# POLICY PROMOTION FOR RIGHTS OF WORKERS IN BRICK KILNS
# A PRACTICAL TOOL KIT

CENTRE FOR EDUCATION AND COMMUNICATION (CEC)

**Policy Promotion for Rights of Workers in Brick Kilns**
**A Practical Tool Kit**

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# INTRODUCTION

Aspects of precariousness, insecurity and discrimination intrinsic to employment in the brick kilns necessitate the need for a meaningful engagement by the CSOs. Focus will be on building the capacities of Partners, CSOs, worker organisations engaged in the project to promote rights of brick kiln workers through engagement at all levels. Using the module developed as part of this assignment, CSO capacity could be built on how to develop and implement effective strategies for promoting rights of brick kiln workers in line with the mechanisms developed by national and multilateral Institutions. Focus will be placed on ensuring that the strategy is participatory and inclusive, reflecting the aims and position of the beneficiaries.

This tool kit, to be used in structured trainings, proposes to enhance the skills and capacities of worker leaders, trade unions leaders and CSOs to effectively use advocacy as a tool to bring in changes the lives of brick kiln workers. The tool kit presupposes three things: one, the situation in the brick kilns in India are characterised by vulnerability, exclusion, exploitation and denial of opportunities; two, advocacy is an important tool to make changes in the situation of the brick kilns and the workers; third, it is important to augment the capacity and skills of those agencies, workers leaders, trade unions and civil society organisations to carry out advocacy effectively to bring in desired change.

Brick kilns employ a very large number of workers in India. All India Brick Manufacturer Association says that there are around 121,000 registered kilns operational in the country which, employ more than 15 million workers in the production of bricks. If the unregistered kilns are also considered, the number of kilns as well as the number of workers employed in the kilns will go up significantly. Very few among the workers will be on the muster roll of the unit. Job operations except that of firing are usually carried out as a family unit. Consequently, women and children are not considered workers. Brick kilns are considered seasonal in operation and workers are never offered regularity in employment. Workers, predominantly dalits, adivasis and OBCs, are recruited by contractors from far off places within or outside the district on payment of advance and workers work to pay off the debt, which may or may not happen during a single season creating a situation of bonded labour. Certain estimates say that more than 50 per cent of workers are bonded labourers. Though brick kilns fall under the purview of factory act, most of the provisions including safe working conditions, safe drinking water, first aid, separate toilets for men & women etc are not available. Workers, mostly, are paid on piece rate wages, which necessarily exclude adequate compensation to all members in the family despite all working long hours. Living conditions are pathetic and minimal, where the whole family will have to live in non-ventilated, temporary one room sheds without sanitation and potable drinking water. There are no creche facilities or educational facilities for children. Workers do not have social security and for women, maternity benefits. There is complete disregard for the occupational safety and health of the workers, in moulding, in firing and in transportation. Workers are rarely members of trade unions; unionisation is difficult because workers seldom come back to the same kiln following season, mobility is restricted and they are always under the

constant vigil of the contractors. Brick kilns opens up multiple areas that calls for policy changes, particularly, to ensure decent work, social security, gender non-discrimination and rights of children.

## CONSTITUTION OF INDIA AND ITS FEDERAL STRUCTURE

The Constitution of India guarantees to all its citizens justice, social and economic security, and political freedom of thought, expression, belief, faith and worship, equality of status and of opportunity, fraternity, dignity of the individual and unity of the nation.Article 23 of Indian Constitution specifically prohibits traffic in human beings, begaar and forced labour, as an enforceable right.There are several other provisions in the Constitution, which are in consonance with the spirit of article 23. These are: article 19 (right to freedom), article 21 (protection of life and personal liberty), article 24 (prohibition of employment of children in factories, mines and other forms of hazardous work), article 38 (the State to secure a social order for the promotion of the welfare of the people).The Constitution, further, lays down certain Directive Principles of State Policy, which though not justiciable, are fundamental to the governance of the country. It is the duty of the State to apply these principles in making laws since they establish that the State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which social, economic and political justice shall inform all institutions of national life. The State shall direct its policy in such a manner as to secure the rights of all men and women to an adequate means of livelihood, equal pay for equal work and to make effective provision for securing the right to work, to education and to public assistance in the event of unemployment, old age, sickness and disablement or other cases of undeserved want.The Indian Constitution is an instrument of social and economic revolution that was yet to be achieved. The framers of Indian Constitution wanted it to complete the unfinished agenda of social and economic transformation through Constitutional means. This opens up avenues for policy interventions by citizens of the country.

Indian constitution provides for a vibrant division of powers between the Union and the States, each having spheres allocated to it. The States in India do not draw their authority from the Union Government. Like the Union Government, they draw their authority directly from the Constitution and are free to operate in the field allotted to them by the Constitution. The enactment of the 78th Constitutional Amendment Act, 1992, adds a third Tier to the administration of the country, enabling strong, viable and responsible local self-governing bodies at different levels. Consequently, policy interventions are possible and are necessary to be carried out at all three levels – the Union Government, the State Governments and the local bodies.

## THE INTERNATIONAL BODIES

The Government of India ratified ILO Convention No. 29 on 30 November 1954. ILO’s Declaration of Philadelphia, talks about conditions of "freedom and dignity, of economic security and equal opportunity" in which "all human beings, irrespective of race, creed or sex, can pursue both their material well-being and their spiritual development". This, in the context of the brick kilns, points at the need to emphasise the UN Slavery Convention 1926, and UN Supplementary Convention 1956 and ILO’s fundamental

principles and rights at workplace - freedom of association and the effective recognition of the right to collective bargaining; elimination of all forms of forced or compulsory labour; effective abolition of child labour; and elimination of discrimination in respect of employment and occupation. Further, explicating Decent Work, ILO notes that decent work sums up the aspirations of people in their working lives. It involves opportunities for work that are productive and deliver fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

This toolkit reemphasises this perspective and takes forward the decent work agenda in the brick kilns. Decent work, social protection, eradication of poverty, diversity at work and social inclusion are mutually interdependent and reinforcing.

The trainings are expected to integrate elements of effective mechanisms for promoting rights, planning and implementation, the different local, state, national and international mechanisms available and how to use these to ensure change in the national setting.

## WHAT IT DOES NOT PROVIDE

This module does not provide a descriptive account of how a solution to a specific problem faced by a brick kiln worker. This is because three broad limitations. First, advocacy depends on the extent of citizens's access to public policy making bodies and institutions. This access could be different for different contexts. It is up to the citizens and their organisations to understand these limitations/ advantages and evolve strategies appropriately. Second, the participation of the citizen's organisation depends on their capacity and the stage of its development. This varies and it is up to the citizens and their organisations to evolve strategies appropriately. Third, the problems to be taken up for policy advocacy could at different stages of its articulation and intensity of impact.  The same issue could therefore be approached differently at the same level and at different levels of public policy bodies or institutions. Therefore, we have desisted from giving any specific and prescriptive models of policy advocacy on any particular issue.

## WHAT IT OFFERS

Instead, the module provides logically structured methodologies that could be adapted and applied to various situations. The document can be used a learning tool and a reference material. It has been prepared as a practical tool, in a language that people will understand – so that people can take them away with them and use them in the field.

In addition to building CSO capacity in planning and implementing mechanisms for promoting rights of workers, the training and materials also focus on how to build and support communities/brick kiln collectives to promote their rights, ensuring greater participation in local, state and national affairs, promoting inclusion, empowerment and sustainability.

Objective of the Tool Kit:

1. Develop an understanding on an effective and meaningful policy advocacy which can benefit brick kiln workers

2. Build capacities of those engaging in policy advocacy on planning and strategising their advocacy campaign

3. Give the practitioners and policy advocates practical steps that they can take towards a successful and effective advocacy campaign

The training manual for CSOs and worker leaders has been developed through a consultative process including partners and other stakeholders. It contains both training modules and tools to be used in the field and explains how to undertake planning and implementation for effective actions to promote rights, the different local, state, national and international mechanisms available and how to use these to ensure change in the national setting.

## SECTIONS, CHAPTERS AND SESSIONS IN THE MODULE

The Module has two Sections. Section 1 is about the structuring of the module, which gives a detailed description of how the sessions in each Chapter has been of structured. Section II is the main body of the module and has 7 (seven) Chapters, which not only introduces advocacy but also gives information on methods of engagements at the local, national and multilateral levels. It also has Chapters on monitoring and evaluation, knowledge management and risk management. Each Chapter is divided into multiple sessions keeping in mind the relative importance of strategies and public institutions.

## A CAVEAT

It must be noted that The Foreign Contribution (Regulation) Act, 2010 (FCRA 2010) prohibits organisations receiving foreign funds to engage in activities in India of having 'political nature'. The FCRA 2010 does not provide further definition for the terms 'political objectives, 'political activities' or 'political objectives'. However, keeping in mind the restrictions imposed by the law, it is advised to be mindful of the limits of advocacy activities that an organisation receiving foreign funds are engaged in. Direct political action by way of supporting a political party or engaging in mass mobilisations in support of the policies of a political party or even for advocating the issue in consideration may be avoided if the organisation undertaking advocacy is a recipient of foreign contribution as defined under FCRA 2010. Organisations receiving foreign funds into their accounts in India must also be aware that there are restrictions on the utilisation of such funds in any country other than India.

# SECTION I

# STRUCTURING THE MODULE

## SELECTION OF A PARTICULAR TOOL AND ITS APPLICATION

It is important to bear in mind that what has been penned down as a module and chapters are suggested methods. The tools given in this module are one set of potential tools. These elements are structured in a way that rather than being overbearing, they should encourage the campaigners to create their own advocacy initiative in a unique and creative way, based on the reality of the situation of brick-kiln workers where they operate. Then, this tool kit follows a certain sequential order which should be considered as ideal but in case the readers feel any particular section here is more fit for the purpose of their mission, they are free to use just that as each module has an integrated training guide as well.

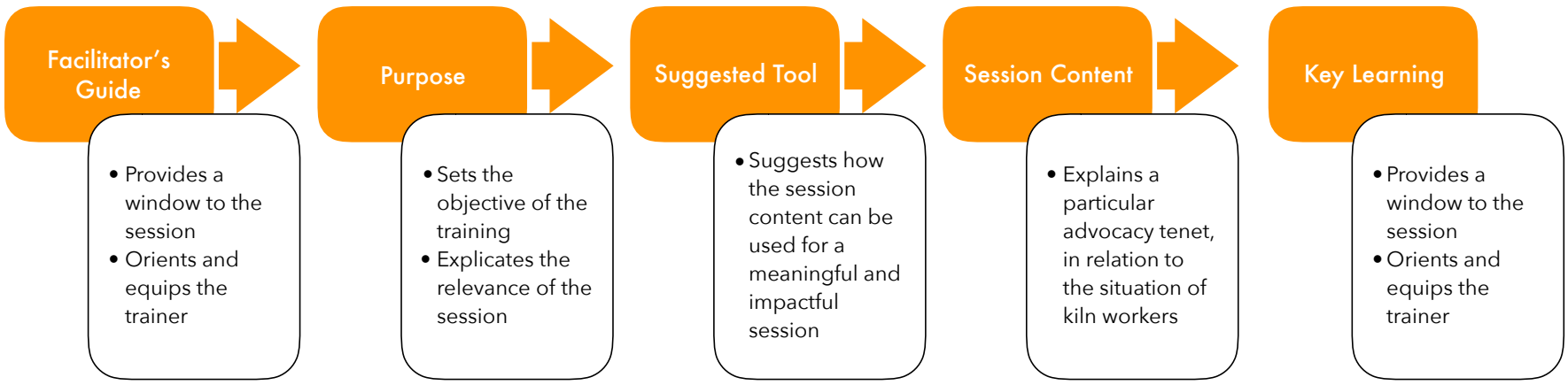
The sessions have been designed using an iterative methodology. The advantage in following this method is that it helps participants arrive at the best-fit model of advocacy, most relevant and apt for a particular situation of brick-kiln workers. It denounces a one-size-fits-all approach and encourages original thinking whereby the experiences and aspirations of the participants, who have in their own way been advocating for access to rights and entitlements, get more structured and focussed.

The iterative method cycle that this tool adopts is as follows:

Following this structure will:

- Help the instructor be organised and impactful during the training
- Help participants remain focussed and participate effectively
- Promote individual and collective learning in an interactive and discursive manner

Each session has a logical structure which is as follows:




**Facilitator's Guide:** Each module begins with a facilitator's guide, explaining how the training can be conducted and what all a facilitator needs to bear in mind. This has been summarised at the beginning of each session so that there is clarity for the trainer on how to proceed and how to contextualise the session for the brick-kiln workers being trained.

**Purpose:** Each session begins with an explanation of the purpose. It is necessary to understand the purpose and also explain it to the participants because it grounds the module in the issue, and sets the expectations of the audience for the session. This section both describes and limits the session description.

**Suggested Tool:** The explanation of the purpose is followed by a brief description of the tool. This description is placed upfront so that the session flow is organised according to the elements of the tool. When explaining the tool to the participants, the trainer emphasises the interactive nature of the tool and how it will be used. Participants are encouraged to think creatively and participate actively in each session.

Necessary equipments

- Flipchart and sketch pens
- Whiteboard and marker pens
- Clips

**Content:** The session descriptions that follow are again designed in a way to ensure the active participation of the participants. The trainer clarifies that the audience has to interact and articulate its unique situation, concerns and strategies rather than remain passive recipients of a training lecture. The session description explains in detail the key issues brick-kiln workers face and how these can be converted into an advocacy case. It indicates how practical issues confronting brick-kiln workers can be transformed and highlighted as an advocacy issue, to get the attention of the policy-makers and other agencies.

**Key Learnings:** Towards the end of each session are the key learnings. These are indicative of how the session has been able to enhance the capacities of participants. The trainer must not treat these as final conclusions; rather, it is the starting point for participants to understand and initiate their campaigns.

Essentially, the structure of this tool kit, therefore, emphasises that an integrated approach can help campaigners handle advocacy in any situation, even while working with brick-kiln workers. Whereas certain sections can be emphasised over others, and some totally omitted by the trainers, given a particular environment of brick-kiln workers, the structure must be adhered to when following a particular session. A holistic understanding of each session and it being contextualised by the participants in their own situation is the key to a successful training session using this module.

This module gives 11 training tools. Each of these tools has been articulated in a way that it fits the session objective. Whereas these tools are common and well-known, these have been adapted to meet the needs of brick-kiln workers.

**Conducting the training:** The training tool kit provides practical ways and steps that guide us. It also informs us of the rights and entitlements of brick-kiln workers. The delivery of each training using this kit must be done in a natural and creative way. It must be planned in advance and must be aligned with the larger objectives of the organisations and campaigners undertaking it. Cases of brick-kiln workers to be presented during the training must be authentic and well-articulated. The starting point of each training should be the existing knowledge and experiences of brick-kiln workers and their advocates. Participants must be encouraged to give examples of workers, working under similar conditions, who challenged and overcame them, linking it to the conditions of brick-kiln workers.

Contextualising sessions to the issues of workers in brick kilns: Brick kilns in India are representative of a certain order of production that has not improved technologically. The industry employs human labour in conditions amounting to forced and even bonded labour. This makes policy advocacy a necessary intervention. With this in mind, each session of this tool kit is intrinsically woven against a background and context that is rooted in the conditions of brick-kiln workers.

A careful flow has been maintained in each session to ensure that it suits the environment within which the advocates of brick-kiln workers are working. However, before commencing the trainings, a trainer must:

- Plan the training well, in consultation with the stakeholders/campaigners. As much as possible, try to understand beforehand the needs and expectations of the organisations/campaigners attending the training.
- Equip yourself, through readings and discussions, and be well aware of the immediate and long-term concerns of a particular group of brick-kiln workers.
- Understand and use the discursive style of each session
- Go by the flow of each session and end each session with own insights

The manual does not envisage a linear progression in advocacy; for instance, an issue is taken up at the local level, which is then pursued to the multilateral level. Instead, it states that issues can be taken up for advocacy at appropriate levels, depending on the assessment of the nature of the issue and strategic advantage in approaching a particular agency.

**Expected outcomes:** The expected outcomes of each session are given at the end as key learnings. Overall, these are broad statements and are meant to lead the session to a logical conclusion. They should not be understood as conclusions or paragraphs ending a session. The trainer when concluding each session must be careful that the inferences drawn are not very binding but set in motion a thinking process encouraging the participants to think in fresh, unconventional and ingenious ways.

# SECTION II

# CHAPTER 1. UNDERSTANDING POLICY ADVOCACY

This module inculcates an understanding of the basics of policy advocacy in the context of brick-kiln workers and how it is intrinsically linked to a vision of change.

## SESSION 1.1 WHAT IS THE MEANING OF ADVOCACY?

**Purpose:** The purpose of this session is to introduce policy advocacy to those advocating for the rights of brick-kiln workers. By the end of the session, the advocates will be able to define policy advocacy specific to their context.

Advocacy implies representing and defending the opinions and interests of a person or a group of people in the process of policy formulation. When people advocate, they essentially use information strategically, to create an impact and make a positive change in the lives of people, including the excluded and the marginalised. According the Oxford Dictionary, 'advocacy' is "public support for or recommendation of a particular cause or policy."

Policy advocacy seeks to ensure that:

Voices of the vulnerable workers are heard

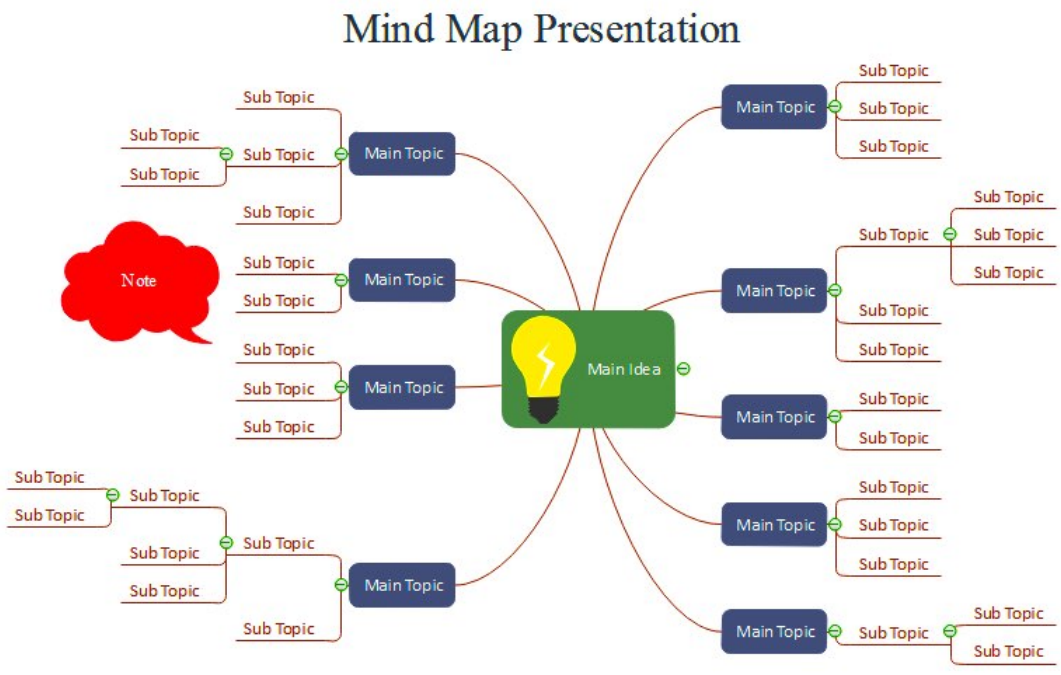
Their rights and interests are protected
Important decisions, which concern their lives, take into account their perspectives

Policy advocates aspire for strong changes on the ground through implementing and monitoring strategies, which can strengthen existing structures as well as create new structures through enabling inclusiveness and participation at local, national and international levels. Existing institutions have been challenged and new orders have evolved through the process of policy advocacy.

The aim is to target and reach out to those in decision-making roles, using certain effective communication tools and influencing them to cater to specific interests and concerns. This usually requires long-term engagement with the communities, whose interests are being catered to. Policy advocacy targets a specific policy or legislation, demanding changes in the existing order or demanding that a policy be put in place. This can result in solving an issue and enabling access to rights and entitlements that were denied or can simply raise awareness or initiate or strengthen a discourse, adding new dimensions. It should be based on a thorough analysis of the problem and the context as well as the available policy mechanisms. Its strategy clearly spells out what change is needed and where.

**Tool:** Suggested tool for this session is mind mapping tool.  Mind mapping helps in organising information that is already there in our minds on any issue. For an advocacy campaign on the rights of brick-kiln workers, this can be an effective and powerful means of arriving at an understanding of the context and the need for undertaking an intervention. What makes mind mapping different from other tools and why it is best to begin with this is because it not prescriptive and helps in getting agreement from all the partners on the need and relevance for undertaking an advocacy campaign.

Mind mapping indicates a process. It can be used in different cases and serves as a roadmap for drafting a plan, based on the experience and expertise of the various people sitting across the table, with support of the facilitator. For example, mind mapping can be used for understanding why advocacy is needed; how a bill becomes law or how parliamentarians can help those advocating for the rights of brick-kiln workers.




The facilitator should:

- Encourage participants to share what they understand of advocacy.
- Make diagrams on a whiteboard and ask the participant questions, drawing from the content in this section.
- Write the answers on the whiteboard, drawing connecting lines.

Questions that may be asked of the group:

- What do you think is policy advocacy?
- What do you think it means to brick-kiln workers?
- Do you think that a holistic policy advocacy is needed or is just lobbying sufficient?  Why?
- Among brick-kiln workers, are there some who are more marginalised than others? Who are they

**Key Learnings**

Policy advocacy seeks public support to create a change through defending the rights and interests of brick-kiln workers.

Democratic policies favouring brick-kiln workers can be created through policy advocacy.

# SESSION 1.2 WHY ADVOCATE?

**Purpose:** The purpose of this session is to underline the uniqueness of advocacy as an intervention bringing about a change. It explains why advocacy is needed, how it can help in promoting certain development agenda, which can work in favour of marginalised, brick-kiln workers.

Advocacy forms the bedrock of any thinking democracy. The very fact that there are multiple groups, which are active and setting forth their own development agendas, indicates pluralism in a democracy. Given below are certain reasons advocacy will be needed and will serve useful for brick-kiln workers.

**Enhances the impact of a programme:** Often projects implemented by the development sector fill gaps and voids created in the process of development. However, these projects are temporary in nature and a stronger long-term solution is only possible through policy change. Advocacy is, therefore, an essential ingredient for sustaining change.

**Highlights alternatives:** It builds on the effects of existing policies and shows how these can be modified so that these can work better. At the same time, an alternative policy or promulgation of new policies can also be suggested in the process, highlighting new people-centric and pro-poor alternatives.

**Promotes empowerment:** When advocating for their rights, people who are at the peripheries get an opportunity to articulate their concerns and needs and, thereby, their own capacities get enhanced. They are able to take ownership and control of the development process and shape it according to their needs.

**Promotes participatory development:** Advocacy promotes the mobilisation of concerns from the grass roots, sharing them as inputs with policy makers. It gives a role to the people and enables them to have a say in their own development. At the same time, it allows decision-makers to have clear insight into how development

**Promotes a rights-based approach:** Advocacy helps in bringing back the government's focus on a rights-oriented, development approach and ensures that policy priorities and allocation of resources are in accordance with the same. It acts as a safeguard against practices that result in economic and social inequalities and strengthens everyone's claim in the process of development.

**Affirmation of duty bearer's accountability:** Advocacy targets the government as well as other agencies responsible for promoting and protecting the rights and entitlements of the poor and the marginalised. It emphasises the authorities' obligations and a supportive policy framework for the same.

**Tool:** Suggested tool for this session is mind mapping tool.

The facilitator should:

- Encourage participants to share what they understand of advocacy.
- Make diagrams on a whiteboard and ask the participant questions, drawing from the content in this section.
- Write the answers on the whiteboard, drawing connecting lines.

Questions that may be asked to the group:

- How do you think policy advocacy can help brick-kiln workers?
- How can this advocacy benefit those who are the most marginalised among the brick-kiln workers, including women and children?
- What do you think should be the approach of this advocacy campaign?

Key Learnings

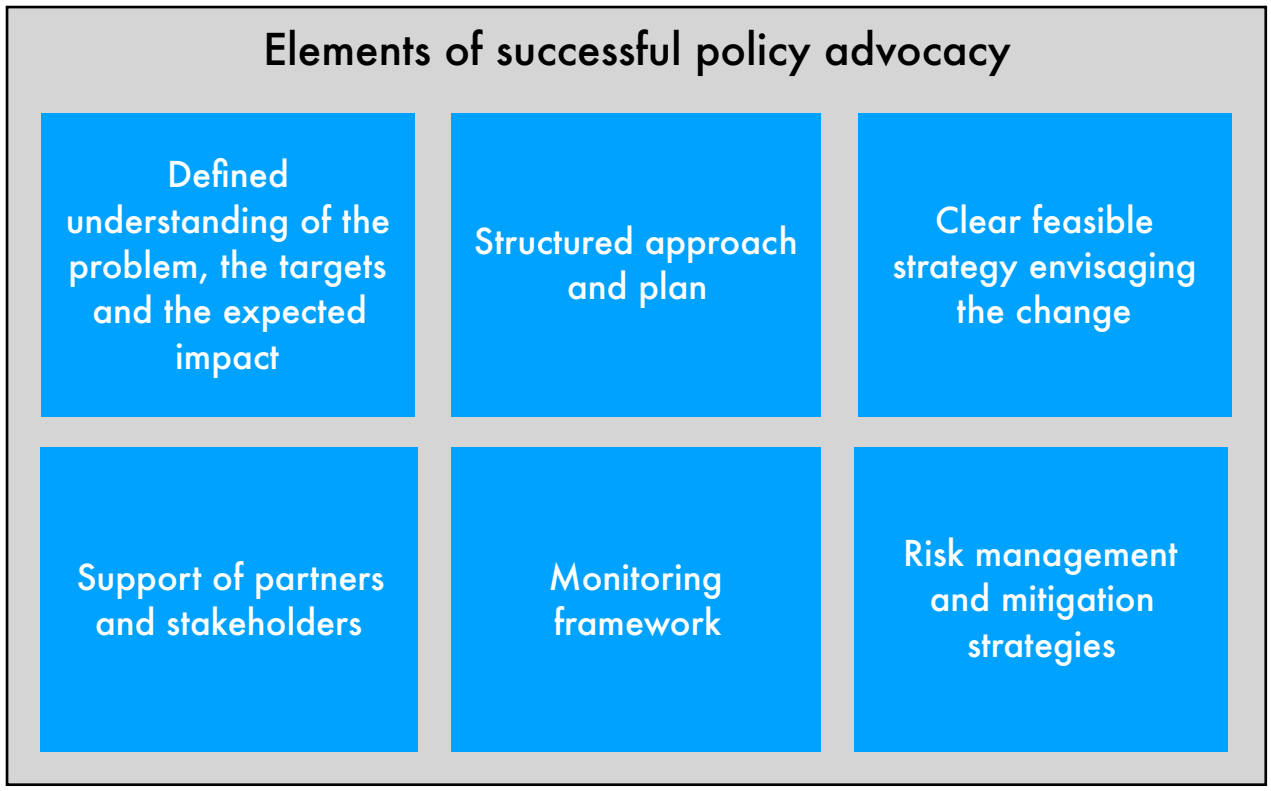
- ☑ Will help sustain the results of any grass-roots programme on brick-kiln workers.
- ☑ Can lay the foundation of a sustainable change even beyond the life cycle of an intervention

# SESSION 1.3 BUILDING BLOCKS OF ADVOCACY

**Purpose:** This session intends to increase the awareness on what comprises policy advocacy. It notes how a successful advocacy campaign should be conceptualised and formalised. It underlines some essential elements of advocating for the rights of brick-kiln workers.

For advocates raising the concerns of brick-kiln workers, it is essential that they have a good understanding of the issues and concerns of the affected workers and their communities. This will give them the credibility to target the government as well as other organisations.

Besides having the knowledge, policy advocacy requires efficient communication tools and the skills to use these tools to be able to make the message reach different strata of society and various targets. The skills to be able to monitor the campaign and adopt course corrections, if required, are also essential. A commitment to the cause by those part of the advocacy campaign is also a very integral element in shaping it. There needs to be strong coordination within the advocacy network, and all the partners involved must have similar commitments and agree on non-negotiables. They should understand their roles and responsibilities—individual and collective—and be fully aware of the priorities.




Gathering information, research and analysis are an integral part of advocacy. Important it is that research priorities are informed and the possibility of inputs on policy are considered. This makes it essential for any advocacy to have research as its foundation. Research-based campaigns have credibility and allow the advocates to convince policy-makers of their concerns. Advocates can consider doing this at the place of work, that is, places where brick kilns are located as well as from those areas where the workers are sourced.

Policy targets decision-makers. Advocates need to use persuasive communication with various communication tools that target an audience's understanding, are convinced and take ownership of the ideas presented. Ultimately, they should feel the urgency to take action, based on the arguments

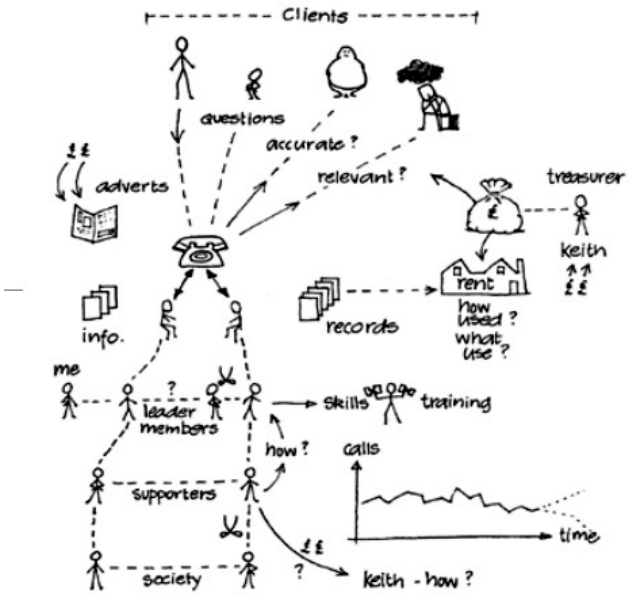
presented. Policy change is made by working directly with those who have the power to make decisions or to influence decisions.

Policy advocacy is not a one-off, quick exercise. It is a process that usually requires the building of momentum and support behind the proposed policy idea or recommendation. Trying to make a change in public policy is usually a relatively slow process because changing attitudes and positions requires ongoing engagement, discussion, argument and negotiation.

Policy advocacy for brick-kiln workers can be conducted by groups of organised citizens or their networks. These could be organisations, associations or coalitions that represent the interests or positions of certain populations. This does not mean that an individual or individuals may not spearhead the effort; they require people and public opinion, however, behind them. Policy change is made through collective action by members of the community.

Increasingly, it is being recognised that policies that are made with public support and participation have a wider acceptance. Therefore, incorporating concerns raised by advocates allows the government to legitimise its actions. Such actions indicate greater acceptance by the people.

**Tool:** Suggested tool for this session is rich picture tool. Rich Picture, a free-hand drawing by participants, is an effective technique of communication. It involves a drawing or making a pictorial representation of the various elements involved in reaching a particular goal. For an advocacy campaign that is focussing on the rights of brick-kiln workers, this technique can be used to arrive at what is needed, why it is needed and how it can be obtained. It is a picture of change. In the process, participants may also identify and understand what will be missing if it does not happen.

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The facilitator should:

- Orient the groups to draw/visually depict how they envision change, both short-term and long-term. Connected to this, they should also depict the conditionalities under which this will happen.
- Ask the groups to draw and show what they think is the condition of brick-kiln workers and explain how a change can be bought about in their lives through policy advocacy.
- Draw carefully from the content of this session and explain the elements that the participants need to cover in their drawings, including the partners and supports of advocacy, the targets and the strategies.
- Ask the groups, once they have completed their pictures, to present their views.
- Ask the groups to pin up their pictures. When all the pictures have been presented, ask everyone to walk around and observe each of the representations.
- Open up the floor of discussions and for sharing observations. This should be followed by sharing of observations and opening up the floor for discussions.

**Key Learnings**

☑ Advocacy campaign supports the development and synthesis of evidence-based approaches and policies, and strengthening the capacity of actors and forums, in this case of brick kiln workers.

# CHAPTER 2. PREPARATORY PHASE

**Understand:** Any union/worker organisation undertaking an advocacy campaign for workers in brick kilns must clearly understand why it is essential. The issue in question should be prioritised organisationally. Prioritising includes developing a positioning from evidence-based research as well as building organisational capacities. This module focusses on this preparatory phase for an advocacy campaign.

## SESSION 2.1 PREPARATORY ELEMENTS

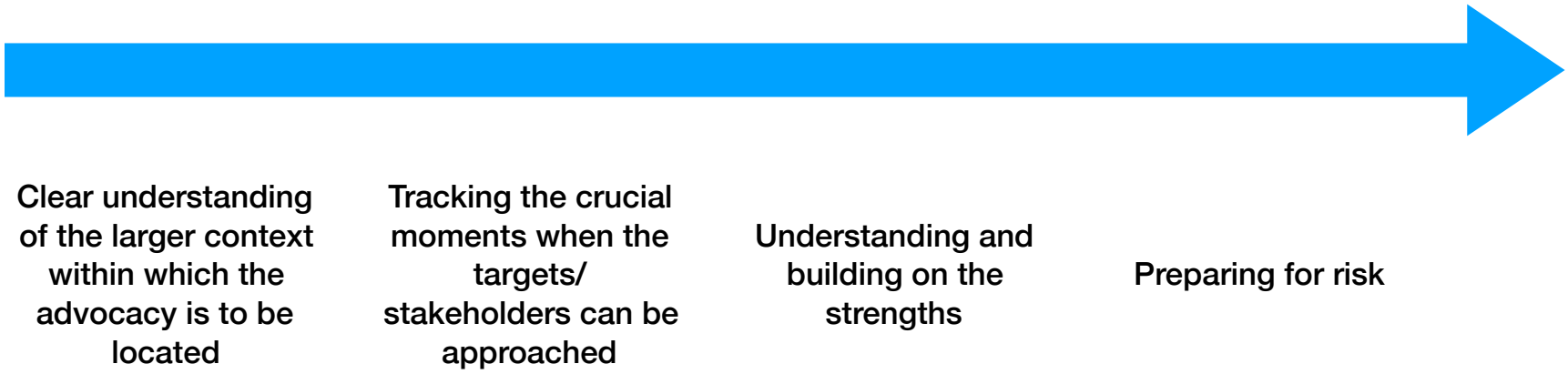
**Purpose:** To equip advocates with the preparations that need to go into planning an advocacy campaign. It informs the advocates of the key considerations that are the bedrock of any advocacy campaign and prepares them for addressing challenges that may come in the way, once the campaign takes off.

When preparing for an advocacy campaign, there must be a clear understanding of what the internal and external strengths and weaknesses are and how these can contribute in developing advocacy.

However, before this assessment, keep in mind an analysis of the background, inputs from experts, organisational capacities of all the network partners participating in the advocacy, and the ability and willingness to forge partnerships.

### Back-end Considerations

In trying to analyse the strengths and weaknesses of any network, the following elements can help in triggering a thinking process.




**Understanding the larger context**: Governments, at various levels—district, state and national, international and transnational institutions, will have varying levels of authority and power. Their decisions will depend upon the existing political scenario and the strength of the media and civil society. In some regions, the government may be more open to social change and willing to enter into a dialogue than in others. All these are important considerations that will determine the feasibility of the advocacy campaign.

**Tracking time:** For any advocacy campaign, there will be some crucial moments that will need to be factored in. Important events of the nodal ministry, international or national conferences, elections, etc., may be critical moments when advocates must consolidate their position and place it before the authorities.

**Understanding and building on organisational strengths:** Every organisation will have some strengths, arising out of with its experience of working on similar issues in the past, from which it draws. These learnings must be factored in when making the advocacy plan. Partners and networks that have supported the organisation earlier must be looked at.

**Preparing for risk:** Any strategy that advocates decide to adopt will have certain risks. These must be pre-empted and minimised. Often they may cause existential problems and stall any possibility of working consistently for change. Plan and avoid them.

**Tool:** Suggested tool for this session, SWOT analysis, Strengths, Weaknesses, Opportunities and Threats are mapped in a table. A SWOT analysis helps examine and understand the needs of the policy-advocacy campaign, in relation to the internal as well as the external stakeholders. What makes this exercise significant is the fact that in a network undertaking the advocacy, the strengths and weaknesses of each one will have an implication on the overall policy advocacy. The following is a standard template used for conducting a SWOT analysis:

The facilitator should:

- Ask the participants to envisage the strengths, weaknesses, opportunities and threats when conducting advocacy for brick-kiln workers.
- Make a template on a whiteboard or a flip chart similar to the template in Tool 3 and note the details in each of the boxes.
- Encourage participants to share what they think are the internal and external facilitating and well as hindering factors in this policy advocacy for brick-kiln workers

Questions that may be asked to the group:

- Do you think this campaign will be successful? Why?
- Do you think the external environment is conducive for a policy advocacy?
- How do you think the timeline should be planned?
- Do you think that there are any threats? What are they?
- Do the opportunities overweigh the threats?

| | |
|---|---|
| ***Strengths***<br>Internal positive elements of the advocacy network, for example, experience in working on issues of brick-kiln workers | ***Weaknesses***<br>Internal factors that may negatively affect the advocacy network, for example, lack of funds |
| ***Opportunities***<br>External factors that may become strengths of the network, for example, good reputation | ***Threats***<br>External factors that may have a negative impact and need to be dealt the network, for example, change in government bringing in new uncertainties |

**Key Learnings**

- ☑ Advocacy must have a larger context and be based on organisational priorities, capacities and the ability to forge meaningful partnerships
- ☑ Identify and conduct advocacy campaigns at the right time and pre-empt risks

# SESSION 2.2 BUDGETING FOR ADVOCACY

**Purpose:** To educate advocates on how to formulate the budget for an advocacy campaign. It highlights the main elements that need to be included and suggests ways to contextualise the campaign and articulate specific campaign needs.

Preparing a budget and planning resource allocation are two of the basic tasks advocates need to do before commencing with the campaign or making its strategy. In a campaign for brick-kiln workers, it is particularly important that the budget is planned because it is less likely to be supported by the beneficiaries or funds from the advocates, who are taking up their cause, unless they plan and raise resources for their specific needs.

**1.Preparing the budget**

An advocacy budget must take into consideration the various stages of the process. Stakeholders need to make tentative plans and the resources needed must be earmarked accordingly. Broadly, these heads include the cost of human resources, capacity building, strategy development costs, research and communication costs (including situation analysis, creating the evidence base, and translating findings into communication and outreach material); advocacy and campaigning costs (including developing partnerships, managing coalitions, membership fees); costs of networking with government at the national and regional levels (including costs of attending conferences and meetings; coalition

| Expenses | Description of Activity |
|---|---|
| Staff costs | Human resources cost, consultant cost and cost for any other technical support |
| Travel | Travel of advocates, any participant or resource persons, who may be called for seminars or to address the meetings of workers. |
| Boarding and lodging | Actuals or decided on the basis of a standardised per-day rate |
| Planning meetings | Cost of kick-off meeting, brainstorming sessions and strategy planning meetings. |
| Capacity building | Cost of training and workshops and mass meetings |
| Dissemination workshops | Usually held at the end of the advocacy campaign. |
| Research | Cost of the initial assessment, report writing and making it print-ready. |
| Developing awareness material | Cost of publications needed for the advocacy including reports, posters, leaflets and audio visuals |
| Translations | Cost of translation |
| Staff facilitation costs | When new staff is to be taken on board |
| Cost of evaluation | Evaluation makes it easier to factor in learnings, and replicate and imbibe lessons. |
| Administrative expenses | Recurring costs such as office space/secretariat rent, electricity cost, computer rent, printer costs and accounting. |
| Audit costs | Costs to be paid to an external auditor for a campaign to live the principles of transparency and accountability. |

membership costs; and staffing costs (including consultants). Given below is a description of the possible costs for an advocacy campaign and pointers on how to plan them:

**2. Raising funds**

Once the initial expenditure planning is done, fundraising can be planned. At the onset, the channels from where funds can be accessed must be identified. These may be external or internal. A thorough mapping of the funding sources must be done when planning the advocacy campaign.

Sometimes, an advocacy campaign may be part of an existing project that has an approved budget already. This is very good for a start; however, it must be kept in mind that an advocacy campaign involves a whole set of stakeholders and partners; often there may be changes in the real need for funds, therefore, which may go beyond what was originally planned and allocated. In such cases, it is important to understand how convergence can be built with existing projects and external resources raised. Alternatively, the contribution of the partners can also be raised.

Ideally, in order to ensure all the partners and stakeholders take ownership of the programme in an advocacy campaign, there is a contribution made by all, maybe in physical or human resources. The same must be accounted for and get reflected in the reports.

**Tool:** Suggested tool for this session is budget template tool. Making a budget template requires the participants to understand the various budget heads and have an idea of the approximate costs that will be needed for each item. The estimates should be realistic and time-specific.

| Sl. No. | Expenditure Head | Unit | Rate | No. of Units | Amount |
|---|---|---|---|---|---|
| 1 | Human Resources, for example, Coordinator; Researcher | | | | |
| 2 | Fixed assets | | | | |
| 3 | Meeting costs | | | | |
| 4 | Other costs, for example, travel, publications | | | | |
| | Total | | | | |

Key Learning

☑ Identifying the needs of brick-kiln workers and the requirement of resources are fundamental to successful fund planning

# CHAPTER 3. SHAPING THE ADVOCACY PLAN

**Understand:** The first step to initiating an advocacy campaign for brick-kiln workers is making a concrete, actionable advocacy plan. This process helps in outlining the targets, understanding how the change is envisaged, assessing the entry points, determining the scope of the campaign, understanding how key messages should be formulated, and monitoring and evaluating the results.

## SESSION 3.1 WHAT CHANGE IS ENVISAGED?

**Purpose:** To help advocates to define and differentiate between a problem, a policy issue and a policy solution in the context of brick-kiln workers. It will enable advocates to identify a problem related to brick kilns that may require advocacy, to combine the issues around the problem, select a policy issue, and to suggest a policy solution, based on a combination of the problem and identification of the policy issue. An advocate will be able to describe the benefits, sources and methods of collecting supportive evidence or data, and discuss ways of using data to develop evidence-based statements.

The change that is envisaged draws from an empirical understanding of the existing situation, the problems and possible solutions. For policy advocacy of brick-kiln workers, the goal and the objectives that are intended should be clearly stated in the beginning itself. There should be a distinction between long-term and short-term outcomes. Understanding the change in this way will enable advocates to understand the feasibility of their aspirations and plan each step accordingly. It helps in limiting the scope of the change that it envisaged through advocacy. Without this understanding, it may often be difficult to explain to the policy-maker the real concerns of brick-kiln workers.

### CONTEXTUALISING

The issue must be first located in the overall context of labour rights and access to entitlements. The elements of exclusion, deprivation and inequality, based on gender, caste, ethnicity, etc., need to be understood carefully. In some cases, these elements need to be looked at from a generational/historic perspective as well. Moreover, these need to be looked at in relation to the external environment where the advocacy has to take place; this includes the existing political climate as well as social behaviours and patterns. This analysis will help in planning and building the foundation for initiating evidence collection for the campaign.

## SITUATIONAL ANALYSIS

The next step is to conduct a situational analysis. In order to conduct a situational analysis, either a primary research or data collection exercise can be undertaken or it can be based on evidence collected through secondary sources, which in turn is based on an understanding of the context, the need as well as the available resources.

Points to bear in mind when collecting the information

- **Availability: Is there a good amount of evidence that already exists on a specific issue?**
- **Accuracy: Does the evidence that is used accurately describe what is being claimed?**
- **Objectivity: Was the source that the evidence came from objective?**
- **Credibility: How reliable is the evidence that is collected?**
- **Relevance: Is the evidence that has been collected useful to what needs to be proven?**
- **Practical usefulness: Is the evidence collected realistic?**

When conducting the research, one must bear in mind that there can be causes and effects that are mutually interconnected as well as linked with the solutions as well. The accuracy of the data is very critical. In case the situational analysis is being done with the available existing material, can the available data be used as evidence for advocacy.

## SELECTING ADVOCACY PRIORITIES

Once the situational analysis has been done, the advocacy priorities need to be identified. Priorities must be carefully selected and should be few and focussed. When selecting, one must bear in mind the practical feasibility and the available resources.

## DEFINING THE OVERALL GOAL, SPECIFIC OBJECTIVES AND RESULTS

A goal can be described as something that needs to be achieved. These should be linked to the overall mission and vision of the partners, playing a key role in policy advocacy. The goal should give a broad framework to the advocacy campaign from which the specific objectives and outcomes can be obtained. Usually, an advocacy campaign should have one overall goal.

Specific objectives are the more visible version of the overall goal. They should state, in a focussed manner, what can be achieved through the advocacy campaign. They must be comprehensible, tangible and achievable.

Next are the outcomes/expected results. These are like the critical accomplishments that show progressive movement toward the objectives. Outcomes are measurable and realistic. These can be

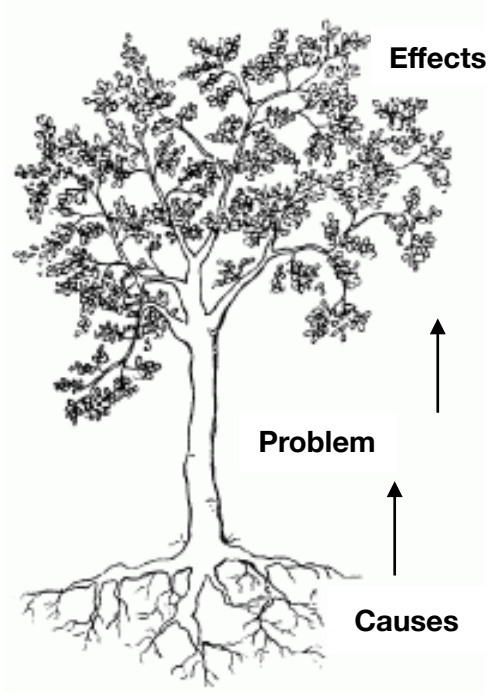
ascertained through figures or numbers or even in degrees like lesser or greater acceptance of a certain idea.

Following the outcomes are the activities. Activities are the building blocks of the outcomes. Any advocacy campaign must track the outputs. Only if the activities take place according to a timeline can the outcomes be achieved. Preparing the timeline is, therefore, another very important task that needs to be done at this stage.

**Tool**: Suggested tool for this session is problem and solution tree tool. In a problem tree, the causes of the problem and the sub-causes form the roots, whereas the main problem is the trunk and the branches are the consequences. A Solution Tree is the reverse of the problem tree. The solutions comprise the roots, the vision is the main part of the tree or the trunk, and the outcomes are the branches.

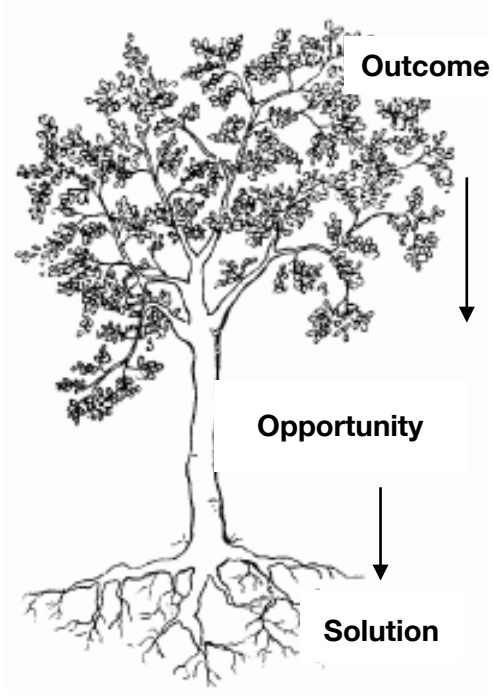
For making the problem tree, the participants should be asked three questions:

1. What is the problem?
2. What are the causes?
3. What are the consequences?




For making the solution tree, the facilitator should ask the following questions:

1. What is the problem?
2. What are the solutions?
3. What are the outcomes?




Key Learnings

- ☑ The goal for an advocacy campaign on brick-kiln workers must be linked to envisioning an overall transformative change. This should be linked to ensuring full rights and access to benefits for brick-kiln workers.
- ☑ Alliances are critical and built through mutual support. The more support there is, the higher the chance of success. Once trust has been built between the advocacy member and the support base members, they will be more willing to influence other role players to accept the changes that need to be made in the policies.

# SESSION 3.2 WHO CAN BRING ABOUT THE CHANGE?

**Purpose:** To equip advocates with an understanding of who can create the change that is needed. The stakeholders, therefore, need to be understood carefully. This session defines the stakeholders and dwells on their role. Following this, it equips the brick-kiln workers' advocates to map the stakeholders and the targets of the advocacy campaign.

For advocacy, there are various types of stakeholders, ranging from individuals to entire communities. With regard to advocacy campaigns, there may be more than one specific stakeholder that is applicable. These stakeholders can include a specific group of workers, those working in kilns in a particular region, community leaders, concerned parents, or even government and parliamentary leaders.

## DEFINE THE STAKEHOLDERS

The key objective for making sure that there is effective advocacy is to focus on the audiences that will have the most impact on the decision-making process. Stakeholders can be broadly of three types:

**The targets**, that is, individuals and groups in a position to take the necessary action that is the focus of the advocacy campaign. They are the decision-makers, who have the main responsibility of planning and managing programmes. These decisions are the main aim of the advocacy strategy.

**The partners**, who can further be subdivided into those who are the primary partners, that is, the workers, their families and their communities, directly affected by policy changes, and the secondary partners, who are the NGOs, trade unions and CSOs taking up the cause of the workers.

**The beneficiaries** are the people and parties whose issues are taken up for advocacy and who will be benefited by intended policy changes.

The actions and opinions of the each of these is important when it comes to achieving the advocacy objective. There are times when there is an overlap between the categories of stakeholders. It is important then to keep in mind that these categories are not homogenous. Some stakeholders could have had a disagreement with any of the objectives of the advocacy at any point of time; at the moment, however, they are supporting the campaign for the larger gains and benefits accruing to the community.

For mapping stakeholders, the following questions must be considered:

- Who are likely to gain from these changes?
- Who are the most vulnerable among them?
- Who can get adversely affected?
- Are they organised?
- Who has so far raised concerns?
- What have been the horizontal linkages of these organisations/individuals/

What is important is to speak in one voice to the decision-makers so that the campaign has the right impact on the decision-making process. Towards this, analysing stakeholders is critical and helps in

determining the strategies and the tools that will make the advocacy successful.

Targets should be few rather than many so that there is a focus in the campaign and efforts can be concentrated.

Once the stakeholders are mapped, their expectations also need to be mapped. This section can be read with reference to both the targets and the partners for whom the advocacy is oriented.

Every advocacy campaign must seek partners for fulfilling its goals. Alliances are formed through building support for network advocacy, critical to success. The more support there is, the higher the chances of success. Network members must ensure that they maintain a consistent form of connection with the alliances they make.

Mapping of the expectations of stakeholders

- What are the likely benefits for the stakeholders through this advocacy?
- What are their perceptions and expectations?
- How do they envisage their contribution in this process?
- What has been the stakeholder's position so far on the issue?
- Has their position changed over time?
- What are the dimensions of hierarchy and control?
- What political, social and economic power is wielded by them?
- Is there any clash of interest?
- Is there any opposition from any segment of the stakeholder partners for advocacy priorities?
- What is the nature of this opposition? Are they vocal in stating it in public forums?
- Do they have any allies?
- What is the influence that stakeholders can have in bringing about change?

When selecting partners, keep in mind the following:

- Do they have shared perspectives and goals?
- Do they have the capacity to influence targets?
- Are they credible?
- Do they possess skills and knowledge for advocacy?
- Do they have a track record of working together in coalitions?

Alliances are important because it allows the advocacy process to progress quicker. Once trust has been built between the advocacy member and the support-base members, they will be more willing to influence other role-players to accept the changes needed to be made in policies.

Partners can be individuals, organisations or groups.

**Tool:** Suggested tool for this session is Stakeholder Mapping. A stakeholder mapping exercise will help in understanding the stakeholders/targets better. A list of the different stakeholders, based on the questions given in the module, needs to be prepared.

| Name of the Stakeholder | Area of Influence/Category | Level of Influence | Level of Support | | |
|---|---|---|---|---|---|
| | | | High | Medium | Low |
| For Example, SHRC | Target for ensuring no bondage, decent wage, decent work and access to entitlements | State-level | | | |
| | | | | | |

Key Learnings

- ☑ Advocacy campaigns need to be carefully designed, mindful of the needs and concerns of the stakeholders, that is, of the targets, partners and beneficiaries.
- ☑ Alliances are an essential part of any advocacy campaign. Partners must have similar perspectives and goals and the capacity to influence decision-makers.

# SESSION 3.3 HOW CAN THEY BE CONVINCED?

**Purpose:** To help advocates understand advocacy and communication tools used during an advocacy campaign. It explains the methods of selecting messages for the targets and stakeholders, and what must be kept in mind when using each one of them in the context of brick-kiln workers.

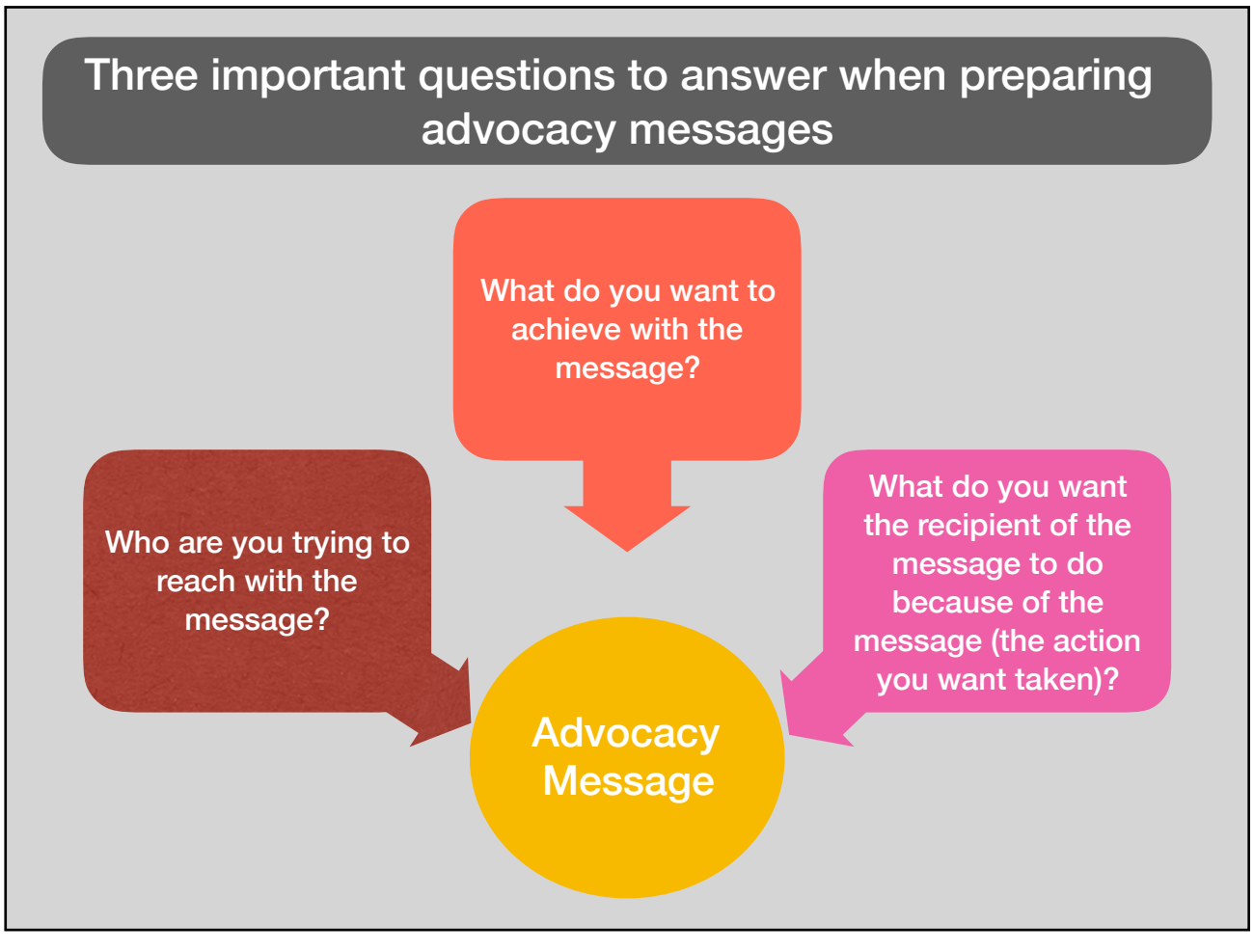
Content is only one part of a message. Other non-verbal factors, such as who delivers the message, where a meeting takes place and the timing of the message can be as important as the content. In addition, sometimes what is not said delivers a louder message than what is actually said.

Advocacy messages are developed and tailored to specific target audiences to persuade the receiver to support the position of the network advocating, for instance, for the rights of brick-kiln workers.

## SHAPE THE MESSAGE FOR THE AUDIENCE

To ensure that the message is taken seriously and it has the right amount of influence, it is important to shape the message to the audience. The message must be clear, compelling, accurate and short.

To make sure that the message is relevant to the policy change and that the message presents the most practical and realistic solutions to the problems that have been identified, communicate the message simply. Big words to make it sound fancy is not the right strategy.




In addition to the primary message, the secondary message can also be developed for specific targets. These must be focussed on the targets being addressed and must support and complement the primary message in structure.

Together, this must have a solution or a partial solution to the main problem/issue being raised by the advocate. How effectively this is designed will explain the efficiency with which it can be communicated through the various advocacy channels. This advocacy message must be tailored for particular audiences.

## SELECT ADVOCACY ACTIVITIES AND COMMUNICATION TOOLS

Once the target is identified, the next step is to decide what is the best form of communication to deliver the message. There are various communication tools that can be used, including:

Developing an evidence-based message
An evidence-based messaging will have the following elements:

- A key statement with the main idea of the change that is envisaged.
- Evidence which substantiates the statement by explaining why the change is important through facts and figures or human-interest stories
- Goal which highlights what the advocates intend to achieve
- Result or outcome of the actions envisaged
- Action explaining the steps needed to achieve the results and goal

**Lobbying:** Refers to influencing those in power or in decision-making positions. Those in power must be met at different levels and sensitised about the issues of brick-kiln workers. They can be asked to raise questions in the Parliament. Details on this process will come through as we proceed through the sections on advocating with parliamentarians.

**Speeches:** Speeches can be delivered during mass meetings, joint stakeholder sessions or government meetings and can be written or spoken, focusing on vulnerabilities and rights of brick-kiln workers.

**Workshops:** Educational meetings can be held that focus on enhancing the capacities of those participating by making them aware of the concerns and challenges of work in the brick kilns.

**Radio:** Radio shows can reach nation-wide and can educate both the brick-kiln workers, the partners and the policy makers. If something is broadcast over the radio a number of times, that information will remain in the minds of the targets.

**TV interviews:** TV broadcasting may be the best form of advocacy but it can be the most expensive, especially if the information is aired at peak times. TV programmes can be a good platform, in which the advocates, their partners as well as policy-makers can express their opinions on an issue or have debates, thereby influencing public opinion.

**Dramas or skits:** This traditional form of campaigning can reach out to the masses and explain complex issues in their language in an interactive way, pointing out how a policy change will benefit them and, thereby, harness their support.

**Press release:** A press release is an effective tool to engage the media around specific events that focus on the rights and the vulnerabilities of workers. Details are explained in the section on using media as a tool.

**Flyers:** Flyers are a low-budget tool used to raise awareness across the board and, in particular, among workers.

**Posters:** Through depictions of images and other forms of pictorial representations, posters can be effective tools to communicate key messages among workers, the public and the policy-makers.

**Video messages:** Short video clips highlighting the reason for the advocacy and how it will benefit brick-kiln workers can act as an important medium to communicate with policy-makers and also be put up in the public domain. YouTube can be a good source for projecting the videos of an advocacy campaign.

**Social media:** Social media is gradually becoming a very important tool for advocacy. Campaigns on Twitter and Facebook are becoming very popular and are being used to spearhead campaigns on a number of crucial issues. Social media platforms allow advocates to reach more people.

**Websites:** If the advocacy campaign has enough funds, creating a website or else uploading campaign documents on the websites of partners will help the campaign reach far and wide, beyond the immediate area of operation of its partners and will help create a public stir around the issues of brick-kiln workers.

**Meetings:** Any form of meetings—one-on-one or group meetings—with the workers, in which issues are discussed with others, or meetings of partners can be a good platform for the advocacy campaign.

**Mass action:** Mass action, initiated by advocates on the advocacy campaign, can be a good way of reaching out to the masses of workers, public as well as policy-makers, and affirm the rights and demands of workers and the responsibility of authorities.

**Tool:** Suggested tool for this session is key messaging chart, which is very effective in helping members of the advocacy network understand the ways in which advocacy key messages can be prepared in an effective way. This will require an understanding of the target of the advocacy message as well as the tool through which it needs to be communicated. Different stakeholders may be grouped into categories in this exercise.

The facilitator should:

- Draw upon the content of this session to help the participants in giving their responses.
- Engage participants, to be able to bring out the key messages that are a priority for brick-kiln workers.

| Stakeholder | Type of Message | Method of Advocating |
|---|---|---|
| Media | Press release | Press conference, press release, etc. |
| | | |

Some questions that can be posed:

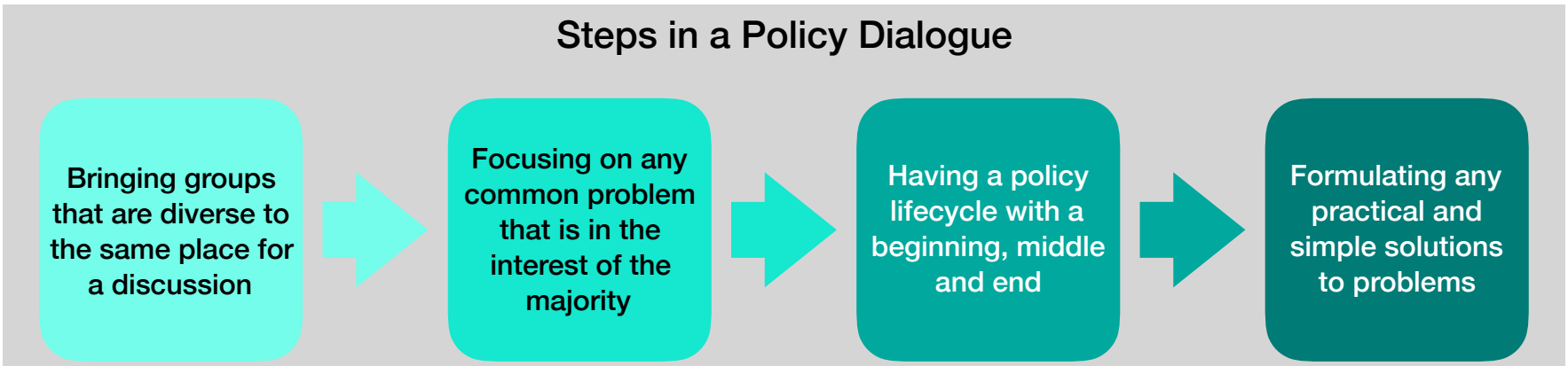
- For whom is the message designed? Is the agency in a capacity to influence the condition of brick-kiln workers? How?
- What is the intention the message wants to achieve?
- What can be the expected change?

Key Learnings

- ☑ To ensure that the message resonates with the targets, it is important to shape the message according to the audience.
- ☑ The message must be clear, compelling, accurate and short.
- ☑ Mixed tools can be a good strategy, given the isolation and remoteness of where brick-kiln workers live and work.

# CHAPTER 4: POLICY ADVOCACY ENGAGEMENT PLATFORMS

**Understand:** The selection of the most appropriate medium for advocacy messages depends on the target audience. The choice of medium for reaching the general public varies, and requires influencing decision-makers, educating the media, generating support for the issue among like-minded organisations/networks, etc. Some of the more common channels of communication for advocacy initiatives include press kits and press releases, press conferences, fact sheets, public debate, or conferences for policy-makers. These need to be understood and carefully selected, considering their relevance for brick-kiln workers. This module focusses on understanding the various platforms for policy advocacy and how to engage with them.




## SESSION 4.1: POLICY DIALOGUES

**Purpose:** To familiarise policy advocates with what is policy dialogue and how it can be made more effective, all-inclusive and impactful. It also explicates the steps to execute a successful policy dialogue for brick-kiln workers.

Structured discussions about key policy issues can contribute to the development and implementation of effective labour-rights policies in a number of ways. These may include:

- Facilitating dialogue among people with different types of expertise and different perspectives
- Bringing potential opposition into the policy development process
- Exposing, clarifying or resolving disagreements regarding the evidence
- Clarifying judgements that need to be made, based on the evidence, thereby allowing policy-makers and stakeholders to generate ideas and actions that can help implementation of effective policies.

## WHAT IS A POLICY DIALOGUE?

A policy dialogue is an organised and deliberate interaction between two or more actors about the allocation of values. These values will result in the new policy changes. All policy dialogues have the same objectives and aims.

## HAVING AN ALL-INCLUSIVE DISCUSSION

There are certain important characteristics to be considered for an all-inclusive platform for discussion when the goal is to generate solutions to problems, namely:

- ✓ Participation must be equal among all parties.
- ✓ There must be an acceptance of the different views.
- ✓ Agendas need to be set by members.

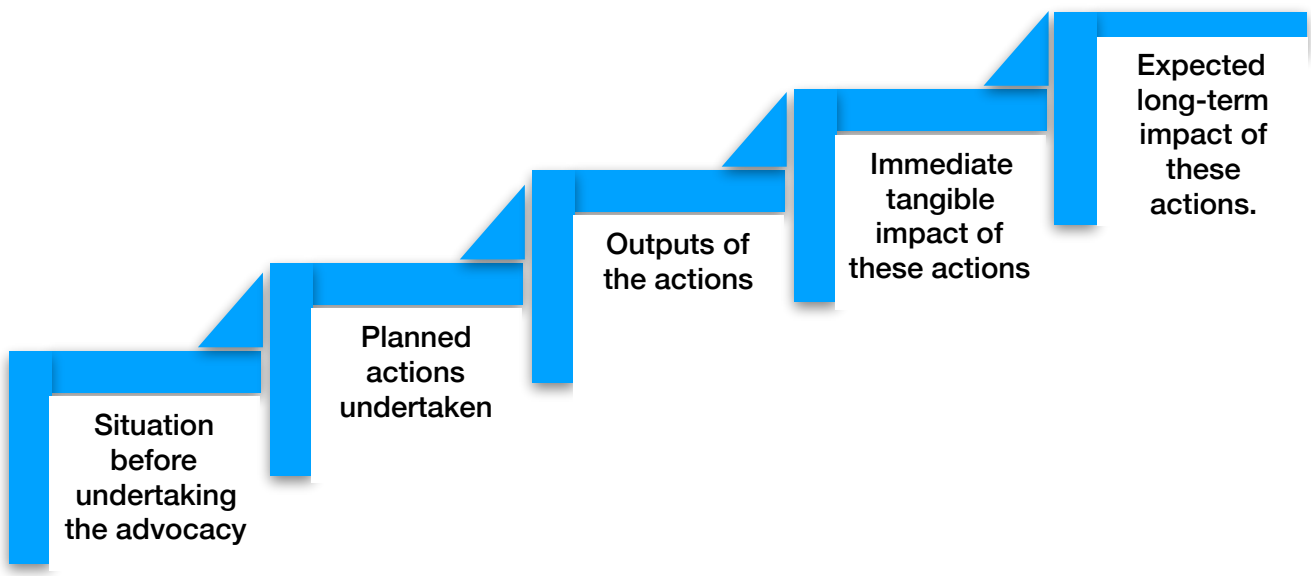
When researching the changes to be made in a policy, ensure that there is a link to the actual policy. In linking the two, it can be highly beneficial to involve experts from research institutes in the policy-making process. They may not be able to represent the stakeholder's perspective but they are able to provide expertise that is relevant in understanding the factors that have resulted in the problem.

Policy dialogue will happen at different times in the policy development process. There are times when the policy dialogue occurs at the beginning of the process, with the main aim of clarifying the problem that is identified.

There are other times that a policy dialogue will occur later on in the process. This may occur when the focus is on advantages or disadvantages of the implementation of the solutions. The timing of the policy dialogue will depend on the main aim of the policy dialogue.

If there is an urgent need to address a certain problem, the available time-frame will be smaller than in other situations. If the solution to a problem needs less time for implementation, the timing of the policy dialogue will be earlier in the process. If there is a longer time-frame needed because there is no urgency, it may be later on in the process.

**Tool:** Suggested tool for this session is change ladder. The Change Ladder is an effective way of both anticipating as well as assessing the change that the advocacy has



initiated. Given below is a template on how a change ladder can be developed. At each of the levels in this ladder, there can be multiple entries. Alternatively, multiple ladders are also created. The Change Ladder showcases change as we move up. It is giving direction to the advocacy campaign, in terms of how a certain set of actions will lead to certain results. The Change Ladder must be based on the overall goals and specific objectives that have been worked out for the campaign.

Key Learnings

- ☑ An all-inclusive platform, bringing people from diverse backgrounds together for discussion, is crucial to generate solutions to the problems of brick-kiln workers.
- ☑ Practical solutions must be the focus.
- ☑ Policy dialogue will happen at different times in the policy development process. However, if there is an urgent need to address a specific problem, the available time-frame will be smaller than in other situations.

# SESSION 4.2 ADVOCATING WITH PARLIAMENTARIANS

**Purpose:** To elaborate on how advocacy with parliamentarians can be conducted. It informs the advocates on how they can plan and implement their engagement with parliamentarians and what can be the strategic intervention points that can help in a better understanding and promotion of the issues of brick-kiln workers.

Parliamentary procedures give scope for discussions, debates and raising issues of critical concern to human rights. What is important is that any lobbying campaign should be grounded in the reality of the issues and the feasibility of the changes suggested. If the issues are placed in the right context, the right method and through the appropriate people, the chances of having an impact are very strong.

### Choose the correct politicians

The advocates must narrow in on those politicians, who can raise the issue efficiently. Choosing the correct politician implies selecting the person directly related to and concerned with the issue being raised. This could be a politician in whose constituency the problem is most visible or a politician who has shown inclination of working on the issue in the past. In the case of brick-kiln workers, this can be those politicians who are from the states/districts where brick-kiln workers are sourced or those where the kilns are located.

During an advocacy campaign with parliamentarians:

- Choose the correct politicians
- Educate/raise awareness of the parliamentarians
- Encourage them to ask questions
- Encourage them to give speeches
- Encourage them to propose a private member's bill.

### Educate/raise awareness of the parliamentarians

By giving MPs the appropriate briefing material, they can be made aware of the issues in question, the campaign focus, as well as what is expected of them.

If MPs can be convinced to attend community meetings, it will help raise the overall profile of the advocacy campaign, and the campaign will come into the limelight, getting a better coverage from the print and social media.

Similarly, MPs can also be asked to support other campaign strategies such as writing letters or signing petitions, which will help increase the campaign outreach.

### Encourage them to ask questions in the Parliament

Politicians can be asked to raise questions on a particular issue to the relevant ministry. For example, in the case of brick-kiln workers, politicians can be asked to raise the issue of the number of employers charged, convicted and fined for engaging bonded labourers.

In the case of a legislation that is being developed by the government, politicians should be encouraged to understand the consequences and propose amendments. MPs can challenge policies and make the government responsible for its actions by acknowledging the concerns of the marginalised and the vulnerable. They can use the question hour for this. They can be facilitated to write and submit a question to the ministry and, on the earmarked day, when the ministry responds, they can be helped to ask supplementary questions. This will help increase the interest and support of those who are keen on eradicating poverty and ending bondage, and the campaign on the rights of brick-kiln workers will get strengthened.

### Encourage them to give a speech

MPs may be encouraged to raise the urgent issues related to brick-kiln workers by relating them as matters of urgent public importance during the zero hour, which is the initial one hour in both the Upper and Lower Houses of Parliament each working day.  The duration of the speech is relative and should be ideally planned for about five minutes.

Through this, the attention of the government can be drawn to the issue; other like-minded MPs may also be attracted to support the cause. It also helps in putting the issue on record as a concern that has been raised and which can influence the future course of action of the government.

### Encourage them to propose a private member's bill

In case the focus of the advocacy campaign is to enact a legislation, the MPs should be encouraged to propose a private member's bill. The bill should be contextualised in the historical deprivations faced by workers in the brick-kiln industry and the need to ensure that the conditions and remuneration of these workers should be at par with the workers of any other organised establishment. It can call for regulation of the kilns and the workers therein, along with welfare provisions or can just focus on welfare provisions through the creation of a fund.

**Tool:** Suggested tool for this session is role play. Role-play is an effective way of understanding how power dynamics are played out in society and how the policy advocates work together with different groups of people towards a common goal. This enables participants to understand creatively a situation they may be confronted with when they start with their advocacy work and how best to deal with it. For the role-play, the group can be divided into teams and asked to enact a situation. Situations can be thought of, depending on the context within which the advocacy is being undertaken.

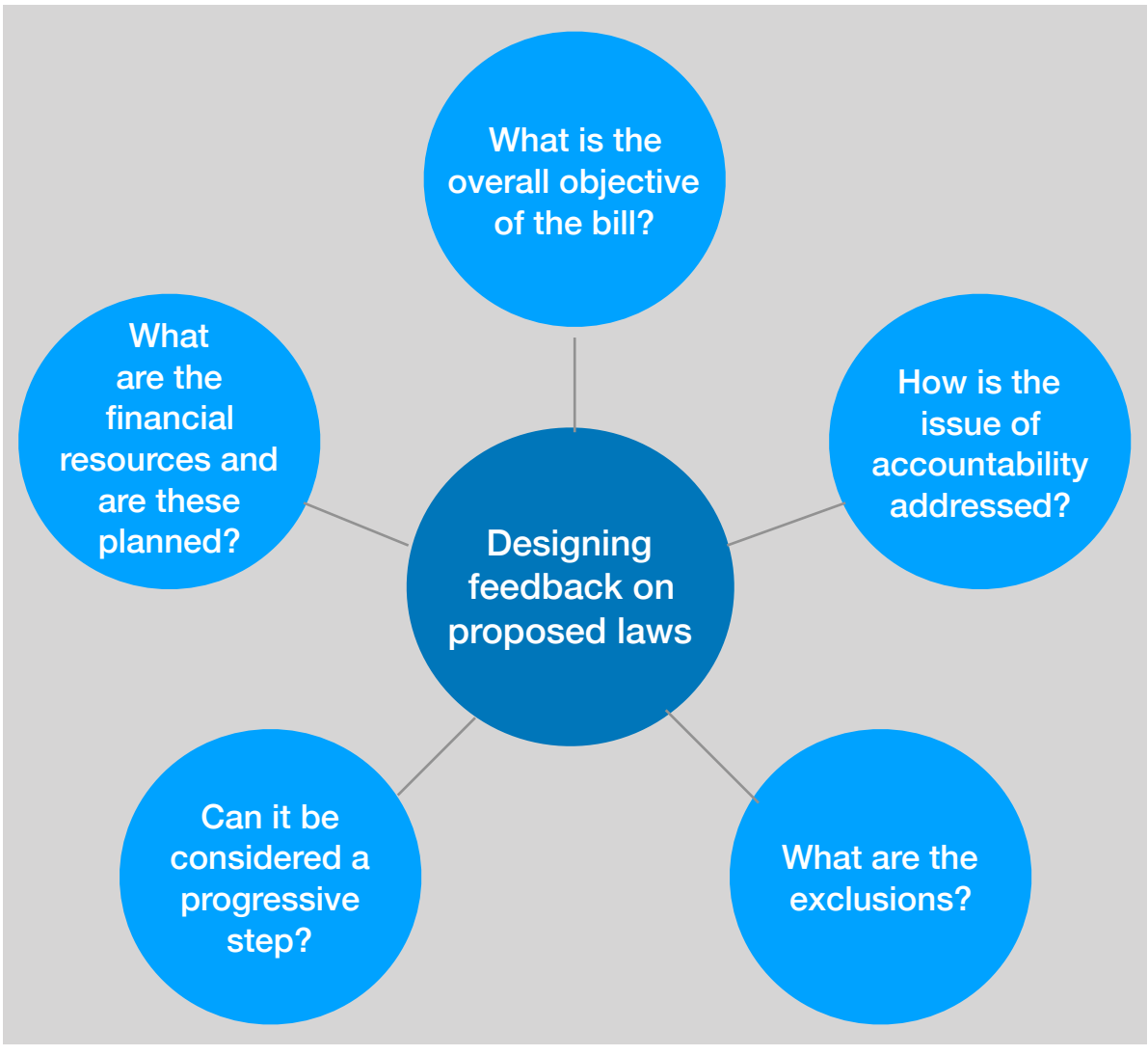
Key Learnings

- ☑ Parliamentarians can be given inputs on a particular issue and asked to raise it appropriately in different forums.
- ☑ This can prove to be an effective mechanism because when an MP endorses an issue, it goes a long way in building an advocacy campaign and sensitising other MPs, who are the policy-makers, and garner public support.

# SESSION 4.3 GIVING INPUTS FOR A PROPOSED LAW

**Purpose:** To equip advocates on giving inputs for a proposed law, connected to the conditions or rights of brick-kiln workers. It explains how the government seeks these inputs and what is the correct time and method to follow. This session also delineates the framework and structure within which these inputs should be drafted.

In India, before any law is placed before the cabinet for its approval and to be discussed in the Parliament, the nodal ministry has to put it up for comments from the public. This gives advocates a very good opportunity to place their concerns in a methodical and clear manner before the government.




As part of the pre-legislative phase, the nodal ministry proposes a new law or amendment to the existing law. Along with a justification of the law, including its implications on the people and their rights at large, it puts a draft of it in the public domain, asking for feedback within a stipulated time.

The advocates for brick-kiln workers must, in particular, look out for laws that talk of bonded labour, forced labour, rights of children, gender rights and equality at the workplace, and freedom of association and collective bargaining, In case any of these issues dealt with by a previous law are undergoing revision or a new law is being proposed, the advocacy campaign must consolidate an opinion and put it forth on behalf of the network.

The government department will usually give a framework or a structure within which these inputs have to be placed. The advocates must be mindful of the procedure and follow these correctly, after rounds of discussions within their network. Sometimes, ministries may also call for stakeholder consultations—a valuable opportunity for policy advocates to put forth their concerns.

Once the government receives the inputs, these are incorporated and the bill is put before the law ministry for approval. Following this, cabinet approval is sought. Only after these clearances, is the bill discussed in the Parliament. This pre-legislative consultation policy of the government ensures that stakeholders' inputs are received and considered by the government.

The concerned ministry, prior to an approval from the cabinet, needs to furnish the justification note, a brief summary of the feedback received from stakeholders (including government departments and the public) along with a draft legislation.

The department/ministry concerned has to place a summary of the pre-legislative process before the department-related Parliamentary Standing Committee when the proposed legislation is brought to the Parliament and is referred to the Standing Committee. After the Cabinet approves the bill, it is introduced in the Parliament.

Pointers for designing questions for Parliamentarians on a proposed law:

- How is the bill going to enable access to rights and entitlements?
- What will be the implementation machinery?
- Will it have any negative implications on any group of people?
- How is it different/a progression from any existing law in the same regard?
- Does the bill have a financial addendum? What does it look like?

When the bill is introduced in the Parliament, the nodal department/ministry can send a notice demonstrating the intention that the Bill may be moved, considered and passed; be referred to the Select Committee of the House/Joint Committee of both Houses or for eliciting public opinion.

Once the Bill is taken up for consideration, it is looked at clause-by-clause. During this discussion, parliamentarians can raise their concerns and discuss the feasibility of the bill. They can also give their inputs on how they would want the budgetary allocations to look like. The house can vote on amendments if any are needed. Once the bill is passed from one house, it can be sent to the other.

**Tool:** Suggested tool for this session is role play. Role-play is an effective way of understanding how power dynamics are played out in society and how the policy advocates work together with different groups of people towards a common goal. This enables participants to understand creatively a situation they may be confronted with when they start with their advocacy work and how best to deal with it. Situations can be thought of, depending on the context within which the advocacy is being undertaken.

Key Learnings

- ☑ When inputs have to be given on a proposed bill, the government procedures must be understood and followed, including attending ministry consultations with stakeholders and submitting feedback.
- ☑ During the process, the focus must be on the overall relevance of this to the rights of brick-kiln workers.

# SESSION 4.4 ADVOCATING WITH STATE LEGISLATURES

**Purpose:** To equip advocates to communicate their concerns to the legislative assembly members. It explains how they can effectively convince workers to take up their issues, plan and strategise.

Labour is a subject that comes under the concurrent list. Therefore, Parliament members as well as members of state legislative assemblies can be targeted in any advocacy campaign, raising the concerns of brick-kiln workers. What, however, becomes important is to understand and plan the campaign well so that it has meaningful and effective results.

**Comprehensive and strategic planning**

Campaigning with state legislatures becomes particularly effective in states that have brick kilns and which engage brick-kiln workers either from within the state or from other states. Campaigning with state legislatures can also be effectively done in states from where workers migrate in distress conditions to work in brick kilns in other states.

Planning needs to be done strategically. Choose the appropriate people, who have a track record of raising human rights issues and issues of workers and understand the sensitivity and complexity of the problems that brick-kiln workers face rather than address them peripherally for narrow political gains.

Issues must be put in a holistic context. For this, it may be sometimes important to raise the issues of brick-kiln workers and other workers, who are facing similar situations in other industries in the state.

The priorities of the state governments must be kept in mind when planning the campaign. Priorities of the government at the centre and of the state government may be different. What is, however, crucial is that the concerns of brick-kiln workers are reflected.

**Grounded and reliable data**

A clear breakdown of how many people in a particular state are affected due to a violation of their rights or lack of access to entitlements must be readily available. This can also be location-specific.

Advocates must try to prepare detailed lists of the entitlements that brick-kiln workers should be getting (centre and state entitlements put together) and their current status. Based on this, legislative assembly members may be requested to initiate a focussed intervention, to ensure that any obstacle preventing workers from accessing these benefits is removed.

### Clear Tasks

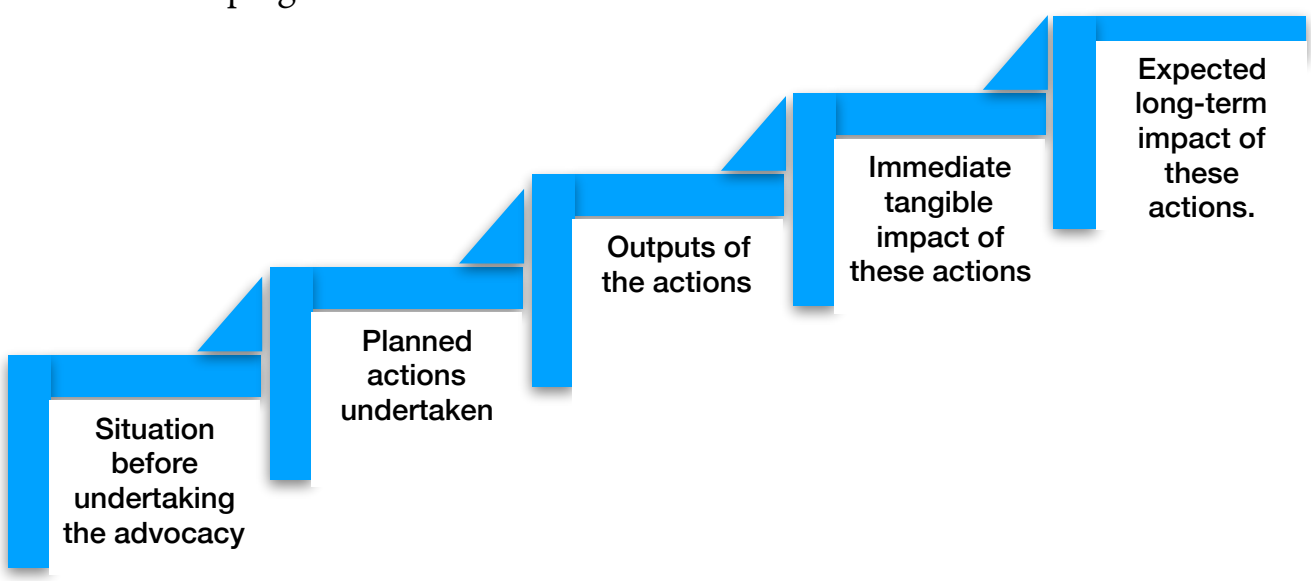
Whereas an overall comprehensive picture of the status of workers is crucial, it is also crucial that the campaign clearly understands and defines the exact action the state must take. For example, a stronger monitoring and inspections system be established in the existing state machinery or a committee be constituted to look into the conditions of brick-kiln workers or special teams, comprising labour inspectors, to take up the issue, etc.

The tasks of the campaign must be seen in relation to the priorities of the state government, and this be used as a negotiating point. For example, if a particular state is focussing on issues of trafficking, the policy advocacy campaign must try to understand whether there are elements of trafficking among the labourers in the brick kilns and how this can be integrated in the campaign.

### Amend rules to close loopholes

Most of the labour laws are central laws and are implemented in a particular state in conjunction with rules drafted almost simultaneously. A critical point which the advocates need to identify is where are the loopholes in the rules? How can they be changed/reversed?

**Tool:** Suggested tool for this session is change ladder. The Change Ladder is an effective way of both anticipating as well as assessing the change that the advocacy has initiated. Given below is a template on how a change ladder can be developed. At each of the levels in this ladder, there can be multiple entries. Alternatively, multiple ladders are also created. The Change Ladder showcases change as we move up. It is giving direction to the advocacy campaign, in terms of how a certain set of actions will lead to certain results. The Change Ladder must be based on the overall goals and specific objectives that have been worked out for the campaign.




**Key Learnings**

- ☑ While raising issues in state legislatures, these must be put in a holistic context.
- ☑ Tasks must be clear and backed by reliable data.
- ☑ The priorities of the state governments must be identified and linked to the needs and concerns of brick-kiln workers.

# SESSION 4.5 ADVOCATING WITH PANCHAYATS

**Purpose:** To equip participants with the skills to work with the local panchayats and enable them to take up the issues of brick-kiln workers.

The panchayat is the local, self-governance institution at the village level. The Constitution (73rd Amendment) Act, 1992 has introduced a a 3-tier system of Panchayati Raj for all States having population of over 20 lakh consisting of (a) Village-level Panchayats, (b) Block-level Panchayats and (c) District-level Panchayats. Panchayat is responsible for planning and development in the village. Working with panchayat leaders, therefore, can be a very effective means of ensuring that brick-kiln workers get access to entitlements and are not denied their rights.

**What panchayats can do?**

Panchayats can promote access to:
- Decent conditions of living, including health, housing, water, sanitation and electricity
- Opportunities for livelihoods and skilling
- Access to banking and institutional credits
- Decent work, including work under MNREGS

When working with the panchayats, the focus must be on increasing awareness and building the internal capacities of panchayats, to understand and address the issues of brick-kiln workers, including access to entitlements and denial of rights.

**Key elements of the advocacy**

Ensure ready, updated information on the details of workers in brick kilns in the village, including their numbers, men and women, etc.

Ask the panchayat leaders to identify cases of exploitation and abuse if any

Ask the panchayat leaders to help the workers enrol in the existing government schemes

Focus on specific issues of women, including creche and maternity benefits

**Tool:** Suggested tool for this session is change ladder. (Please see the previous chapter).

Key Learnings

- ☑ Advocates must approach panchayat leaders with an accurate understanding of brick-kiln workers' situation.
- ☑ The panchayat must be encouraged to take up specific issues such as housing, water and creche, in a given location.

# SESSION 4.6 ADVOCATING WITH NHRC

**Purpose:** To equip advocates working on the issues of brick-kiln workers with the knowledge of filing complaints with NHRC. It explains the mandate and functions of NHRC, the procedure for filing complains and the details required for the same.

NHRC was established in 1993, as per the directives of the Protection of Human Rights Act (PHRA) of 1993 (Amended 2006). It is headquartered in Delhi. It was established in conformity with the Paris Principles, adopted at the first international workshop on national institutions for the promotion and protection of human rights, held in Paris in October 1991, and endorsed by the General Assembly of the United Nations by its Regulations 48/134 of 20 December, 1993. Section 2(1)(d) of the PHRA defines human rights as the rights relating to life, liberty, equality and dignity of the individual, guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

NHRC is a national focal point, responsible for protection and promotion of human rights in the country. It has the relevant expertise and contributes to the implementation of human rights across the country.

The commission, as per Section 13, is mandated to inquire on its own or on the basis of complaints/petitions filed by any agency or persons for human-rights violation. It has the authority to visit institutions or attend court proceedings, to look into human-rights violations, and summon or issue notices on matters related to human rights.

Advocates must articulate the denial of rights to

The mandate of NHRC includes:

- Advising the Parliament, government and other bodies on human rights issues
- Monitoring the human-rights situation and providing evaluation of policies and their impact on human rights
- Giving support to victims of human-rights violations, specifically in relation to cases regarding discrimination of any kind
- Supporting research on human rights
- Promoting education on human rights
- Reviewing and engaging in communications on aspects of human rights, in order to raise awareness, provide information and address public opinion

Filing an evidence-based complaint for NHRC

- ✓ Details of the incident of human rights violation and of the victim and his/her family must be accurate and verifiable.
- ✓ The details must be obtained and cross-checked before filing the complaint.
- ✓ The articulations should be precise and easily comprehensible.

brick-kiln workers clearly when writing to NHRC. They must state the details of the incident, the timeline, and of the parties involved. Both general as well as specific cases can be taken up with NHRC, depending on how the nature of violation is articulated by the advocates. In order to file a complaint with NHRC, a complaints procedure is available online on the NHRC website www.nhrc.nic.in. When filling the complaint, the following details must be there:

1
The mandate of NHRC includes:

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- Monitoring the human-rights situation and providing evaluation of policies and their impact on human rights
- Giving support to victims of human-rights violations, specifically in relation to cases regarding discrimination of any kind
- Supporting research on human rights
- Promoting education on human rights
- Reviewing and engaging in communications on aspects of human rights, in order to raise awareness, provide information and address public opinion

2
Details of the victim:

- Name in full
- Address
- State
- District
- Sex
- Pin code
- Disability
- Age
- Religion
- Caste

3
Details of the incident:

- Exact place of the incident
- State
- District
- Incident date
- Incident category
- Incident sub-category
- Written complaint (Brief summary of the facts/ allegations)
- If such a complaint has been filed before any court/ SHRC

4
Relief details:

- Name, designation and address of the public servant (full details of the authority against whom the complaint is being made)
- Relief sought for (full details of the relief sought for the human rights violation)

**Tool:** Suggested tool for this session is change ladder. (Please see the previous chapter)

Key Learnings

- ☑ NHRC is an important instrument for policy advocacy, in case of any human rights violation. Work in the brick kilns, if amounting to forced or bonded labour, is a violation of human rights.
- ☑ When filing the complaint, ensure that it is evidence-based and can be verified and corroborated.
- ☑ Evidence must be clear and sharp, to facilitate recommendations and speedy action by the authorities.

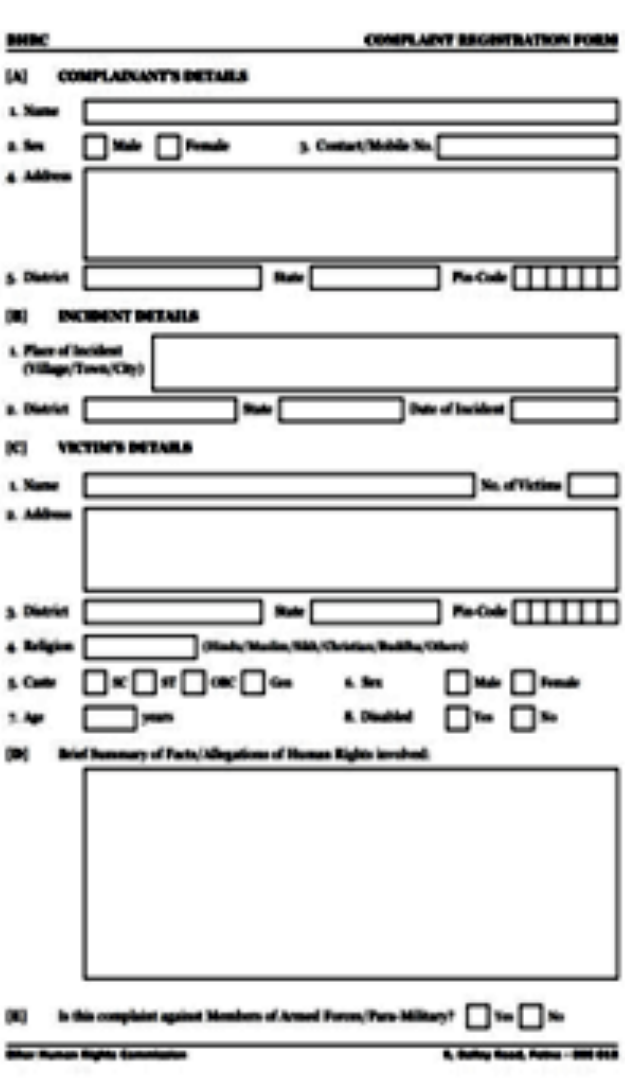
# SESSION 4.7 ADVOCATING WITH SHRC

**Purpose:** To equip those engaged in policy advocacy for brick-kiln workers to advocate with SHRC in the states where they are actively campaigning. It explains the purpose of the commission and how it can take up and address issues of violation.

SHRCs have been constituted in order to supplement the efforts of NHRC. The purpose, functions and mandate are similar to NHRC.

**Purpose of SHRC:** SHRC can call for reports of violations of human rights in the states in which they have been constituted. They cannot call for reports from the centre or from the states where there are no SHRCs. All states of India do not have an SHRC. For example, Delhi and many states of the Northeast have not constituted SHRCs so far. The policy advocacy campaign must, therefore, be mindful of this overall context when planning the advocacy campaign.

SHRCs become necessary and important because India is a diverse country and it is important to consider the dimensions of inclusion in governance at every step. Protection of human rights needs to be made available even for the most marginalised, and this necessitates a decentralized set-up. The role and



BHRC COMPLAINT REGISTRATION FORM

[A] COMPLAINANT'S DETAILS

1. Name
2. Sex ☐ Male ☐ Female 3. Contact/Mobile No.
4. Address
5. District State Pin-Code

[B] INCIDENT DETAILS

1. Place of Incident (Village/Town/City)
2. District State Date of Incident

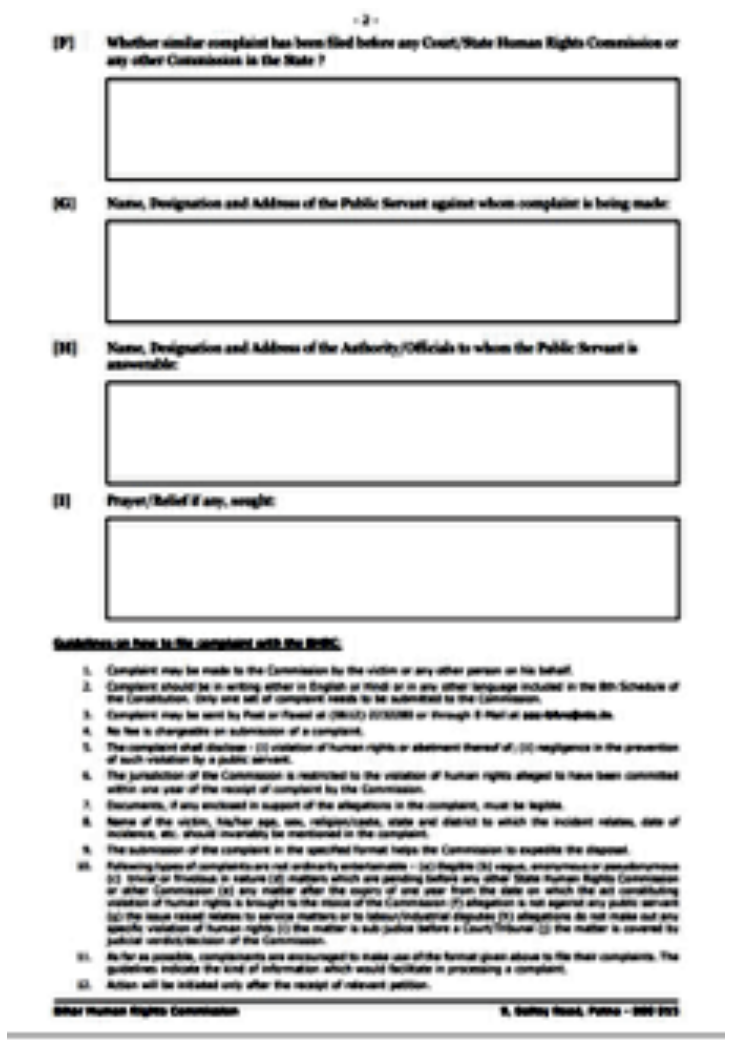
[C] VICTIM'S DETAILS

1. Name No. of Victims
2. Address
3. District State Pin-Code
4. Religion (Hindu/Muslim/Sikh/Christian/Buddha/Others)
5. Caste ☐ SC ☐ ST ☐ OBC ☐ Gen 6. Sex ☐ Male ☐ Female
7. Age years 8. Disabled ☐ Yes ☐ No

[D] Brief Summary of Facts/Allegations of Human Rights involved:

[E] Is this complaint against Members of Armed Forces/Para-Military? ☐ Yes ☐ No

Bihar Human Rights Commission 9, Sofiny Road, Patna – 800 018



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[F] Whether similar complaint has been filed before any Court/State Human Rights Commission or any other Commission in the State ?

[G] Name, Designation and Address of the Public Servant against whom complaint is being made:

[H] Name, Designation and Address of the Authority/Officials to whom the Public Servant is answerable:

[I] Prayer/Relief if any, sought:

Guidelines on how to file complaint with the BHRC:

1. Complaint may be made to the Commission by the victim or any other person on his behalf.
2. Complaint should be in writing either in English or Hindi or in any other language included in the 8th Schedule of the Constitution. Only one set of complaint needs to be submitted to the Commission.
3. Complaint may be sent by Post or Fawad at (0612) 2232080 or through E-Mail at [illegible]
4. No fee is chargeable on submission of a complaint.
5. The complaint shall disclose - (i) violation of human rights or abatment thereof of; (ii) negligence in the prevention of such violation by a public servant.
6. The jurisdiction of the Commission is restricted to the violation of human rights alleged to have been committed within one year of the receipt of complaint by the Commission.
7. Documents, if any enclosed in support of the allegations in the complaint, must be legible.
8. Name of the victim, his/her age, sex, religion/caste, state and district to which the incident relates, date of incidence, etc. should invariably be mentioned in the complaint.
9. The submission of the complaint in the specified format helps the Commission to expedite the disposal.
10. Following types of complaints are not ordinarily entertainable - (a) Illegible (b) vague, anonymous or pseudonymous (c) trivial or frivolous in nature (d) matters which are pending before any other State Human Rights Commission or other Commission (e) any matter after the expiry of one year from the date on which the act constituting violation of human rights is brought to the notice of the Commission (f) allegation is not against any public servant (g) the issue raised relates to service matters or to labour/industrial disputes (h) allegations do not make out any specific violation of human rights (i) the matter is sub-judice before a Court/Tribunal (j) the matter is covered by judicial verdict/decision of the Commission.
11. As far as possible, complainants are encouraged to make use of the format given above to file their complaints. The guidelines indicate the kind of information which would facilitate in processing a complaint.
12. Action will be initiated only after the receipt of relevant petition.

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responsibility of both the centre and the state is important when it comes to human rights. SHRCs ensure that protection of human rights is their shared responsibility as well.

**Mandate of SHRCs:** Whereas PHRA does not make it legally binding for states to abide by the recommendations of the SHRC, in essence, its existence itself is like playing the role of a watchdog and monitoring human rights violations. It is, therefore, extremely important that SHRCs must be informed in a procedural manner about the rights violations in their states. SHRCs can also take up cases *suo moto*, based on newspaper reports or campaigns by the civil society, and conduct an inquiry. This is an enabling provision that empowers SHRC and makes it further necessary that there is a targeted sensitisation campaign with the media as well as the public at large. Newspaper reports indicate various cases of human rights violations, taken up by the SHRC, such as bonded labour and child labour, including in Rajasthan, Gujarat, Chhattisgarh, Jharkhand, Bihar and Haryana. According to various SHRC websites, inspections into the conditions of health, safety and education have been taken up in states where these concerns have been raised.

**Sensitise civil society:** A sensitive civil society will facilitate the protection of labour rights in a state. The more the cases of exploitation and abuse get reported, the more SHRC gets activated.

**Procedure for filing complaints:** The procedure for filing of complaints in SHRC is almost the same as in NHRC. However, the specific website of a particular state's commission will give more details about it. Given below is the complaint form of Bihar SHRC, providing an idea of its similarity with the NRHC complaint procedure.

**Tool:** Suggested tool for this session is change ladder. (Please see the previous chapter.)

Key Learnings

- ☑ SHRCs have been created as extended arms of NHRC, to supplement and complement its work.
- ☑ Following the laid-out procedures, complaints should be filed with SHRC during the course of the advocacy campaign, to highlight instances of violation of rights of brick-kiln workers as well as promote their access to entitlements.

# SESSION 4.8 USING THE MEDIA FOR POLICY ADVOCACY

**Purpose:** To explain the role the media plays for policy advocates. It trains those advocating for the rights of brick-kiln workers on the different tools that can be used when mobilising the media and how to plan and position the advocacy campaign vis a vis each.

The media has a particular role to play in public-advocacy initiatives, especially campaign-based approaches. Not all advocacy work uses the media, and a media-based approach carries risks as well as opportunities. The media can reach a mass audience, potentially increasing the profile and credibility of a campaign; it can also bring bad publicity and may contribute to mobilising opposition as well as support. Therefore, the concerns of brick-kiln workers must be articulated carefully, and evidence must be there to back up the claims. Evidence must be available at hand to respond to any questions from the media at any stage of the advocacy campaign.

The media can reach a mass audience, potentially increasing the profile and credibility of a campaign; it can also bring bad publicity and may contribute to mobilising opposition as well as support.

**Press releases, media advisories or press statements**

A press release is the most common method of communication and will usually include the following:

✓ Name of the organisation

✓ Contact information

✓ Headline

✓ Dateline

✓ Body of the text

A media advisory is usually sent to inform a journalist about an event that is important for them to attend. It is short and to the point. It simply explains the importance of the event and the details of when and where it is held.

A statement is a stand-alone quote, which reflects the position of an organisation about a specific issue. A statement is useful when responding to developments or breaking news. It helps clarify the position of an organisation.

**Op/Ed:** An Op/Ed is an abbreviation for opposite the editorial page. It is a great way of shaping the opinion of the public about a problem that has been identified. Publications that have longer articles (or a

higher word count per article) are perfect for organisations that want to go into more detail. This is essential when the problem is complex and needs to be explained in greater detail.

Op/eds can be written by activists taking up the cause of brick-kiln workers; the network can also approach academics or even those who have been writing frequently in the op/ed pages of newspapers to write on the issue. Different newspapers may also have different policies regarding their op/ed publications. These must be read carefully and followed. Either way, this is a high impact way of highlighting workers' demands and concerns, and will certainly get the campaign the right audience—from policy-makers to the public at large—and help in gaining more support for policy advocacy.

**Special columns:** Every newspaper will have a segment for columns by eminent people. These are meant to be thought-provoking and opinion-based. Policy advocates must give some time and identify the appropriate publication and column writer they think will support them and will write an impactful piece on their issue. The possibility of the advocate themselves writing a column and getting it published can also be explored.

**Online sources:** Social media has become an innovative tool for ensuring that all role-players are kept informed; it is the easiest way of mobilising communication in any advocacy effort. Using some social media platform as an advocacy platform is essential. At the same time, it is also possible to use the social media platforms of existing media channels and online newspapers and magazines, to project the demands of the campaign for brick-kiln workers. Instances of violation, denial of benefits, education and health can be important issues for which online media can be approached.

It is also possible that, sometimes, a newspaper may not take up the story due to shortage of space in its print form but will be willing to carry it in its online edition. There is an increasing trend internationally that instead of having print editions, magazines only have online editions. Campaigning in the media, therefore, must be done mindful of all these elements.

Sensitising through online newspapers and magazines will need a strategy similar to the print because they are often linked. If the advocates are already projecting themselves on social media through YouTube, Twitter or Facebook, giving these links will add a fillip to the coverage that is sought.

**Webinars:** Webinars are web-based seminars. These may be presentations, workshops or seminars available, using the video conferencing software online. The most beneficial feature of a webinar is that it has an interactive element and it is possible to receive and discuss the information in a real-time setting. Videos and audios can be shared in a webinar. It allows the interaction between the presenter and the audience.

**Tool:** Suggested tool for this session is One Minute Message. Learning the art of conceiving a one-minute message is a useful tool that helps all those participating in policy advocacy to formulate messages. These messages may then be used by them to communicate about the issues highlighted in the advocacy campaign through various media—print, audio visual and, more important, social media. It will also help them understand how to place the campaign in perspective, in a crisp and precise manner and have evidence at hand to defend their stand.

This will also prove to be helpful when the advocates go to meet the change-makers and explain their position to them.

1. Given below is a draft outline of how a one-minute message can be drafted:
2. The main statement or the main message of the campaign
3. Next statement in support of the main message, giving evidence through facts and figures
4. Next statement telling a human-interest story, to support the evidence
5. Last statement is on the action: What needs to be done

**Key Learnings**

- ☑ Social media is an innovative tool to ensure that all the role-players are informed and it is the easiest way of mobilising communication in any form of advocacy effort.
- ☑ In order to ensure successful advocacy for the rights of brick-kiln workers, multiple tools such as broadcast media and social media may be used to spread awareness about the issues being raised. Op/Eds, for shaping the opinion of the public, and webinars, for sharing useful video and audio clips, are important.

# SESSION 4.9 COMPLAINING TO THE UN

**Purpose:** To explain how the UN is a useful instrument and elaborate on step-by-step how this procedure may be followed by policy advocates. The UN has a space to register complaints about the violation of human rights. Three procedures are explained: 1) Human Rights Complaint Procedure, 2) Special Procedures of the Human Rights Council, 3) Treaty-based Mechanisms.

## 1.HUMAN RIGHTS COUNCIL COMPLAINT PROCEDURE

In June 2007, the Human Rights Council adopted Resolution 5/1 called 'Institution-Building of the United Nations Human Rights Council' by which a new complaint procedure was established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

**Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.**

***www.ohchr.org***

Whereas this procedure is new, it is much like its predecessor—Procedure 1503. The UN keeps this procedure confidential and examines the human rights situation within a state/country. It is impartial, objective, efficient, victim-oriented and is conducted in a timely manner.

Individuals, NGOs, CSOs or any organisation can complain about a human rights violation. Cases and concerns reported repeatedly to the UN and where a pattern is visible will gather greater attention. Cases of violation of basic human rights, therefore, must be reported consistently. At the same time, it is also important that this information shared with the UN is evidence-based and builds a solid ground with proof for the claim that it is making.

**The complaints procedure of the UN can be followed to strengthen any advocacy campaign. All complaints must be directed to:**

**Complaint Procedure Unit**
**Human Rights Council Branch**
**Office of the United Nations High Commissioner for Human Rights**
**United Nations Office at Geneva**
**CH-1211 Geneva 10, Switzerland**
**Fax: (41 22) 917 90 11**
**E-mail: CP@ohchr.org**

The following section from the UN website explains how the complaints procedure works:

**"Pursuant to paragraph 94 of resolution 5/1, the Chairperson of the Working Group on Communications, together with the Secretariat, undertake an initial screening of communications based on the admissibility criteria set in paragraphs 85 to 88 of resolution 5/1. Manifestly ill-founded and anonymous communications are screened out. Communications not rejected in the initial screening are transmitted to the State concerned to obtain its views on the allegations of violations. Both the author of a communication and the State concerned are informed of the proceedings at each stage.**

**Two distinct working groups—the Working Group on Communications and the Working Group on Situations—are responsible, respectively, for examining written communications and bringing consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms to the attention of the Council."**

## 2. SPECIAL PROCEDURES OF THE HUMAN RIGHTS COUNCIL

A communication related to a violation of human rights and fundamental freedoms is admissible, provided that:

- ✓ It is not manifestly politically motivated and its object is consistent with the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law;
- ✓ It gives a factual description of the alleged violations, including the rights which are alleged to be violated;
- ✓ Its language is not abusive. However, such a communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language;
- ✓ It is submitted by a person or a group of persons claiming to be the victims of violations of human rights and fundamental freedoms, or by any person or group of persons, including non-governmental organisations, acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations and claiming to have direct and reliable knowledge of the violations concerned. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual authors is second-hand, provided that they are accompanied by clear evidence;
- ✓ It is not exclusively based on reports disseminated by mass media;
- ✓ It does not refer to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights;
- ✓ Domestic remedies have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged. National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

Source: https://www.ohchr.org/en/hrbodies/hrc/complaintprocedure/pages/hrccomplaintprocedureindex.aspx

The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political and social. The special procedures of the Human Rights Council are independent human rights experts, with mandates to report and advise on human rights from a thematic or country-specific perspective. They can engage directly with governments on allegations of violations of human rights that come within their mandates by means of letters, in particular urgent appeals. Any human rights violation that has already occurred is ongoing, or which has a high risk of occurring can be taken up.

In order for a complaint to be assessed, the following information is needed:

1. Identification of the alleged victim(s).
2. Identification of the alleged perpetrators of the violation (if known), including substantiated information on all the actors involved, including non-state actors if relevant.
3. Identification of the person(s) or organisation(s) submitting the communication, if different from the victim (this information will be kept confidential).
4. Date, place and detailed description of the circumstances of the incident(s) or violation. The information submitted can refer to violations that are said to have already occurred, that are ongoing or about to occur.
5. The alleged victims and/or their families or representatives must indicate in their submissions whether they DO or DO NOT consent that:
6. the names of the victims be disclosed in the communications to governments, intergovernmental organisations, businesses, military or security companies.
7. the names of the victims appear in a public report to the Human rights Council.
8. Other details pertaining to the specific alleged violation may be required depending on the mandate(s) to which the submission is addressed or relevant.

Communications that contain abusive language or that are obviously politically motivated are not considered. Communications should not be based solely on media reports.

Source: https://www.ohchr.org/EN/HRBodies/SP/Pages/Communications

This process includes sending a letter to the concerned state with the facts of the allegation with the applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

Intervening in the issue depends on established criteria as per the Code of Conduct. This usually relates to the reliability of the source and the credibility of information received, the details provided and the scope of the mandate.

Cases can be submitted by email to

urgent-action@ohchr.org

or by postal mail to:

OHCHR-UNOG
8-14 Avenue de la Paix 1211
Geneva 10, Switzerland

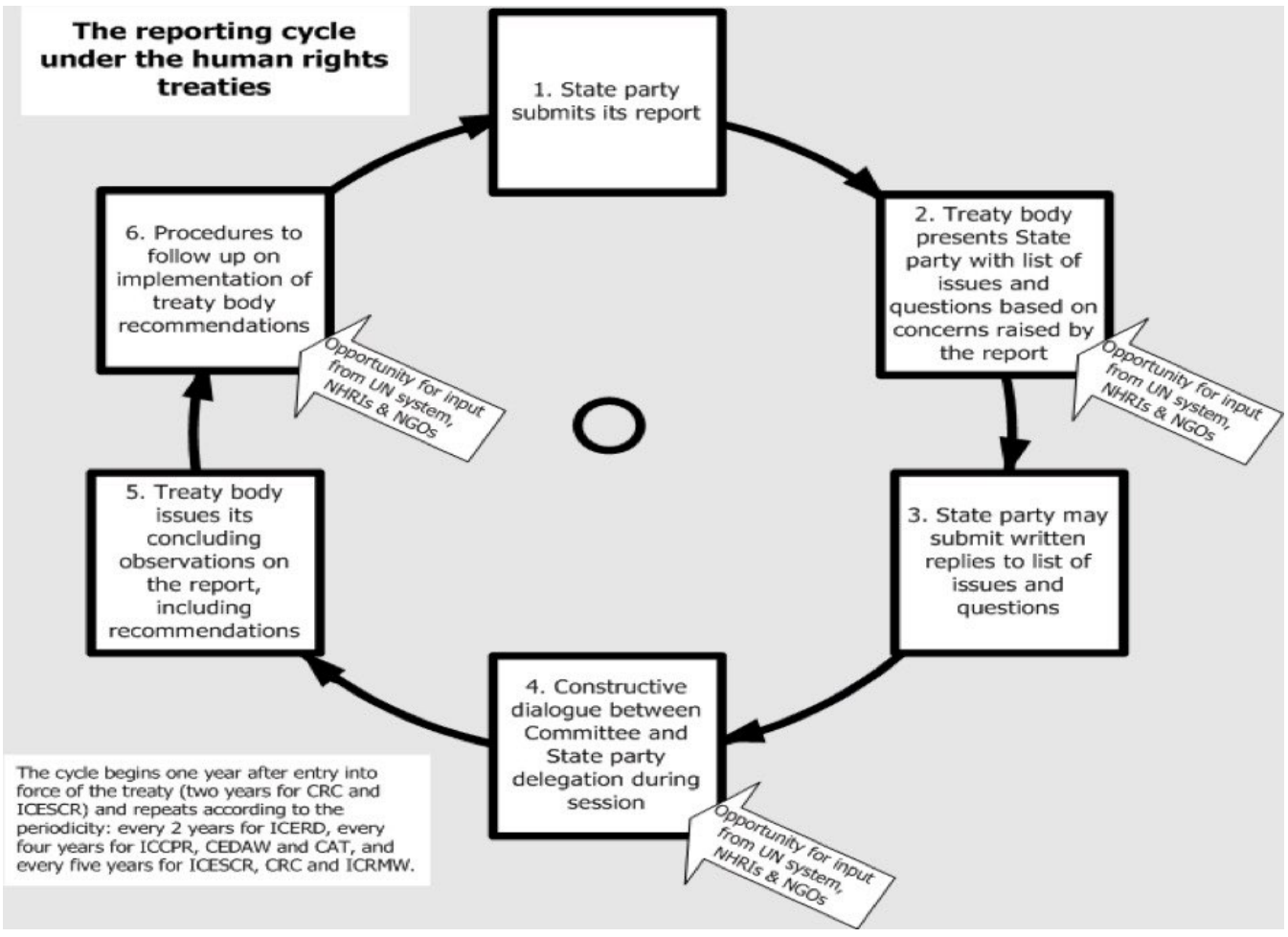
To facilitate the consideration of alleged violations, the online form/ questionnaire at the link ‘Online submission to special procedures’ can be used, as also the questionnaires relating to several mandates, by persons wishing to submit information. Communications are also considered even when they are not submitted in the form of a questionnaire.

## 3. TREATY-BASED MECHANISMS[1]

Human rights treaties of the UN give an opportunity to advocates for intervening by:

- ☑ Promoting its ratification: Through lobbying, raising public awareness or participation in national-level consultations called by the government.
- ☑ Participating in the reporting process through
- ☑ Monitoring compliance by the state
- ☑ Submitting a parallel report besides the independent state report
- ☑ Participate in treaty body sessions. These are open for CSOs
- ☑ Participate in General Discussion Days. Some committees such as Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers have certain days earmarked for CSOs
- ☑ Submit an individual complaint/communication.
- ☑ Provide information to prompt a confidential inquiry on grave or systematic human rights violations.

## HUMAN RIGHTS BODIES—COMPLAINTS PROCEDURES




Complaints against violation of human rights can be highlighted before human rights treaty bodies, which have the mandate to take up issues in the following three ways: Individual communications: Each of the nine, core international human rights treaties has a Treaty Body, which has been established for the purpose of

[1] This section is largely drawn from www.ohchr.org

monitoring the provisions of the treaty. Of these, currently, eight of the human rights treaty bodies may, under certain conditions, receive and consider individual complaints or communications from individuals.

### Complaints to the Nine, Core Human Rights Treaties

The *Human Rights Committee (CCPR)* may consider individual communications alleging violations of the rights set forth in the *International Covenant on Civil and Political Rights* by States parties to the First Optional Protocol to the International Covenant on Civil and Political Rights.

The *Committee on Elimination of Discrimination against Women (CEDAW)* may consider individual communications alleging violations of the *Convention on the Elimination of All Forms of Discrimination against Women* by States parties to the Optional Protocol to the Convention on the Elimination of Discrimination against Women.

The *Committee against Torture (CAT)* may consider individual complaints alleging violations of the rights set out in the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* by States parties who have made the necessary declaration under article 22 of the Convention.

The *Committee on the Elimination of Racial Discrimination (CERD)* may consider individual petitions alleging violations of the *International Convention on the Elimination of All Forms of Racial Discrimination* by States parties who have made the necessary declaration under article 14 of the Convention.

The *Committee on the Rights of Persons with Disabilities (CRPD)* may consider individual communications alleging violations of the *Convention on the Rights of Persons with Disabilities* by States parties to the Optional Protocol to the Convention.

The *Committee on Enforced Disappearances (CED)* may consider individual communications alleging violations of the *International Convention for the Protection of All Persons from Enforced Disappearance* by States parties who have made the necessary declaration under article 31 of the Convention.

The *Committee on Economic, Social and Cultural Rights (CESCR)* may consider individual communications alleging violations of the *International Covenant on Economic, Social and Cultural Rights* by States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The *Committee on the Rights of the Child (CRC)* may consider individual communications alleging violations of the *Convention on the Rights of the Child or its two first Optional Protocols* on the sale of children, child prostitution and child pornography (OPSC), and on the involvement of children in armed conflict (OPAC) by State Parties to the Third Optional Protocol on a communications procedure (OPIC).

For the *Committee on Migrant Workers (CMW)*, the individual complaint mechanism has not yet entered into force.

### Inquiries

Upon receipt of reliable information on serious, grave or systematic violations by a State party of the conventions they monitor, the Committee against Torture (Article 20 CAT), the Committee on the

Elimination of Discrimination against Women (Article 8 of the Optional Protocol to CEDAW), the Committee on the Rights of Persons with Disabilities (Article 6 Optional Protocol to CRPD), the Committee on Enforced Disappearances (Article 33 of CED), the Committee on Economic, Social and Cultural Rights (Article 11 of the Optional Protocol to ICESCR) and the Committee on the Rights of the Child [Article 13 of the Optional Protocol (on a communications procedure) to CRC] may, on their own initiative, initiate inquiries if they have received reliable information containing well-founded indications of serious or systematic violations of the conventions in a State party.

**Tool:** Suggested tool for this session is change ladder. The Change Ladder is an effective way of both anticipating as well as assessing the change that the advocacy has initiated. Given below is a template on how a change ladder can be developed. At each of the levels in this ladder, there can be multiple entries. Alternatively, multiple ladders are also created. The Change Ladder showcases change as we move up. It is giving direction to the advocacy campaign, in terms of how a certain set of actions will lead to certain results. The Change Ladder must be based on the overall goals and specific objectives that have been worked out for the campaign.

Key Learnings

- ☑ UN Human rights complaints procedure can be used to highlight concerns and challenges of brick-kiln workers from a human rights perspective.
- ☑ Such complaints must be filed following the correct procedure, and once filed they will be taken up by the UN at different levels and will also go into the larger policy directives that are formulated by the UN.

# SESSION 4.10 ILO REPRESENTATION PROCEDURE

**Purpose:** To describe the procedures to be followed by the campaign when advocating a particular issue with the International Labour Organisation (ILO). It also explains how ILO addresses these.

The ILO is an international organisation and an agency of the UN responsible for setting international labour standards. It has 187 member states.

ILO promotes observance to labour standards, social protection and decent work through a number of conventions and recommendations.

**There are eight core ILO conventions, the observance of which it is committed:**

1. **Forced Labour Convention, 1930 (No. 29)**
2. **Abolition of Forced Labour Convention, 1957 (No. 105)**
3. **Equal Remuneration Convention, 1951 (No. 100)**
4. **Discrimination (Employment and Occupation) Convention, 1958 (No. 111)**
5. **Minimum Age Convention, 1973 (No. 138)**
6. **Worst Forms of Child Labour Convention, 1999 (No. 182)**
7. **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**
8. **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**

**India has ratified the first six of these conventions so far.**

In case the member states violate provisions of these instruments, ILO has standard procedures through which these can be handled. This gives the advocates a good opportunity to place their concerns about the rights of workers on record and ensure that these rights are not compromised. Workers or their representatives can report to the ILO through trade unions. The ILO constitution explains for this: 1) Procedure for making a representation (Article 24-25, ILO Constitution) and 2) Procedure for filing complaints (Article 26-34, ILO Constitution). Apart from this, there is also A Committee on Freedom of Association, to which cases of violation of Convention 87 and 98 are referred.

## 1. PROCEDURE FOR MAKING REPRESENTATION TO THE ILO (ILO CONSTITUTION ARTICLE 24–25)

Article 24 and 25 of the ILO's Constitution explicate the ILO's representation procedure. Workers and employers' organisations can make a representation to the ILO's Governing Body, in line with the laid-out procedures against any member state which has been unable to observe any of the provisions of the ILO convention to which it is a party.

When such a representation is received by the ILO that, "any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party," (Art. 24, ILO Constitution), the Governing Body can communicate this to the government against whom the representation has been made, inviting the government to make a statement on the subject. However, if no statement is received within a reasonable time, or it is not deemed to be satisfactory, the Governing Body has the right to publish the representation and the statement, if any, made in reply to it (Art. 25 ILO Constitution).

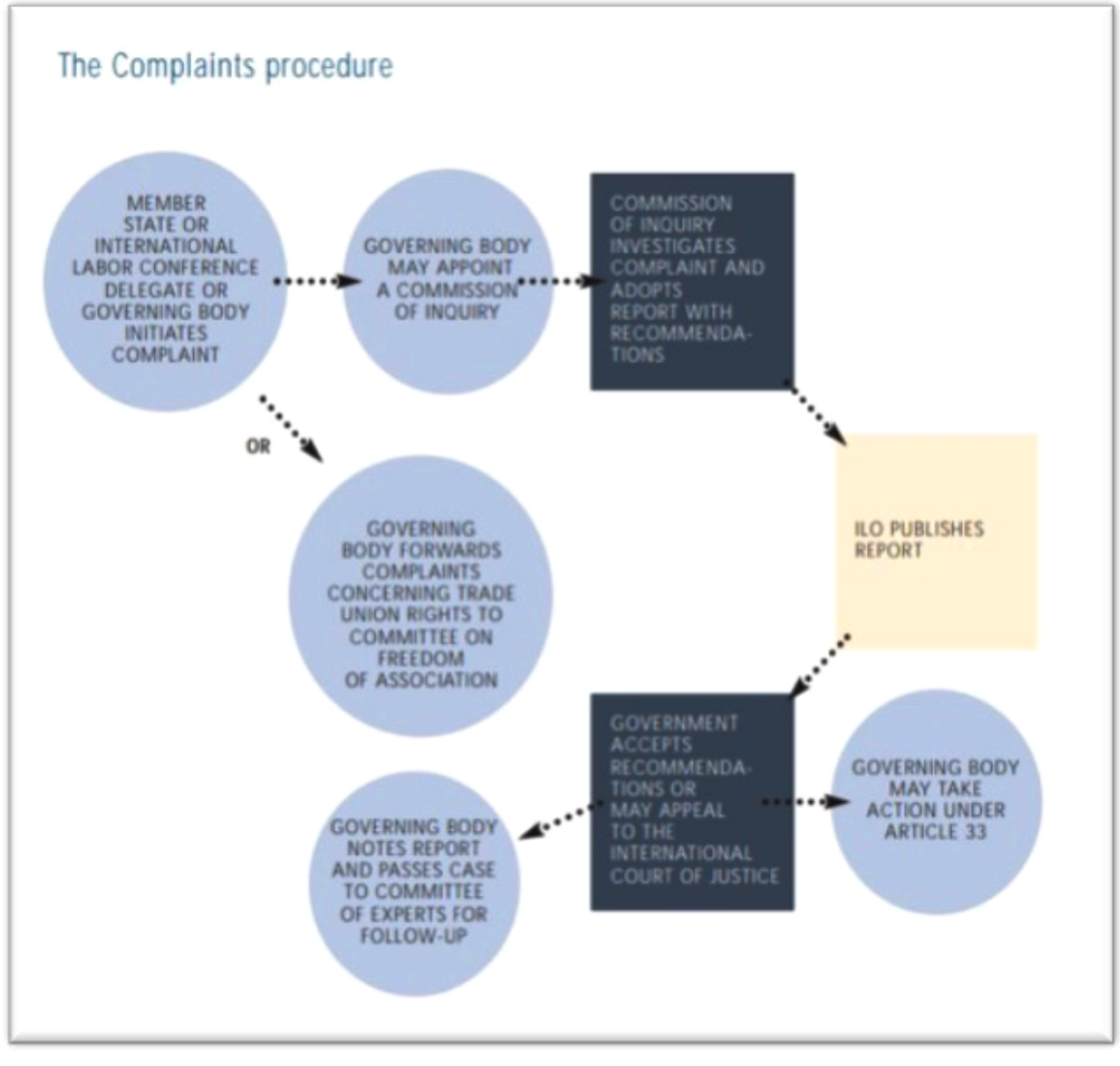
## 2. COMPLAINTS PROCEDURE (ARTICLE 26–34, ILO CONSTITUTION)

The complaints procedure is governed by Articles 26 to 34 of the ILO Constitution. According to these provisions, a complaint against a member state that is not observing any of the ILO conventions to which it is a party, can be filed by any of the members who have ratified the convention or any delegate of the ILO conference. Once the complaint is filed, if the Governing Body thinks it is appropriate and before referring such a complaint to a Commission of Inquiry, it can communicate with the government in question in the manner described in Article 24.

However, if the Governing Body does not think it necessary to communicate the complaint to the concerned government, or if no reply has been received within a reasonable time, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon (Art. 26, ILO Constitution).

The Commission of Inquiry prepares a report once it has fully considered the complaint (Article 28, ILO Constitution).

The Director-General of the ILO Office communicates the report of the Commission of Inquiry to the Governing Body and to each of the governments concerned. Each of the governments in question need to inform, within three months, whether or not it



accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the International Court of Justice (Art. 29, ILO Constitution).

The decision of the International Court of Justice, regarding the complaint referred to in Article 29 is the final (Article 31, ILO Constitution).

If any member fails to take action on the report of the Commission of Inquiry or the decision of the International Court of Justice, "The Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith" (Article 33, ILO Constitution).

In case the member state has taken action, it can at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Inquiry or with those in the decision of the International Court of Justice and request it to constitute a Commission of Inquiry to verify its contention. If the report of the Commission of Inquiry or the decision of the International Court of Justice is in favour of the defaulting government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33. (Article 34, ILO Constitution).

The ILO website notes that Article 33 has been used once in the history of ILO in 2000 when the Governing Body demanded that measures be taken to prompt Myanmar to curb exploitation of forced labour.

## 3. COMMITTEE ON FREEDOM OF ASSOCIATION (CFA)

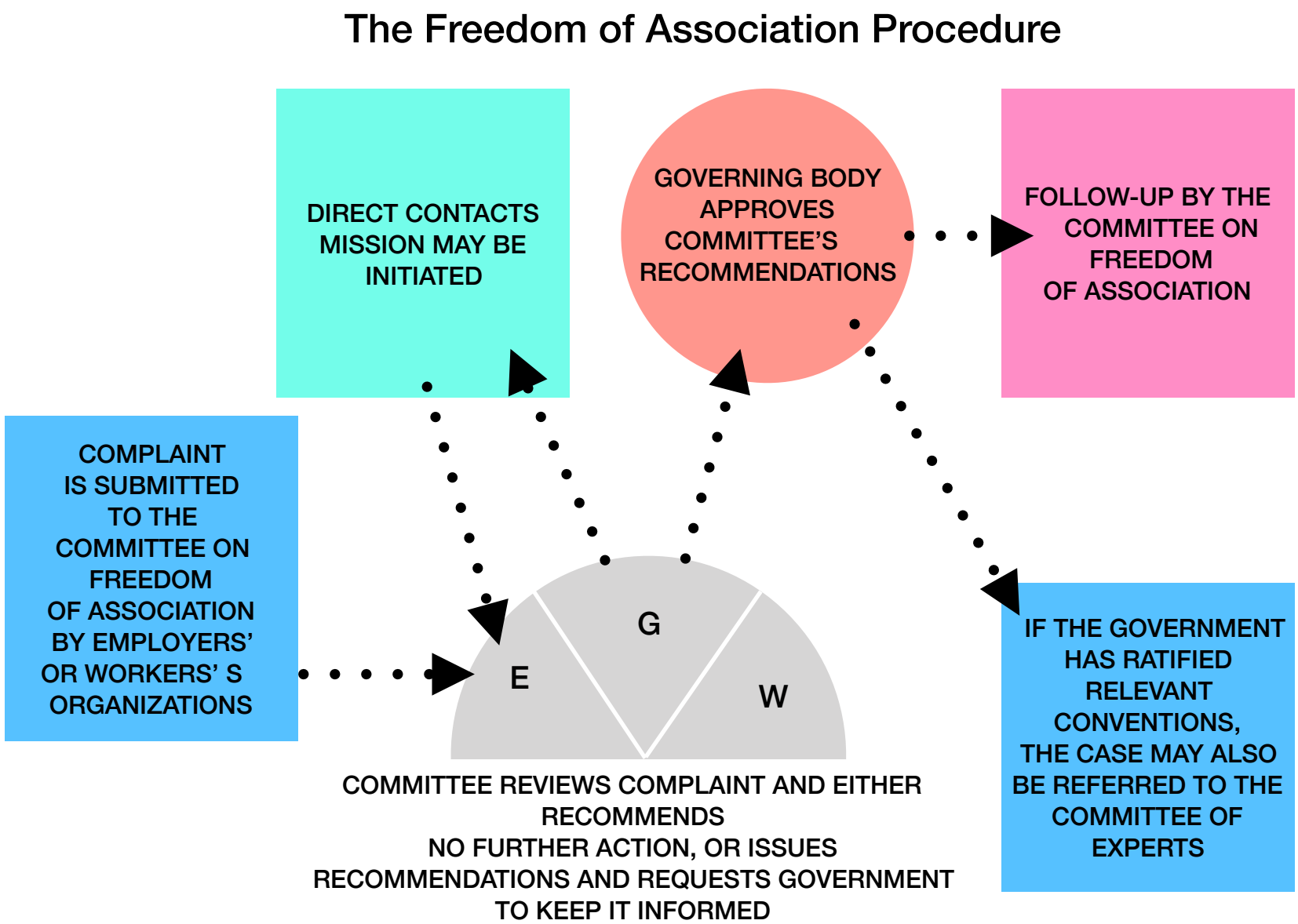
Complaints concerning the application of Conventions Nos. 87 and 98 are often referred to the CFA for examination. The CFA examines complaints about violations of freedom of association, whether or not the country concerned has ratified the relevant conventions. Under this special procedure, governments or organisations of workers and of employers can submit complaints concerning violations of trade union rights by States (irrespective of whether they are Members of the ILO, or Members of the United Nations without being Members of the ILO). The procedure can be applied even when the Conventions on freedom of association and collective bargaining have not been ratified.

The Committee on Freedom of Association is a tripartite body set up in 1951 by the Governing Body. It is composed of nine members and nine deputies from the Government, Workers' and Employers' groups of the Governing Body, and has an independent Chairman.

The CFA is a Governing Body committee. It comprises an independent chairperson and three representatives from the government, employers, and workers. If it decides to receive the case, it establishes the facts in dialogue with the government concerned. Upon finding any violation of the freedom of association, in terms of standards or principles, it reports and makes recommendations on how the situation could be remedied.

Subsequently, governments are requested to report on the implementation of its recommendations. In cases where the country has ratified the relevant instruments, legislative aspects of the case may be referred to the Committee of Experts.

The CFA can also propose what is called 'direct contacts' mission to the government concerned, to address the problem with government and other social partners through a process of dialogue. The Freedom of Association procedure[2] is schematically presented below.




In more than 60 years of work, the CFA has examined over 3,000 cases. More than 60 countries on five continents have acted on its recommendations and have informed it of positive developments on freedom of association during the past 35 years.

**Tool:** Suggested tool for this session is change ladder. (Please see the previous chapter.)

Key Learnings

- ☑ ILO is an important agency that defends the rights of workers and can be approached by trade unions.
- ☑ Once representations are submitted procedurally, ILO may constitute a Commission of Inquiry to look into it.
- ☑ The procedure gives a forum and place where trade unions can appeal, and this can help them in their demands for implementing ILO standards and, thereby, strengthen their efforts in ensuring the rights of workers.

[2] https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/WCMS_088456/lang--en/index.htm

# SESSION 4.11 APPROACHING INTERNATIONAL TRADE UNIONS

**Purpose:** To help advocates understand better how international trade unions can be approached in case of rights violations or enable access to decent work and entitlements. It explains the benefits of approaching a trade union, what it can do for workers and describes briefly some of the international trade unions that can be approached by brick-kiln workers.

There are several international trade unions that can be approached, in case of labour rights violations, through their unions or partners in India as well as globally. This becomes all the more relevant when the advocacy group decides to have a targeted campaign against the company or companies sourcing their products—in this case, the bricks—from a production facility where there is evidence of labour rights violations.

## RELEVANCE OF WORKING WITH TRADE UNIONS

Trade unions are membership-based, independent organisations that represent workers and negotiate with the management. Workers may approach them in cases of rights violation or to improve their working conditions and welfare benefits. Trade unions help promote and protect the legal rights of workers and ensure safety at the workplace, decent working conditions and equal opportunities.

Workers may not find it easy to approach the management individually and demand their rights and dues; however, if they collectivise and take the support of organised trade unions, their concerns are more likely to be addressed. Common problems can be addressed through unions.

Joint agreements may be reached through collective bargaining and negotiations. Unions give workers a stronger bargaining power vis a vis the management.

How to approach international trade unions

- ✓ Contact a national affiliate of the relevant international trade union through the internet or through networking.
- ✓ Tell the whole story, including what are the existing working conditions, how they were earlier, what is the condition of men and women workers and what are the instances of rights violation.
- ✓ Give a detailed account of the actions taken so far.
- ✓ Define the target companies.
- ✓ State the asks clearly.

Negotiating with unions on workers' issues may also be more beneficial for the management because they then do not need to deal with workers individually and can agree upon benefits and working conditions collectively. They help enterprises promote equality, comply with codes and national and international labour standards, ensure safe workplaces, improve the socio-economic standard of workers and, thereby, enhance productivity.

## WHAT CAN TRADE UNIONS DO?

✤ Support, through their affiliates, in building the capacities of workers to:

- Enable them participate better in the ongoing negotiations with employers by helping workers identify negotiating points and the negotiating pitch.
- Put pressure on the employers and the government through memorandums and joint actions.
- Raise issues of rights violations at tripartite forums, including the national labour conference.

✤ Leverage their presence internationally to approach the companies and demand decent working conditions and access to entitlements.

✤ Raise the issue at international bodies, including the ILO or the UN.

## KEY INTERNATIONAL TRADE UNIONS[3]

### International trade unions organising workers across industries and sectors

The International Trade Union Confederation (ITUC): A global trade union network that aims to promote and defend workers' rights through international cooperation between trade unions, global campaigning and advocacy within major global institutions. It represents 175 million workers in 151 countries and territories.

The World Federation of Trade Unions (WFTU): A global trade union that has 92 million workers as members from 126 countries across all six inhabited continents.

ITUC-affiliated organisations in India:

Hind Mazdoor Sabha (HMS): Membership 5,788,822
Indian National Trade Union Congress (INTUC): Membership 8,200,000
Self-Employed Women's Association (SEWA): Membership 1,351,493

Source: Websites of each trade union

WFTU-affiliated organisations in India:

All India Trade Union Congress (AITUC): Membership 2,677,979
Centre of Indian Trade Unions (CITU): Membership 5,000,000

Source: Websites of each trade union

### Global Union Federations, or international representatives of unions, organizing in specific industry sectors or occupational groups

**Building and Wood Workers International:** Represents 326 free and democratic unions in the building, building material, wood, forestry and allied sectors, representing about 12 million members in 130 countries.

[3] Largely based on inputs from www.aflcio.org

**IndustriALL Global Union:** Represents 50 million workers in 140 countries in the mining, energy and manufacturing sectors. It is a force in solidarity fighting for better working conditions and trade union rights around the world.

**International Domestic Workers Federation:** A membership-based global organisation of domestic and household workers that is made up of both unions and associations.

**The International Transport Workers' Federation:** About 700 unions, representing more than 4.5 million transport workers from 150 countries.

**Trade Union Advisory Committee (TUAC):** An international trade union organisation that has consultative status with the Organisation for Economic Cooperation and Development and its various committees. TUAC affiliates comprise more than 58 national trade union centres from 30 OECD member countries, which together represent 66 million workers.

**The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF):** An international federation of trade unions, representing workers employed in agriculture and plantations; preparation and manufacture of food and beverages; hotels, restaurants and catering services; and tobacco processing. The IUF has 348 affiliated trade unions in 127 countries.

**The International Textile, Garment and Leather Workers Federation (ITGLWF):** The global voice of garment workers, with 217 affiliated trade union organisations in 110 countries.

**The European Trade Union Confederation (ETUC):** Representing the common interests of workers at the European level, it has 82 trade union organisations in 36 European countries plus 12 industry-based federations.

## GLOBAL FRAMEWORK AGREEMENTS

A new international instrument that is becoming a part of the negotiations of the *Global Union Federations are Global Framework Agreements (GFAs)* or *International Framework Agreements (IFAs)*. These are agreements that are voluntarily negotiated between multinational enterprises and global union federations. By and large, these are instruments to improve global industrial relations and encourage cross-border social dialogue.

However, given the nature of the national collective bargaining agreements, these are not enforceable in their present form at the country level. Whereas some of them include national trade unions along with the multinational enterprise and the relevant global union federation, IFAs do not directly involve national employers' associations. Therefore, they cannot be seen as a replacement for social dialogue or collective bargaining at the country level. Rather, IFAs have been developed to build capacity and reinforce social dialogue among managers and workers in business enterprises. IFAs are largely a European phenomenon with IndustryALL having 43 per cent of all IFAs so far.

However, more recently, there has been a trend of referring to other international standards and principles in addition to ILO instruments, such as the UN Guiding Principles on Business and Human Rights, the OECD MNE Guidelines and the Universal Declaration of Human Rights. These second-generation IFAs, as they have been referred to by some, detail procedures for implementation, monitoring and dispute resolution. They also increasingly refer to global supply chains, and contain provisions that state that subcontractors and suppliers must comply with IFA.

Policy advocates must understand this procedure, therefore, and try to influence global union federations to ensure that their concerns get reflected in the relevant IFAs. International trade unions or the Global Union Federations (GUFs) must be sensitised towards this end.

Brick-kiln Workers vis-a-vis International Framework Agreements
Critical Points

All multinational enterprises operating in India and/or having stores in India source bricks for their construction. Given that multinational enterprises are committed to the Universal Declaration of Human Rights and the UN Guiding Principles on Business and Human Rights, it becomes essential that this is ensured and gets reflected throughout their sourcing and procurement plans and practices, including sourcing for building construction.

Given all the stakeholder commitment to Sustainable Development Goals (SDGs), in particular SDG 17, which emphasises on partnership for attaining these goals, it becomes all the more essential that multinational enterprises engage in dialogue at all levels.

**Tool:** Suggested tool for this session is Role Play. Role-play is an effective way of understanding how power dynamics are played out in society and how the policy advocates work together with different groups of people towards a common goal.

This enables participants to understand creatively a situation they may be confronted with when they start with their advocacy work and how best to deal with it. It also helps in understanding issues that they have to deal with at various levels more clearly and sets a thinking process, which makes them analyse the same situation from different perspectives.

The experiences and insights of all the participating partners gets reflected in this method.

For the role-play, the group can be divided into teams and asked to enact a situation. Situations can be thought of, depending on the context within which the advocacy is being undertaken.

Key Learnings

☑ International trade unions can be a good instrument for advocates, who want to raise the concerns of workers at the international level. To do this, however, their relevance needs to be understood and the problem contextualised in a way that their support can be leveraged.

# CHAPTER 5. MONITORING AND EVALUATION

**Understand:** Monitoring, evaluation and learning are essential for any advocacy campaign. Whereas these three may sound similar and share the same methods, tools and strategies, each of them is a different activity.

**Note:** This module focusses on educating those undertaking policy advocacy on the techniques of monitoring the progress.

# SESSION 5.1 MONITORING THE PROGRESS

**Purpose:** To equip the advocate with the knowledge of monitoring the progress of their advocacy campaign. It explains in detail how to plan the monitoring, understand the indicators of assessment, methods of collecting information and organising it, and progress tracking sheets, planning course correction and fulfilling the capacity enhancement needs of the advocates.

Monitoring is the regular and systematic collection and organisation of information to be used to measure the progress of the advocacy campaign. It helps in understanding how the activities undertaken, as part of the campaign, are progressing and what more needs to be done. Monitoring of advocacy activities must start when the activities commence and continue throughout the life cycle of the campaign. The information generated through monitoring, therefore, can help in a better and more efficient management of the campaign, identify and address the risks, and undertake any course corrections if the need arises. Monitoring is an internal exercise and must be done continuously.

For a successful monitoring and evaluation (M&E) plan, it is important that:

- ✓ The M&E processes are clear and facilitate regular learning for all those involved in making and implementing the policy advocacy strategy.
- ✓ Links between M&E and management functions are clear.
- ✓ The existing learning, communication and decision-making of the campaign are taken into consideration.
- ✓ Stakeholders are oriented to M&E.
- ✓ The necessary conditions and capacities for M&E are created.

## PURPOSE AND SCOPE OF MONITORING

At the onset, it is crucial to understand the goal and purpose of the monitoring and at what levels the advocacy campaign will be monitored, including the objectives, activities and the overall impact. Defining the scope of monitoring is crucial because it helps understand the practicability of the exercise, and state and set the boundaries clearly.

**Indicators of assessment:** At the onset, look at the indicators that have been stated in the proposal of the advocacy campaign. Based on this, the level of disaggregation required in the indicators can be worked out.

When formulating the monitoring indicators, it is important to understand that these can be:

- **Input indicators:** These explain the inputs that will be needed for the advocacy such as the number of days that may go into capacity building of stakeholders, and number of meetings with MPs.
- **Output indicators:** These explain the outcome of advocacy activities such as the number of workers equipped to raise concerns regarding their issues, number of MPs sensitised on issues of workers, etc.
- **Impact indicators:** These measure the actual change that has come about as the result of raising an advocacy demand such as improved collective bargaining capacities, and seen through more frequent and proactive negotiations with the employers.

**Collection of information and organisation of information:** Planning the collection of information and organising this information entails deciding on the tools to be used for data collection such as surveys, questionnaires, focussed group discussions and field visit reports, etc.

A baseline must be collected at the beginning of the advocacy campaign. Baseline is the measure that helps in assessing the progress vis-a-vis the indicators that are set. It helps in understanding the situation before the start of the campaign and gives a historical reference point for the progress that was achieved during the lifetime of the campaign.

**Organisation of reports:** Planning the organisation of reports is an important element of the monitoring plan. The intervals at which the reports are needed must be worked out clearly. These can most likely be linked to the planning meetings and can support these meetings with the information on the progress of the campaign.

Possible tools that can be used for collecting the monitoring data are:

- Review of relevant secondary sources
- Questionnaire-based survey to collect information from a large group of people
- Semi-structured interviews to collect information from smaller and more focussed groups
- Focussed group discussion, using guides, to be conducted if individual interviews need to be supplemented
- Case studies, to bring out the qualitative changes as a result of the campaign
- Direct observations

## PLANNING COURSE CORRECTION, REFLECTIVE ANALYSIS

It is very important for monitoring to be reflective and to be able to suggest course correction at the right time. This requires planning and dealing with information as and when it comes through, and at critical moments understanding the feasibility of a course correction. The planning meetings—monthly, quarterly

or annual—must discuss the reports carefully and look into this. The steering committee, comprising the stakeholders, can also be empowered to take decisions on course correction.

**Capacity enhancement:** For any monitoring exercise to be robust and efficient, it must incorporate elements of the overall goals and objectives well. For this, all those who are leading or are playing an important role in the advocacy campaign must understand its need and importance, and remain connected with it at all levels. In order to do this effectively, capacity building of the constituents of M&E and its methods may become important.

**External evaluation:** In the campaign needs an external evaluation to be conducted, the perspectives of beneficiaries and stakeholders must be integrated into it. Such programme evaluations take multi-stakeholder perspectives into account.

The evaluation design, including the questions and methodology, should be sensitive to the societal power relations that exist in the context and not be generic. The evaluator must be unbiased and have a gender- and caste-sensitive perspective. She/He should have a good track record and reputation of being unbiased. Evaluation must be conducted in innovative ways, including digital and other media information. Like the overall goals and objectives, the evaluation of an advocacy campaign should also draw from a rights-based programming approach.  It should be gender-sensitive in capturing programme effectiveness.

**Tool:** Suggested tool for this session is Self-Assessment Tool. This exercise is done with the whole group or in small groups. Self-assessment helps in understanding the existing capacities for undertaking the advocacy and enabling these existing capacities to be enhanced in the most effective and efficient way. To conduct a self-assessment, all partners of the network must be present. It must be based on the parameters indicated in the modules. In groups, encourage participants to fill in the template:

| Advocacy Method | Existing Capacities | Gap Areas | Improvement Plan |
|---|---|---|---|
| | | | |

The facilitator should ask:

- What were the methods used? How effective were they? On what basis can we say that certain methods were effective and certain ineffective?
- Were the capacities of the network sufficient?
- Where were the gaps?
- How can these gaps be improved?

**Key Learnings**

- ☑ Monitoring should not be done in a vacuum. It should be well-connected with the needs of the advocacy campaign and feed into its expectations and goals.
- ☑ The knowledge and information generated through a robust monitoring is of outmost importance in making the campaign relevant to stakeholders, beneficiaries and targets.
- ☑ A vigorous and comprehensive monitoring lays the foundations of a fruitful evaluation exercise.

# CHAPTER 6. KNOWLEDGE MANAGEMENT

**Understand:** Knowledge management is an essential part of any advocacy campaign. Effective planning of knowledge management will help advocates to not only conduct an effective and meaningful campaign but also retain and share the knowledge that has been generated in the course of the campaign through various means.

## SESSION 6.1 KNOWLEDGE GENERATION, PRESERVATION AND SHARING

**Purpose:** To tell advocates how to manage the knowledge that is generated in the advocacy campaign; how it can be stored and shared with others, including stakeholders and partners, to help the advocacy campaign become more effective and achieve its goals.

It is essential that the learning and knowledge that is generated in the process of the campaign is disseminated across the board. This ensures sustainability and replicability of an advocacy campaign.

The following can be some of the strategies by which this can be done:

- ✓ The creation of a practical knowledge-base, in the form of tools/handbooks/information kits to disseminate key messages or inputs.
- ✓ An explicit data management to capture how, where and to what extent change is taking place.
- ✓ A compilation of periodic reports, capturing the lessons learnt and identifying the need for course correction if needed
- ✓ Documenting best practices
- ✓ Human interest stories and media sensitisation kits
- ✓ Content for social media and web-based platforms

Dissemination of this knowledge could be:

- ✓ By internally sharing the intellectual knowledge with colleagues, preparing policy briefs and other briefing notes across the stakeholders for effective policy-making at all levels
- ✓ By sensitising funders on the processes of change
- ✓ Through national and international development agencies
- ✓ Through media sensitisation

**Tool:** Suggested tool for this session is Mind Mapping tool. (Please see session 1.1)

Key Learnings

- ☑ Disseminating results must be an integral component of monitoring and evaluation.
- ☑ The form in which the information is collated and distributed must be suitable for the platform and appeal to the end users.

# CHAPTER 7. RISK MANAGEMENT

**Understand:** Any policy advocacy is prone to risks. In the case of brick-kiln workers as well, once the policy demands are in the public space, it can attract various kinds of questions, reactions and controversies. When the demand is to change or make a policy or a legislation, it becomes all the more likely that reactions will come in from different quarters. This makes it extremely essential for an advocacy campaign to understand the risks it may face and be prepared. Risk management, therefore, has two key components: Understanding the risk and managing it.

## SESSION 7.1 UNDERSTANDING RISKS

**Purpose:** To equip advocates on understanding risks. It explains what kind of risks can be there in undertaking a campaign and how these can be understood and analysed. This understanding will give a good grounding to policy advocates.

Risks that a policy advocacy campaign may face are most likely to be rooted in the context itself. The research that is done at the beginning and evidence that is generated through it highlight it in some form. What is important is that policy advocates need to be open to looking at it and pre-empting it so that the campaign does not suffer.

### STRATEGIC POSITIONING OF THE ADVOCACY CAMPAIGN

**Choice of key messages:** Often the strategic position of the advocacy is such that it attracts judgements and criticisms. This can happen due to the highly sensitive nature of the key messages. In the case of brick-kiln workers, this becomes all the more critical because advocates will have to take a strong position regarding the rights and conditions in which the workers and their families are working, living and surviving. They may have to use the language of denial and exclusion, which may not be taken very well by policy implementing authorities and even the public.

**Working within a network of partners:** Working within an advocacy network has its own challenges. There are always fears of someone dominating or someone being underplayed. Such mindsets can disturb the harmonious relationship among partners and lead to misunderstanding. Sometimes, partners can be the targets too, in which case explaining to them what is needed from them is not easy. For example, prioritising the issues of women in brick-kiln work and asking trade unions and other partners to do the same may not be easy sometimes because men continue to dominate these institutions. At other times, partnering with government bodies may have an impact on neutrality. Therefore, working in partnerships may bring in its own sets of risks.

**Use of unreliable evidence:** Evidence that is used for conducting an advocacy campaign must be authentic and verifiable. If there is any gap left by the advocates on this account, that is, if it is found that they are making wrong claims or trying to take an issue's impact beyond what it really is by using false case studies of people, it can tarnish the image of both the campaign as well as the partners.

**Unfavourable political environment:** If the political environment is hostile, the advocacy campaign faces a lot of risks. Often, in the case of brick-kiln workers, this becomes an important risk to deal with.

**Financial risks:** Policy advocacy may bring risks to those involved, for example, those spearheading the work among brick-kiln workers may face a threat of being thrown out of their jobs. So they may need to concentrate on work that will give them financial resources to be able to survive and may have to leave working on the policy advocacy.

**Physical risks:** There have been instances when those advocating for policy changes are physically harmed by those who want to question it and don't want the change to come. Such attacks can be paid attacks by those who are on the other side of the table. Once such incidents happen, it may be difficult to keep the group together and continue the campaign. This calls for a good risk management.

**Expectations set too high:** Policy advocates strive for long-term changes. Often, for the partners and other stakeholders including donors, however, if the campaign is externally funded, there may be high expectations. They may be expecting the campaign to reach goals that are ill-conceived and unrealistic. Sometimes, changes in the political environment can also make goals unrealistic.

**Tool:** Suggested tool for this session is Mind Mapping tool. (Please see session 1.1)

Key Learnings

- ☑ Advocacy campaigns may suffer from different kinds of risks. These may be short term or long term. Sometimes, these can potentially threaten a campaign or risk the reputation of the advocate.
- ☑ Developing a clear understanding of these and minimising their impact by working on appropriate mitigation strategies are essential.

# SESSION 7.2: MANAGING RISKS

**Purpose:** To explain how potential risks can be understood and divided into categories, based on their probability and likelihood as well as their impact.

Once the risks have been identified, the level of potential impact of these on the campaign needs to be thought of and planned.

**Risks can be:**

- ✓ **High: When the impact can cause high damage.**
- ✓ **Medium: When the impact can cause some damage but not major damage.**
- ✓ **Low: When the impact is insignificant.**

The campaign, therefore, must have inbuilt checks and balances. The foundation of the campaign is based on strong evidence that is verifiable, and has been collected and analysed by experts. It should highlight the causes as well as the solutions to a problem; and the conclusions drawn should be robust and strong. This will ameliorate potential threats to those who are campaigning to a great extent and retain their credibility. It will help them face the political environment as well as those who are opposing or questioning their conviction.

Effective leadership and collaboration will help in drawing favourable and careful judgements required to balance all the relevant factors. Being mindful of the societal context when devising and planning the advocacy and carefully handling the cultural stigmas and norms is highly recommended. Responsibility may be carefully fixed on duty bearers and articulated. Emphasising positive norms and cultural practices will help the advocacy.

**These are the levels of probability of the risk occurring:**

- ✓ **Almost certain: When the probability of occurrence is high,**
- ✓ **Likely: When the probability of occurrence is not very high.**
- ✓ **Less likely: When it is less likely for the risk to occur in the given period.**

**Tool:** Suggested tool for this session is Risk Assessment Matrix as given here:

| Risk | High | Medium | Low |
|---|---|---|---|
| Almost Certain | | | |
| Likely | | | |
| Less Likely | | | |

Key Learnings

- ☑ Anticipating risks and classifying them can be the first step in working out a mitigation plan.
- ☑ Any risk mitigation strategy must be rooted in the societal context and must work collaboratively with all partners on board.

# CONCLUSION

This tool kit presents some meaningful and effective ways to guide a policy advocacy initiative for brick-kiln workers. To sum up, six points are being reiterated:

1. At the heart of any policy advocacy for brick-kiln workers must be a vision for change through dignity, decent work, fairness and equity. This makes it essential that such a campaign should be well-rooted in the socio-economic context of the brick-kiln workers; their concerns and deprivations must be well-studied before starting the campaign.

2. It is important that such an advocacy campaign brings the brick-kiln workers to the forefront. Their voices must be heard, and core democratic and human rights-based framework must be adopted helping to improve their visibility before the policy-makers. It will empower workers; give the workers more self-confidence; and strengthen their leadership capabilities. At the same time, it will give workers an ownership in the campaign contributing towards its sustainability.

3. The relevance of the advocacy campaign depends on how well it is able to link up with recent developments in the policy space and adapt to changing political discourses. The advocates must seek to update their knowledge, skills and abilities, and make effective contributions through their participation in deliberations, joint forums and other public spaces.

4. Transparency at every step should be inherent in the campaign. The details of its scope, purpose, targets and potential impact must be accessible in the public space. It should be sensitive and open to questions and constructive criticism.

5. Risk preparedness is very essential not only for the success of the campaign but also to ensure that the rights and interests of those who are at the forefront are not compromised. Policy advocacy must be evidence-based, which not only brings in objectivity to the campaign but also convince policy-makers of the rationale for change. At the same time, an understanding of the additional barriers that brick-kiln workers face will enable them protection from any negative consequences and they will know how to tackle a situation in which they need help.

6. Accountability is essential for a campaign and, therefore, a clear monitoring and implementation plan must be evolved through a consultative process. This will give more strength to the campaign because it will have reliable data at hand, to report its outcomes along the parameters it sets and counter criticisms. Moreover, the brick-kiln workers need to be provided a clear feedback of where the campaign has reached.

Framing a policy advocacy strategy and plan, based on this, will help in a successful and meaningful contribution that will make a difference to the lives of brick-kiln workers.

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# Policy Promotion for Rights of Workers in Brick Kilns A Practical Tool Kit

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