



Ergon

Integrating new data to assess risks of forced labour in agriculture

India Country Methodology for Pilot

Report produced for the ISEAL Alliance Innovations Fund project “Integrating new data to improve risk assessments and detection of forced labour vulnerability in agricultural supply chains”

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Executive Summary

1.1 Overview

This report forms part of an ISEAL Alliance-funded project being conducted during 2017 - 2018, led by the Sustainable Agriculture Network (SAN), working in partnership with Utz, which has recently merged with Rainforest Alliance, along with research partner Ergon Associates. The project responds to the need to use new methods to identify farms at high risk of forced labour and target additional detection efforts beyond the tools currently available within certification systems. This is owing to the hidden and clandestine or – as is the case in India - systematic and entrenched nature of forced labour that makes forced labour difficult to detect through audits.

This document represents the latest milestone in the project and represents a local application to India of a 'global' framework for identifying and integrating new data to improve forced labour detection, developed during previous phases. The overall risk assessment process is outlined below.

1.2 Key points on the India Country Indicator methodology

- This document is chiefly a collection of indicators developed from the ground up based on a country-wide root cause analysis of drivers behind bonded labour. Some guidance and examples on how they can be used are contained within.
- Root cause analysis is integral to the process, not a separate or subsequent step. Each indicator for risk and vulnerability is linked to one or more root cause issues specific to the country in question.
- 'Data' refers to all information, qualitative or quantitative expected to feed into and inform a risk assessment.
- The data collection and risk assessment processes are iterative – information gathered is expected to feed in to each subsequent cycle and scale up understanding of risk with each subsequent cycle.
- This methodology does not prescribe how the information should be organized or applied as it is designed to support a range of organizations that would undertake risk assessments differently. It can be applied as a stand-alone approach or incorporated into other systems.

1.3 Turning root causes into indicators

The most important deliverable is a contextualised, locally specific set of indicators that can be used at various geographic levels (national risk assessment, community vulnerability analysis and workplace assessments). These indicators have been derived from a list of relevant root causes of forced labour a set

of corresponding indicators. This methodology was built from the ground up in consultation with Indian stakeholders so that it is especially applicable to the Indian agricultural sector context.

The table below contains the list of indicators derived from root causes and recommended measures and possible data sources to gather the required information.

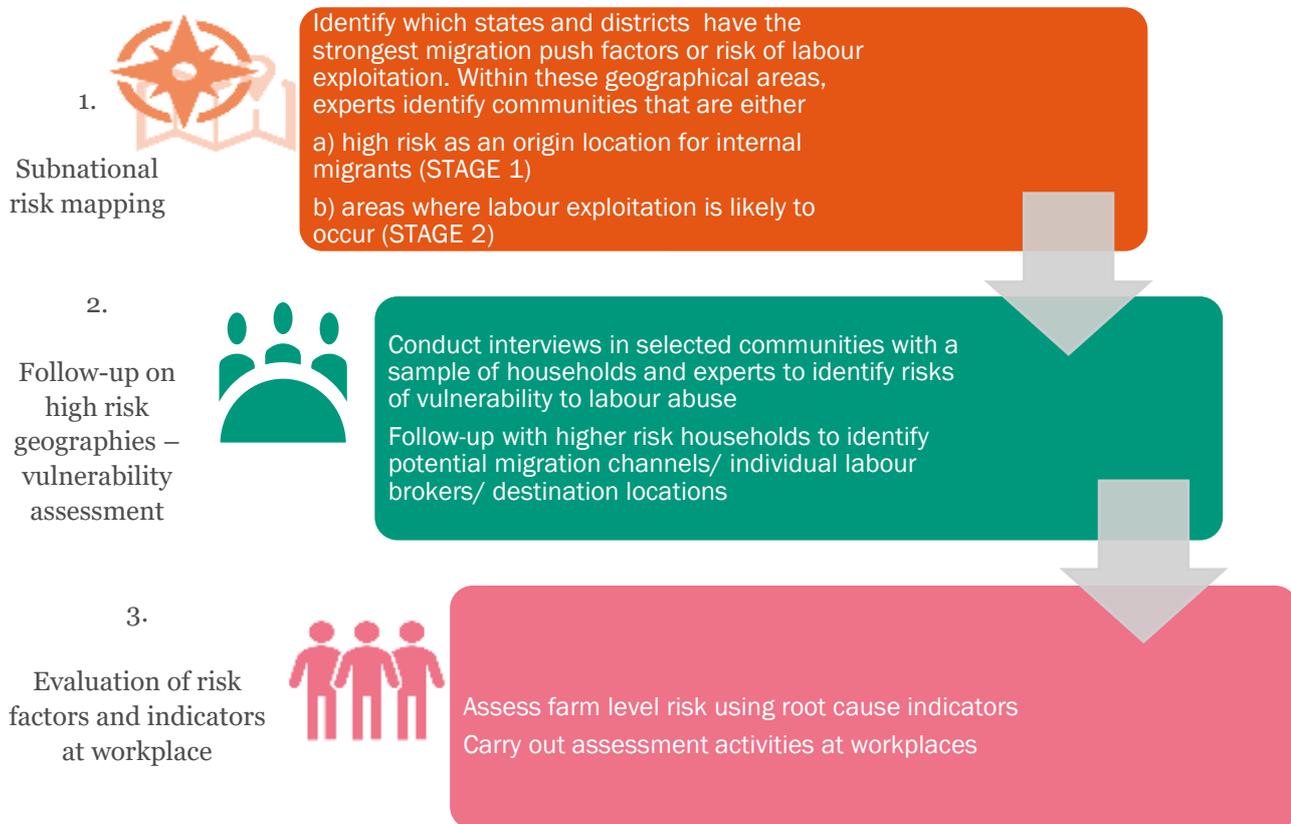
Indicators	Measure
Availability of health and welfare services	<ul style="list-style-type: none"> Number of Hospitals as a proportion of rural population Infant mortality rate Maternal mortality rate (MMR) Reports that basic services under the Plantation Labour Act are not provided to workers
Control of freedom of movement	<ul style="list-style-type: none"> Reports of confiscation or withholding of identity papers Reports of confiscation of workers' mobile phones Reports of physical confinement to workplace/premises (through security or physical barriers)
Corruption	<ul style="list-style-type: none"> States where 50+% of Households experience corruption in Public Services
Deception (recruitment)	<ul style="list-style-type: none"> Number and proportion of workers reporting that post-migration, conditions are less favourable than promised or expected during recruitment
Demographic risk factors – significant household expense requirements (e.g. marriage, healthcare)	<ul style="list-style-type: none"> Likelihood of incurring large expenses for weddings: Number and proportion of marriage age women (20-24) within the average household [average marital age is 22 across India] Likelihood of needing medical operations or more intensive care: Number and proportion of household members over the age of 65 within the average household
Descent based exploitation	<ul style="list-style-type: none"> Average number of landowners per 1000 Ha Worker begins the season in debt (from last season or from other sources) before any advances or loans are taken for the present season
Household poverty	<ul style="list-style-type: none"> Percentage of rural population living below the poverty line (Based on consumption)
Indebtedness	<ul style="list-style-type: none"> Proportion of agricultural households with outstanding loan Number of workers who report they are working to pay off a debt Worker debt-to-income ratio (suggests relative ability to pay off loans) Worker begins the season in debt (from last season or from other sources) before any advances or loans are taken for the present season Proportion of female headed households resident on an estate or engaged at a workplace Number of workers (% of a community or area) with persistent debt – defined as continuous debt for over 3 years Reports (Y/N) that contract workers/ casual workers who report not being paid regularly, in full or on time

Indicators	Measure
Isolation/ dependency on employer	<ul style="list-style-type: none"> • % of workers ordinarily resident on leased land owned by their employer or employer provided housing • Distance of farm from the nearest railway station (in km, walking distance) • Distance to nearest hospital (in km, walking distance)
Threats	<ul style="list-style-type: none"> • Reports, complaints or allegations (Y/N) of threats, intimidation, sexual abuse or harassment, verbal, physical or psychological mistreatment by managers, supervisors or labour brokers • Number of workers or family members who report feeling afraid to speak about working conditions (out of total sampled) • Reported threats related to material deprivation, removal of rights and privileges, imposition of worse working conditions • Reports of physical confinement to workplace/premises (through security or physical barriers) • Reports of confiscation of workers' mobile phones
Known risks of bonded labour in practice	<ul style="list-style-type: none"> • Multiple reported instances of labour abuse in key crops (binary) - based on desk research • 1 or more workers in a community are former bonded labourers 'freed' under the government rehabilitation scheme or another social support programme operated by non-government actors
Labour intermediaries and exploitative recruitment practices	<ul style="list-style-type: none"> • Workers report paying a fee to a contractor for job placement • Number and proportion of workers recruited through contractors not knowing where exactly they will work, what they will be doing, who they will work for OR how they will travel • Binary (Yes/No) – Recruiter does not originate from the same community as the workers • Binary (Yes/No) – Recruiter does not originate from the same caste or tribal background as the workers • Binary (Yes/No) – Recruiter does not speak the same language as the worker
Landlessness	<ul style="list-style-type: none"> • Average number of landowners per 1000 Ha • Average land owned per household (Ha). States with less land owned per household are at higher risk of labour exploitation
Environmental/agronomic push factors (e.g. crop failure)	<ul style="list-style-type: none"> • Relative productivity of staple household food grains/cereals (yield/ Ha).
Risk profile of community – financial literacy	<ul style="list-style-type: none"> • Number and proportion of households for which ANY of the following is true: <ul style="list-style-type: none"> • Have a bank account • Receive foreign remittances • Have a member who has been paid for work under the MGNREGA scheme
Rural-to-Rural Migration	<ul style="list-style-type: none"> • Number of workers from high risk host/sending communities for vulnerable migrant workers. • Number of rural-rural migrants recently visiting the state, migrating for work and staying 1-4 years

Indicators	Measure
	<ul style="list-style-type: none"> Number and proportion of community members in a given area stating an intention to migrate because of debts or low income Longer distance migration: Workers or community members will migrate or have migrated to a different state or over 300 kilometres from their home Proportion (%) of workers who do not speak the same native language as the employer(s)
Treatment of lower-caste /tribal workers	<ul style="list-style-type: none"> Average Length of service at enterprise/employer for Adivasi/scheduled caste workers Proportion of workers from low caste or Adivasi backgrounds State level literacy rates of scheduled tribes – lower literacy for Adivasi associated with higher risk of economic vulnerability NITI Aayog Workers from districts with a lower developmental level ('backward' districts)
Unemployment/ lack of local employment opportunities for unskilled workers	<ul style="list-style-type: none"> Proportion of illiterate household members actively looking for work / total population
Unethical recruitment	<ul style="list-style-type: none"> Inclusion of Adivasi/scheduled tribes and 'lower castes'
Wage non-payment / wage theft	<ul style="list-style-type: none"> Reports (Y/N) that contract workers/ casual workers who report not being paid regularly, in full or on time
Labour management practices	<ul style="list-style-type: none"> Employer does not use outside labour contractors and pays casual workers directly (Y/N) Employer holds records demonstrating payment of Provident Fund contributions to the National Scheme Number and % of workers paid in regular increments rather than lump sum payments at the end of a harvest Binary (Y/N) Employer has a policy and process in place to verify the legitimacy of labour contractors and ensures that all contract workers are paid at least the applicable minimum wage for the state and industry

1.4 How to use the indicator methodology

The purpose this research project was to identify the right questions that practitioners would need to ask to evaluate risk of and/or detect forced labour. These questions were turned into indicators and organized according to different levels of data collection at which the indicators would be relevant (see diagram below). Each level of data collection yields further questions to ask, which narrows the focus towards higher risk locations and recruitment pathways in order to understand where – in which farms or geographic areas - follow-up assessments or remediation activities should be carried out.



The ultimate purpose of this exercise is to focus attention on the right questions that practitioners would need to ask to understand the risk and enhance the detection of forced labour.

the data gathering, and assessment methods have been built specifically with the capacities of SAN and/or UTZ /Rainforest Alliance in mind, though the methodology can be used by any public or private entity with the capacity to gather the required data. This could include transnational food and agribusiness companies, traders, NGOs, public labour inspection and others. The approach will be more effective when multiple organizations gather and share information as opposed to working in parallel, as this improves the volume, handling and triangulation of information and supports greater coherence and minimized duplication.

This document sets out what information is relevant and outlines how it could be used but does not prescribe specific next steps and instead leaves that to the discretion of potential users.

1.5 Key points on remediation options for India

It is important that the process of gathering information on forced labour should be joined up with a credible and reliable means of remediation of any cases identified in a way that is safe and sensitive to the needs of the worker(s). Some key considerations related to the context in India are set out below:

- There is a national legal remediation scheme operated by the government. It offers comprehensive support to victims where it is applied but it lacks full implementation in some areas.
- NGO field operatives often come from the same caste or tribal backgrounds as the workers and could be suitable partners for carrying out remediation activities including releasing victims,

pursuing legal cases against employers, providing social and rehabilitative support and joining up field activities with national and international campaigns.

- Local authorities may be better partners in some areas than in others. In some states, government has undertaken positive and proactive steps to remediate cases of bonded labour. In other cases, it has been reported that police or local commissioners may be corrupt or possibly not sufficiently independent from employers, the largest of which tend to wield significant power and influence in their areas of operation.

2. Overview of project

2.1 Project background

This report forms part of an ISEAL Alliance-funded project being conducted during 2017 - 2018, led by the Sustainable Agriculture Network (SAN), working in partnership with Utz, which has recently merged with Rainforest Alliance, along with research partner Ergon Associates, a consultancy focusing on labour and human rights, based in London, UK.

2.2 Context

This document represents a local application of a 'global' framework for identifying and integrating new data to improve forced labour detection, developed during previous phases. The project responds to the identified need to use new methods to identify farms at high risk of forced labour and to target additional detection efforts that go beyond the tools currently available within certification systems. This is owing to the hidden and clandestine nature of forced labour that makes it difficult to detect through audits.

The resources and information used in this exercise are broader than those utilised to determine compliance within a certification context, and notably are more focused on using 'risk' information to progressively improve where and how assessments are carried out, building on the strong foundation and information channels already established through certification. While the definitive purpose is to go 'beyond certification', the knowledge and reach of standards organizations provides a substantial basis of data on which this exercise can be built.

3. About the India country indicator methodology

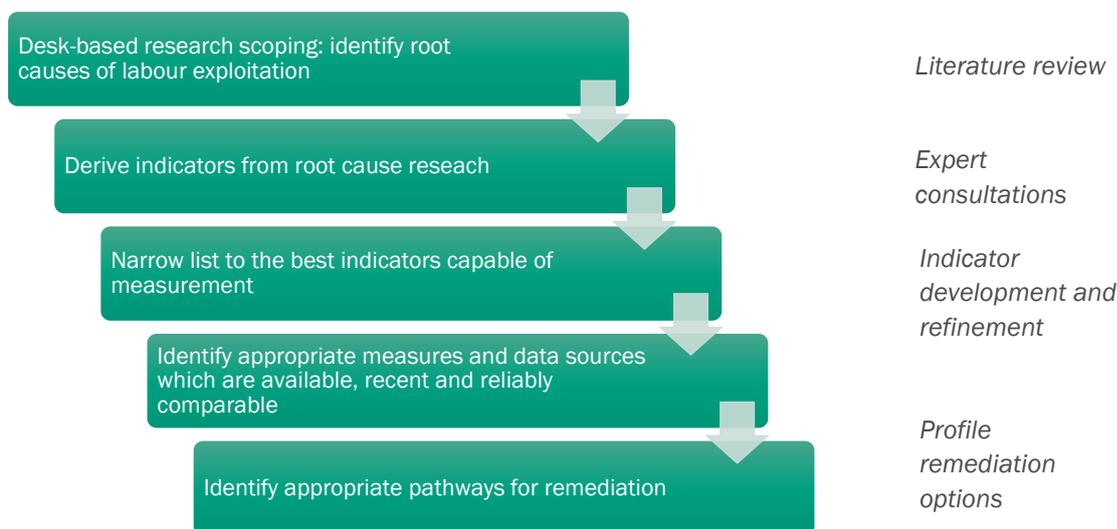
3.1 Key points

- This document is chiefly a collection of indicators developed from the ground up based on a country-wide root cause analysis of drivers behind bonded labour. Some guidance and examples on how they can be used are contained within.
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3.2 Development of the indicator methodology

3.2.1 Research process

The process Ergon, SAN and UTZ/RA underwent to develop this list is shown in the diagram below.



3.2.2 How indicators were selected

Indicators were selected from desk research and expert stakeholder feedback indicating what were the best ways to measure root causes and whether root cause issues could themselves be turned into indicators. Each indicator was selected and screened according to the following criteria:

- Specificity - relating to a specific practice rather than
- Relevance - aspect of forced labour is relevant to India
- Quality of information about forced labour in the private sector
- Measurability – likelihood of gathering good (specific, reliable information) using the data collection means
- Feasibility at scale in terms of time/cost requirements for measurement

3.3 How to use this indicator methodology

3.3.1 How does it work?

The purpose this research project was to identify the right questions that practitioners would need to ask to evaluate risk of and/or detect forced labour. These questions were turned into indicators and organized according to different levels of data collection at which the indicators would be relevant (see diagram below). Each level of data collection yields further questions to ask, which narrows the focus towards higher risk locations and recruitment pathways in order to understand where – in which farms or geographic areas - follow-up assessments or remediation activities should be carried out.



3.3.2 How do I implement this?

The indicator methodology provides useful support and guidance for organizations with an interest in combatting forced labour in India but is not prescriptive in terms of ways of working. Information is expected to build cumulatively towards identification of higher risk locations and vulnerable groups but also depends on the judgment of experts on how to respond to reports on a case-by case basis.

This country methodology provides a list of indicators and recommended data sources that have been screened and refined so as to deliver specific information about risk of forced labour in agriculture in India. These indicators can either be

- integrated into risk assessment processes (e.g. for standards organizations and development actors) or
- used as a stand-alone tool for capturing data (e.g. brands, traders and other supply chain actors).

The outcome of this project sets out what information is relevant and outlines how it could be used but does not prescribe specific next steps and instead leaves that to the discretion of potential users.

3.3.3 Who can use these indicators?

The data gathering, and assessment methods required to use these indicators are built with the capacities of SAN and/or UTZ /Rainforest Alliance in mind, though the information can be used by any public or private entity with ability to access agricultural operations and work with partners to obtain this information. This can include transnational food and agribusiness companies, traders, NGOs, public labour inspection and others. As a stand-alone exercise, the indicator methodology will be more effective when multiple

organizations cooperate and collectively gather and share information as this improves the volume, handling and triangulation of information and supports greater coherence and minimized duplication.

3.4 Note on Definition of forced labour

Indian law accepts the ILO definition of forced labour. Credible reports attest to the fact that forced labour is common in a number of sectors in India and most commonly arises in the form of debt bondage. This is where poor workers pledge their labour to pay off debts and then are unable to leave their jobs, often as a result of the size of the debt in comparison to their wages. Workers usually elect to enter these relationships knowing the risks.

It is important to note that bonded labour is a complex and contested term. A situation of debt bondage, and therefore forced labour, can vary among workers in nearly identical situations. Factors leading to different outcomes can include:

- Whether workers are recruited through channels not connected to their families or communities
- How much their debt is compared to their earnings
- How they are paid and at what frequency
- How wilfully their employer exploits the power imbalance that exists

Therefore, Indian bonded labour can be difficult to distinguish from other practices, which while highly exploitative, may not amount to bonded labour. It is also noteworthy that there is considerable disagreement among stakeholders regarding when a situation should be treated as bonded labour and when it should not. Some government and industry agents have argued that bonded labour does not exist, and that common loan and advance practices do not amount to bonded labour. On the other hand, many domestic and international civil society groups do consider these same practices to be associated with bonded labour. For our purposes, however, we used indicators consistent with the ILO's approach to understanding whether a situation is forced labour as per that definition and that of Indian law.

3.4.1 Relationship with the ILO indicators and measurement approach

This exercise drew heavily upon [the ILO's indicator methodology for measuring forced labour](#) as a touchstone for building contextualised, locally specific indicators, which are *feasible* to assess in the Indian agricultural context. The indicators were also tailored to the type of 'risk' assessment and gathering of locally specific intelligence we expect users will need to apply in India. However key concepts and definitions of the ILO approach are embedded in this collection of indicators, namely the distinction between involuntariness and coercion indicators of forced labour.

4. Background research and issues scoping

4.1 Root cause analysis

The indicators contained in this methodology each have their origin in a known root cause or influencing factor behind known variants of bonded labour in Indian Agriculture. To arrive at this list,

we first profiled the variants of bonded labour prevalent in agriculture and relevant to this study in order to understand the main influencing factors behind them. A summary of these is included in the boxes below:

Rice (mills)



Adults and children of families from Tamil Nadu hired on permanent basis to work in rice drying (*nerkalams*). Some families have been caught in a debt cycle for generations. Some rice mills of Chhattisgarh have been known to exact bonded labour from tribal workers.

Sugarcane (smallholder farms)



Migrant workers (mostly from elsewhere in Andhra Pradesh and Tamil Nadu) are recruited by labour brokers who provide advances for transportation and living expenses, to be repaid at the end of the harvest season.

Tea (plantations)



Tea estates are found in remote areas, often in states with high levels of poverty, notably Assam and West Bengal (Darjeeling and Dooars). Historically, worker families were forcibly kept on estates and isolated from local populations. Presently, isolation is maintained by poverty and lack of opportunities for workers and their children outside the estates. Some reports suggest that serious labour exploitation – potentially amounting to debt bondage - does exist in Assam and West Bengal, particularly in the tea sector, with worker families earning very little pay and falling into cycles of debt to cover basic costs, such as food and fuel.

Coffee (plantations)



According to sources, there are over 2,000 bonded labourers in coffee estates. Significant recent reports of bonded labour of tribal workers on coffee estates in Karnataka. Workers live on estates owned largely by the Kodava community. Mostly local Dalits and Adivasis, but increasingly migrant workers from Assam and Bihar. These workers are more vulnerable and therefore 'pliant' than local workers. Severe abuse has been reported in a number of circumstances.

Maize/corn (smallholders)



Local smallholder farmers throughout the country who produce commercial crops for international buyers under contract are at risk. Due to declining prices for commercial crops (like corn) and rising input costs, farmers approach moneylenders for credit who contract them to produce a certain crop for a proportion of the harvest. High interest rates (some examples reported included 50-60% year-on-year) and difficult growing conditions often leave farmers indebted to the moneylenders, who reportedly double as agents for buying companies

Mangos



Up to 40,000 people are hired on a temporary basis during mango picking season from February to June in Southern Indian States. The farms link up with contractors to recruit labour from the North because local labour is expensive and in short supply. Interstate migrant workers from Uttar Pradesh, Bihar and Assam states recruited by promised an advance on their wages. Victims reportedly both adults and children.

4.1.1 Profiling root causes

Based on the variants of forced labour we have identified, we developed the following list of key root causes of forced labour in India. These were used as the basis of the indicators included in the following sections

Root cause	Description of risk
Wider risk of debt bondage	<ul style="list-style-type: none"> Widespread incidence of bonded labour itself is a contributing factor to the overall risk profile, reinforcing social divisions and normalizing certain exploitative working conditions across the labour market.
Caste / tribal discrimination	<ul style="list-style-type: none"> Forced and bonded labour largely affects lower castes in the Hindu caste system, such as Dalits, and indigenous peoples ('adivasi') Dalits are typically denied education and are illiterate and landless. This makes them particularly dependent on employers and vulnerable to exploitation.
Interstate 'distress' migration patterns	<ul style="list-style-type: none"> Rural-to-rural migrants tend to be among the most vulnerable workers in the country and are often exploited by employers, labour intermediaries and money-lenders.
Landlessness	<ul style="list-style-type: none"> Throughout India, the land is traditionally owned by the higher castes and lower strata people have very little or no land for farming. Thus, they are forced to work as labourers in other's fields
Labour intermediaries/ exploitative recruitment practices	<ul style="list-style-type: none"> Intermediate labour brokers target small rural communities, promise a job and charges a fee and/or pay an advance to workers that they will repay by working
Money lending and borrowing practices	<ul style="list-style-type: none"> Payment of an 'advance' is common practice when recruiting migrants Other times, workers and their families accept loans from moneylenders when their wages fall short of their expenditure needs.
Worker inability to repay debts	<ul style="list-style-type: none"> Due to either high interest rates, low pay or additional debts accrued, workers are often unable to earn enough to pay off recruiters, leaving them in debt.

Root cause	Description of risk
Poverty	➤ Income or consumption-based poverty is a significant influencer for forced labour risk – push factor for ‘distress’ migration
Economic/ ecological ‘push factors’	➤ Crop failure, declining productivity and climate related factors have been associated with workers migrating to other states for work.
Plantation labour economy	➤ Characterised by high dependency on employers, operating in enclave economy. Due to low pay and low overall standard of living, workers may take out large loans to cover the costs of incidentals and can become trapped in a cycle of low pay and high interest.
Availability of health and welfare services	➤ Lack of available health services correlates with often wider poor conditions for workers and can indicate the lack of state-based safety net for vulnerable workers in the region

5. Subnational risk mapping

This section sets out how key subnational (geographical, area based) indicators can be used to understand where known risk factors are most present within the country both from the perspective of understanding conditions in areas where workplaces are located (plantations, estates and smallholder farms) but also where economic internal migrants originate. Indicators in this phase are used in two stages:

- **STAGE 1: National worker vulnerability map:** From which states and districts are vulnerable workers likely to migrate for work in agriculture?
- **STAGE 2: Higher risk geographies for bonded labour:** In which “destination” or “plantation” states and districts are workers more susceptible to labour abuse or forced labour?

5.1 State and district level data

The outcome sought by this stage in the process is to build an understanding of relative geographic risk to prioritise certain geographies and regions according to a simple scoring system. This level of analysis provides users the option of generating a ‘risk map’ to organize findings and results.

This is achieved by:

- Stage 1: identifying states and districts that are the source of the most vulnerable workers

- Stage 2: identifying receiving states and districts that are the highest risk for forced labour

Information can be gathered and mapped at the state and/or district levels. State level data is useful for understanding where migrants are coming and going from in general terms while district level data is needed to for any practical action or targeting next steps useful terms in order to use this knowledge to understand the relative vulnerability of workers employed at certain estates and workplaces.

Data is generally widely available at the state level and to a lesser extent and consistency at the district level. District level data may be gathered from state administrations, online data resources and from the districts themselves.

Note: in implementing this part of the process there is a distinction to be made between agricultural businesses that employ migrant labour and those that do not. For instance, tea plantations in Assam will use full time resident labourers with little out of state migration for work in the plantations. Those in Karnataka and Kerala however, reportedly see migration from other parts of the country.

5.2 Data sources for subnational risk mapping

5.2.1 Summary

Overview

The subnational risk mapping draws on authoritative official data and inputs from country experts interviewed for this project in order to provide a general overview of relative geographic risks and use this knowledge to focus further investigative efforts and to better detect vulnerable workers at the workplace level.

Key points on data sources

- Users will need to find and assemble the appropriate data sources/measures suitable for use in relation to these indicators. Key information sources and agencies that hold this data is included in the tables below:
- Official statistical sources tend to be dated and may not reflect latest trends (e.g. Census 2011). More up-to-date sources can be found for this, though they may need to be gathered at source as full datasets from surveys that have been conducted may not be accessible online
- Analysis is meant to take place both at state and district levels, subject to the availability of data. Users may identify one or more priority states (migrant origin or destination) to follow-up with additional questions,
- The risk mapping is meant to serve as a preliminary scoping exercise only, not a basis for action without further follow-up or validation.

Process - how to use



5.3 Subnational risk STAGE 1: Worker vulnerability indicators

The purpose of this level of analysis is to determine **which states, districts and areas ordinarily host the most vulnerable workers** (either sending areas for internal migration or local plantation-based economies), or households ordinarily engaged in work on plantations. The indicators used reflect structural indicators of economic vulnerability (e.g. poverty and lack of education) as well as migration ‘push factors’ (lack of opportunity, risk of crop failure and concentration of land ownership).

Based on our research and stakeholder feedback, we have assumed that these vulnerability factors suggest a higher likelihood of ‘distress’ migration for work – migration owing to an urgent financial need – or otherwise higher susceptibility to labour abuse at the workplace. A higher proportion of workers from vulnerable areas may also suggest higher risk for farms and estates.

The following state-level risk indicators were developed through desk research and in-country information gathering.

Indicator	Measure	Source	Level
Demographic risk factors – significant household expense requirements	Likelihood of incurring large expenses for weddings: Number and proportion of marriage age women (20-24) within the household [average marital age is 22 across India] – using proportion of women in this age category in the state/district as a proportion of the whole district population given lack of household level data.	India Census 2011, Ministry of Home Affairs- 2011 C - Series/ C-14 FIVE YEAR AGE GROUP DATA BY RESIDENCE AND SEX	State District
	Likelihood of needing medical operations or more intensive care: Number and proportion of household members over the age of 65 within the household – using proportion of members in this category in the district as a proportion of the whole population given lack of household level data.	India Census 2011, Ministry of Home Affairs- 2011 C - Series/ C-14 FIVE YEAR AGE GROUP DATA BY RESIDENCE AND SEX	State District
Household poverty	Vulnerability due to poverty: Percentage of rural population living below the poverty line (Based on consumption)	Reserve Bank of India, 2013, Table 162: Number and Percentage of Population Below Poverty Line	State
Inclusion of Adivasi/scheduled	State level literacy rates of scheduled tribes – lower literacy for Adivasi associated with	India Census 2011, Ministry of Home Affairs State/ UT	State

Indicator	Measure	Source	Level
tribes and 'lower castes	higher risk of economic vulnerability NITI Aayog	wise Literacy Rates of Scheduled Tribes NITI Aayog	
	Districts with a lower developmental level	NITI Aayog, List of 'Backward' Districts	District
Key sending regions for migrant workers employed in focus agricultural supply chains	Expert-reported host/sending communities for migrant workers. Note: this is a binary indicator based on whether this state is considered by practitioners working on bonded labour to be a priority focus for them in terms of understanding and responding to risk of bonded labour	0 or 1 coding based on whether anecdotal feedback and desk-based evidence suggests the state is identifiable as a key source for workers migrating for work in agriculture	State District data also possible to collect
Unemployment/ lack of local employment opportunities for unskilled workers	Proportion of illiterate household members actively looking for work / total population	India Census 2011, Ministry of Home Affairs	State
Risk of crop failure	Proxy measure: Relative productivity of staple household food grains/cereals (yield/ Ha). Assumption: lower yields correlate with higher need to migrate to supplement household income.	Average yield per Ha of principal staple household foodgrains Note: this data source has not been validated with stakeholders and is based on the assumption to the right	State District data availability unknown
Landlessness	Average land owned per household (Ha). States with less land owned per household are at higher risk of labour exploitation	Larger average land ownership suggest lower voice, agency and earning potential for local residents	State District data also possible to collect

5.3.1 Note on ‘sending regions for migrant workers’ indicator

The indicator on ‘expert-reported host/sending communities for migrant workers’ is based on collected research rather than empirical data and is therefore coded either 0 or 1

We looked at the states and districts where migrants originate in order to study the root causes linked to the vulnerability that may push members of agricultural households into forced labour situations. Based on desk research and stakeholder feedback we consider the following states contain the most important origin locations for workers in agriculture. Additionally, based on stakeholder feedback and reporting from NGOs working in the field, the key destination states and sectors (crops) migrants from one or more of these regions is also displayed.

Key sending states	Key production states	Most important crops (in terms of volume and/or value)
<ul style="list-style-type: none"> Chhattisgarh Madhya Pradesh Bihar Orissa Assam Tripura Uttar Pradesh West Bengal 	Punjab	Wheat, Rice, Sugarcane, Maize, Barley
	Telangana	Rice, Maize, Soy, Cotton
	Tamil Nadu	Rice, Sugarcane, Cotton, Mango, Groundnut, Chilies
	Karnataka	Rice, Millet, Maize, Sunflower, Groundnut, Cotton, Sugarcane, Mango
	Maharashtra	Rice, Millet, Maize, Sunflower, Groundnut, Cotton, Sugarcane, Mango
	Andhra Pradesh	Millet, Wheat, Cotton, Mango, Rice
	Uttar Pradesh	Wheat, rice, pulses, oilseeds, potatoes
	Gujarat	Rice, wheat, Cotton, Groundnut, Tobacco

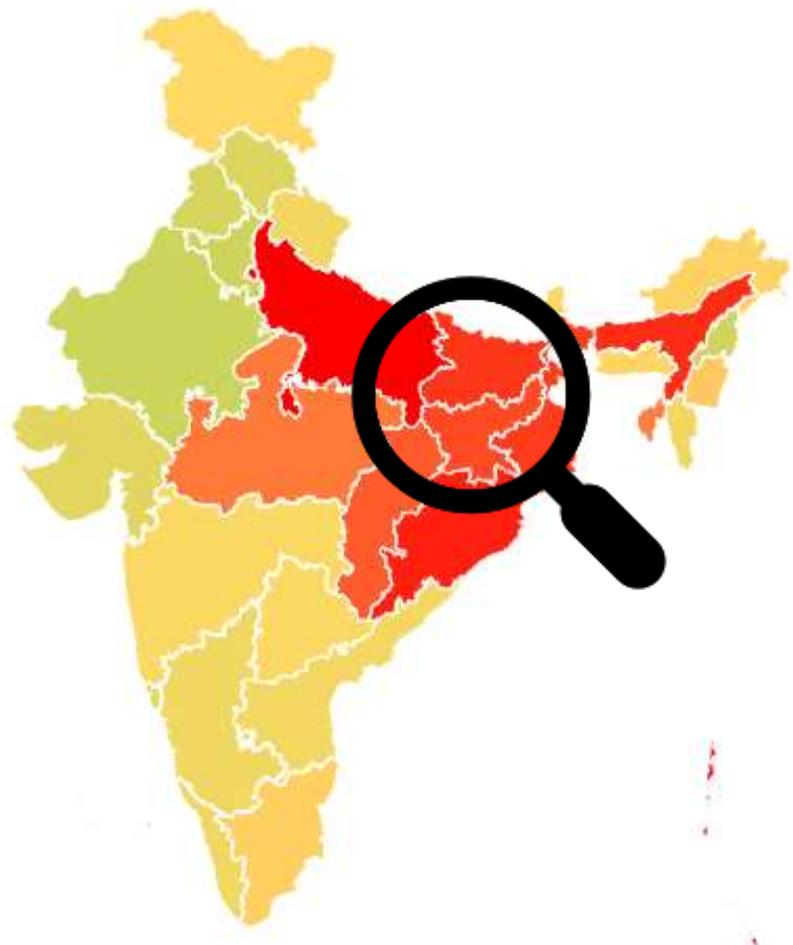
Ideally, we would use information on the origin of migrant workers as an indicator of risk. However, there is currently no systematic tracking of internal migration stock or flows in India, although some pilots have been conducted in certain states. For instance, a migrant child monitoring system has been developed for Gujarat (see right) charting which districts are migrant *sending* vs. *receiving*. However, no such data has been made available across the rest of the country.



STAGE 1: Where do vulnerable workers come from? India Risk Map

The risk score 0-10 reflects the presence of specific structural risk factors that have been linked to labour exploitation in Indian agriculture. Workers originating from these locations may be more susceptible to bonded labour.

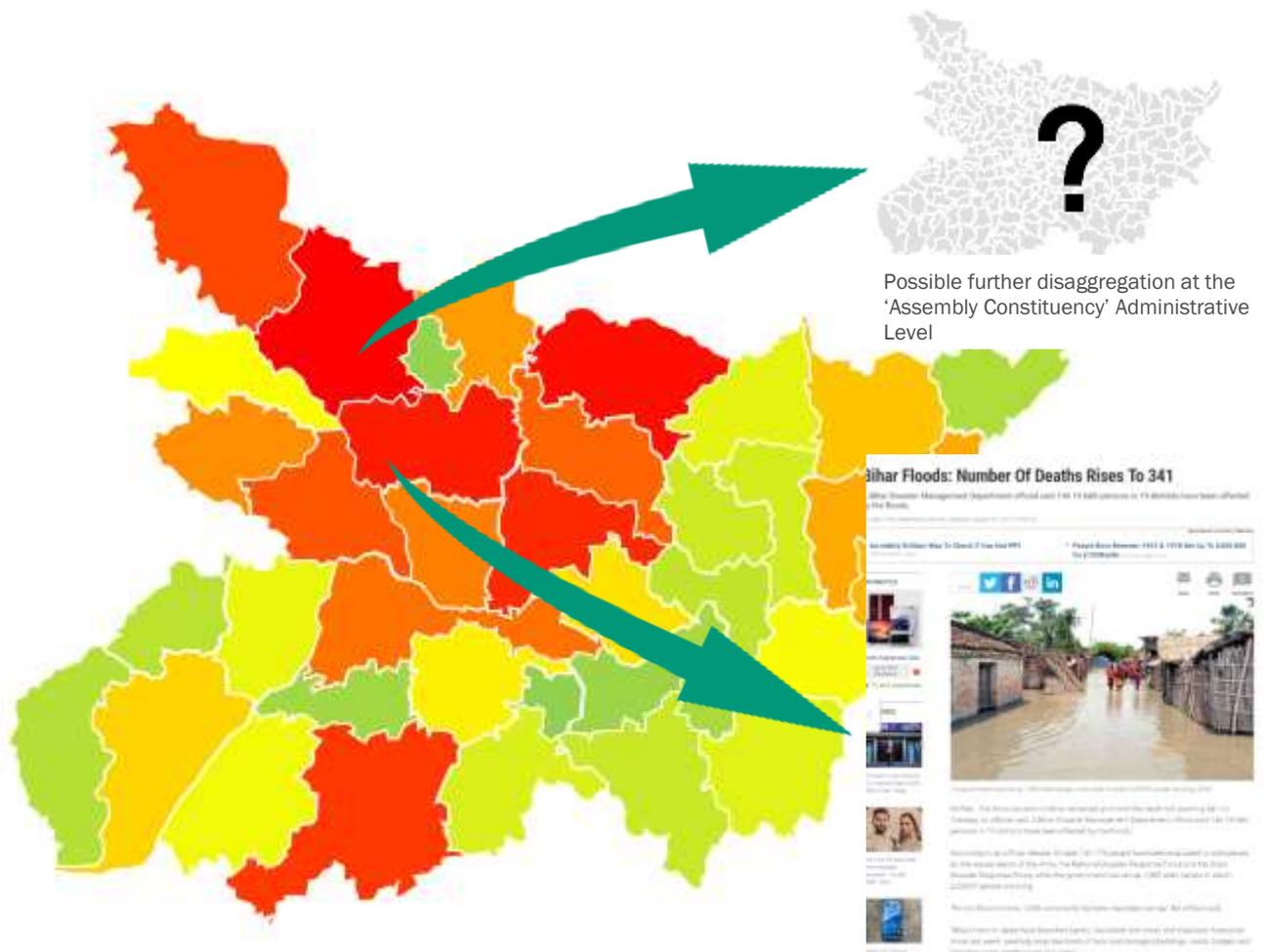
Uttar Pradesh	10.0
Odisha	9.3
Assam	9.0
Bihar	8.7
West Bengal	8.6
Jharkhand	8.3
Chhattisgarh	7.9
Madhya Pradesh	7.2
Tripura	7.1
Manipur	5.4
Tamil Nadu	5.2
Arunachal Pradesh	5.1
Meghalaya	5.1
Jammu & Kashmir	5.0
Telangana	4.9
Maharashtra	4.9
Sikkim	4.9
Andhra Pradesh	4.7
Mizoram	4.7
Uttarakhand	4.6
Kerala	4.6
Karnataka	4.6
Goa	4.4
Gujarat	4.3
Himachal Pradesh	4.0
Punjab	3.9
Nagaland	3.7
Haryana	3.6
Rajasthan	3.6



One key function of this map is to prioritise key sending districts in order to follow-up on further information. For instance, users may want to focus on states with scores of 7 or above to follow up with district level risk mapping or other process steps.

NOTE: Union Territories and Delhi NCR excluded due to lack of comparability

STAGE 1: Sample District level Vulnerability Assessment – Bihar Demographic risk MAP



5.3.2 Using risk data to identify high risk districts

Producing district level risk maps is an optional, but often useful next step. Users of the methodology can choose which states to dive deeper and understand risks at district or even assembly constituency level. The district level map above, as an example, shows a breakdown of risk based on demographic profile of an average household in Bihar, one of the top 5 highest risk states of origin for vulnerable agricultural workers as per the previous national map. According to our research, demographic risk factors are one of the key push factors for household members to migrate for work in agriculture. This map is prepared on this indicator [due to the present lack of presently available data in relation to other indicators] - areas appearing red are higher risk due to the fact that households have:

- a) More female household members than average, suggesting that families will need to incur marriage expenses in the future – a key driver for workers to accept loans and accept work in other regions AND/OR

- b) More elderly (65+) household members whose healthcare needs might involve periodically higher expenses, in turn necessitating loans or advances for work.

Note: owing to the availability of data, this map only displays results of the demographic risk indicator, though a wider, composite assessment using more indicators is possible as well.

5.3.3 Following up with further desk/ field investigations

In the example above, as indicated to the right of the risk map, supplementary desk scoping has revealed that recent deadly floods occurred in some of these same high-risk districts in Bihar and have affected croplands, which could possibly have compounded the push for households in this area to migrate. Ideally, these areas would be targeted for follow-up to understand how severe their material and economic circumstances are and what kinds of opportunities they may be pursuing in response to these pressures (see below: vulnerability assessment), particularly if it is known already that workers in target industries have come from these places.

Knowing where vulnerable workers are coming from is useful at later stages of assessment – particularly at the workplace level. On the assumption that this formulation of worker vulnerability is indeed associated with heightened risk of exploitation, intelligence about workers' origins can aid in assessing the overall risk of a workplace and also in scoping response parameters.

5.4 STAGE 2: What states and districts are highest risk for bonded labour

The next step is to profile states and districts that are most likely to receive vulnerable workers vulnerable to practices akin to forced labour. The outcome of this exercise can be used to prioritise farms and workplaces where conditions are likely to be worse for workers based on the proxy indicators of bonded labour risk set out below.

The indicators for stage 2 are compiled based on research that suggests the main factors associated with higher risk agricultural production clusters or geographic migration destinations for seasonal agricultural work are:

- Availability of health services and health outcomes – lower health fundamentals likely correlate with welfare of plantation residents or migrant workers at destination
- Corruption – reflects the ability for workers to complain to the police or local administration in the event of mistreatment
- Worker/household indebtedness – basic component of debt bondage
- Landlessness among the agricultural workforce – suggests relative lack of power, voice and agency where landownership is low
- In-migration for employment – where the state or district is a significant destination location for economic migrants from states or districts considered higher risk (for worker vulnerability/ migration push factors)
- Land ownership concentration - Higher localised concentration of land suggesting greater concentration of power amongst a few landlords
- Known risks of bonded labour in practice

The indicators and (proxy) data sources are included in the table below.

Indicator	Measure	Source	Level
Availability of health and welfare services	Number of Hospitals as a proportion of rural population	Ministry of Health & Family Welfare – Integrated Field Monitoring Reports (National Health Mission)	District
	Infant mortality rate	Ministry of Health & Family Welfare – Annual Health Survey & Demographic Indicators	District
	Maternal mortality rate (MMR)	Ministry of Health and Family Welfare – Maternal Mortality Rate	District
<p>Note: health indicators not included in the state-based map above due to the lack of reliability as an indicator of bonded labour at state as opposed to district level.</p>			
Corruption	States where 50+% of Households experience corruption in Public Services	Centre for Media Studies (CMS) India Corruption Study 2016 and 2017	State
Indebtedness	Proportion of agricultural households with outstanding loan	National Sample Survey Office (NSSO) Ministry of Statistics - <i>Employment & Unemployment and Migration Particulars</i>	State
Land ownership concentration	Higher localised concentration of land suggesting greater concentration of power amongst a few landlords	Average number of landowners per 1000 Ha Land Records Information Systems Division; National Informatics Centre, New Delhi	State District
In-migration	Number of rural-rural migrants recently visiting the state, migrating for work and staying 1-4 years	India Census 2011 - Provisional -D-5 Migrants By Place Of Last Residence, Age, Sex, Reason For Migration And Duration Of Residence-2011 (India, States/UTs)	State District

Indicator	Measure	Source	Level
		Reliable, up-to-date source needed for state and district level	
Known risks of bonded labour in practice	Multiple reported instances of labour abuse in key crops (binary) - based on desk research	Binary judgment based on research, desk research	State District

5.4.1 Note on risk in practice

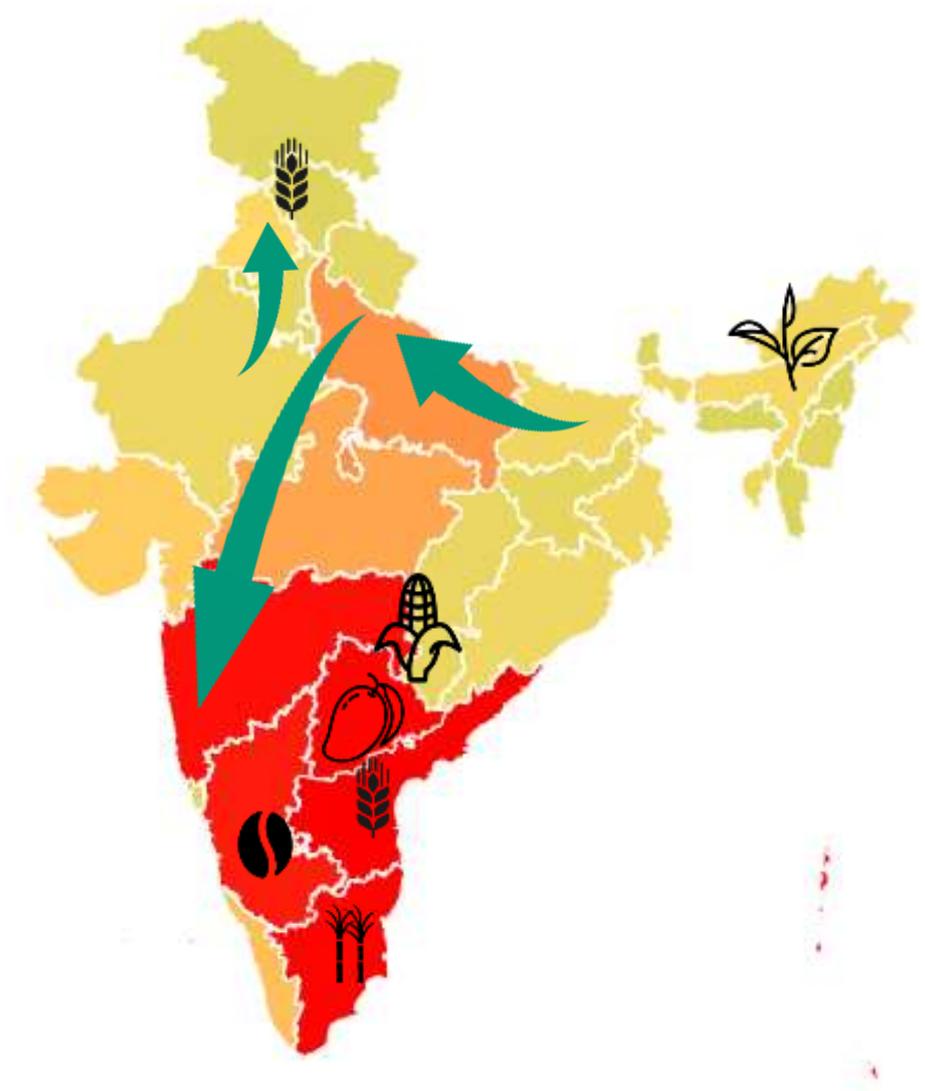
The final indicators “Known risks of bonded labour in practice” involves a binary judgment on whether there is evidence of risk in practice in the farm/area concerned. This judgment can be based on a rapid review of the following types of sources:

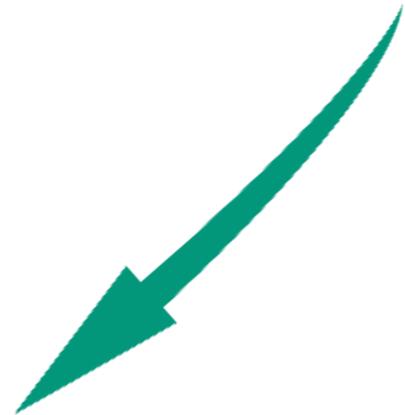
- **News reports** of any of the following: forced labour, child labour, large-scale wage withholding, illegal recruitment practices, degrading living conditions, sexual or gender-based violence at the workplace.
- **Past reports or findings of forced labour** (from previous assessment cycles or other studies)
- **Expert views** – reports from partner organizations or NGOs/community organizations with knowledge of the target regions
- **Company information sharing** on risk prevention (from audits or supplier engagements)
- **Audit reports**

STAGE 2: Risk of bonded labour in agricultural operations: plantations and migration destinations

The risk score 0-10 reflects the most likely regions agricultural workers could be found in bonded labour situations. The highest scoring (highest risk) states are also the states that see the highest rates of migration for work in agriculture and also are associated with

Andhra Pradesh	10.0
Telangana	9.9
Tamil Nadu	9.7
Maharashtra	9.4
Karnataka	6.6
Uttar Pradesh	6.2
Madhya Pradesh	5.6
Kerala	5.3
Gujarat	4.8
Punjab	3.8
Assam	3.3
Bihar	3.1
West Bengal	2.9
Arunachal Pradesh	2.9
Tripura	2.8
Odisha	2.7
Rajasthan	2.7
Chhattisgarh	2.1
Jharkhand	1.6
Haryana	1.6
Uttarakhand	1.4
Goa	1.2
Jammu & Kashmir	1.0
Himachal Pradesh	0.9
Manipur	0.8
Sikkim	0.5
Mizoram	0.2
Meghalaya	0.1
Nagaland	0.1





5.5 Using indicators to designate high risk 'zones



The higher scoring states above are naturally those that have the most significant risks in practice reported in their various agricultural subsectors, but also, they experience the highest corruption, and host the highest number of indebted or landless labourers. Many of these indicators will also be available at the district level and some – particularly those related to availability and quality of health services are *only* useful at the district level.

Some of these indicators will reveal broad trends in entire states. For instance, the rate of indebtedness of agricultural households in Andhra Pradesh is 93%. This provides a basis for prioritising the entire state as a high-risk zone for indebtedness. Users of this methodology could use this type of information to either:

- Follow-up to validate and understand more about the risks workers face in the highest risk states and districts indicated in STAGE: 2
- Require special risk mitigation or process steps for economic activity or programming in the region if using this information to inform an area-based risk approach.



93%

Of Agricultural Households in Andhra Pradesh report having an outstanding loan to pay off. This is compared to the average of 52% across the rest of India

MOSPI 2013 - NSS KI(70/18.1): Key Indicators of Land and Livestock Holdings in India

Image c. Reuters Vijay Mathur

5.6 Compiling risk scores and weightings

The sample maps above are produced based on a coded risk score for each state/district. For these examples Scores were compiled in an excel spreadsheet (above) and each were converted to a score between 0-1 reflecting a percentage of the maximum value for each dataset. These were then converted again to scores between 0 and 1 and then multiplied by 10 for a maximum value of 10. 10 is the highest risk. (see below). All indicators are evenly weighted. Weightings can be increased or decreased by users depending on how well the risk outcomes (and specific indicators) correlate with findings from field studies or the quality of the information available.

Producing 'maps' is an optional step and users could also choose to review each indicator separately and not part of a composite.

State/UT	Proxy measure	State/UT wise Literacy Rate (%)	Housing quality - Proportion of the population with dilapidated houses	Percentage of rural population living below the poverty line (Based on consumption)	High risk sending locations for migrant workers - based on feedback from stakeholders	Proportion of illiterate household members actively looking for work / total population	Average yield per Ha of principal staple household foodgrain	Average land owned (excluding homestead land per household) (1000 Ha)	Scoring liters
Uttar Pradesh		61.70	6.59	30.40	1	5.041166	1.0	0.473	0.2
Odisha		72.90	8.33	35.69	1	0.63831899	1.2	0.352	0.2
Azram		72.20	10.85	33.89	1	0.62931113	1.1	0.496	0.2
Bihar		61.80	7.35	34.06	1	0.04632076	1.0	0.215	0.
West Bengal		76.30	11.75	22.52	0	4.412280674	1.0	0.143	0.1
Jharkhand		66.40	4.46	40.84	1	0.061640414	1.1	0.438	0.
Chhattisgarh		70.30	3.93	44.61	1	0.038264765	1.1	0.752	0.
Madhya Pradesh		63.30	4.03	35.74	0	0.499750781	1.1	1.108	0.2
Tripura		87.20	5.07	16.53	0	0.001837756	1.0	0.224	0.0
Manipur		76.90	4.64	38.80	0	0.003244595	0.7	0.507	0.
Tamil Nadu		80.10	1.85	15.83	0	2.738499996	0.8	0.332	0.
Arunachal Pradesh		65.40	3.29	38.93	0	0.024366801	1.0	1.016	0.
Meghalaya		74.40	6.00	12.53	0	0.00136626	1.3	0.696	0.2
Jammu & Kashmir		67.20	3.89	11.54	0	0.051009297	1.1	0.397	0.2
Telangana		80.10	2.00	15.83	0	2.738499996	0.8	0.694	0.
Maharashtra		82.30	4.30	24.22	0	0.944555633	1.0	0.886	0.1
Sikkim		81.40	5.42	9.85	0	0.000129997	1.1	0.322	0.1
Andhra Pradesh		67.00	3.50	10.96	0	0.022592897	1.1	0.453	0.2
Mizoram		91.30	2.82	35.43	0	7.8736E-05	1.1	0.873	0.0
Uttarakhand		78.80	3.44	11.62	0	0.005266382	1.0	0.301	0.
Kerala		94.00	5.27	3.14	0	0.00379934	0.3	0.146	0.
Karnataka		75.40	3.94	24.53	0	0.008609353	1.0	0.832	0.
Goa		88.70	1.52	6.81	0	0.008478312	1.2	0.13	0.0
Gujarat		78.00	1.54	21.54	0	0.008617102	1.1	0.788	0.
Himachal Pradesh		82.80	1.64	8.48	0	0.017265094	1.0	0.367	0.
Punjab		75.80	2.00	7.66	0	0.026867751	1.0	0.605	0.
Nagaland		79.60	1.81	19.93	1	0.023379743	1.1	1.053	0.
Haryana		75.60	1.00	11.64	0	0.016424981	1.0	0.738	0.
Rajasthan		66.10	3.89	16.05	0	0.149936608	1.0	1.446	0.

6. Follow up vulnerability analysis

The steps in the previous sections can be used to build on broad risk designations based on third party data sources and proxy indicators. The next step is to move to a more localised level and gather more detailed information on risks of specific types of bonded labour and labour abuse on farms and in farming communities.

This section sets out key questions related to vulnerability and labour recruitment patterns in communities and with workers migrating through high risk migration corridors.

Overview

This section of the assessment is based on interviews with workers, other household members, and experts, as well as observation and triangulation to understand workers' circumstances and gather intelligence regarding where the most vulnerable workers may end up working.

Key points

- Assessment to be conducted host communities, migrant destinations, plantations)
- Objective is to obtain practically useful intelligence on worker vulnerability and workplace risk using background information provided by subnational risk mapping,
- Additional detail can be gathered from field interviews to understand:
 - What workers intend to do (i.e. migrate/not migrate)
 - Who recruits them
 - Where they intend to go to work (or if they know at all where they will end up working)

Process - how to use



The indicators developed for this level of information gathering are set out below:

Indicator	Measure	Risk information output	Method
Community migration history	Number and proportion of community members in a given area stating an intention to migrate because of debts or low income	Higher Migrant sending community relative vulnerability	Household interviews in migrant sending communities.
	Longer distance migration: Workers or community members will migrate or have migrated to a different state or over 300 kilometres from their home	Higher Migrant sending community relative vulnerability	Household interviews in migrant sending communities.
	1 or more workers in a community are former bonded labourers 'freed' under the government rehabilitation scheme or another social support programme operated by non-government actors	Possible bonded labour situation 	Household interviews in migrant sending communities.
Risk profile of community – financial literacy	Number and proportion of households for which ANY of the following is true: <ul style="list-style-type: none"> • Have a bank account • Receive foreign remittances • Have a member who has been paid for work under the MGNREGA scheme 	Migrant sending community risk – higher literacy = lower relative vulnerability	Household interviews in migrant sending communities
	Estimated: <ul style="list-style-type: none"> • Average literacy rate • Average level of education completed 	Migrant sending community risk – higher literacy = lower relative vulnerability	Household interviews in migrant sending communities.
Worker indebtedness Descent based exploitation	Worker begins the season in debt (from last season or from other sources) before any advances or loans are taken for the present season	Possible bonded labour situation 	Expert/ advocate interviews, household interviews in sending communities

Indicator	Measure	Risk information output	Method
	Number of workers (% of a community or area) with persistent debt – defined as continuous debt for over 3 years	Community risk – higher relative relative vulnerability	Expert/ advocate interviews, household interviews in sending communities
Labour intermediaries and exploitative recruitment	Workers report paying a fee to a contractor for job placement	Higher risk recruitment channel	Interviews with prospective and prior migrant workers
	Number and proportion of workers recruited through contractors not knowing where exactly they will work, what they will be doing, who they will work for OR how they will travel	Higher risk recruitment channel	Interviews with prospective and prior migrant workers
	Binary (Yes/No) – Recruiter does not originate from the same community as the workers	Higher risk recruitment channel	Interviews with prospective and prior migrant workers
	Binary (Yes/No) – Recruiter does not originate from the same caste or tribal background as the workers	Higher risk recruitment channel	Interviews with prospective and prior migrant workers
	Binary (Yes/No) – Recruiter does not speak the same language as the worker	Possible bonded labour situation 	Observation Expert/advocate interviews Household

6.1.1 Conducting interviews

Given sensitivities involved, users of this methodology should carefully consider how to do interviews with formal communities. There is a variety of guidance available that can be useful for developing a local protocol on handling sensitive issues with communities

In terms of timing, community visits are best conducted:

- During the harvest period for migrant communities residing where they are working
- Outside of the growing seasons of key crops or after harvest of key crops (sugarcane, rice, mango, coffee etc.)

6.2 Risk information outputs and what to do with it



There are different information outputs from the vulnerability assessment that can be taken forward to the next stage. These are summarized in the table below.

Example List of information outputs from the follow-up vulnerability assessment along with recommendations on how to use them

Risk information outputs	How to use this information
Higher risk migrant 'sending' areas	Monitor worker communities showing patterns and trends of higher risk, noting the number, characteristics and prevalence of households and prospective workers whose answers suggest they may be more vulnerable to poor labour recruitment practices.
High risk migrant communities at destination	Prioritise workplaces serviced by these communities for follow-up risk assessment to understand the likelihood that bonded labour is employed.
High risk plantations with ordinary/non-seasonal labour (e.g. tea)	Prioritise this plantation for follow-up in relation to improving working and living conditions through the user's relevant channels/connections.
Vulnerable workers	Understand where these workers are likely to go (if they have this information) or where they are employed. Feed this back into the labour abuse risk mapping exercise and use information about employment to prioritise estates and workplaces that appear to routinely employ vulnerable workers.
Higher risk recruitment channel	As far as possible, use information collected about who recruits workers, how they are recruited and where they intend to work in order to understand more about the farms or production regions where workers are going.
Red flags 	Immediately escalate the individual case and determine next steps in line with the remediation framework and on the advice of workers' advocates

7. Workplace indicators

This section covers the workplace level indicators. There are two potential stages of evaluation:

- Workplace risk – reviewing workplace labour risk indicators to get a sense of relative risk of forced labour occurring compared to other workplaces
- Incidence indicators – indicators that may suggest a current or emerging situation of bonded labour at a workplace.

Overview

This section draws on different sources of information on forced labour risk or to uncover evidence of forced labour risk and incidence at the workplace. Broad reference was made to the ILO 11 indicators of forced labour for both risk and incidence. The outcome represents a contextualised, locally specific collection of the most *relevant* indicators, which are *feasible* to assess in the Indian agricultural context.

Key points on data sources

We envisage the following data sources will be used at the workplace

- FL-enhanced worksite assessment - trained assessors review evidence of forced labour on the basis of known risks.
- Management interviews (as part of enhanced FL assessment)
- Payroll/ hours records (as part of enhanced FL assessment)
- Report from auditor or third party
- Reports from local experts – gathered either through additional interviews or based on findings from previous phases
- Reports from worker advocates (e.g. trade unions)
- Review of management policies and processes (as part of enhanced FL assessment)
- Worker complaints
- Worker interviews
- Photographs

Process - how to use



7.1 Workplace risk indicators

Potential indicators for assessing relative risk that bonded labour could occur within an agricultural enterprise are set out in a table below. These are designed to be used for determining which agricultural

enterprises are, on balance, higher risk and therefore a higher priority for any intervention. The parameters that constitute higher risk will vary depending on the local circumstances and the sector. Because they are linked so closely with the local operating context in India, the hypothesis is that, there should be enough useful variation to draw a distinction between better and worse performing operations, even though non-conformance with labour laws may be widespread or systematic.

Indicator	Measure	Risk information output	Method
Treatment of lower-caste /tribal workers	Proportion of workers from low caste or Adivasi backgrounds <i>Except tea plantations in northeast</i>	Higher risk workplaces – greater proportion of vulnerable workers	Staff records
	Average Length of service at enterprise/employer for Adivasi/scheduled caste workers <i>ONLY tea plantations in northeast</i>	Higher risk workplace – more mobility from lower risk plantations in the Assam tea industry	Staff records
Indebtedness	Number of workers who report they are working to pay off a debt	Higher risk	Extrapolated from sample of worker interviews
	Proportion of female headed households resident on an estate or engaged at a workplace	Higher risk workplace – women are at a greater risk of indebtedness due to lower earnings and lack of other earners in the household	Staff records/ worker interviews
	Reports that basic services under the Plantation Labour Act are not provided to workers <i>ONLY plantation sector</i>	Higher risk workplace – workers more likely to take out loans/ go into debt	Extrapolated from sample of worker interviews
Labour intermediaries and exploitative recruitment practices	Number and % of workers recruited through a contractor not from worker's community or background (caste, tribe)	Higher risk workplace – contractors that come from the same background as workers tend not to be associated	Staff records

Indicator	Measure	Risk information output	Method
		with the more severe abuses	
Rural-to-Rural Migration	Proportion (%) of workers at a plantation who come from high risk districts (identified in sub-national risk mapping exercise)	Higher risk workplace – greater concentration of vulnerable workers associated with the	Extrapolated from sample of worker interviews
	Proportion (%) of workers who do not speak the same native language as the employer(s)	Higher risk workplace – associated with higher worker vulnerability	Extrapolated from sample of worker interviews
Labour management practices	Employer does not use outside labour contractors and pays casual workers directly (Y/N)	Lower risk workplace	Staff records/ validated by worker interviews
	Employer holds records demonstrating payment of Provident Fund contributions to the National Scheme	Lower risk workplace – non-payment of Provident Fund contributions it is extremely common in agriculture despite being illegal	Staff records
	Number and % of workers paid in regular increments rather than lump sum payments at the end of a harvest	Lower risk - Though reportedly uncommon, where workplaces pay in increments, this suggests lower risk than the lump sum practice	Extrapolated from sample of worker interviews
	Binary (Y/N) Employer has a policy and process in place to verify the legitimacy of labour contractors and ensures that all contract workers are paid at least the applicable minimum wage for the state and industry	Lower risk – this would signify the employer has made an attempt to distance itself from some of the wider structural problems involving labour in Indian Agriculture	Review of company policies & validation with workers

Indicator	Measure	Risk information output	Method
Isolation/ Dependency on employer	% of workers ordinarily resident on leased land owned by their employer or employer provided housing	Lower risk - Where a greater proportion of workers live offsite, this means the employer is capable of less direct control or influence	Worker interviews Employer interviews
	Distance from the nearest railway station (in km, walking distance)	Higher risk – greater dependency on employer	Measurement (map/ driving distance)
Health and welfare	Distance to nearest hospital (in km, walking distance)	Higher risk – suggests a higher dependence on employer for basic necessities	Measurement (map/ driving distance)



IMPORTANT NOTE ON LEGAL RISK

Many of the practices outlined above that are treated as ‘relative’ risk factors are in fact illegal under Indian Law (e.g. Provident Fund contributions, regular payment of wages) but in many agricultural subsectors and states, there are reports that these laws are systematically disregarded, meaning the threshold of legal compliance is unsuitable as a yardstick for risk or for identifying the worst abusers. Organizations should consider carefully how to track and respond to risks in relation to the standards set out in Indian law.

The key pieces of labour legislation to review are:

- Bonded Labour System (Abolition) Act of 1976
- Employees’ Provident Funds and Miscellaneous Provision Act, 1952
- Plantations Labour Act, 1951
- Equal Remuneration Act of 1976
- Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- Contract Labour (Regulation and Abolition) Act, 1970 – does not apply to seasonal work but may be applicable if work is performed for more than 60 days in a year.

7.2 Incidence indicators

The following indicators can be used to assess incidence at the workplace.

Indicator	Measure	Risk information output	Method
Deception	<i>Number and proportion of workers reporting that post-migration, conditions are less favourable than promised or expected during recruitment</i>	FL - Involuntariness	Extrapolated from sample of worker interviews (at workplace or sending communities)
Indebtedness	<i>Number of workers at a worksite who are working towards paying off a loan or cash advance offered by either a contractor or third-party moneylender</i>	FL - Involuntariness	Extrapolated from sample of worker interviews
	<i>Worker debt-to-income ratio (suggests relative ability to pay off loans)</i>	FL-involuntariness	Extrapolated from sample of worker interviews
Threats	<p>Reports, complaints or allegations (Y/N) of <i>threats, intimidation, sexual abuse or harassment, verbal, physical or psychological mistreatment by managers, supervisors or labour brokers</i></p> <p>And Estimation of Prevalence (est. % of the workforce affected)</p>	<p>FL- coercion</p> 	<p>Reports from local experts</p> <p>Worker interviews</p> <p>Worker complaints</p> <p>Reports from worker advocates</p>
	<i>Number of workers or family members who report feeling afraid to speak about working conditions (out of total sampled)</i>	<p>FL-coercion</p> 	OFFSITE Worker + household interviews
	<i>Reported threats related to material deprivation, removal of rights and privileges, imposition of worse working conditions</i>	<p>FL Coercion</p> 	OFFSITE Worker + household interviews

Indicator	Measure	Risk information output	Method
Control of freedom of movement	<i>Reports of physical confinement to workplace/premises (through security or physical barriers)</i>	FL Coercion 	<p>Reports from local experts</p> <p>Worker interviews</p> <p>Worker complaints</p> <p>Reports from worker advocates</p>
Control of freedom of movement	<i>Reports of confiscation of workers' mobile phones</i>	FL Coercion 	<p>Reports from local experts</p> <p>Worker interviews</p> <p>Worker complaints</p> <p>Reports from worker advocates</p>
Control of freedom of movement	<i>Reports of confiscation or withholding of identity papers</i>	FL-coercion; note: these are not passports for internal migrants but identity documents that are difficult to replace 	<p>Worker interviews (at workplace or sending communities)</p>
Wage non-payment / wage theft	<i>Reports (Y/N) that contract workers/casual workers who report not being paid regularly, in full or on time</i>	FL – involuntariness	<p>Worker interviews</p> <p>Interviews with worker representatives</p>

7.3 Evaluating profiles and determining next steps

7.3.1 Addressing red flags

Red flags



Where a red flag is identified there is a strong possibility that this is a situation of forced labour. In these cases, any evidence that can be gathered should be retrieved and the worker or workers involved referred to the frontline operatives (civil society or government, as appropriate in the local area) who can recommend, or conduct follow up actions.

7.3.2 Severity of bonded labour in agriculture – proposed test threshold

Debt will commonly be among the more common indicators observed in agricultural operations. However, worker indebtedness on its own does not necessarily constitute bonded labour. There must be other factors present in order for a situation of indebtedness to constitute bonded labour. The general rule we propose employing to evaluate situations of worker indebtedness is that a debt situation should be treated as a red flag if any of the following are true:

- ✓ **The worker’s debt was founded on or is maintained by deception (false promises of higher wages, unrealistically high interest rates)**
- ✓ **The employer/debt-holder has taken advantage of the asymmetrical power over the employee (sexual harassment, exacting unpaid work, control of freedom of movement)**
- ✓ **The worker’s debt is connected to the employment arrangement (i.e. is the recruiter connected directly to the end employer or is the debt held by the employer)**
- ✓ **Has the employment contract been reinforced by threats or force?**

7.3.3 Weighing strength of involuntariness and coercion indicators

The table below contains some guidance and examples that demonstrates how findings can be reviewed and evidence weighed and how implementers could follow-up on inconclusive cases.

Finding	Evidence	Example	Next steps
Strong positive - Widespread indicators of forced labour across a growing area	Forced labour involuntariness and coercion indicators attributed to a wider production area, beyond a single farm	<i>Illegal recruiter supplying labour to multiple farms in a growing area – reports of wage withholding and threats/blackmailing</i>	<p>Consolidate and secure all documentation</p> <p>Notify appropriate parties (experts/authorities)</p> <p>Scope appropriate next steps with authorities/ supply chain actors</p>

Finding	Evidence	Example	Next steps
Strong positive determination of forced labour – group	<p>Red flags identified in relation to a class of workers</p> <p>Evidence of involuntariness AND coercion</p>	<i>Casual workers not being paid AND Evidence of violence and threats of physical violence</i>	<p>Consolidate and secure all documentation</p> <p>Notify appropriate parties (experts/authorities)</p> <p>Identify any workers in potentially immediate personal risk</p> <p>Begin first steps to remediate case in conjunction with authorities or expert partners</p>
Strong positive determination of forced labour – individual	<p>Red flags identified in relation to individual workers</p> <p>Evidence of involuntariness AND coercion</p>	<i>A worker (and accompanying family) are paid by a third-party recruiter who is not known to them and they have begun the season in debt to that recruiter/contractor before any further advance is given</i>	<p>Consolidate and secure all documentation / evidence</p> <p>Where possible, consult with a selection of victims to determine the most appropriate next steps</p> <p>Identify any workers in potentially immediate personal risk</p> <p>Begin first steps to remediate case in conjunction with authorities or expert partners</p>
Weaker positive determination – group	Multiple reports of a specific practice of involuntariness with weaker evidence of coercion	<i>Workers report mobile phone confiscation is practiced AND vague, unconfirmed or inconsistent reports of threats</i>	Review assessment findings to identify any wider trends or corroborating evidence to suggest working relationships are coercive.
Inconclusive / potential forced labour case	A single report of involuntariness AND coercion in a workplace where no other evidence of risk exists	<i>Worker reports forced overtime and coercive threats</i>	<p>Make contact with the worker to determine whether this is an isolated case or part of a wider pattern</p> <p>Understand from worker their preferred next steps for addressing their situation.</p>
Inconclusive / potential forced labour case	General and unconfirmed reports of forced labour situations	<i>Anonymous hotline call reporting trafficked labour, insufficient detail</i>	Make note of any reports and complaints and take note of report in relation to farm for future assessment cycles

Finding	Evidence	Example	Next steps
		<i>needed to corroborate</i>	Review labour management practices to understand whether safeguards are in place to prevent a similar situation from arising in future.
Indication of high forced labour risk/ no reports in practice	Multiple standards non-conformances revealed in a FL-enhanced workplace assessment	<i>Workplace in region where vulnerable workers are employed – workers report they have no debt and are paid regularly</i>	Develop program of corrective actions aimed at removing or mitigating the risk Involve other parties with influence or stake in the outcome of risk mitigation.
General risk indication	Indicators of workplace risk – though not specifically related to forced labour - expressed through worker complaints	<i>Living conditions are poor and workers feel afraid to speak out about them.</i>	Continue to develop/ establish a credible means of worker complaints reporting Use risk information to gauge the most appropriate next steps given the context – what risks would workers face if action were taken over expressed concerns?

Access to ‘worker voice’



Many of the indicators above include ‘worker complaints’ as a potential source of information. Establishing a safe and anonymous means for workers to submit complaints regarding their situation can be an invaluable source of information. Many notable examples globally use mobile phone or technology-based platforms designed to enable workers to report labour abuse complaints to credible third-party intermediaries. However, feedback from stakeholders in India suggested that workers at risk of bonded labour were unlikely to use this mechanism (due to illiteracy/lack of trust/technology limitations) and that ‘worker voice’ was best accessed through trusted partners (NGOs, worker representatives) or directly with workers themselves. In India, this is likely to be an in-person exercise.

Case example: Forced labour indicator analysis on Karnataka Coffee Plantation

A coffee plantation in Karnataka hires migrant workers. The 10 migrant workers interviewed come from Assam and Bihar and were hired by a contractor/agent and says that most of the rest of the workers are from the same area. One couple you interview say the contractor/agent is from their local district, their crop failed, and they needed work and knew other families who he had found work for. The contractor

gave an advance payment and the couple understood that they would have to work for around 4 months to pay off this advance and would earn wages for the final month. The contractor bought transport tickets for the couple who were migrating together, leaving their young children with grandparents, and told them he would make arrangements to pick them up on their arrival to take them to their workplace. The migrant workers did not know where they would be working until they arrived at the plantation and discovered from the contractor that they had to work an additional week without pay since the price of transport had been added to the advance they had received. The couple are illiterate. They expected to work an 8-hour work day today, but say they work for 12-14 hours because they do additional work tending to livestock and housework.

Workplace risk factors

- Vulnerable workers

Forced labour indicators

- Indebtedness (involuntariness)
- Possible deception/ false promises (involuntariness)
- Low pay, possible inability to pay off debt if cost of rail/car travel from Bihar is an additional week's pay

Several indicators of vulnerability and involuntariness – unconfirmed whether reinforced by coercion.

8. Options for remediation

This section sets out the main considerations for remediating cases of bonded labour in India.

8.1 Key points on remediation options for India

- There is a national legal remediation scheme driven by the government. It offers comprehensive support to victims where it is applied but it lacks full implementation in some areas and reportedly sometimes does not deliver rehabilitation as intended by the law.
- Due to the challenges of proving cases of abuse for illiterate workers who often do not speak the same language of their employer, it is crucial that information and evidence be safeguarded as soon as allegations come to light.
- There are multiple non-profit organizations in India working to support workers in exploitative labour conditions. Many of these organizations field operatives who come from the same caste or tribal backgrounds as the work. There are different approaches undertaken depending on the organization including releasing victims, pursuing legal cases against employers, providing social and rehabilitative support and joining up field activities with national and international campaigns.
- Local authorities in some states have undertaken positive and proactive steps to remediate cases of bonded labour. In other cases, it has been reported that police or local commissioners may be corrupt or possibly not sufficiently independent from employers, the largest of which tend to wield significant power and influence in their areas of operation.

8.2 Escalating suspected cases of bonded labour

Given the types of incidences required for authorities to take action on bonded labour cases, it is important that information to substantiate individual claims be secured appropriately and escalated in accordance with the wishes of the workers. Interviews should be conducted by experts who have (or expect to attain) the trust of vulnerable workers and communities. A defined scope of cooperation between partners responsible for implementation must include the protocol for escalating cases of forced labour and victim safeguarding. This will likely include requirements for safe-keeping of sensitive records and materials and an agreed process to ensure anonymization and confidentiality of workers, subject to agreement between the partners. Securing suitable evidence of forced or bonded labour, especially where there are associated cases of abuse, eg. sexual abuse or harassment can be challenging given the limited access granted to workplaces where these have been reported. In all cases, the wishes of the worker must be central to any agreed course of action – removal from a bonded labour situation should only be effected with the explicit consent of the workers involved. In such cases, interveners should be aware of the local risks involved in referring cases to the authorities (e.g. corruption) and the risks to the worker (loss of income, retaliatory violence etc.)

8.3 Using the national bonded labour remediation system

The 'Bonded labour system' refers to the various legal and juridical steps taken to address bonded labour by central or state governments. The governing instrument is the Bonded Labour System (Abolition) Act,

1976 which provides the basis for the central government's victim rehabilitation infrastructure (see below) Central government funds are expected to be made available for this process, managed by states.

“District Vigilance Committees” and Magistrates- Under the BLSA, district magistrates and district vigilance committees have the main responsibility for detecting bonded labourers and ensuring their effective rehabilitation. Their key functions are to:

- to advise the District Magistrate or any officer to ensure laws are properly implemented
- to provide for the economic and social rehabilitation of the freed bonded labourers
- to co-ordinate the functions of rural banks and co-operative societies with a view to channelling adequate credit to the freed bonded labourer
- to monitor the number of offences
- to defend any lawsuit brought against freed bonded labourers

Vigilance committees and magistrates may be more inclined to act on referred cases when particularly severe cases come to light.

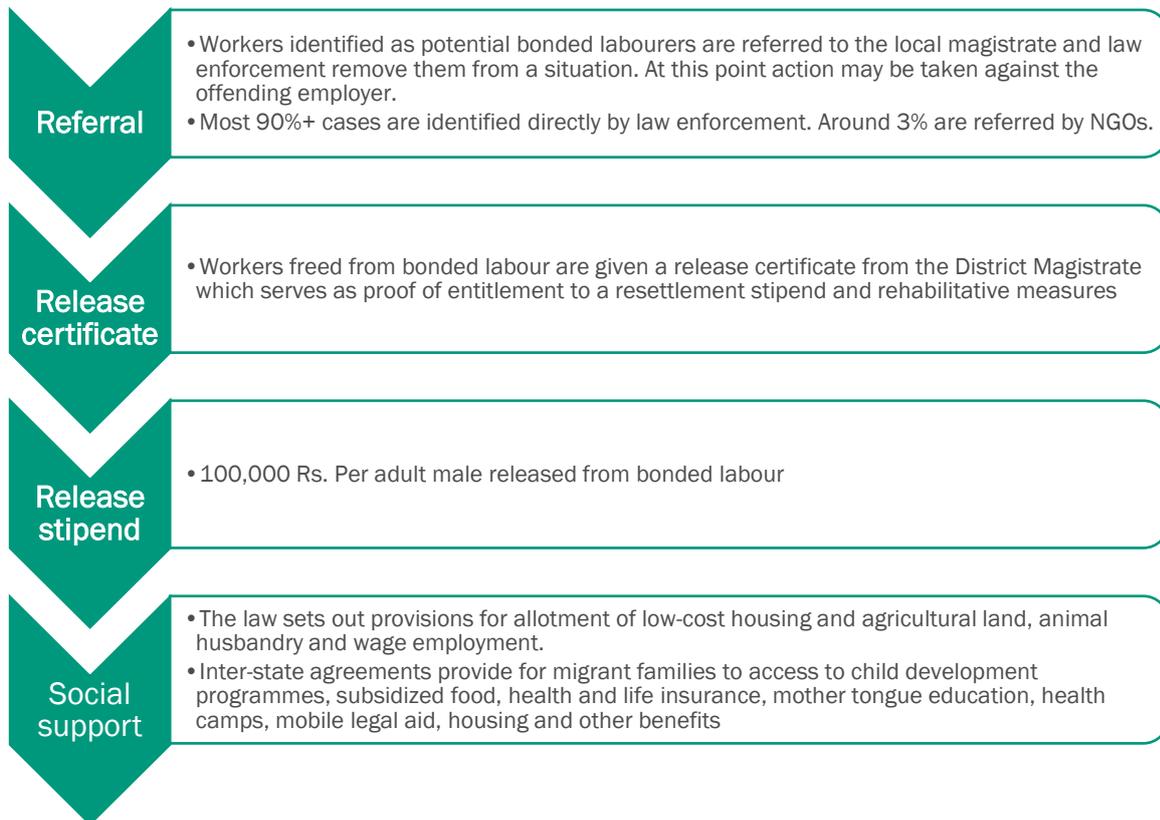


Extreme abuses trigger referral and response

Key point: in a number of cases it is specific incidents of extreme abuses that surface that trigger a response action by the State government. For example, in Uttar Pradesh, near Delhi, 180 bonded labourers (53 men, 36 women and 91 children) were rescued in February 2000. The condition of the workers came to light when one of the women workers was raped, and her husband and a child were killed in gunfire.

Rehabilitation – the BLSA Act provides freed bonded labourers to be registered with a rehabilitation system, wherein they are provided a certificate of release that entitles them to a stipend and access to vocational training and social support.

8.3.1 Remediation – summary of the Bonded Labour Act procedure



8.4 Approaches to remediation – civic organizations

India has a wealth of civic organizations that can be found in nearly every state where bonded labourers are and which work across the various facets of remediating bonded labour. Most commonly, NGOs provide a crucial role in engaging with workers as interpersonal relationships with trusted frontline interveners, is essential for understanding workers’ circumstances in Indian Agriculture. More indirect methods of receiving and responding to worker grievances are generally considered unfeasible in the Indian context due to the deep marginalisation that vulnerable tribes, castes and communities face and the resultant lack of trust in ‘outside’ schemes. We explored the work of several NGOs who work on the frontline to support bonded labourers, all of which provided crucial insight in the development of the indicator framework set out in this document. Two of these organizations are profiled below.



Profile

[Jeevika/Vimukti Trust](#) is an NGO based in Karnataka, which undertakes a wide range of corrective measures to address bonded labour, including through work with freed bonded labourers.

Description of approach to remediation

Jeevika conducts awareness campaigns across villages in Karnataka, petitioning local administrators (and police) to intervene and remedy situations where bonded labour is identified. Jeevika mobilises grassroots advocacy for workers in agriculture, in some cases setting up Taluk/‘self-help’ groups for workers wherein they can dialogue with freed bonded labourers who may share their background and offer advice. Jeevika’s model centres on empowerment. Workers are encouraged to take ownership of their situation and either take grievances directly to employers, petition the local magistrate or undertake training to improve their options or circumstances.



Profile

[International Justice Mission](#) is an international non-profit organization that works to combat forced labour in all forms. It has field offices in several Indian cities and works with partners to identify and rescue bonded labourers as well as to take legal action against employers.

Description of approach to remediation

IJM monitors potential situations of bonded labourers through the activities of its partner organizations and field agents and works closely with law enforcement and state authorities to rescue workers in bonded labour and safeguard them from further abuse. IJM works in conjunction with partners and authorities to deliver first response support to freed labourers including facilitating housing, obtaining a release certificate, performing a needs assessment, joining the released bonded labourers associations (RBLA) whose members go on to assist in identifying and rescuing bonded labourers. IJM also prosecutes legal cases against employers.