

**“Towards Fair and Sustainable Global Supply Chains:
Promoting Decent Work for Invisible Workers in South Asia”**



Workshop Report

**National Capacity Building and Planning Workshop
(for Central Trade Unions and Membership Based Organizations)
October 2 - 3, 2018, Hotel Himalaya, Kathmandu, Nepal**

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Introduction

Formal enterprises have linkages with enterprises within both formal and informal economies as we move below the global supply chain. Due to competitive markets and demand for speedy delivery, these enterprises often adopt highly flexible production and work patterns. This results in informal working arrangements, piece-rate production, home-based work and non-standard forms of employment.

The ILO Country Office for Nepal is implementing a sub-regional Japan funded project **"Towards fair and sustainable global supply chains: Promoting decent work for invisible workers in South Asia"** (Sustainable Global Supply Chains in South Asia) that aims to promote decent work at the lower tier of global supply chains including workers in informal economy, home workers and other home-based workers, and with subcontractors, and micro and small enterprises to enable decent work in global supply chains. The project contributes to Sustainable Development Goals 5 and 8 and to the ILO's Decent Work Agenda.

The home workers and other informal workers, engaged in supply chains are often invisible and unaccounted for. While there have been many global and multi-lateral initiatives to promote labour law compliance and sustainable and ethical practices in global supply chains (which also improved business operations), most of these initiatives have been confined to the formal sector. Those who work in the informal economy are overlooked despite the fact that decent work deficits become more prominent towards the lower tiers of chains, with workers who are in disadvantaged position. These workers are often not covered by labour legislations, have no access or limited access to legal and social protection, do not have collective voice and strength, which are key instruments to achieve better working and living conditions. Home workers are generally low paid and excluded from state mandated labour rights and social protection. Majority of home based workers tend to be women, which makes them among the most disadvantaged group of workers.

Similarly, lack of access to resources and business support services to grow competitive and socially responsible, informal enterprises at the lower tiers of supply chains face multiple challenges. There is a dire need to address decent work deficits experienced by the informal workers and the economic units so as to realize decent work for all and fair and sustainable global supply chains.

This National Capacity Building Workshop was conducted on 2-3 October 2018 in the context promoting decent work for home workers and other workers engaged in lower tiers of the global supply chain actors. The purpose was to build common understanding amongst the key stakeholders working with the home workers, home based workers, and other casual and contract workers in the informal economy, so that they can work in tandem, have a joint strategic plan of action and can engage in joint advocacy for promoting decent work for such workers. The workshop design was formulated based on the need assessment done through meeting/interactions with the key stakeholders. Such needs included, clarity on difference between home workers, home based workers and domestic workers, and clarity on the scope of Convention 177 on home workers; understanding labour rights and key decent work deficits for workers in the lower tiers of the global supply chains; organizing and unionizing workers in lower tiers of global supply chains working in informal the economy; and need for joint platform for advocacy and with joint action plan.

Objectives of the workshop

Key objectives of the workshop were to:

- a) Develop common understanding, conceptual clarity and coherence in advocacy initiatives among stakeholders with regard to workers in the lower tiers of the global supply chains, including home workers, casual and informal workers, and other home based workers.
- b) Build stakeholders' capacity on home based worker issues including C177, labour rights and entitlements, wages, social protection, OSH etc.
- c) Conceptualize a Joint Platform for advocacy and action and develop medium term action plan.

Participants

- **Trade Unions:** representatives from three major umbrella unions in Nepal, GEFONT, ANTUF and NTUC as well as their home based worker union representatives

- **CSOs:** SAATHI, HBWCSN, Class Nepal, SABAH, HomeNet Nepal etc.

ILO Resource Persons

- Bharti Birla, Project Manager (CTA), Sustainable Global Supply Chains, DWT for South Asia and CO for India
- Aya Matsuura, Gender Specialist, DWT for South Asia and CO for India

Officials from ILO Nepal Office

- Richard Howard, Director, ILO Country Office for Nepal
- Prakash Sharma, Programme Officer
- Saurabh Shah, National Project Coordinator, Sustainable Global Supply Chains (SGSC)
- Milan Shrestha, Project Assistant, (SGSC)

Introduction and key outputs

This National Capacity Building Workshop was planned especially in the context promoting decent work for home-based workers and workers in the lower tiers of the global supply chains. The purpose is to build common understanding amongst the key stakeholders working with the home based workers so that they can work in tandem, have a joint strategic plan of action and can engage in joint advocacy for promoting decent work for home based workers.

The workshop brought together national trade unions and membership based/community based organizations for two days in an effort to build capacity, create common understanding and concertize possible actions on the issue of home workers, home based workers and other workers in informal economy, who are part of global supply chains.

Key Outcomes of the Workshop

The key outcomes of the workshop are as under.

- a) **A joint platform for action:** Participants recognized collective action as key reason for past successes on issues related to labour rights, including home based worker issues. Participants suggested for a formation of an inclusive voluntary platform comprising of trade unions and

membership based organizations/rights based organizations to engage in joint advocacy, knowledge sharing, and possibly develop joint action plan with medium and long term goals for policy action. The platform members can jointly discuss and understand the challenges in laws and policies and their implementation, support research on workers in informal economy, and advocate for responsible linkages to national and international supply chains.

b) Short term and medium term advocacy plan:

Participants agreed to have a common short term and long term advocacy plans, some of which will be done within their own organizational structures, and some as a combined effort of the proposed platform.

c) Capacity building of the worker leaders: There is a need for capacity building of union and worker leaders, especially young leadership, on issues related to decent work deficits, especially for women workers in the lower tiers of the global supply chains – this includes further capacity building on key thematic areas (fundamental principles and rights at work, employment relationships, operationalizing minimum wages for piece rate and casual workers, strategies for collective action and formalization of workers, formation of cooperatives or collectives, occupational health and safety, operationalizing social protection for home workers and other informal workers including home based workers etc.

d) Need to work with multiple stakeholders and with specific strategies for specific categories of workers: It was realized that to enable decent work and promote fundamental rights at work for the workers in the informal sector who are engaged in the global supply chains, need different strategies based on their status as a workers. The strategies for home workers, home based workers and other informal workers will need to be different. The participants also expressed the need for collaborative action with other stakeholders, including the national, provincial and local governments, with employers' organizations and with academia and media.

e) Strategies for action: Home workers, home based workers and the other informal workers (casual/contract workers) working in global supply chains, especially informal and micro and small

enterprises need different strategies for intervention. Home workers issues were identified around five broader themes, as under. These issues also concern other home based workers and informal workers:

- Understanding the difference between different kinds of workers, their identification and registration
- Lack of identification and access to rights and social security.
- Low wages and lack of good working and living conditions for workers, and lack of access to basic services.
- Lack of awareness about recent changes in the labour law offering legal protection to home workers amongst the local political leaders and administrative officials of the government, union frontline workers, employers and need for creating awareness and sensitization.
- Organizing and unionizing workers by unions and enabling collectivization by other rights based organizations with special focus on women workers in lower tiers of the global supply chains, as they tend to remain excluded.
- Skills training of workers, for better productivity or to become own account workers and micro entrepreneurs.
- Engagement with multiple stakeholders, local government, employers' organizations and trade promotion organizations etc.

Summary of the Inaugural Session:

Introduction and context setting:

The workshop was facilitated by Prakash Sharma and Saurabh Shah, who welcomed the participants on behalf of the ILO Nepal. They also informed the participants about the project Sustainable Global Supply Chains in South Asia and achievements of the previous phase of the project (titled Way out of Informality implemented in 2012-2017).

Opening Session

Richard Howard, Director ILO Nepal

The session was opened by Richard Howard, Director, ILO Nepal Country Office, who thanked

the trade unions and the membership based community organizations to have jointly come to discuss about the issues related to workers in the lower tiers of the global supply chains, including the home workers. He requested for their support and also assured that the ILO will be working with them closely to provide required technical assistance on the issue.



Director Nepal also laid down the importance of the current project in the new context in Nepal with the Labour Act and the Social Security Act, which now extending to workers in the informal economy.

Development paradigms and labour market inequalities

Bharti Birla, Project Manager (CTA) – Sustainable Global Supply Chains in South Asia, ILO DWT for South Asia and CO for India

Bharti Birla presented the big picture to set the context for the workshop and the need to focus on the informal sector workers in lower tiers of the global supply chains. She spoke about the need to understand development paradigms, multiple discriminations and labour market inequalities impact on the lives and livelihoods of people, especially women workers and those from the excluded populations (tribals, scheduled castes, etc.). She spoke about the need to address the implications of undermining workers' protection vis-à-vis the economic growth. Bharti highlighted the key challenges which countries and vulnerable workers are facing in South Asia.

Bharti spoke about **transformational and developmental changes** which are enhancing the quality of life for wider population, but also **excluding significantly large proportions** of people who are not able reap benefits of this

development. She spoke about **changing nature of employment** – there is growing informality in traditionally formalized sectors – contract work is increasing, there is a wide spread gig economy and is envisaged to grow, the formal employment relationships are giving way to informal/adhoc employment, which finishes as soon as work is finished.

Speaking about **the situations of crises and distress in South Asian** countries which enhances the vulnerability of the workers, Bharti explained how **agrarian crises** is pushing workers to either take up casual employment or migrate for work. Sustenance agriculture is shifting to cash crops causing more distress for food. There is also **development linked displacements** as the local populations are displaced for infrastructure, mining and other activities, depriving them of the traditional livelihoods, and land and forest rights. Sometimes, because of **natural disasters or environmental changes**, similar displacements happen. In both cases, they are forced to move long distances to get newer types of jobs, many times for which they lack the proper skills and often land into precarious and exploitative work, often underpaid and in situations amounting to forced labour. This expulsion from/or destruction of means to livelihoods resulting in footloose labour is increasing. **Violence and conflicts**, in some parts also lead to more such problems.

Speaking about **structural inequalities**, Bharti mentioned that excluded populations – tribals, lower castes, indigenous populations, minorities, poor – get affected by several broader policies driving economic scarcity lead to rising acceptance of unpaid or unfree survival work – characterized by survival wages, making poverty wages a new normal. In such situations, the market also capitalize on different forms of gender, age, caste and class solidarity or control.

Bharti spoke about the **changing labour regimes** and how as jobs are scarce, exploitative labour arrangements are increasing. Growth of informal economy and stratification of multiple labour regimes including different forms of contracting and subcontracting, application of different labour regimes/ agreements for the same type of work. As jobs are coercive and precarious, there is an **increase in recruitment methods which are unfair** to shift the accountability down the chain of agents and sub agents as intermediaries.

Bharti mentioned how **feminization of labour force especially in low paid and exploitative**

sectors is increasing (inspite of overall low labour force participation rates for women). She mentioned that even though women make up 49.4 percent of the global paid labour force; in South Asia, their participation is at 28.6 percent of the regional paid labour force (ILO 2017). Yet women workers are concentrated in unpaid, underpaid, and informal sectors such as agriculture, textiles, hospitality, street vending and care work (including domestic work) often as **invisible workers** – not accounted for in national statistics, GDP and in policies.

Speaking about challenges in global supply chains, Bharti said quoted *Mezzadri (2015)* how demand for garment and textile workers similarly depends on labour regimes combining low wages with labour disciplining capacity, access to buyer's markets and other infrastructure, trade and fiscal incentives. While some brands are cautious and responsible, other big businesses shift accountability and responsibility for legal and ethical business practices down the supply chains and remain ignorant or blind about the challenges in the lower tiers.

Bharti suggested that participants in the workshop should consider the following **possibilities for change**, while discussing on the issues and challenges related to workers in lower tiers of the global supply chains, those working in smaller formal or informal tier III units, and home workers. These include:

- a) Recognize these wider challenges and see how broader social economic policies and mainstream discourses dominate and impact those who are from excluded populations;
- b) Understand the intersectionality and multiple discrimination faced by such population in the larger development paradigm and changing labour regimes;
- c) Enable the voices of such workers, organizing and unionizing them;
- d) Promote wider stakeholder engagement, to tackle the root causes and enable wider action;
- e) Engagement and solidarity with different stakeholders, bridging the silos and reaching out to those who are working in different thematic areas and who can support the cause of the workers in the lower tiers of the global supply chains, especially those in informal economy and engaged in home work.

Summary of the Technical Sessions:

Three technical sessions were conducted with the objective of providing clarity and building common understanding on key concepts involving home based workers and the informal workers working in lower tiers of the global supply chains. These sessions included:

- Conceptual clarity on home workers
- Understanding labour rights and key decent work deficits for workers in the lower tiers of the global supply chain – issues & challenges, possible action and strategies
- Current law and policy coverage in Nepal for such workers and possible challenge in implementation

During the sessions, participants were encouraged to note down the key problems, issues and challenges that they feel need deliberations those are listed in Annex – II. These were also used for the group work later.

Understanding key concepts related to home based workers and C177

Aya Matsuura, Gender Specialist, ILO DWT for SA and CO for India

This session focussed on enabling the participants to understand the key concepts related to home based workers and the corresponding ILO labour standards applicable to such workers. Aya described that remunerative work can be carried out by a person – home-based worker – in their own homes or in adjacent grounds or premises. Such home-based worker can be either:

- ☐ Independent home-based worker or self-employed home-based worker
- ☐ Dependent or contracted home-based worker or home worker
- ☐ Employees occasionally performing their work at home

Many workers can be found in both - independent home-based work & contracted home-based work. Such homebased workers are present in various sectors, such as agricultural, seafood products, manufacturing & assembly (garments, footwear, leather, pharmaceutical, etc), artisan production, personal service, trade, repair service, clerical work professional work etc.

Homeworkers Convention C177: Aya also presented the ILO Home Workers Convention No. 177 (C177) and presented the definition of 'home workers' and 'employers'. She highlighted that

majority of homeworkers are women, unable to access regular employment due to various reasons including: family responsibilities, lack of mobility – physical environment, physical conditions, social norms, limited education, lack of skills, work in isolation, invisible or not recognized as workers – vulnerable to exploitation. Most of the workers perform unskilled work and have limited access to upgrading skills, many contribute to the cost of accommodation, fuel, electricity while making the products, there is also contribution of unpaid family members including children. Because of multiple employers there is distribution of liability and the contractual obligations are not observed.

Challenges of homebased workers: Speaking about the challenges of the home workers, Aya said that home workers have disguised employment relationship, inadequate legal protection, very low remuneration – often based on piece rate, they work long, have inadequate occupational and safety measures including protection from violence and harassment, there is no grievance mechanisms, they are in weak bargaining position, and instability of job and no security of employment.

Aya presented various provisions of the ILO C 177 and accompanying Recommendation on Home workers no. 184 (R 184), including provisions on obligations of the states, conditions of employment, supervision of home work etc. She also cited the guidance that can be drawn from Recommendation No. 198 on Employment Relationship (R 198) for home workers. She concluded by saying that improving the effective protection of homeworkers and preventing abuses (while) safe guarding the economic advantage for those who rely on home work for their livelihood is essential. Home based work provides opportunity for earning income, especially for home-bound persons and people with disabilities.

Possible action points: Aya presented some of the action points that can be considered in the context of homebased workers. She suggested the following that the policy and legislation – should recognize homebased workers as workers (minimum wage, OSH, non-discrimination, rights to organize, etc), recognize employment relations – establish systems to record/document work (e.g. logbook, etc), establish employment relationships – rights and benefits of being formally employed, ensure access to social protection, enable inspection, prioritize home-based workers for support to housing, skills development, etc. , and

recognizing and reducing care burden of these workers.

In terms of other action points, Aya suggested that awareness campaigns – raise awareness of rights of homeworkers (minimum wage, maternity protection, OSH, working hours, leave, holiday entitlements, rights to organize, etc), work on changing social attitudes, providing guidance/develop guidelines for businesses – promoting ethical practices by business actors, strengthen workers' representation and voice & bargaining power – ability to avail benefits and enjoy rights – collective voice and demands, and promote workers' access to information and support (legal advice, etc).

Understanding labour rights and key decent work deficits for workers in the lower tiers of the global supply chain

Bharti Birla, Project Manager (CTA) – Sustainable Global Supply Chains in South Asia, ILO DWT for South Asia and CO for India

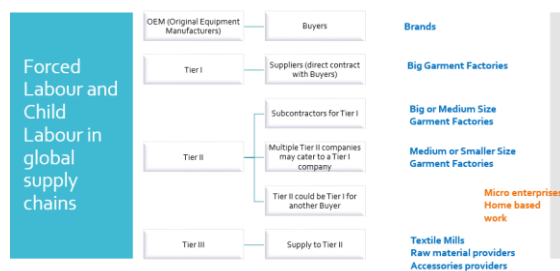
This session was designed to make participants think deeper on wider issues related to global supply chains and informal economy workers. In this interactive session, Bharti Birla focussed on identifying the workers in the lower tiers of the supply chains and why they are vulnerable. As participants interacted, the core labour rights for these workers were identified. The session also discussed how and why these workers remain invisible and hidden and often their presence ignored. The session also discussed how the buyers/brands can know them and make sure that decent work deficits are addressed for workers in the supply chains. The participants also discussed the actions brands/buyers, suppliers (employers' organizations) and state can do. The role of trade unions and membership based organizations was also discussed. The purpose was to prepare the participants to think what needs to be done as a comprehensive integrated approach to deal with the decent work deficit in supply chains.

Bharti discussed the core labour standards (ILO's eight fundamental conventions C87 & C98; C29 & C105; C132 & C186 and C100 & C111), which are applicable to all workers, and also the informal economy workers in lower tiers of the supply chain going up to the home workers. She discussed the key provisions of these standards and unpacked them for the participants. It was discussed how the

decent work deficits can also include child labour with including children working as unpaid family workers, and how sometimes these situations can also amount to forced labour and almost all suffer from discrimination.

Type of supply chains where child and forced labour may exist in supply chains – Examples of global companies that could be involved with global supply chain workers in different sectors was discussed, including agricultural products, apparel, and accessories; electronics, metals, minerals or gems, repackaging, tourism or transportation services, companies operating in or sourcing from areas of current or recent conflict or disaster, companies operating in or sourcing from countries with large informal sectors.

Where and who are the workers in supply chains: Bharti then shared how the supply chains are organized and where and who are the vulnerable workers present in these chains.



She mentioned that even though classifying different types of workers is important, what is more important is to identify and establish **relationship** between the them and the **persons** (clients, employers or members of the family) **who**, in one form or another, **employ them** as most labour laws give rights to workers, based on this. Workers may be present in informal enterprises, small family units (child and adult workers) or as informal workers in the formal sector. They can be permanent, daily wage, seasonal, pieceworkers, or paid and unpaid family workers. Children may be found as paid workers, “apprentices”, unpaid workers without contracts, home workers. There are sectors on the margins of society which consist of illegal or quasi-illegal activities, where adult workers in forced labour situations or child workers may get a cut of the profits, be paid in kind, or have an informal “contract” with a supplier or manager. Quoting the ITUC Report (2016), she said that 60% of the global trade in real economy is dependent on supply chains and with a hidden workforce of 166 million people.

Bharti spoke about a comprehensive action needed

and how unions and membership based organizations can work with the companies. Companies need to have corporate accountability and corporate policies for a socially responsible business, and have extended supply chain responsibility. Some of these provisions were discussed including those on transparency and traceability, human rights risk assessments and continuous monitoring, responsible purchasing practices, preventing and addressing labour rights impacts, enabling workers to stand up for their rights, grievance mechanisms. Instruments such as, MNE Declaration, Global Compact, Human Rights and Business can be important tools that can be used by government, enterprises and trade unions to engage businesses to promote accountability and transparency.

Organizing Informal Workers: This was followed by a discussion on challenges for trade unions and membership to organize such workers. Bharti mentioned that the unions are facing challenges across the globe in terms of attracting new and young membership, work and employment relationships are changing, and the need for unions to look at wider policy issues and have a political say on larger macro policy issues, and not just labour matters. Challenges related to organizing informal economy workers and home workers were discussed and mostly revolved around hidden nature of the work, lack of self recognition as workers, self competing nature of workers, and lack of visible practical advantages that workers perceive from being a union member. It was felt by the participants that though organizing within informal sector is on rise but needs further augmentation to present a collective voice to influence diverse policies including economic policies that affect labour rights and livelihood of the workers, especially in the informal sector.

In the session, the participants also discussed the challenges of home workers in enabling their rights as workers, including how do we deal with the issue of multiple employers, establishing employment relationships that are disguised and how to address the multiple identities of workers, especially women workers who take up different sectoral work even in one day or a month? In addition emphasis was placed on understanding other conventions such as, employment and occupational safety and health, to tackle overlapping issues of home workers, self-employed home based workers and informal economy workers working in lower tiers of the supply chains.

Home-based workers – Laws, rights and challenges/gaps of implementation in Nepal

Ms Prabha Pokhrel, Resource Person on home based workers, Nepal

This session by Prabha Pokhrel focused on legislative provisions, rights and policies related to home based workers and challenges in their implementation in Nepal from the perspective of community based organizations and trade unions. Prabha presented the timeline related to coverage of home based workers and how the laws have become more inclusive in context of home based workers in Nepal. Kathmandu Declaration (year 2000) was highlighted as one of the major milestones in advocating for policy recognition of home workers and home based workers.

Prabha presented the new changes in laws and rights that applied to home workers - namely, Labour Act 2017, and the Social Security Act 2017. Prabha also spoke about the new federal system of governance where labour is as a concurrent subject and both the federal and provincial governments have the power to make law. This has improved the application of labour law and to enable the rights of home workers, but there are concerns in getting new provisions implemented. She highlighted the need for increased awareness on home based worker issues and promoting identification of home based workers through surveys and registration.

Open Floor Discussion:

This was followed by an interactive session and participants summarized the challenges that remained:

- ❑ Home workers or informal workers are not specifically mentioned in the Labour Act 2017 and corresponding rules. Data on home based workers (home workers and self-employed workers) in terms of their economic contribution to the GDP and their numbers in national labour statistics are not available.
- ❑ Home workers have little idea on how to convert piece rate into time rated wage based on statutory notified minimum wages. Own account workers also do not know how to calculate piece rates for the products they make, so that they can effectively bargain for a better price.
- ❑ Women home based workers do not identify themselves as workers. The home workers are

entitled to same rights as workers generally and this is crucial for enabling their rights as workers.

- ❑ Lack of acceptance and understanding of home workers are integral part of global and local supply chains.
- ❑ Participants who also represented local government agreed to explore possibility of a home workers, and home based worker regulatory framework/policy in province 3 and discussion of the issue at subnational tripartite committees.
- ❑ Past efforts related to home workers and self-employed workers were also evaluated by participants and participants expressed that a collective approach in the future was necessary to ensure success.

Panel Discussion by Trade Unions



This was followed by a panel discussion by representatives from Nepal Trade Union Congress (NTUC), General Federation of Nepalese Trade Unions (GEFONT) and All Nepal Trade Union Federation (ANTUF) who provided the following inputs on session topic:

- ❑ Need for a discussion on how employers can provide social security contributions for home workers is crucial and is required to inform formulation of social security regulations for such workers in the informal economy.
- ❑ Policy for home based workers (including home workers) can be supported via Joint Trade Union Coordination Committee (JTUCC) and be pushed for through a joint effort. It was suggested that such policy can be initiated in province 3 under provisions of current labour law, as it recognizes home workers as workers and enables labour protection for them.
- ❑ There is a need to engage with the Government at all levels – national, provincial and local level, and also create awareness amongst the officials on home based worker issues.

- ❑ Encourage identification of home based workers using methods such as, registration of workers (both home workers and own account workers) and for home workers- declaration from employer who is employing these workers is needed
- ❑ Clarity on rights of home workers and other home based workers such as self employed among stakeholders is required to ensure that stakeholders speak in common voice and with common understanding. While the home workers are entitled for same rights as workers have generally, for the home based self-employed workers, different kind of strategies are needed to enhance their business, including access to raw material, transport, entrepreneurship training, cooperative formation, and access to credit and market from the government.
- ❑ The economic contribution of such workers to the national economy needs to be assessed, documented so that their contribution is valued and appreciated.
- ❑ Tripartite committee to discuss on labour related issues needs to be formed at local and provincial levels. Such committee should also look at the issues related to home workers and own account workers.

Summary of the Group Work Sessions:

These were followed by group work sessions by the participants to use the information gathered and develop an action plan for working on the issue of workers in lower tiers of the global supply chains including the home workers and home based workers. These sessions included group work on:

- ❑ Goal mapping exercise (Newspaper Visioning and Timeline exercise to enable where unions and membership based organizations need to reach)
- ❑ Problem tree analysis (to enable planning action addressing the root causes of decent work deficits)
- ❑ Action plan development (for action jointly as well as within their own organizational structures) for short term and medium term targets.



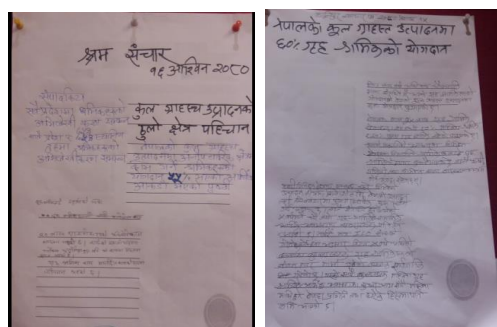
Goal Mapping Group Work

Facilitated by Bharti Birla

Exercise objective was to promote shared learning on what worked or did not work in the past on key issues and whether similar strategies can be adopted while moving forward promoting decent work for the informal economy workers, especially women and home workers. The exercise was also to enable the participants to conceptualize the short, medium and long term goals and think about possible strategies for action. The output for this exercise was used in the next group work on problem tree analysis and followed by development of the action plan. Four groups were formed and each group worked on a different topic. Each group was to discuss amongst themselves, on the assigned topic, to discuss the timeline and the historical key events that enabled changes in law and policy for the identified issue, and discuss amongst themselves why such a change was possible. Next they were asked to discuss what change they would like to see in the next 3-5 years and present the change in form of a Newspaper headline. This was followed by a market place session, where each group presented their timeline and newspaper to the other groups. This was followed by a debrief by Bharti Birla.

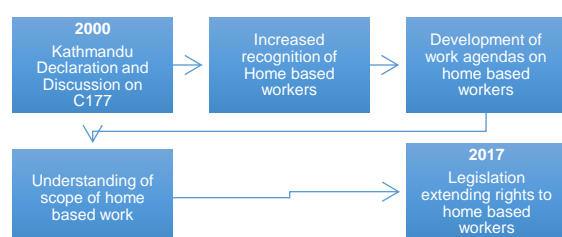


As each group presented key events within their timeline, they provided an explanation for success or failure of said event. From all presentation, collective action from stakeholders, was recognized by participants as a key reason for success in the past. The group work done by the participants around the thematic areas is given below.



Group 1: Home based workers

The topic-based timeline was mapped from the Kathmandu Declaration in 2000 and explained how increased recognition, a wider work agenda and understanding on home based worker stemmed from this event. New legislation in 2017, namely labour act and social security act, was presented as the most important event and was achieved through efforts of tripartite partners with civil society. The extension of rights and social security is expected to promote recognition of home based workers.



Newspaper 1: Translation

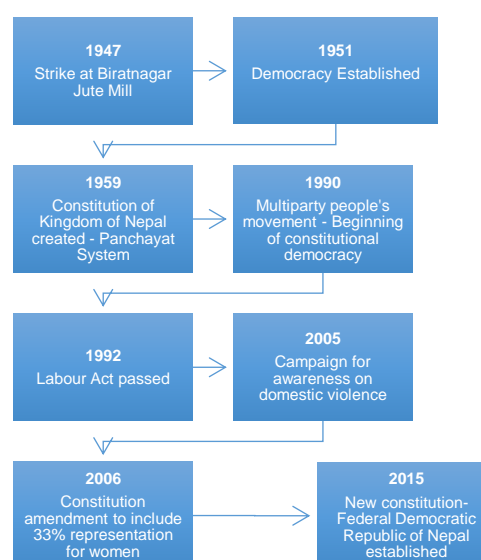
HOME BASED WORKERS CONTRIBUTE TO 60 % NATIONAL GDP

Since last 5 years home based workers are now formally organized. About 25 lakh home workers (80% women 20% men) are there. They are being recognized as workers in global supply chains. The wages of home workers has improved and women have gained economically. There are also reduced cases of domestic violence reported. The living

standards of home based workers have risen in 5 years according to an ILO survey.

Group 2: Women and law

The topic referred to current and previous changes in law, discriminatory or otherwise, in context of women and women home based workers. The 2015 constitution guaranteeing a quota for women in elections and local government, facilitated by collective action from government, trade union, civil society and others was presented as a key event. The group felt that this allowed for increased political voice and influence over decision making process.



Newspaper 2: Translation

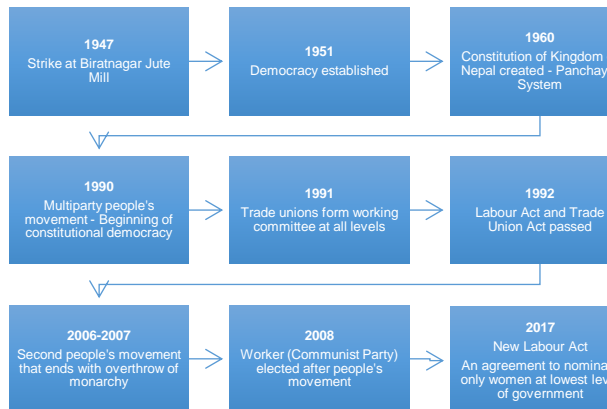
HOME BASED WORKER CONTRIBUTION RECOGNIZED IN GDP

Informal sector has contributed 55% to overall GDP of the country. Data collection on homeworkers in all provincial and local levels recognized 20 lakh workers. Decent work across different types of home workers being ensured.

Group 3: Evolution of Law, Rights and Entitlements for Informal Workers

The 1990 people's movement, through collective action of Nepali citizens with unions, employers and political parties that resulted in removal of panchayat system and establishment of

democracy was presented as most relevant topic within the time line. This change allowed for, a labour act that set out rights of workers and a trade union act that allowed for formal registration of unions.



Newspaper 3: Translation

HOME BASED WORKERS MAKE A SPLASH IN CURRENT TIMES

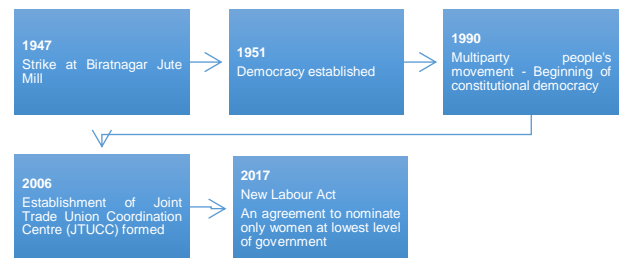
Data collection and registration of home based workers has been completed at all 3 levels of government. There is skills and capacity enhancement for home based workers - use of quality modern technology to produce goods. The contribution of home based workers contribution to sustainable development of Nepal is recognized. Home work is now a decent work and workers receive fair wages when participating in the global supply chain production.

Group 4: Evolution and reform of Labour Laws in Nepal



The multiparty people's movement in 1990 that established democracy was the turning point on the timeline as the group felt it opened the door for policies that enabled worker rights based on professions. An emphasis was also placed on the

first strike at Biratnagar Jute Mill in 1947 which the group felt started a sequence of events that led to the movement in 1990.



Newspaper 4: Translation

FIRST SAARC SUMMIT FOR HOME BASED WORKERS COMPLETED

Prime Minister attended the SAARC summit on home based workers in Kathmandu. Nepal presented the progress made on how home based workers in Nepal received identity card, provident fund, gratuity, maternity leave and other benefits. Declaration paper announced on replication of Nepal model in other provinces of Nepal and in SAARC states.

Newspaper headlines were also around three common areas, recognizing contribution, changing perception and providing access to rights and social security for home workers.

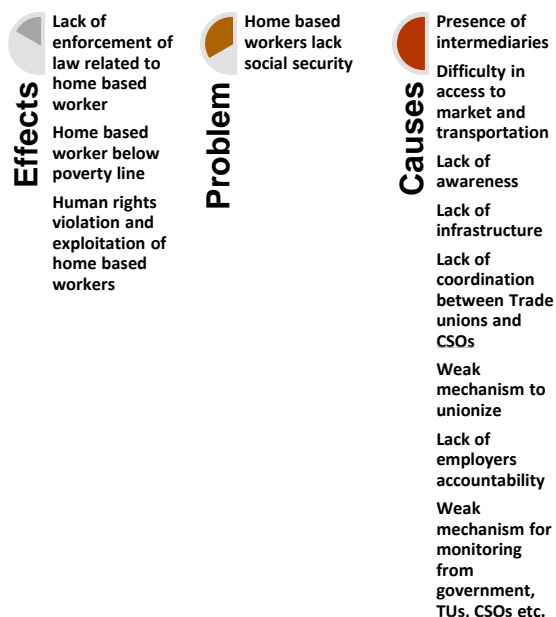
Problem Tree Analysis

Facilitated by Bharti Birla and Aya Matsuura

This group exercise enabled the participants to identify key areas for action an advocacy. The aim was that the group identifies the key problems and their root causes rather than merely focusing on the symptoms of the problems (which are also important to address). This can enable strategic level planning and focusing on issues that can make greater impact.

The problems facing home based workers identified by participants during the technical sessions were grouped around key five (5) problems statements:

- ☐ Creating the identity of workers (identification and registration)
- ☐ Lack of social security and other entitlements
- ☐ Lack of decent Wages



general agreement on following broader strategies across topics:

- ☐ Collective action from stakeholders on issues of home based workers
- ☐ Collectivization of home based workers
- ☐ Engagement with local government



The participants felt that the exercise enabled them to network and share and said that exercise helped them to:

- Share and understand different perspectives
- Realize that multiple stakeholders are essential to collaborate and that there are synergies possible
- Enabled them to think deeper and understand the issues and challenges from a broader policy and implementation perspective.
- Understand that trade unions and community based organizations can learn from each other

A summary of the discussions and comments of the facilitators are presented below:

Topic 1: Local action: community level interventions for enabling rights and entitlements of home based workers

Sharing of successes and learnings

Facilitated by Bharti Birla

The exercise executed made participants discuss strategies, experiences, successes, learnings and challenges on wider issues in a World Café based format with the objective to identify clear action points in a collaborative manner and to encourage sharing of information and experiences. Each group had was assigned a facilitator, who noted discussion points by the group members and presented them with her/his observations and comments at the end of the session. There was a

An understanding that trade unions and community based organizations have been working separately for long time, but now there is need to work together on issue of decent work for informal economy workers including the home based workers. Strategies for local action could be the following:

- Organizing workers at local level is the first step
- Actions should be guided by a joint action framework

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| ▪ Labour relations committee at local level is required |
| ▪ Awareness for trade union leaders and worker leaders needed at local levels on home based worker issues and how to approach local government |
| ▪ Government needs evidence based recommendations |

Topic 2: Engaging with contractors/establishing direct contact with local, national and international buyers

Participants had some experience working directly with buyers and shared that they received better wages when layers of intermediation is lesser. Some had even created informal groups to collectively work on orders but challenges existed such as:

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| ▪ Production limits and unrealistic targets —one group was not able to deliver on an order of 5000 pieces of a certain item |
| ▪ Unhealthy wage competition exists between home based workers often drives down wages |
| ▪ Buyers/intermediaries reject orders on basis of small defects and can drastically reduce payment or payments are delayed. This was more difficult for workers who also buy some of the raw materials as it means losing their investment. |
| ▪ Additional skills of marketing and negotiation remain a strong barrier to reaching international buyers |
| ▪ Group leaders of a home based worker groups are vulnerable as they are bear brunt of any repercussions. |

- There was unanimous acceptance that working in collective groups was better than on an individual basis. Working in collective groups resulted in higher production (combined production), better negotiation, improved skills and collective bargaining

Topic 2: Organizing and unionizing workers

Organization and unionization of home based workers were accepted as an area that needed more work. An inherent challenge was the

dispersed nature of work made it more difficult to reach out to home based workers. Other common issues identified which were common for all unions and membership based organizations were:

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| ▪ Workers do not see benefits of joining unions |
| ▪ Workers fear joining unions will result in loss of work |
| ▪ Perception that unions are politicized and do not reflect their real need |
| ▪ Home based workers do not identify as workers. This awareness issue extends to wider public who do not recognize contribution of home based workers |

The discussions identified strategies to overcome challenges:

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| ▪ Worker cooperatives important for organizing workers as they provide easier access for unions. Accepted that workers benefit from cooperatives in ways such as, more timely wages as well as increased feeling of self-worth and living standards |
| ▪ Improved understanding of worker interests will help improve targeting |
| ▪ Different approaches should be taken such as informing home based workers on benefits of unionization through rights and occupational safety and health training |
| ▪ Wider awareness on home based workers beyond stakeholders is needed |

Topic 2: Law and policy change

Implementation of labour law and social security provisions were noted to require support of relevant parties and improved understanding on areas such as, accessing social security for home based workers. The following were suggested strategies:

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| ▪ Establish watchdog composed of trade unions and community based organizations , on policy for home based workers. This would allow a forum for discussion and coordination. |
| ▪ Deliver home based workers need to be made aware of their rights: where possible provide legal training to home based workers |

- **Adopt an action plan based approach to implement legal provisions** for home based workers
- **Capacity building on laws and regulations on home based workers** for trade union and community based organization leaders
- **Awareness for government at all levels on home based worker issues**

Topic 5: Joint action and advocacy and networking/ collaborating with other support groups

Some common areas for joint action and advocacy were identified based on the past learnings and successes. These included the following:

- **Need for joint and collaborative action – formation of a voluntary platform for action**
- **Awareness for local government on issues facing home based workers**
- **Research on production and marketing of goods** produced by home based workers in local communities
- **Mapping of home based worker resources and skills within local communities**
- **Establish 'Labour desks' within local municipalities** to collect data on workers and employers at local level. This is expected to be key to bringing social security to home based workers
- **Formal contracts between employers and home based workers at local level**
- **Form local tripartite committees** to work on home based worker issues
- **Enable workers to reach international markets** by providing required training and raw materials

Formulation of the Action Plans

Facilitated by Bharti Birla and Saurabh Shah

Formulation of National and Provincial Level Advocacy

This session was divided into two parts. The participants sat together with members of their own unions/organizations and deliberated on what actions that they can take on jointly with other

unions and organizations and what actions they propose within their own organizational structures. A key output was a joint agreement to participate in a platform/group that meets coordinate trade union and civil society organization action on home based worker issues.

The proposed joint actions (combined from presentations of different unions and membership based organizations is presented. The actions, which the organizations will take independently within their organizations, were not shared publically, and participants were encouraged to share those action items with the senior leadership and report back in next meeting of the proposed platform/group. The summary of the joint action plan is annexed as Annexure III.

Closing of the workshop

Facilitated by Saurabh Shah and Prakash Sharma

The workshop was closed by Saurabh and Prakash, and it was concluded that the project will facilitate a meeting to discuss about the formation of the joint group/platform and take forward some of the joint advocacy plans with the groups. The ILO will also provide necessary technical support including capacity building trainings for the trade unions and membership based organizations on identified topics.

ANNEX I – Agenda for the meeting



International
Labour
Organization

**“Towards Fair and Sustainable Global Supply Chains:
Promoting Decent Work for Invisible Workers in South Asia”**

National Capacity Building and Planning Workshop
(for Central Trade Unions and Membership based organizations)
October 2 - 3, 2018, Hotel Himalaya, Kathmandu, Nepal

AGENDA

| Time | Details |
|--------------------|--|
| 2 Oct 2018 | |
| 9:00-9:15 | Registration for first day |
| 9:15 - 10:30 AM | Inaugural Session: Context setting and situational analysis Opening remarks: - Richard Howard, Director ILO Nepal Development paradigms and labour market inequalities - Bharti Birla, Project Manager – Sustainable Global Supply Chains, ILO DWT for South Asia and CO for India Facilitation: Prakash Sharma, Programme Officer, ILO Nepal |
| 10:30- 11:15 | Technical Session – I Understanding key concepts and C177 -Aya |
| 11:15-12:00 | Technical Session – II Understanding labour rights and key decent work deficits for workers in the lower tiers of the global supply chain -Bharti |
| 12:00–13:00 | Technical Session – III Home-based workers – Laws, rights and challenges/gaps of implementation in Nepal - Presentation by Ms Prabha Pokhrel, Resource Person and expert on home based workers Comments and remarks from Panel – a) General Federation of Nepalese Trade Unions |

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| | b) All Nepal Federation of Trade Unions c) Nepal Trade Union Congress |
| 13:00-14:00 | Lunch break |
| 14:00-15:30 | Journey of Trade Unions and CBOs on the issue of home based workers and possible future - Vision and Future goals - Timeline, strategy, action and results Sharing of the journey and goals <i>Facilitated by: Bharti Birla</i> |
| 15:30-15:45 | Tea break |
| 15:45-17:00 | Key issues for advocacy and action Group work (Problem and Objective Tree analysis, stakeholder mapping, and resource and capacity needs) (mixed groups of TUs and CSOs) <i>Facilitation: Bharti Birla</i> Presentation of group work <i>Facilitation: Prakash/Saurabh</i> |
| 17:00-17:30 | Summing up and closing of Day 1 Group Photo |
| 3 October 2018 | |
| 9:00-9:15 | Registration for second day |
| 9:15-9:30 | Welcome session and feedback/questions related to Day 1/Expectations for Day 2 -Agenda for the day |
| 9:30-11:30 | Strategies that work, learnings, and better practices for advocacy - World Café format Based Group Discussion Open discussion <i>Facilitation: Aya Matsuura</i> |
| 11:30-11:45 | Tea Break |
| 11:45-13:00 | Formulating the big picture for National and Province level advocacy - Joint Action - Key agenda <i>Facilitation: Bharti Birla</i> |
| 13:00-14:00 | Lunch |
| 14:00-15:30 | Formulation of medium-term action plan (Group work – respective organizations) - Organizational level - Joint Action Report back <i>Facilitation: Saurabh</i> |
| 15:30-15:45 | Tea Break |
| 15:45-16:00 | Summing up of group points and ideas into a common agenda for follow up <i>Prakash/Saurabh</i> |

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| 16:00–16:30 | Closing Remarks from TU and CBO representatives Closing Remarks - Aya Matsuura, Bharti Birla Closing of session - Richard Howard, Director ILO Nepal Facilitation: Saurabh Shah Photo session |
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ANNEX – II : Summary of group work and issues identified by participants (later used for further group work on strategy and action)

| Problems, issues, challenges | Solutions/possible action points | Possible strategies, law and policy changes needed |
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| <ul style="list-style-type: none"> Home based work not perceived as decent work Seasonal work pressure to accomplish more on short time Poverty incidence high among workers Gender inequality in home based work Family responsibility is a major challenge for home based workers | <ul style="list-style-type: none"> Need to promote home based work as decent work Focus on home based workers in global supply chain | <ul style="list-style-type: none"> Awareness for workers, society and government that 'home work should be decent work' |
| <ul style="list-style-type: none"> No clear definition of home based workers Home based workers do not have an identity | <ul style="list-style-type: none"> Registration of workers Identification: at national level Awareness on their contribution and their identity as workers | <ul style="list-style-type: none"> Guidelines and regulations for immediate registration of workers |
| <ul style="list-style-type: none"> Wages <ul style="list-style-type: none"> Low wages No uniformity in wages Forced to work for low wages Minimum wage has not been implemented No formal employment relationship exists between workers and employers OSH issues <ul style="list-style-type: none"> Lack of a separate workplace in household Unhealthy workplace High risk of accident and zero compensation provisions | <ul style="list-style-type: none"> Wages <ul style="list-style-type: none"> Piece rate wages according to minimum wage Social security: link to government health insurance schemes | <ul style="list-style-type: none"> Bring workers within social security provisions |
| <ul style="list-style-type: none"> Home based workers are hard to organize as work is performed separately Workers do not trust unions nor recognize benefits of membership No collective bargaining | <ul style="list-style-type: none"> Increased effort to organize home based workers Coordination and collaboration at local level | <ul style="list-style-type: none"> Unionize and awareness can develop bargaining power of home based workers Registration of workers in local government (modality has not been found) United front and voice for all organizations working with home based workers Collective organization of home based workers |
| <ul style="list-style-type: none"> No actual statistics Invisibility of home based workers mean their contribution to economy unrecognized | <ul style="list-style-type: none"> Recognize economic contribution and activities of home based workers | <ul style="list-style-type: none"> Base line survey: categorize as minimum wage, piece rate, incentive and how to contribute to SS. |
| <ul style="list-style-type: none"> Lack of access to social security Policy on rights of home based workers does not exist Home based workers are not included in Labour Act | <ul style="list-style-type: none"> Incentive for home based workers Labour law <ul style="list-style-type: none"> Promote inspection on labour law Policy for home based workers with | <ul style="list-style-type: none"> Lack of features in the labour law must be covered Home based workers need to be spelled out in law Guidelines and regulations for immediate registration of workers |

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| | government: joint action | ▪ Network of organizations working with home based workers |
| ▪ Home based workers lack education and marketing skills to connect to buyers | ▪ Gender equality in labour law (?) | |
| ▪ Need resources and tools | ▪ Access to skills training | ▪ Business support for own account home based workers (self employed home based workers) |
| ▪ Gap in skills and knowledge on market oriented products | ▪ Market linkage/business development for home based workers: branding, at national level | |
| | ▪ Awareness campaign on raw materials, infrastructure and marketing | |
| | ▪ Capacity building: technical and leadership | |

ANNEX – II: Joint Action Plan

| Major Actions | Start Date | End Date | Responsibility |
|--|--------------|------------|--|
| 1. Establishment of Joint Platform for home based workers - Networking with respective parties working on issues - Coordination platform for all activities - Welfare network that raises home based workers issues | January 2019 | Open ended | Trade unions and civil society organizations – this might include government and employer representatives ILO needs to provide support in bringing parties together |
| 2. Laws and policies for home based workers - Policy briefs on legal provisions for home based workers - Coordination with all levels of government on home based worker issue - Recognition of home based workers in local and provincial level policies - Inclusion of home based workers in social security, labour law and other provisions - Lobbying for law and policies as required | January 2019 | Open ended | All civil society organizations, trade unions and ILO with support from government |
| 3. Advocacy/Lobbying for issues of home based workers - Advocacy campaign: media and outreach programs that include presentation of evidence, papers, presentations, media engagement, national level media campaigns and information materials such as, posters, information material - Raise issue of home based workers on national and international forums in coordination with all levels of government and including other local level organizations - Lobbying on rights and entitlements of home based workers: ILO Convention 177 on home work | January 2019 | Open ended | All civil society organizations, ILO, Unions, Union Federation (JTUCC) Government support, including journalist organizations – in a network |

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| 4. Collective intervention on issues such as, <ul style="list-style-type: none"> - Fair wages - Decent work: discussion with employers on the issue - Collective bargaining - Occupational Safety and Health training - Training of trainers | January 2019 | Open ended | Employer organization, trade unions and government |
| 5. Research on home based workers <ul style="list-style-type: none"> - Base line surveys and mapping - Evidence based research on home based workers in global supply chain that can inform advocacy | January 2019 | December 2020 | Trade unions, ILO and civil society organizations |
| 6. Responsible linkages to national/international supply chain/market <ul style="list-style-type: none"> - Recording and showcasing good practices that can change international market mindset that labour standards are being met - Showcasing products made by home based workers at local level: exhibition hall/place - Engaging local government assistance in promoting marketability of products made by home based workers | January 2019 | Open ended | |



ILO-Japan Project



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For more information, please write to:

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