

Better Brick-Nepal



Standard Operating Procedure (SOP) Kiln Application, Membership Approval and Certification

Version 1.2

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Developed in collaboration with



Standard Operating Procedure
Kiln Application, Membership Approval and Certification

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I. Introduction

Better Brick — Nepal transforms the brick industry by eliminating child, forced, and bonded labor. We incentivize kilns to improve conditions for workers through access to better production techniques, stronger operations and the creation of a market for ethically produced bricks. The Nepalese brick industry employs nearly 200,000 people, with many being children or adults bonded by debt and subjected to extremely harsh living and working conditions. Sixty-five percent of kiln workers are engaged in seasonal, bonded labor, and thirty two thousand children work in kilns.

Better Brick — Nepal works with a coalition of local implementing organizations (IOs) in Nepal and partners including GoodWeave International, Global Fairness Initiative (GFI), and Humanity United (HU). Each of the stakeholders has various roles and responsibilities in the program, listed in Annex 1.

This document outlines the process and procedures involved in on-boarding and certifying brick kilns into the Better Brick-Nepal program. Additionally, it serves to clarify the role of each of the program partners, and establish a method of communication with timelines to ensure transparency and efficiency towards achieving the unified goal of ending forced, bonded, and child labor in the brick sector.

The Better Brick-Nepal program utilizes a three-tiered system of engagement to differentiate levels of progress towards meeting the BBN Standard¹. The membership levels under which a kiln may be categorized are:

- 1) Participant Kiln
- 2) Member Kiln
- 3) Certified Kiln

Kilns must meet the requirements at each level before they can advance. The amount of time needed to move through the approval process at each level may differ for each kiln, however, there is a time limit on the progress that is expected to be shown - for more details). The program's engagement and investment is based on performance of the kilns, and the ability and speed of the kiln to advance toward certification.

II. Procedure for Kilns to Join the Better Brick-Nepal Program

1. GFI and the IOs may actively recruit kilns or interested kilns may approach GFI or the IOs. To formally request participation in Better Brick-Nepal, kilns submit the "Letter of Intent"² to GFI. Recruitment will be an ongoing process and is done largely from the kilns that are on our waiting list and from geographic areas that meet the strategic goals of BBN program.

¹ Available online at https://goodweave.org/wp-content/uploads/2017/09/BetterBrickNepalStandardFINAL_August2015.pdf

² See referenced document 1: Letter of Intent

2. Based on the capacity and criteria set forth, to ensure a balanced portfolio of different sizes and types of kilns, GFI will recommend kilns for participation in the Better Brick-Nepal program to the Better Brick-Nepal Review Committee (BRC).

The BRC reviews and approves the requests for entrance into the program based on the following framework:

Kiln Name: XX Address: XX Contact Phone: XX	Evaluation Result		
Criteria to be used during evaluation			
1. Legally registered and has provided required copies of registration documents to BBN.	20		
2. Kiln is located within the current districts and clusters.	10		
3. Kiln is within a distance of 5 kilometers from a motorable road.	10		
4. Reviewed BBN Standard and have agreed to eliminate the use of forced, bonded and child labor, improve health and safety conditions and eliminate harassment in the workplace.	20		
5. Reviewed BBN Agreement and have agreed to all expectations and conditions outlined; partners that are charged with the management of the kiln are willing to sign the agreement.	20		
6. Kiln is located in an area with increased market potential.	10		
7. Other	10		
Total	100		

Better Brick-Nepal can support a limited number of kilns, and therefore, rate of entry is based on the volume of applications. If the volume of applications exceeds the engagement capacity of Better Brick-Nepal partners, BRC may choose to queue kilns based on location, size, clustering, or any of the above criteria.

3. The BRC shall meet and make their decision on which kilns will be accepted at least two months prior to the start of a kiln season. Exceptions may be made in unforeseen circumstances, if unanimously agreed to by the BRC.
4. After the BRC's decision, kilns accepted into the program are issued a unique code number for tracking purposes and GFI will send a notification to all project partners confirming the list of new Participant Kilns for the upcoming season. GFI will also send individual notifications to all kilns regarding their status. If a kiln's request has been rejected, GFI will communicate with the kiln as to why, and continue to manage the relationship with the kiln owner.
5. Once the kiln has signed the BBN Partnership Agreement, GFI and the IOs will begin to deliver Participant kiln activities including onboarding sessions with workers, trainings to kiln owners, appointment of Compliance Officers, formation of Workers Committees and Grievance Committees, delivering training modules on the Better Brick-Nepal Standard, providing basic awareness and education support activities, completing tripartite agreements, completing worker baselines surveys, among other activities.
6. Simultaneously, the Implementing Organizations (IOs) shall hold local stakeholder meetings, including with the District Child Welfare Board (DCWB), local mayors, and the District Project Advisory Committee meetings, to brief them about the project, coordination and support required. The objective should be to make introductions, explain the Better Brick-Nepal program and standards, and exchange contact information so a clear process of communication and coordination can be established in the case support is needed during a child, forced or bonded laborer rescue.
7. Better Brick-Nepal Participant kilns will not necessarily be expected to be child labor free during their first season. However, GFI, IOs, and GoodWeave will work closely with the kiln owner, naike, and relevant local authorities to prevent and remediate child labor, ensure educational opportunities are provided to every child through the Bridge School Program, managed by GFI under a separate grant, and, if necessary, remediate instances of trafficked child laborers with the support of local authorities.

Under the status of Participant Kiln, the kiln will not be eligible for any Better Brick-Nepal market-related activities, investments, or technical assistance, other than trainings and educational support through the Bridge School Program. Participant Kilns will be formally referred to as Participant Kilns and must represent themselves only as Participant Kilns³. Failure to do so will result in termination of a kiln's participation in the Better Brick-Nepal Program and possible legal action.⁴

III. Procedure for Better Brick-Nepal Participant Kilns to Graduate to Member Status

³ Please refer to the communication guidelines

⁴ For a full list of appropriate guidelines to follow, please see referenced document 2: Participant Request Form

1. Once kilns have been approved to Participant status, and received their complete orientation, they may request to graduate to Member status by completing the “Member Request” form. Kilns should only request Member status if there is no child labor present on their kiln.

2. GFI will review the Member Request forms for completeness and accuracy. If and when the request for Member status is accepted by GFI, acknowledging that orientation has been completed and the kiln owner is aware of the expectations that come as a Better Brick-Nepal Member kiln, they will request child labor inspections from GoodWeave. GFI should include copies of the Member Request forms and the following details in the list provided:

- Name of Kiln
- Address/Location
- Name of Kiln Owner
- Length of Time in the Better Brick-Nepal Program (based on signing of the Partnership Agreement)
- General feedback on how engagement with the kiln has been and any potential concerns

4. GoodWeave will internally schedule at least one round of unannounced child labor inspections between January and April for all kilns which have submitted a request by January of the same year⁵.

5. If any child labor is found during the inspections, then Better Brick-Nepal’s Remediation Policy and Procedures⁶ are followed, the Member request is automatically denied, and the status of the kiln remains as a Participant. If the kiln does not comply with the remediation procedures, it may be voted out of the program by the BRC.

6. GoodWeave shall submit a summary of the child labor inspections to the BRC indicating which kilns are eligible to advance to Member status within four weeks of the inspections being completed.

7. The BRC reviews the report and decides whether to approve kiln’s advancement to Member kiln status.

8. If approved, GFI will be responsible for reviewing claims information and explaining Member benefits with new Member Kilns. Any concerns should be reported to the BRC as soon as possible. If child labor is found on any follow-up inspections, the status of the kiln as Member may be revoked by the BRC.

⁵ Under special circumstances inspections can be requested until the end of February, but there is no guarantee that late requests will be accommodated. Exceptions may be made for ‘off-cycle’ kilns as long as sufficient advance notice is given to GoodWeave, and the majority of workers will still be on the kiln during the inspection period.

⁶ Supporting documents: Better Brick-Nepal Remediation Policy & Procedures, which outlines the approach to removal of children found working from the kilns during the inspection.

Under the status of Member Kiln, the kiln will be promoted as “verified as child labor free” and will be formally referred to as a Member Kiln. Member Kilns must represent themselves only as Member Kilns and failure to do so will result in termination of a kiln’s participation in the Better Brick-Nepal Program and possible legal action.⁷ Member will have limited access to market-related promotional activities and are eligible to receive technical assistance provided by GFI which includes, but is not limited to, access to technical consultants, recipient of an Enterprise Assessment Report, participation in peer-to-peer learning events, and technical assistance support. A Technical Assistance Plan (TAP) will be developed jointly with the kiln owners and GFI to outline the amount of technical assistance that a Kiln is eligible to receive based on their progress towards improving labor conditions on the kilns. Technical Assistance is disbursed by GFI, through the IOs, in tranches and directly linked to a kiln’s performance in addressing non-compliances and, is therefore, tied to a kiln’s progress on their Corrective Action Plan (CAP). Insufficient progress on a kiln’s CAP will result in the withholding or suspension of Technical Assistance funds.

IV. Procedure for Member Kilns to Become Certified

1. Member kilns may be recommended for a full audit against the Better Brick-Nepal Standard. GFI will provide to GoodWeave a list of Member kilns ready to undergo an Audit. GFI shall provide the following information:

- Name of Kiln
- Address/Location
- Name of Kiln Owner
- Status in Better Brick-Nepal program and general feedback on how engagement with the kiln has been including any potential concerns. A brief orientation may be held to inform inspectors of the layout of the kiln and conditions to be aware of; however, in no way should the team bias the outlook of inspectors.

2. Based on the list of kilns provided by GFI, GoodWeave will plan to conduct scheduled audits on the kilns between January and April, the peak of the kiln season. Timelines will be coordinated with GFI staff and scheduled in advance with the kilns. GFI will ensure no conflicting activities, such as training or technical assistance workshops, will be scheduled for the same time as the audit. If child labor or forced/bonded labor is found, it will be remediated by GoodWeave or GFI and the IOs in accordance with the Better Brick-Nepal Remediation Policy & Procedures.

3. GoodWeave will issue a Corrective Action Request (CAR) based on the non-compliances found within four weeks after completion of the audit, which will be shared with GFI and presented directly to the kiln owners by GoodWeave staff with GFI and IO staff in attendance. This shall include, at a minimum, a list of all non-compliances found during the audit and will be translated into Nepali.

⁷ For a full list of appropriate guidelines to follow, please see referenced document 2: Participant Request Form

4. In parallel, the Certification Committee will be provided a copy of the Audit Report for review. This report will include a copy of the CAR presented to the kiln. If changes or areas for clarification are requested by the Certification Committee members, GoodWeave will make any corrections necessary and the revised report will be used as final.

5. The Report may include four types of findings:

- **Compliant**: Where the audit team does not find any evidence that would suggest the kiln is out of compliance with a particular requirement of the Standard, then it is simply marked as compliant. This does not guarantee that the kiln is fully compliant with the requirement, but only means that the audit team was able to verify with reasonable confidence that there is no non-compliance present with respect to that particular requirement at the time of the audit.
- **Major Non-Compliance**: Failure to maintain critical objectives of the Better Brick-Nepal Standard, including but not limited to: use of child labor, forced labor, or trafficking, serious health and safety hazards, failure to disclose areas of production, or cooperate with or allow access by GoodWeave inspectors to conduct audits/inspections or to carry out remediation when child labor is found. Any Major NC will automatically disqualify a kiln from certification. For certified kilns, it will lead to suspension of certification if not corrected within the prescribed timeline.
- **Minor Non-Compliance**: Failure to adhere to requirements of the Better Brick-Nepal Standard, however not critical to the immediate fulfillment of the critical objectives of the standard. These are non-compliances that indicate a kiln does not fully meet the requirement, but is still broadly in line with the intent of the standard, and thus can be remediated over time.
- **Risk Factors**: An area for improvement which is not explicitly stated as part of the requirements, but is nevertheless related to compliance because it represents an underlying factor/root cause whenever NCs are found, even if none are found at the time of the audit.

A kiln may be approved for Certification with Minor NCs and Risk Factors pending, but not with any Major NCs.

6. A kiln may appeal an inspection finding or decision by filing an appeal in accordance with the BBN Complaints and Appeals Procedure.

7. The kiln owner will be expected to submit a Corrective Action Plan (CAP) to the GoodWeave inspection team directly or through GFI within one month of receiving the CAR. The CAP will be created by the kiln with the support of GFI and IOs⁸. To avoid a conflict of interest, GoodWeave will not be directly involved in the writing of the CAP, but will advise on any issues not clearly understood. Additionally, GoodWeave can provide examples of common practices which may

⁸ Refer to Referenced Document 6: Corrective Action Plan Form for the format to be used.

support the kiln owner in capacity building. The CAP will be circulated to the GoodWeave team for review to ensure that all non-compliances are appropriately addressed. If the kiln owner fails to submit a CAP, it will not be eligible to advance in the Better Brick-Nepal program. The GoodWeave inspections team will indicate whether the CAP appropriately addresses the non-compliances by completing the CAP form within two weeks of receiving the CAP.

8. Once the kiln has indicated that it has addressed its corrective actions, it submits a request for CAP verification to the GoodWeave inspection team. GoodWeave will conduct a follow-up CAP verification audit. In most cases this will require an on-site audit; however, depending on the nature of the CAP, for certain actions that can be verified through documentation, a desk review of submitted evidence may be substituted for an on-site audit. The timing of the CAP verification audit could take place at the beginning, middle or end of the season, or even during the off-season, depending on the nature of the issues and when the audit team determines that it is possible to verify the issues.

9. GoodWeave will issue a CAP Verification Report within four weeks of the follow-up indicating whether all corrective actions have been closed.

10. If the CAP verification audit finds that any Major NCs continue to exist, the kiln is not eligible to become certified. At this stage it effectively returns to step 2 and will be assessed again during the next annual audit cycle.

11. During the period while the kiln is working on their corrective actions, the GoodWeave team will continue to perform periodic unannounced child labor inspections. All kilns which have undergone an audit are expected to undergo annual audits even if they have not completed their corrective actions. If the kiln has not completed corrective actions by the time of its next annual audit, the previous season CAP is no longer valid and a new CAR will be issued based on the annual audit.

12. If the kiln has no Major NCs, either from the annual audit or from the CAP verification audit, it is eligible to become certified and will be referred to the BBN Certification Committee. The relevant reports are submitted to the Certification Committee for review, and the committee then votes to approve the kiln for certification.

V. Procedure for Certified Kilns to Maintain Certification

1. A BBN compliance certificate is valid for 14 months from the certification date. In order to maintain certification, kilns must close all minor non-compliances before the end of the 14 month certification period.

2. All kilns will continue to undergo audits and inspections on a regular basis. Kilns must continue to be compliant with the BBN standard. If new non-compliances are found during the 14 month period, they will have to close all non-compliances before the end of the 14 month period in order to renew their certification. If non-compliances are not closed during this period, they will no longer be certified.

Referenced Documents

- 1) Letter of Intent Form
- 2) Participant Request Form
- 3) Member Request Form
- 4) BBN Certification Standard
- 5) BBN Remediation Policy & Procedures
- 6) Corrective Action Plan Form
- 7) Kiln Removal Letter
- 8) BBN SOP Complaints and Appeals

Annex 1: Better Brick-Nepal Program Partners

GoodWeave: GoodWeave’s mission is to end child labor in global supply chains. GoodWeave’s defining feature is its ability to partner with companies to fully map and monitor all supply chain tiers down to small urban or village units, ensuring compliance with the rigorous no child, forced, or bonded labor requirements of its standard. GoodWeave partners with 150 brands worldwide, claims 9% of the market for handmade rugs, and reaches 47,000 workers in India, Nepal and Afghanistan. GoodWeave is also piloting expansion into other industries across the globe reaffirming its position as the leader in the anti-child labor movement. GoodWeave’s work as part of the Better Brick – Nepal initiative includes standard setting and certification, supply chain monitoring, rescue and remediation, and offering social programs in worker communities. Using this expertise, GoodWeave has developed and will monitor against the Better Brick-Nepal Standard in participating brick kilns while establishing and managing the certification scheme. GoodWeave is also providing remediation for unaccompanied child laborers, and testing strategies on eliminating forced and bonded labor. Reference to GoodWeave includes both GoodWeave International, based in Washington DC, and Nepal GoodWeave Foundation, based in Kathmandu.

Global Fairness Initiative (GFI): With the underlying goal of eliminating forced, bonded, and child labor on brick kilns, GFI supports the implementation of the initiative in partnership with local NGOs, civil society organizations, and the Government of Nepal. GFI engages kiln owners to promote decent working conditions and compliance with labor standards, develop strategies to improve the efficiency and quality of their production, introduce educational support activities, and provide strategic direction on the market opportunities and government support of the initiative. GFI also works to increase awareness of the program and the overall transformation of the brick sector.

Humanity United (HU): Humanity United has worked in Nepal since 2012 and serves as the primary convener and funder for this collaboration. HU is part of The Omidyar Group, which represents the philanthropic, personal, and professional interests of Pierre and Pam Omidyar.

Implementing Organizations (IOs): The IOs are the lead organizations in implementing activities in the kilns and local stakeholder outreach, including government coordination, community engagement, and marketing efforts. The lead IOs are Education in Every Home & Self-reliant Development Organization (ESDO), Integrated Green Development Nepal (IGDN), Prayas Nepal, and Urban Environment Management Society (UEMS).

Annex 2: Summary of Application, Membership Approval and Certification Process (Chart)

