - In order to take forward the project interventions, DoLE, GoTN should issue overarching policy guidelines on specific activities to be undertaken at the State and field with clear timelines and agencies/persons responsible for the same. This will ensure greater coordination and convergence in implementing various activities.

**5.2.4 Institutionalize and lead on project management** - One of the critical gaps observed is lack of institutionalized role for GoTN in project implementation. The project interventions have shown that the issues are complex and any attempt to change the status quo has wider implications. GoTN should play a proactive role for effective results. Further, there is a need for sensitizing and capacity building for all the government welfare and enforcement agencies and stakeholders. For institutionalization and capacity building feasibility of the following suggestions may be further examined and after stakeholder consultations, a road map and action plan may be developed to take forward project interventions:

- i. At the State level, the high level Governing Committee under the Chairmanship of Honourable Minister for Labour that runs the

autonomous Tamil Nadu Institute of Labour Studies (TNILS) Society could operationalize the road map and Action Plan for elimination of vulnerability to bondage in brick kiln sector in Tamil Nadu. Its institutional position under the Minister of Labour could provide the right strategic thrust on the issues relating to bondage. The avowed objectives<sup>48</sup> of TNILS and its autonomous nature could provide the needed flexibility to implement the road map and action plan. The institutional capacity of the TNILS can be built to undertake this responsibility.

However, JAFTU has indicated that TNILS would not be an appropriate agency for this purpose. They are of the view that most of the migrant Brick Kiln workers and rice mill workers (Irula) belong to ST Community. They are illiterate and ignorant, poorest of the poor and an exploited lot. Making them aware of their rights and entitlements is key to alleviating them from exploitative situations. They are of the view that only a right based voluntary mass organizations like trade unions under the guidance of ILO suits the purpose. ILO can continue to support Trade Unions who in turn can work with the identified Government agencies.

- ii. Alternately a State level Joint Committee headed by Commissioner, Labour and Employment, with members comprising of Chief Factories Inspector, Director, TN Institute of Labour studies, representatives of Employers' Association, National Trade Unions and other stakeholders can take forward the project interventions in all brick kiln districts.
- iii. At the district level, Special Tahsildar heading the migrant labour cell, coordinating all activities with the support of Labour Officer, Inspector of Factories, Social Workers, under the overall leadership of the District Collector can act as the nodal team working on this issue. The current NCLP District Society with appropriate augmentation of staff and resources could function as nodal team to work on these issues. The gaps experienced in implementing the project through NCLP Society in Tiruvallur district, from July 2008-December 2010 may be identified and addressed if this option is taken.
- iv. Capacity building for officials of DoLE, Chief Inspector of Factories, representatives of Workers, Employers' Association, JAFTU, etc. is another critical aspect. The training modules developed by the project on Labour Rights, Collective Bargaining and Government SS Schemes will be very useful to train the workers, maistries, employers and trade union representatives. TNILS could make use of these in addition to its own training material. Similarly, Posters and stickers, mass

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<sup>48</sup> i. Developing healthy trade unionism; ii. Maintaining congenial attitude among the parties concerned; iii. Developing skills among the officers of the Labour Department and Factories Inspectorate, iv. Disseminating knowledge by publications; v. Carrying out research on labour related issues; vi. Bringing out graduates in the field of Labour Management, etc.

communication tools, Street plays conducted in the work places by the project could be utilized for creating awareness among the workers.

**5.2.5 Systematic enumeration and registration of brick kiln workers** - It is also recommended that a campaign may be taken up for registering all brick kiln workers by making it mandatory for the employers to employ only registered worker in their chambers. This in turn will ensure greater coverage of the workers under the various social security schemes promoted by TNCWBB.

Reliable data on migrant labour in the brick kiln sectors is an absolute prerequisite for targeting interventions. A robust tracking system for periodical data collection and updating, validation, and analysis will go a long way in ensuring enhanced access to all social security schemes. Appropriate application software backed with a Portal for real time data management and MIS will help in more efficient implementation of Social Security Schemes. A Smart Card based system (which has all the data relating to the entitlements) coupled with Bank ATM card for registering workers will allow them easy and hassle free access to entitlements. This is further elaborated at 5.2.6 below.

**5.2.6 Improve administration of Workers Welfare Boards** - It is recommended that the implementation processes of the TNCWWB, especially relating to registration, claim settlement etc. should be modified to become more migrant labour friendly. The very nature of migrant labour requires a flexible and quick registration and claim settlement mechanism on the basis of unique id number.

For instance, it is learnt that claims can be submitted only in the district where the worker is registered. Often the worker is required to go to his source district for obtaining certificates if he desires to register in the destination district or get residence certificate from the employer. And he can submit claim only in the district he registers in. This becomes cumbersome for a migrant worker and results in major delays in claim settlement. This is confirmed from the fact that there are very few claims settled despite over 5000 workers being registered under TNCWWB in project areas...

The proposed plans of GoTN to issue biometric and bank account based payment of claims is a positive development and systems required for the same should be put in place at the earliest. This should allow them to periodically renew, transfer their membership, file claims, and withdraw their entitlements at convenience, in line with the migratory nature of their work. Felicity in transacting with the Social Security System will enhance greater demand for such services. Depending on workers usage of the Smart Card, it should be possible to track the pattern of migration, the extent of access to entitlements etc. Required infrastructure in terms of software, hardware like computers, printers, and capacity building at different levels should be ensured for sustainability

**5.2.7 Enhance access to tailor made financial services** - Taking high advances from the employers and pledging their labour is the root cause of labour vulnerability to bondage and the vicious cycle of high advance and low wages

and perpetual indebtedness. In this context, appropriate financial assistance scheme for the migrant brick kiln workers may be developed and claim amounts paid through bank accounts. This will give liberty to the worker to withdraw the amounts at his convenience whether he is in the native district or in the work place.

**5.2.8 Sustaining convergence and integrating enforcement activities -**

Sustaining convergence is a continuous process. Clear strategy and action plan may be developed and suitable instructions issued to all for sustaining the convergence approach in both source district as well as destination district. It is recommended that enforcement should be integrated into the awareness building and facilitating social dialogue. In other words, it should be used more as a deterrent for enlisting greater participation of the employers. This would give the right teeth for a soft approach in bringing all stakeholders to the table. This will give greater visibility to GoTN efforts to address the issue of forced labour and enhances social awareness.

**5.2.9 Replicate organizing of the brick kiln workers -** It is recommended that GoTN should also take a serious look at the Charter of Demands that the Sakthi Brick Kiln Workers Union has developed and develop policy responses for their realization. Appropriate facilitation support may be provided along with TUs to expand Workers Union to expand to other districts and to play a constructive role in partnering with the government and the employers to reduce vulnerability to bondage of the brick kiln workers. Support of National Trade Unions may be taken to facilitate this process.

**5.3 Key Recommendations for Government of India**

**5.3.1 Develop a program and support States:** GoI should encourage and support all States to replicate the intervention model of the project. The project intervention model has demonstrated the efficacy of sector specific enumeration, and critical role of the Employers' Associations in registering workers as well as in improving work place conditions. Simultaneously it should put in place a mechanism for implementing the recommendations of the National Task Force on Bonded Labour including bringing greater definitional clarity in defining bonded labour, convergence based project for prevention and rehabilitation; creation of corpus fund at Centre; convergence between child and bonded labour, among others.

It is recommended that GoI should develop a program similar to the National Child Labour Project (NCLP) for addressing issues relating to debt bondage in identified sectors. GoI should prescribe the institutional architecture and commit a significant amount of funds for the program interventions. Such special program would also incentivize the state governments to pool in their resources to effectively address core areas to end sector specific bondage of labour in a more proactive manner as was done in the case of preventing and eliminating child labour. Special enumeration if undertaken in the sectors prone for bondage related practices could pave the way for formalizing the agreements between the employers and workers and also for enhancing coverage under the social protection program.

**5.3.2 Support implementation of Workers Welfare Boards:** It is recommended that GoI should help the State governments put in place a robust implementation architecture for its Workers Welfare Boards in general and specifically for the Construction Workers Welfare Boards, in this project context. It may be examined how the best practices of implementing the Rashtriya Swasthya Bima Yojana (RSBY) and implantation of the social security package proposed Unorganised Sector Workers Social Security Act, 2008 can be extended to the brick kiln workers on priority.

#### **5.4 Key Recommendations for Implementing Partners**

Their role as Implementing Partners provided the Employers' Association and the national Trade Unions a unique opportunity to facilitate registration, enhance access to welfare benefits, improve working conditions, and encourage organisation of the migrant labour and their families. The project implementation clearly demonstrated that these two IPs have a critical role to play in changing the status quo. The social dialogue process confirmed that the stakeholders, with seeming conflicting interests, can come together for mutual benefit.

Hence, it is recommended that the Employers' Association and the National Trade Unions continue their engagement in the brick kiln and if possible in the rice mill sector too. Participating in bringing in new recruitment practices and improved working conditions will enhance productivity in the sector and overall benefits to all stakeholders. They should work with the government to effectively take forward all project interventions.

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## Section 6 Conclusion

*“Achievement of broad, long-term development changes depends on many factors...Because projects are collaborative efforts, partners have co-responsibility for achieving outcomes and, ultimately, impact.”<sup>49</sup>*

The project has tremendous relevance to the ground realities and its merit lies in the innovative way it targeted migrant labour problems in the brick kiln and rice mill sector. The innovative and participatory approach in strengthening capacities of stakeholders to address the root causes for vulnerability to bondage and enhancing workplace facilities is highly replicable.

The real value addition of the RVBIPDW project is its convergence approach and efforts at leveraging government programs for the benefit of the target group with the support of CABMA. It also demonstrated the efficacy of a unique partnership model for addressing issues relating to prevention of bonded labour. The project brought focused attention to the issues and developed new tools and ways of working that could prevent vulnerability to bondage.

RVBIPDW made a distinct and positive impact in developing a working model for addressing recruitment practices in the brick kiln sector. This has the potential to effectively address the core and fundamental aspects of forced labour in the Indian context. If taken to logical conclusion, especially in formalizing the informal work arrangements prevalent leading to forced labour in specific sectors, it can take the credit for pioneering nothing short of a peaceful revolution. To what extent the various stakeholders will take forward these interventions is to be seen. The lessons emerging out of project implementation in Tamil Nadu need to be appropriately kept in focus in future developing a GoI program on the issue and in implementation in Tamil Nadu or in replicating it other States including, Andhra Pradesh, Orissa and Uttar Pradesh to ensure optimum achievement of its objectives.

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<sup>49</sup> ILO Technical Cooperation Manual, Chapter 7 on Project Evaluation– Version 1





## **International Labour Organisation**

- **Independent Evaluation of the Project**
- **Reducing Vulnerability to Bondage in India through Promotion of Decent Work (RVBI)**

**Location: Thiruvallur, Kanchipuram & source districts in Tamil Nadu, India**

**Period: July 2008 - Ongoing**

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### **1. Introduction & Rational for Evaluation**

In collaboration with the Ministry of Labour and Employment, Government of India, the Department of Labour and Employment, Government of Tamil Nadu and local partners, the International Labour Organization (ILO) Office in India has been implementing the above pilot project in rice mills of Thiruvallur District and Brick kilns of Kanchipuram district in Tamil Nadu. According to rapid assessments carried out during the project formulation stage, these are the sectors vulnerable to bonded labour. The pilot project implementation commenced in July 2008 and is ongoing. The project is also an important component of ILO's Decent Country Work Programme (DWCP) contributing to the DWCP outcome IND 152 - Strengthened policy framework for reducing vulnerability to bondage, which is related to P&B Outcome 15 - Forced labour is eliminated.

Since the pilot project has completed three years in June 2011 and a few states are adopting similar approach, an independent evaluation is required to assess the outcome of interventions at different levels, and to offer recommendations to the key players in other states which are interested in replication of project approach.

An external independent evaluator will lead this evaluation and be responsible for drafting and finalizing the evaluation report. The evaluation will be a consultative and participatory process as it will involve the tripartite constituents and key stakeholders in all evaluation processes from TOR development to the finalization of evaluation report.

The evaluation will comply with the UN Evaluation Norms and Standards and OECD/DAC Evaluation Quality Standard.

These Terms of Reference serve as a guide for all those involved in the evaluation. They also describe the tasks to be undertaken by the independent external consultant

engaged by the ILO for the purpose of the evaluation. A list of Annexes is included with more details on specific components of the project and the evaluation.

## **2. Background on projects and context**

### **2.1 Brief Project Progress Summary:**

Bonded labour has been outlawed in India since the adoption of the Bonded Labour System (Abolition) Act in 1976. Despite the many proactive measures taken by the Indian government over the years to release and rehabilitate people trapped in labour bondage, the practice has proved remarkably stubborn in the face of the forces of modernization and globalization and appears to defy effective abolition in practice. “Traditional” forms of bondage associated with feudal agricultural systems have transmuted into newer forms of so-called “neo-bondage” (shorter-term bondage, based primarily on economic transactions as opposed to the more complex social and economic dependency manifested in the older forms) in a wide range of economic sectors. Exploitative labour arrangements continue to prevail in many parts of the informal economy, trapping women, men and child workers and family members in extreme poverty. The need for a cheap and continuous labour supply for the cyclical processes of production in many highly competitive economic sectors motivates some unscrupulous labour agents and employers to engage in exploitative and sometimes coercive recruitment practices. These most often involve the advance payment of wages or, in a few sectors luring in particular young women and girls, of post-payment upon completion of the contract. Migrant men and women workers are among the most vulnerable sections of the population to exploitative recruitment and employment practices. These informal arrangements compel the workers to continue working until their advance is settled in full or the lump sum due to them at the end of an agreed period is paid. As a result, the workers have very little or no freedom to change their employer. They may be obliged to work for long hours, live at worksites that lack basic health and sanitation facilities, rarely secure a minimum wage as prescribed by the law and their children be denied access to education. Such practices may amount to forced labour in circumstances where the worker is unable to leave the job at a time of their choosing, and will suffer some form of penalty if they attempt to do so. They can exacerbate existing social inequalities based on caste and ethnicity, keeping the poorest families trapped in a cycle of poverty.

Factors such as the casual nature of employment, the lack of a clear employment relationship, the small size and scattered distribution of workplaces, the superior strength of employers and workers’ ignorance and illiteracy mean that vulnerable workers are rarely members of trade unions, and most often must either fend for themselves or seek the assistance of other organizations.

The ILO has been working since 2001 in India, as part of the sub-regional project “Promoting the Prevention and Elimination of Bonded Labour in South Asia” (PEBLISA), funded by the government of the Netherlands. This project, focused on

the prevention of bonded labour in clusters of villages in Tiruvallur District in Tamil Nadu and Rangareddy district in Andhra Pradesh, provided numerous insights into the root causes of over-indebtedness of poor families and their consequent vulnerability to exploitation, including to bonded labour. The various interventions developed and field-tested offer useful lessons for testing on a larger scale and with workers in more diverse occupational settings. This was the main conclusion and recommendation of the independent final project evaluation in 2006, which further recommended seeking more active partnership with both employers' and workers' organizations in future project implementation.

Following closure of the project in April 2006, the Ministry of Labour and Employment (MoLE) invited the ILO in May 2007 to present a new concept note for a next phase of programme implementation, building on the lessons learned through PEBLISA, and upscaling the interventions in selected districts in the states of Tamil Nadu, Andhra Pradesh and Orissa.

A decision was taken to focus in the first instance on Tamil Nadu, where PEBLISA's positive impact was most pronounced and the implementation environment most favourable, and subsequently to expand to other States. Although Tamil Nadu has one of the highest average per capita incomes in India, and relatively good performance on human development indicators, the percentage of the very poor in the state is higher than the national average. The Scheduled Castes (SC) and Scheduled Tribes (ST) are over-represented among the very poor. After a high level meeting in Chennai in June 2007, a participatory project preparation process was launched, involving in a first step multi-stakeholder consultations held in the two Districts of Tiruvallur and Kanchipuram in July 2007. These meetings involved active participation of employers and their organizations, trade unions, community-based organizations (especially dalit and tribal peoples' organizations), NGOs and key officials of all relevant line departments in identifying what the main thrusts of the future project should be. The stakeholders identified four economic sectors, namely rice mills, brick kilns, handlooms and stone quarries, in which poverty and vulnerability of workers to bonded labour were most pronounced, and where interventions were needed as a matter of priority.

Rapid appraisals in both Districts were conducted through a social research agency PRAXIS which provided further inputs into the project design process, providing further details of living and working conditions in the four sectors. A listing of workplaces and their basic characteristics was undertaken in the rice mills sector in Tiruvallur and in the brick kilns sector in Kanchipuram, following agreement with MoLE that the project would start operating in these sectors/Districts in 2008-09 in the light of resource availability. In both sectors, the ILO has had detailed discussions with the employers, who agreed to participate in the programme and contribute financially to several activities for the welfare of the workers. Discussions were held also with the maistries (labour brokers) to ensure their active engagement in the project.

The project was launched in end of June 2008 in the two districts, following which action plans were discussed with stakeholders and with ILO's technical support, the stakeholders commenced action in the field in July 2008.

Examples of progress made so far include a new approach to recruitment of migrant workers that needs pilot testing, innovative means to give migrant workers the necessary documentary evidence for them to access government schemes away from their district of origin, improved workplace facilities and strengthened capacity of stakeholders to address the causes of bonded labour.

Nearly 35% of the target group has been enrolled in social security schemes through worksite enrolment camps.

Employers in brick kiln sector have adopted a code of conduct and are implementing their action plans progressively. This is an expression of their commitment to improve living conditions at the workplaces. Furthermore, they have contributed about 22,000 USD towards provision of noon meals to children educated at worksite schools and for enrolling workers in welfare boards. About 8 brick kilns now have better housing including 375 new houses; safe drinking water is provided in all workplaces; first aid kits with trained personnel are available in 29 brick kilns and separate rooms for worksite schools have been provided in 32 brick kilns. Child labour has been greatly reduced in the project area due to schools being run 33 brick kilns with about 823 children of target workers. Day care centers for children of migrant workers are being approved for government funding due to advocacy efforts of the unions. Employers in other districts have come forward to replicate the approach in their brick kilns and have sought support from GoTN and the ILO for the same. The employers in other states (especially in Andhra Pradesh and Uttar Pradesh) have shown interest to take up similar action to improve workplace facilities and promote workers welfare.

Workers have become aware of their rights and are organizing in both sectors, with facilitation from national trade unions. They are currently pursuing their charter of demands with the employers and government.

The states of Andhra Pradesh, Orissa and Uttar Pradesh have come on board to follow a similar approach to address the causes of bonded labour. The government of India requested the ILO assistance to facilitate the engagement and build the capacity of local partners to eliminate bonded labour in the above States. Following stakeholder workshops in these states for programme development, the ILO is currently supporting the new states to implement their action plans in a systematic manner.

## *2.2 Key Project Characteristics:*

- Donors: DFID – UK, Government of Ireland, Govt of Netherlands (through

SAP-FL) & RBSA

- Projects' budget: USD 660,000 approx.
- Project duration: July 2008 – Ongoing
- Project formulation: Jointly by local stakeholders and ILO in 2007-08
- Implementing Agencies: District Literacy Councils, National Child Labour Project, Chengalpattu Area Brick Manufacturers Association, Joint Action Forum of Trade Union, & State Labour department
- Geographical coverage: Two destination districts and three source districts in Tamil Nadu (India)
- Evaluation date & duration: 30 September – 30 November 2011
- *TOR Preparation date: 3 August 2011, first revision on 29 August 2011, second revision on 7 September 2011*

### **2.3 Decent Country Work Programme:**

Decent Work Country Programmes have been established as the main vehicle for delivery of ILO support to countries. DWCPs have two basic objectives. They promote decent work as a key component of national development strategies. At the same time they organize ILO knowledge, instruments, advocacy and cooperation at the service of tripartite constituents in a results-based framework to advance the Decent Work Agenda within the fields of comparative advantage of the Organization. DWCP India has been signed by the three constituents. In line with the DWCP priorities, ILO office develops outcomes for the biennium.

The RVBI Project responds to the priorities identified in the India Decent Work Country Programme (DWCP) under IND 152 Strengthened policy framework for reducing vulnerability to bondage and contributes to the outcome 15 of Programme and Budget 2010-11.

### **2.4 The Development Objective of the project:**

The development objective is the reduction of poverty in Tamil Nadu, through promotion of decent work and the elimination of labour exploitation, including bonded labour.

### **2.5 The immediate objectives/outcome of the project:**

The project aims to achieve a significant improvement in living and working conditions for women and men workers and their family members in selected sectors of the informal economy, starting with brick kilns and rice mills sectors in two districts of Tamil Nadu.

## **2.6 Project management arrangement:**

The project is operated under the overall supervision of the Director of the ILO Country Office in New Delhi. SAP-FL is the technical backstopping unit at HQ level. The DWT New Delhi specialists (on labour standards, gender, employers' and workers' activities) have been involved with providing support to the implementation of the activities as per their competences.

The project is being managed by a NPM based in Chennai (Tamil Nadu), who has supported all local partners.

The project is reviewed and supported by the tripartite State Level Project Advisory Committee (SPAC) headed by the Principal Secretary – Department of Labour and Employment in Tamil Nadu. Besides, the MoLE reviews the project progress through frequent meetings and sharing.

## **3. Purpose, Scope and Clients of the evaluation**

### ***3.1 Purposes:***

The evaluation will assess the project design, progress against objectives and expected outputs of the pilot project. It will consider whether the processes undertaken by the project have made contributions toward achieving DWCP outcomes and governmental development strategies. The focus should also be on assessing the emerging outcome and impact of the interventions (either positive or negative) and the sustainability of the project's benefit and the local partners' strategy and capacity to sustain them as of now. It will also look at strengths and weaknesses, opportunities and challenges and any external factors that have affected the achievement of the immediate objectives and the delivery of the outputs. The evaluation should provide recommendations for withdrawal strategy which the ILO could implement in Tamil Nadu post evaluation.

### **3.2 Scope:**

The evaluation will take into account all interventions, geographical coverage, and the period of the project implementation.

The evaluation will revisit the programme design, examine the planning process and agreed implementation strategies in project area and the adjustments made, the institutional arrangements and partnerships, sustainability - all this with due account of the constantly and rapidly changing national and local situations.

### **3.3 Clients:**

The principal clients for this evaluation are the project management, ILO constituents in India and specifically in Tamil Nadu, AP, Orissa and UP, ILO New Delhi, ILO RO

Bangkok, ILO technical unit (SAPFL), CODEV, EVAL and the project donors.

#### **4. Suggested analytical Framework (Issues to be addressed)**

The evaluation should address the overall ILO evaluation criteria such as *relevance and strategic fit of the project, validity of project design, project progress and effectiveness, efficiency* of resource use, effectiveness of management arrangement and *impact orientation* and *sustainability* as defined in the *ILO Guidelines for Planning and Managing Project Evaluations 2006*. ILO guidelines on considering gender in monitoring and evaluation of project, 2007 should also be taken into account. The evaluation shall adhere to the UN Evaluation Norms and Standards and OECD/DAC quality standards.

The evaluator should make conclusions, recommendations, and identify lessons learnt and good practices based on the below specific questions. Any other information and questions that the evaluator may wish to address may be included as the evaluator see fit.

The evaluation is guided by the chapter 7 of ILO's Technical Cooperation Manual and the policies and procedures established therein. Based on development objectives, outputs and activities specified in the project document, the evaluation will include, but not be limited to, the following issues:

##### **I. Relevance and strategic fit**

1. Does the project continue to address a relevant need and decent work deficit? Have new and/or more relevant needs emerged that the project should address?
2. To what extent are the recipient stakeholders taking ownership of the project concept and approach since the inception phase?
3. How does the project align with and support national development plans?
4. How does the project align with and support ILO's strategies embedded in the DWCP?
5. How well does the project compliment the UNDAF?

##### **II. Validity of design**

1. Are the lessons learnt under PEBLISA used in the design of the new project and how?
2. What was the starting point of the project at the beginning of the inception phase? How effective was the program phase carried out? Was a gender analysis included? To what extent were the interests and needs of local communities addressed?
3. Are the planned project objectives and outcomes relevant and realistic to the situation on the ground? Whether the project adapted to specific (local, sectoral etc.) needs or conditions?
4. Is the intervention logic coherent and realistic?
5. How appropriate and useful are the indicators of the logical framework in assessing the project's progress?

##### **III. Effectiveness**

As relevant to project progress to date:

- What types of products and new approaches have been developed, partnerships and networks have been established and maintained, and to what extent have Inter-linkages been established with other donor-funded projects.
- To what extent is the project reaching the target group, in particular women and children.
- At the end of the project, what is the status and extent of the verifiable indicators as part of the project log frame?
- Level of ownership of process among stakeholders.
- Flexibility of project design to meet emerging challenges.
- Technical support and capacity building undertaken at different levels.
- Level and quality of realized/targeted project outputs.
- What outputs have not been implemented and the implementation progress.
- What products and approaches do not show (yet) signs of early impact
- Should there be any major change in focus, approach, partnerships or implementation strategy? Is the approach building on the comparative advantages of ILO and Federal Ministry and Department of Labour?
- Are there any additional achievements of the project over and above what was foreseen in the project document? If so, do these achievements reflect the strategic areas of the project, or the strategic partnerships?
- To what extent has the project managed external factors/risks during its implementation?

#### **IV. Efficiency**

As relevant to project progress to date:

1. What is the project's *efficiency* in terms of management and capacity building
2. How efficient has the project been managed, in terms of project information, communication, cooperation, coordination and financial arrangements within the project and with the national and district stakeholders, communication between the stakeholders of the project

#### **V. Impact and Sustainability**

1. How has the project started preparing for handover to the local partners?
2. What crucial issues from the project document remain to be addressed and what plans are in place for this?
3. Is further capacity building of national and district stakeholders, including the social partners, required, and if so, what are the priorities to be addressed?
4. Specific recommendations for suitable withdrawal strategy.
5. What should be the role of ILO for the expansion and extension of the project including contributions to the DWCP outputs and outcomes?

#### **5. Main Outputs of the Evaluation**

The main outputs of the evaluation are: -



- Inception report – after desk review of the documents in Annex I and the initial discussion with the core team in New Delhi and Chennai, the evaluator will provide an inception report (2 pages) which contains finalized evaluation framework (methodology, identifying the issues to be addressed, sub questions that provide elaboration; and the performance indicators (variables to be considered), sources of information and method of information collection for each issue)
- Preliminary findings to be presented at the stakeholders workshop at the end of evaluation mission
- First Draft of evaluation report
- Final draft of evaluation report incorporating comments received
- Evaluation summary (according to ILO standard template)

The “Evaluation Report” should contain the following contents: -

- Cover page (with standard ILO template) with key project data (project title, project number, donor, project start and completion dates, budget , technical area, managing ILO unit, geographical coverage); and evaluation data (type of evaluation, managing ILO unit, start and completion dates of the evaluation mission, name(s) of evaluator(s), date of submission of evaluation report).
- Executive Summary
- Brief background on the project and its logic
- Purpose, scope and clients of evaluation
- Methodology
- Review of implementation: in this section, the project’s actual achievements against its plans/targets should be presented clearly and concisely
- Presentation of findings: findings should be presented according to the structure of the ToR.
- Conclusions
- Recommendations (including to whom they are addressed) and should not be more than key 12 recommendations
- Suggested withdrawal strategy with time line
- Lessons Learnt, including a section on good practices
- Annexes

Quality of the report will be determined by conformance with the quality checklist for evaluation report.

## **6. Methodology**

ILO will engage a consultant to undertake the evaluation. The consultant will work under the overall management and responsibility of the Evaluation Manager. The evaluation is an independent evaluation and the final methodology and evaluation questions will be determined by the evaluation team in consultation with the evaluation manager. The evaluator will discuss with the Technical Back Stopping Officer, National Project Manager, and ILO technical specialists, national and local partners when there is a need for technical clarification.

The review will be carried out by examining key documents, and interviewing project staff and stakeholders in the field. The evaluation will review the key issues listed

above in Section 3.2. Furthermore, the review will make use of the ILO Evaluation Guidance document as in Chapter 7 of TC manual and address any other relevant questions contained therein. The evaluation methods include but are not limited to the following methods.

The draft TOR will be shared with relevant stakeholders and the final TOR incorporates their inputs and suggestions.

- The consultant will be recruited to travel in India to meet with the project team and relevant staff of ILO New Delhi, and if required to ILO ROAP and ILO technical Unit in Geneva.
- The consultant will review relevant documentation;
- The consultant will travel to project sites and conduct interview/ focus group discussions with stakeholders
- The consultant will present the preliminary findings at the stakeholder workshop at the end of evaluation mission to all relevant and key project stakeholders. This allows the key findings and key recommendations to be verified by the key stakeholders
- The consultant should propose the methods for data analysis. All data should be gender disaggregated and different needs of women and men and those marginalized groups should be considered throughout evaluation process
- Draft evaluation report will be shared with stakeholders for their comments and inputs

*Source of Information:* Sources of information and documentation that can be identified at this point:

- **Project documents**
- **Project reports**
- **Relevant DWCP documents**
- **Relevant national strategies**

**The evaluator will have access to all relevant materials. To the extent possible, key documentation will be sent to the evaluator in advance.**

## **7. Management Arrangements, Work Plan and Time Frame**

**7.1 Management arrangements:** *Mr. Jajoon Coue*, Evaluation Manager is responsible for the overall coordination and management of this evaluation. The evaluator reports to the evaluation manager and will submit the draft evaluation report to evaluation manager. Evaluation manager will share the draft with all concerned and will consolidate all comments and sent to the evaluator. Evaluation Officer in RO-Bangkok will oversee the evaluation process and quality control of the report. Evaluation Focal Point in ILO New Delhi will provide support to the evaluation process and evaluator.

**7.2 Evaluator's tasks:** The evaluation will be conducted by an external independent evaluator responsible for conducting a participatory and inclusive evaluation process.

The external evaluator will deliver the above evaluation outputs using a combination of methods mentioned above.

**7.3 Stakeholders' role:** All stakeholders in India (in particular Tamil Nadu) , the project team, ILO SRO New Delhi and ILO HQ will be consulted and will have opportunities to provide inputs to the TOR and draft evaluation report.

**7.4 The tasks of the Projects:** The project management will provide logistic and administrative support to the evaluation throughout the process.

- Ensuring project documentation are up to date and easily accessible;
- Provide support to the evaluator during the evaluation mission.

**7.5 A work plan and timeframe:**

Task	Responsible person	Time frame
Preparation of the TOR	Project Manager	3 August 2011
Sharing the TOR with concerned ILO officials for comments/inputs	Project Manager	3 August 2011
Revision of the TOR & sharing with Evaluation Manager	Project Manager	7 September 2011
Finalization of the TOR	Evaluation Manager	9 September 2011
Selection of consultant and finalisation	Evaluation Manager/ ROAP	9 September 2011
Draft mission itinerary for the evaluator and the list of key stakeholders to be interviewed	Project manager / Evaluation Focal point	16 September 2011
Ex-col contract based on the TOR prepared/signed	Project manager / ILO Director	30 September 2011
Brief evaluators on ILO evaluation policy	Evaluation Manager	30 September 2011
Desk Review	Evaluator	3 – 8 October 2011
Evaluation Mission	Evaluator	10 – 21 October 2011
Stakeholders Consultation workshop	Evaluator/ project manager	21 October 2011
Drafting of evaluation report and submitting it to the EM	Evaluator	24 October – 10 November 2011
Sharing the draft report to all concerned for comments	Evaluation Manager	11 November 2011
Consolidated comments on the draft report, send to the evaluator	Evaluation Manager	18 November 2011
Finalisation of the report	Evaluator	23 November 2011
Review of the final report	ROAP evaluation officer	25 November 2011

Task	Responsible person	Time frame
Submission of the final report to EVAL	ROAP evaluation officer	28 November 2011
Approval of the final evaluation report	EVAL	30 November 2011
Follow up on recommendations	EVAL and ILO Director	01 December 2011 onward

## 8 Resources Required:

Resources Required: The following resources are required. Funds are available from RBTC / RBSA for this Excoll.

- Cost of hiring external evaluator
  - Fee 22 working days – the breakdown is below:
    - Desk review: 5 days
    - Field visit/mission: 8 days (7 days field visit, 1 day stakeholder workshop)
    - Draft report: 6 days
    - Final report: 3 days
  - Travelling cost/ mission cost including the Daily Subsistent Allowance (DSA)

Suggested tentative mission schedule: To be prepared / confirmed

Travel schedules, means of transport are subject to prior arrangement with ILO

## 9 Qualification of the Evaluator

- Experience in design, management and evaluation of development projects
- Experience in designing evaluation tools that fit the need of the exercise, conducting desk reviews and evaluation missions, drafting of evaluation reports
- Experience in evaluations in the UN system
- Experience in the areas of human trafficking, bonded/force labour, local development is an advantage
- Experience in facilitating workshops
- Relevant experience in India
- Ability to write concisely in English

### List of Annexes

Annex I. Key Documentation List

Annex II. Suggested organizations and persons to meet

**List of Documents Reviewed**

1. External evaluation report of the ILO's previous project PEBLISA, 2006
2. Rapid Assessment Reports in Brick Kiln and Rice Mill sectors in Tamil Nadu done by PRAXIS Institute of Participatory Practices in 2008.
3. Enumeration of Workplaces Report of both Brick Kilns & Rice Mills done by DLCs in 2008
4. SPROUT of Tamil Nadu Pilot Project 2008
5. PROJECT DOCUMENT TEMPLATE (PRODOC) - Reducing Vulnerability to Bondage in India through Promotion of Decent Work
6. Study on Recruitment Practices in Brick Kiln sector - K.Krishnamurthi
7. Project Progress Reports of project for the period July 2008 - December 2010
8. Progress Reports of CABMA, JAFTU, DLC
9. Project note for circulation to stakeholders in new states
10. Interim Report of the Tripartite Sub Committee on regulation of recruitment & working conditions in brick
11. Reports / Minutes of SPAC meetings, stakeholder workshops, etc
12. Video Film on project
13. Reports of workshops in AP, Orissa, UP

## Annex – 3

### List of Persons consulted, interviewed

Serial No.	Name	Designation
1.	Mr. Anil Swarup IAS,	Joint Secretary cum DG – Labour Welfare, MoLE, GoI
2.	Dr. T. Prabhakara Rao IAS	Former Principal Secretary – DoLE, GoTN
3.	Mr. P. Karupasamy,	Additional Labour Commissioner
	<b>ILO</b>	
4.	Ms.Pannuda Boonpala	Dy.Director, ILO, Country Office, India
5.	Ms.Anjana Chellani	DWT-India, ILO, Country Office
6.	Mr.Anandan Menon	DWT-India, ILO, Country Office
7.	Ms.Neetu Sharma	National Professional Officer (Programs), ILO, Country Office, New Delhi
8.	Ms.Maria Sathya	NPM, RVBI, Chennai
9.	Mr. Vimalanathan	Labour Inspector – Kanchipuram
10.	Mr. Kamalalayan	Project Director – NCLP, Tiruvallur
11.	Mr. Titus,	PEBLISA Partenr, Director, IRCDS, Tiruvallur
12.	Mr. Jeyaseelan	PEBLISA Partner,Project Manager-MSSS, Chennai
13.	<b>JAFTU members</b>	
14.	Mr. Rajavel	Convener and Vice President – LPF
15.	Mr. RPK Murugesan	GS – INTUC TN
16.	Mr. TRS Mani	Secretary – AITUC TN
17.	Ms. Malathy Citibabu	NS – CITU
18.	Mr. Marlon Prabhu	HMS Coordinator
19.	Mr. Elangovan	BMS Coordinator
20.	Mr. Manoharan	Former Secretary, CABMA
21.	Mr.P.Stephen	Kanchipuram Dt coordinator
22.	Mr.Jeswin	Tiruvallur District Coordinator

### Field Visits & Focused Group Discussions:

1. Representatives of rice mill and brick kiln workers
2. Bangarampettai Irular Munnetra Sangam
3. Representatives of CBOs under PEBLISA project
4. Representatives of the JAFTU members

**Annex - 4**

**Copy of the Draft Evaluation presentations made at the 19<sup>th</sup>  
November 2011 Stakeholders Workshop, Chennai, Tamil Nadu**

**Annex 5**

**RVBI Project Outreach –**

<b>Brick Kiln Sector in Kattankolathur block, Kanchipuram District status up to 5th December 2011</b>				
<b>Serial No.</b>	<b>Intervention</b>	<b>Total</b>	<b>Men / Boys</b>	<b>Women / Girls</b>
1	No.of workers in Brick Kilns ( other than country brick kilns)as per enumeration May 2008	4109	2074	2035
2	No.of work places / brick kilns ( other than country brick kilns) as per enumeration May 2008	47		
3	No. of work places identified at the time of starting the project ( July 2008)	50		
4	No.of Employers owning the 50 brick kilns	37		
5	No. of work places as per data collection (July 2011 update done by Sakthi Brick Kiln Workers Union)	43		
6	No. of workers as per the data collection (July 2011 update done by Sakthi Brick Kiln Workers Union)	9716		
7	No. of maistries (recruiters) as per the data collection (July 2011 update)	299		
<b>A</b>	<b>Govt. Benefits received in Destination District (Source : RVBI Project Data Base )</b>			
8	No. of Workers registered under Tamil Nadu Construction workers welfare board - as per enumeration May 2008	1% of the identified workers i.e 44 workers		
9	No.of workers registered under Tamil Nadu Construction Workers Welfare Board (TNCWWB)	4304	2298	2006
10	<i>No.of enrollment forms pending for registration</i>	137		
11	No.of workers received claims	71	29	42
12	Value of benefits received Rs	166000		
13	<i>No.of claims pending with the Welfare board</i>	45		

14	Helmets received by firing workers (only male workers involved) from the workers welfare board	150	150	0
15	No.of workers covered under LIC – JBY Life Insurance Scheme:	1489	1179	310
	2008 - 2009	437	394	43
	2009 - 2010	708	582	126
	2010 - 2011	148	93	55
	2011 - 2012	196	111	85
16	No.of children secured scholarship under JBY	211	102	109
17	No.of natural death claims received under LIC-JBY	3	3	
18	<i>Claims pending with LIC - Scholarship</i>	29		
19	<i>Death Claims pending with LIC</i>	1		
20	Total value of the claims settled by LIC Rs.	279000		
21	No.of out of school children identified during the baseline survey (Feb 2009)	574	275	299
22	No.of children identified and mainstreamed through SSA bridge schools :			
	2008 - 2009	424	215	209
	2009 - 2010	841	440	401
	2010 - 2011	823	428	395
23	Total no. of workers facilitated for opening bank accounts	165	126	39
24	No.of workers benefited through medical camps conducted at work places	536	229	307
<b>B</b>	<b>Govt. Benefits received in Source Districts ( Source: Data Collected by the Peer Educators &amp; Sakthi Union)</b>			
25	Voter ID - New cards	150		
26	New Family Ration Card (PDS)	54		
27	No.of workers who got jobs under under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)	2645		
28	Housing under Indira Awas Yojana (IAY) Scheme- New beneficiaries	241		
29	Registration with Tamil Nadu Construction Workers Welfare Board (TNCWWB)- New beneficiaries. <i>These are beneficiaries registered in source areas. Besides,through worksite camps,4304 workers are registered in destination area of the project</i>	222		
30	Benefits received through the TNCWWB- Scholarship	2		
31	Value of benefits received Rs	2000		



32	Inclusion of Women Workers in SHGs - these workers enrolled in source areas. Besides through Vazhnthu Kattuvom Project 901 women enrolled in women SHGs in Tirunelveli District	41		
33	Monthly pension for Widow (Rs.400 per month now increased to Rs. 1000 /month)	93		
34	Monthly pension for Old age Persons (Rs.400 per month now increased to Rs. 1000 /month)	16		
35	Monthly Pension for Persons with disabilities (Rs.500 per month now increased to Rs. 1000 /month)	16		
<b>C</b>	<b>Work Place facilities improvement ( Source : Project database tracking improvements at Brick Kiln level)</b>			
36	2008: Workshop for Employers & Managers on work place improvement	55	55	
37	2009: Workshop for Employers & Managers on work place improvement	52	52	
38	Pucca houses constructed by the employers during the project period	625		
39	First Aid facilities - as per the enumeration May 2008	51%		
40	First Aid facilities - as per the project data base - July 2011	78%		
41	No. of Supervisors trained on first aid	42		
42	No. of Peer Educators (workers & maistries) trained on first aid	60		
43	Separate rooms newly constructed by the employers for conducting SSA bridge course centres	17		
44	Separate rooms allocated by the employers for conducting SSA bridge course centres	16		
<b>D</b>	<b>Amount spent by the Employers' Association</b>			
45	Amount spent by Employer Association (CABMA) for conducting trainings/ orientation for workers, part of the SSA volunteers honorarium, Medical camps, Work site enrolment camps, Mid day meals for Children etc	Rs 8,70,000 (USD 18,913) @ Rs. 46		
<b>E</b>	<b>Empowerment of Workers</b>			
46	<b>Labour Rights training to grass root level TU leaders and Volunteers:</b>			
	2008	109	93	16
	2009	72	54	18
47	<b>Labour Rights training to Brick Kiln Maistries (Recruiters):</b>			
	2008	374	336	38
	2009	67	67	

48	<b>Labour Rights training to Brick Kiln Workers:</b>			
	2008 & 2009	1030	658	372
	2010	278	236	42
	2011 (till 3rd December 2011)	436	368	68
49	<b>Training to women workers on their rights:</b>			
	2009	314		314
	2010	108		108
50	<b>Workers' Organisation:</b> Membership in Sakthi Brick Kiln Workers Union (which is registered under Trade Union Act)	1825	923	902
	SC - 1538			
	ST - 74			
	MBC - 149			
	OBC - 64			

## Annex 6

### RVBI Project - Project Results- Brick Kiln Sector Situation before and after the project

Sl.No	Results	Situation before the project ( July 2008 )	Situation after the project ( Nov 2011 )
1	No. of Brick Kilns ( Other than Country brick kilns) identified through the Enumeration – May 2008	47	
2	No. of work places identified at the time of starting the project ( July 2008)	50	
3	No. of Brick kiln Workers employed in 47 Brick kilns – as per Enumeration – May 2008	4109	
4	No. of Work place as per data collection (July 2011 update )		43
5	No. of workers as per the data collection (July 2011 update done by Sakthi BK Workers Union)		9716
<b>A</b>	<b>Convergence of Government schemes</b>		
6	Awareness on Government welfare Schemes	Lack of awareness on Govt. Schemes	Awareness level enhanced among the workers, maistries and supervisors on Govt. schemes
7	Workers registered under TN Construction Workers Welfare Board ( TNCWWB)	<p><b>1 % of the workers identified workers i. e 44 workers</b></p> <p><i>Source : Enumeration by District Literacy Mission (May 2008)</i></p>	<p>Registered in destination area : 4304 Registered. In Source area : 222 <b>Total : 4526</b></p> <p><i>( this is 47 % of the identified workers i.e 9716 workers- as per statistics July 2011 )</i></p> <p>Scholarship received by 63 Children ( Boys- 24 &amp; Girls – 39) - 75,000/- Marriage assistance – 03 Workers (2 male &amp; one female) Natural death Claim received by 05 workers (Male- 03 &amp; Female -2)– Rs 85,000</p>
8	LIC- JBY Insurance Scheme		Workers covered :

		NIL	<p>2008 – 2009 : 437 2009 – 2010 : 708 2010 – 2011 : 148 2011 – 2012 : 196</p> <p>Scholarship received by 211 Children ( Boys --102 Girls- 109) – Rs.1,89,000/-</p> <p>Natural death claim – 3 (Male-3) – Rs 90,000/-</p>
9	Bridge course centres for children of migrant workers through SSA	<p>There is no evening centres in and around work places</p> <p><i>Source :Enumeration by DLM in May 2008</i></p> <p><i>Feb 2009: Data Collection by the local volunteers identified 574 Children (Boys -275 &amp; Girls 299) are out of school ( 6 – 14 years ). This data has been submitted to SSA and requested to intervene by the Employers' Association.</i></p>	<p>2008-09 : 20 centres covering 424 children (Boys- 215 &amp; Girls- 209)</p> <p>2009 – 10: 32 centres covering 841 children (Boys – 440 &amp; Girls – 401)</p> <p>2010 – 11: 33 centres covering 823 children (Boys – 428 &amp; Girls – 395 )</p>
10	Focus on seasonal migrant workers' Children in SSA	Inadequate focus on seasonal migrant workers' children by SSA	<p>Data provided by the RVBI Project about out of school children in brick kiln sector, kattankolathur block was the eye opener for the officials of SSA. This is the first time in Tamil Nadu that many out of school children have been identified in one brick kiln cluster especially in one block, for whom 33 SSA non-residential bridge course centres opened newly &amp; 823 children reached.</p> <p>Based on the above experience gained in Kattankolathur Block, SSA has started 12 bridge course centres in brick kilns of Tiruvallur District.</p> <p>A mapping of incoming &amp; outgoing children of seasonal migrants are now being done and tracked for inclusion in SSA and</p>

			<p>executed the interventions.</p> <p><b>A notable factor is the inclusion of a question about seasonal migrant children in the monthly reporting format of SSA. All District SSA Offices are asked to submit details of children of seasonal of migrant workers.</b></p>
11	Govt. benefits received in source areas as a result of awareness and the facilitation of the Peer Educators and Sakthi Union		<p>Voter ID - New cards - 150 New Family Ration Card (PDS) - 150 No. of workers who got jobs under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)- 2645</p> <p>Housing under Indira Awas Yojana (IAY) Scheme - New beneficiaries - 241</p> <p>Inclusion of Women workers in SHGs -1583</p> <p>Monthly pension for Widows - 41</p> <p>Monthly pension for Old age Persons-93</p> <p>Monthly Pension for Persons with disabilities-16</p>
12	Integration of seasonal migrant workers in Women SHGs		<p>ICDS conducted enumeration of brick kiln workers in Tirunelveli district. The data of women workers was shared for inclusion in SHGs</p> <p>As an result 901 women workers enrolled in SHGs under Vazhnthu Kattovom Project (Poverty eradication project of GoTN)</p>
<b>B</b>	<b>Workers' Empowerment</b>		
13	Labour Rights	Lack of awareness on rights. No linkages with national Trade Union Centres	<p>Awareness level increased on labour rights – labour laws, right to association, collective bargaining etc</p> <p>Confidence level enhanced among workers association representatives</p> <p>Brick Kiln workers are linked to</p>

			National trade Union Centres
14	Workers Organisation	Workers not Organised	Brick kiln workers promoted Sakthi Brick Kiln Workers Union and registered under TU Act  So far 1825 Workers enrolled as members  Besides national TUs have organised brick kiln workers throughout the state.
<b>C</b>	<b>Working Conditions and Work Place facilities</b>		
15	Code of Conduct	No code of conduct followed by the Employers	Code of conduct developed by the employers with the facilitation of projects and being followed. Out of 11 decisions 8 are being followed
16	Regulation of Recruitment Practice	No mechanism thought for Regulation of recruitment practice in brick kilns	Study commissioned by the ILO and tripartite sub committee constituted by the DoLE, GoTN recommended for workers pool and appointment order based recruitment. The appointment order has been finalized and ready for field testing
17	Wage fixation	Wages are fixed at the end of the work season	Wage negotiation between the sakthi workers union and one employer (Jayam Brick Works) is underway. Before starting the next work season bipartite wage agreement will be executed
18	Housing	Katcha houses – 68 % Tiled/Asbestos roof- 28 % Concrete 4 %  <i>Source : Enumeration by DLM - May 2008</i>	625 pucca houses constructed
19	First aid facilities	51 %  <i>Source : Enumeration by DLM- May 2008</i>	42 Supervisors trained on First Aid belongs to 25 brick kiln premises (67 %)  60 Peer Educators trained on first aid  29 brick kiln premises out of 37 premises(78 % ) first aid boxes with medicines available
20	Helmets	None of the workers are using gloves, helmets, glasses and masks  <i>Source : Enumeration by</i>	150 Workers received through the TNCWWB

		<i>DLM - May 2008</i>	
21	No rooms allocated for Children's education	NIL	In 17 brick kiln premises, out of 37 premises ( 46%) separate rooms newly constructed to conduct SSA Bridge course centres  In 16 Brick kiln existing rooms allocated to conduct SSA Centres
22	Employers Financial contribution towards the project activities and Premium paid for Life Insurance for workers		Rs 8,70,000 (USD 18,913)
<b>D</b>	<b>Replication Effect: Brick &amp; Tiles Manufacturers Association, Chennai, Tiruvallur &amp; Kancheepuram Districts</b>		
23	Child labour & Insurance Coverage for workers		65 <sup>th</sup> Annual General Body meeting held on 14 <sup>th</sup> September 2011 at Chennai  The Employers Association has advised all its Members to avoid the employment of Child labours in Brick Kilns. And also extend insurance coverage for the workers.  <i>Source : Proceedings of the AGBM meeting (Printed copy)</i>

**To be issued under the letter head of the Establishment**

Letter No. :

Date :

**APPOINTMENT ORDER (Specimen)**

Thiru / Tmt / Selvi \_\_\_\_\_ (Name)  
 S/o, W/o, D/o \_\_\_\_\_ is hereby offered an appointment to work in the above Brick Kiln for **Brick Moulding work** subject to the following terms and conditions. You are permitted to join duty with effect from -----  
 -You will be paid wages at the appropriate rates mentioned below for your work.

- For every moulding of 1000 raw bricks ( Box – Single type ) – Rs----- ( in words-----)
- For every moulding of 1000 raw bricks ( *Seevukkal* - Smooth – twin type) – Rs ----- ( in words-----)
- For every moulding of 1000 raw bricks ( *Tharai prattukal* - Rough – twin type – Rs ----- ( in words-----)
- For loading of 1000 raw or baked bricks Rs----- ( in words)
- Wages for Firing Work ( 8 hours for one shift) Rs ----- ( in words)
- Wages for Lorry loading & unloading 3000 baked bricks Rs ----- ( in words)
- Wages for bullock cart loading & unloading 1000 raw bricks including bullock cart hire charges Rs ----- ( in words)
- Wages for sand filling ( Big Chamber ) – Lumpsum Rs ---- ( in words----)
- Wages for sand filling ( Small Chamber ) – Lumpsum Rs ---- ( in words----)

The amount of weekly wages shall be calculated and entered in a separate Wage Register and maintained after obtaining Signature of the Worker.

**The following are the terms and conditions of your Employment:**

1. The Employer's prior permission should be obtained by the worker before proceeding on leave other than on National, Festival and Weekly Holidays. However the Employers shall not ordinarily reject such permission to the workers if the permission is sought on genuine grounds.



2. The wages at the above mentioned rates shall be calculated on weekly basis and paid to the workers in cash. If however, the worker makes a request the amount may be credited in his / her Bank Account.
3. Adequate housing facilities would be provided to the worker and his/her family free of cost by the Employer. Such housing facilities include free electricity, safe drinking water, toilet and bath room facilities.
4. All Workers would be enrolled in LIC-JBY Life Insurance scheme. The payment of premium towards membership to the said scheme would be borne by the Employer.
5. The Employer, in times of emergency should provide medical facilities to the worker and the members of his / her family when they are staying in the work place if needed at free of cost
6. Children between the age group of 6 and 14 shall not be employed in any work relating to brick kilns. It should be ensured that such Children should be sent to nearby school for proper education.
7. A worker who wants to leave the work on his own willingness he/she should give one month notice to the Employer. Likewise, if the Employer decides to terminate the services of a worker one month notice should be given by the Employer. In the event of worker leaving the service on his/her own he/she has to repay all dues due to the Employer. Similarly the Employer should also settle all the amounts due to the worker before the date of his/her leaving the service.
8. Any dispute arising out of the terms of employment working conditions, and other related issues would have to be settled through the Union or approaching Grievance Redressal Committee appointed for the purpose.
9. The Employer will bear the travel expenses of the workers and their families from the source district to the work place and from work place to their source district.

In the event of you're agreeing to the above terms of employment please sign hereunder as a mark of your concerned.

**Signature of the Employer or his authorized representative**

I ----- agree to the above terms of employment offered to me and accept the same.

**Signature/Thumb Impression of the Worker**

**Witness:**

- 1.
- 2.

**8- Point Charter of Demands of Brick Kiln Workers**

**An unique opportunity to get rid of Poverty!**

There are about 3 to 4 lakhs workers are working in about 4000 brick kilns in Tamil Nadu. In addition there are thousands of country brick kilns where lakhs of workers are employed. In view of lack of employment opportunities in their native districts most of the workers temporarily migrate every year and work in brick kilns situated in different districts of TN. It is unfortunate that the brick kiln owners offer heavy amounts as pre –employment advance to the workers through maistries and in lieu there of the workers pledge their labour.

This practice which is in this industry for decades together is considered as BL under the law. This apart, the workers are also getting further advance on an average ranging from Rs.30,000 to 50,000 from the Employer per season for meeting the day to day expenses of their family and for festivals and ceremonies. This situation leads to the workers not able to demand their legitimate wages apart from compulsorily staying in the work place without even basic amenities.

In order to change this deplorable situation, *we on behalf of our Sakthi Brick Kiln Workers Union submit the following demands to the Government of Tamil Nadu* for their sympathetic consideration and favourable action.

**Demand # I : To regulate the payment of Pre – Employment Advance**

The Employers, in view of their business competition and with the view to get more workers to their brick kilns entice the workers offering them exorbitant amount of advances .Under this situation not all workers get equal wages or equal quantum of pre-employment advance. Although the Employers give attractive oral promises to the workers at the time of recruitment, ultimately the workers get disappointed as such promises are not fulfilled.

Therefore we request the State Government to intervene and fix reasonable quantum of pre-employment advance so that there is uniformity in the payment of pre employment advance. Besides, we request the Government to take serious action against the Employers who violate the Government’s Notification/ Advice /Order on this issue.

**Demand # 2 : Wage Agreement**

It is the practice in Brick Kiln Industry that the rate of wages is determined by the Employers at the end of the seven month- work period. The proper and justifiable method would be that the workers are informed of their rate of wages at the time of Employment. This will enable the workers to reduce the pre-employment advance or even forgo such advance altogether and offer their services without pre conditions. Taking in to account that, the Union for Brick Kiln workers has been registered and is functioning for their welfare, we urge upon the Government of Tamil Nadu to arrange for tripartite or bipartite negotiations between the employers and the Union for the purpose of wage revision. However the wages will have to be determined taking in to account the quantum of labour required, productivity and also the minimum wages fixed by the Government.

**Demand # 3 : Improvement of Work Place facilities**

We urge upon the Government of Tamil Nadu to ensure that the Brick Kiln owners provide adequate housing, safe drinking water, electricity, bath room & toilet facilities and such other facilities like medical etc ( as per the labour law provisions ) to the workers and their families during their stay of 7- month work period at the work places.

**Demand # 4 : Formation for separate Workers Welfare Board exclusively for the Brick Kiln Workers**

As per the existing norms for admission to the membership of the Tamil Nadu Construction Workers Welfare Board (TNCWWB), strictly speaking, the workers employed in the Brick Kiln Chambers (other than those employed in country Brick Kilns) cannot be admitted as members, hence ineligible for benefits. Besides Chamber workers are not getting the benefits such as PF, ESI, Bonus etc under Factories Act either. We therefore appeal to Government of Tamil Nadu to form a separate “Brick Kiln Workers Welfare Board” so that 3 to 4 lakhs workers employed on this industry would be benefited. Further the rules and regulations of this Board should take care of the special needs of the seasonal migrant workers.

**Demand # 5 : Financial Assistance from the Banks**

Under the existing situation, the workers get their financial needs from the employers either as pre-employment advance or as and when need arises. Such pre-employment advance or outside loans should be avoided at any cost if the living conditions of the workers are to improve more particularly when our union is striving hard to achieve it. Therefore, we request the Government to arrange for an alternative financial assistance at lower rate of interest from NABARD through Joint Liability Group (JLG) scheme or from any other Agency. The loan may, however, be recovered from our weekly wages.

**Demand # 6 : Distribution of Workers Welfare Board's financial assistance through Banks**

The Brick Kiln workers stay at work places only for seven months i.e. during the work season. Further they also likely to change the work places often. Thus they stay in their native places only for the remaining five months. Since the Welfare Board used to send the benefits through money order to the address on their records which is furnished at the time of application to the Board, very often money orders are returned. It is therefore desirable that the benefits irrespective of the quantum of amount should be sent through banks only. On our part, we are prepared to furnish particulars of our bank account to the Welfare Board at time of submitting our request for benefits. We request the Government of Tamil Nadu to do the needful in the matter.

**Demand # 7 : District Facilitation Centre for Migrant Workers**

Although the Government is formulating and implementing various schemes of assistance to the poor and down trodden including the brick kiln workers most of whom belong to SC/ST Community there is no proper awareness or guidance to us in view of our temporary migration once in six to seven months. We, therefore, urge upon the Government to set up District Facilitation Centre in all Districts (to begin with at Kanchipuram, Villupuram, Madurai, and Tirunelveli districts) to disseminate adequate information to Brick Kiln workers to enable them to take advantage of such government schemes.

**Demand # 8 : Emancipation of Brick Kiln workers throughout Tamil Nadu**

It is true that we have formed a Trade Union for Brick Kiln workers in Tamil Nadu with a view to improve the lot of Brick Kiln workers in this district through bilateral discussions with the Employers on various issues like pre-employment advance, wages, working and living conditions of the workers. We are confident that we will succeed in our efforts. But such success would be confined to Kanchipuram District only as the Brick Kilns in other Districts are outside the scheme of things. Even if the Brick Kiln Employers in Kanchipuram District agree to increase the wages and enter in to an agreement regarding other matters such as pre-employment advance such an agreement will not be binding other districts. In such a situation the unhealthy competition between the Brick Kiln Employers and the interventions of the middlemen may hinder our progress. It is therefore required that, the scheme should be extended to all Brick Kilns throughout Tamil Nadu so that there could be uniform wages, uniform pre-employment advance and uniform working and living conditions in all Brick Kilns.

We therefore humbly request the Tamil Nadu Government to effectively intervene and liberate the Brick Kiln workers who are under the Debt Bondage situation, a majority of whom belong to BPL families and from SC / ST communities.

- **Sakthi Brick Kiln Workers Union**  
(Registered under Trade Unions Act, 1926)