

LABOUR RIGHTS

IN THE READYMADE GARMENTS INDUSTRY

IN BANGLADESH

PERSPECTIVE 2008





House No. 35 (3rd Floor), Road No. 117, Gulshan
Dhaka-1212, Bangladesh
Tel : 880-2-9888587, Fax : 880-2-9886208
E-mail : odhikar.bd@gmail.com, odhikar@citech-bd.com
Website : www.odhikar.org

LABOUR RIGHTS

IN THE READYMADE GARMENTS INDUSTRY IN BANGLADESH

PERSPECTIVE 2008



Report prepared by

J. Hasan

Edited By

Dr. Saira Rahman Khan

Published by

Odhikar

House No. 35 (3rd Floor), Road No. 117

Gulshan, Dhaka-1212, Bangladesh

Tel : +880 2 9888587

Fax : +880 2 9886208

Email: odhikar.bd@gmail.com, odhikar@citech-bd.com

Website: www.odhikar.org

Special Thanks

The researcher would like to convey special thanks to workers of the garments factories, members of the Ministry of Labour and Employment, members of the BGMEA, BKMEA, Karmojibi Nari, UBINIG and all others who contributed to this report.

Acknowledgement

Cover photo was taken from the report “Bangladesh : Labour Rights in the Supply Chain and Corporate Social Responsibility” by the International Federation for Human Rights (FIDH) mission to Bangladesh, June 2008. Inner front cover.

Copyright©Odhikar. All rights reserved

The Labour Rights in the RMG Industry in Bangladesh : Perspective 2008 is a publication of Odhikar which has been supported by Oxfam GB. However, the views, analysis and conclusion reflected in the report are of the authors only and may not necessarily reflect the views or position of Oxfam GB.

Printed by

BRAC Printers, Bangladesh

Table of Contents

Executive Summary	01
The Dream Factory	03
Introduction	05
Methodology	07
Constraints and Limitations	09
General Labour Situation in RMG Sector in 2008	10
The Conspiracy Theory	13
Implementation Status of the Tripartite Agreement	15
Summary of Issues Raised by RMG Workers	19
Laws and Compliance	21
Workers Welfare	29
Workers Awareness About Rights	31
Brief Profile of RMG Women Workers	36
Violence against Women RMG Workers	38
Trade Union Issue	42
Total Compliance	46
Government Efforts	50
BGMEA and BKMEA	51
The Post-MFA Era	53
Post-2008 Scenario	54
A Wake-up Call	56
Summary of Comments	59
Recommendations	61
Conclusion	64
Examples of RMG Violence	65
Annexures	91

List of Abbreviations Used in this Report

BEPZA	:	Bangladesh Export Processing Zone Authority
BGMEA	:	Bangladesh Garment Manufacturers and Exporters Association
BILS	:	Bangladesh Institute of Labour Studies
BKMEA	:	Bangladesh Knitwear Manufacturers and Exporters Association
CBA	:	Collective Bargaining Agent
DEPZ	:	Dhaka Export Processing Zone
EPZ	:	Export Processing Zone
FGD	:	Focus Group Discussion
FIDH	:	International Federation for Human Rights
GSP	:	Generalised System of Preference
MFA	:	Multi Fibre Agreement
MOLE	:	Ministry of Labour and Employment
NGO	:	Non Government Organisation
NIPSOM	:	National Institute of Preventive and Social Medicine
OSH	:	Occupational Safety and Health
RAB	:	Rapid Action Battalion
RMG	:	Ready Made Garments
TU	:	Trade Union
USTR	:	United States Trade Representative
WRC	:	Workers Rights Coalition
WRWC	:	Workers Representation and Welfare Committee

Since May 2006, the RMG industry of Bangladesh has been experiencing various workers' unrest which turned into violent incidents in 2008, causing violations of the prevalent emergency situation which even the major political parties did not dare to do. In this background, Odhikar, with support from OXFAM GB, embarked on an initiative of advocacy to promote the rights of the RMG workers as well as to protect the interests of the sector from a pro-poor perspective.

The country's RMG sector experienced 209 reported incidents of labour unrest in the 12 months from January 1 to December 31, 2008. The identified key reason for the RMG workers' resentment is the rapid price hike of daily essentials and the workers' inability to cope with it. When the minimum wage of workers was fixed by a wage board in 2006, that salary scale was not immediately implemented, causing the workers to take to the streets.

The unannounced closure of factories was behind a good number of workers' resentment in 2008. This happened mostly in the case of small factories which took orders on sub-contract from large export factories. While workers within the EPZ got their payments on time, workers outside the EPZ did not get paid on time, causing resentment among the latter.

Most of the RMG workers are not fully aware of their legal rights and entitlements. Occupational health and safety is a major concern for them. Female workers are a majority in the RMG industry and they become victims of various kinds of violence including sexual harassment. The Labour Act 2006 is not followed properly in the RMG industry. Allegations of conspiracy, raised by the RMG owners was not established by fact-findings.

Although statistics from government departments indicate improvement in working environment and workers' rights in the RMG industry, survey findings and focus group discussions do not corroborate that fact. The Government's weak monitoring mechanism has failed to keep track of compliance trend in the RMG industry. The tripartite agreement signed in 2006 and the Labour Act 2006 were not fully implemented till 2008, sparking workers' resentment.

Absence of trade unions in the RMG industry is a major concern. No formal communication or dispute settlement mechanism exists between the workers and the owners of the RMG factories. The owners are strongly organised by their representative body while the workers are completely disorganised. The balance of relationship tilts in favour of the owners who have the capital and the influence with the Government. The workers represent a largely rural, illiterate or semi-literate populace having no control over power relationships. Extreme sense of deprivation or suffering causes the workers to adopt violent means for expressing their frustration. Owners have sympathy for the workers interest, but mostly that does not transform into real action due to unequal balance of power relationship between the two.

Compliance has been an important part of efforts to improve labour standards in global supply chains. Over the past ten years, brands and retailers have been faced with multiple industry standards and suppliers are confused by the numerous Codes and initiatives. There is lack of harmony in the Code of Conducts of the different brands, particularly in the cases of minimum age requirements, wages and benefits and overtime payment. There is a need for harmonising the demand for social compliance by international buyers in order to avoid unnecessary costs and confusion on the part of export industries in Bangladesh.

In order to thrive, the industry will need to ensure regular orders from international buyers. These buyers are primarily interested in three factors: price, lead time, and quality. Other factors are also important, such as financial capacity of manufacturers, labour compliance standards, customer base, vertical setup, design and product development capability, advanced production facilities, dependability, and long-term business relationships. Bangladesh will have to improve its competitiveness to remain on the map of buyers, since it is also expected that buyers will consolidate sourcing and concentrate on a fewer countries than during the quota period.

A factory in Kaliakoir, around 50 km from Dhaka, owned by Far East Knitting and Dyeing Industries Limited. Greenery adorns the tall shiny building; a gushing fountain greets the visitor as birds chirp away in the swaying, leafy trees. It is lunchtime and scores of young men and women walk towards an area where the food is being served while others stroll out for a quick meeting with their families living close by. Still others go to the child-care unit to nurse their children or just say hello to them.

Inside the building, everything is squeaky clean, the executive offices, glass walls, even the factory floors where state-of-the-art machinery add to the sophisticated process of making each garment. There are different units - dyeing, spinning, cutting, stitching and so on. Hundreds of workers wearing colourful masks can be seen feverishly operating the sewing machines, sorting, cutting fabric, sewing on various parts of the garment that will end up in some fancy store in London or New York or some other trendy American or European city. The masks are to protect the workers against cloth dust and supervisors strictly enforce this practice. The health and safety of the workers are a major priority: the floors are clean and airy with proper emergency exits, fire extinguishers and cautions about wearing safety gear such as rubber boots in the washing unit and metal gloves for the cutters. A fulltime doctor is on duty at the medical unit, which is clean and has two beds for workers who may fall ill while on the job.

For the factory directors, all the factories they own must be far beyond merely compliance. At Far East Ltd, the Human Resources Department makes sure that every worker is treated fairly in terms of salary, overtime and other benefits, that workers are not abused in any way and that all complaints from workers are addressed. A woman 'welfare officer' visits each floor regularly to hear out any complaints or problems any worker may have and tries to come up with a satisfactory solution. Sometimes women workers are shy about telling their male supervisors that they are pregnant. Here the woman worker can tell the women welfare officer who then informs the supervisors so that extra consideration is given to the worker such as extra food, more bathroom breaks, saving her from any heavy work and so on.

Bonuses for good performance are constantly given to desiring workers. Those who have completed three years in the factory get an extra bonus apart from the holiday bonuses.

The owners of the factory have decided to take it a step further with their upcoming Echotex Ltd which will employ all the ethical and environmental practices even more stringently with a winning formula: a great product, happy workers and an ethical, green factory which will make a commercially sound enterprise, which in turn will build a future.

Factories like Far East may not be representative of the industry as a whole in terms of ethical practices (there are still many small factories with poor, claustrophobic, unsafe work environments) but they do show a definite change in the mindset of garment entrepreneurs.

The Ready Made Garments (RMG) sector is perhaps the most important component of the industrial segment of the economy of Bangladesh. At present, there are about 5,300¹ (4,250 for woven garments and 1,050 for knitwear) factories in operation, employing approximately 2.4 million people, which is about 40% of the total manufacturing field. This sector accounts for 78% of Bangladesh's export earnings and 10% of country's GDP.² The sector also supports various other allied sectors and sub-sectors like accessories' suppliers, and buying houses. Of the 2.4 million employees, 85% are women workers of various levels and virtually close to 10 million people of Bangladesh depend directly and indirectly on the RMG Sector for their livelihoods.³ The lucrative investment opportunity in the RMG sector has propelled the overall industrial development of Bangladesh with a positive impact on other sectors like various service providers, manufacturing elements, and banking/financing houses. Therefore, the RMG sector has become crucial for the survival of Bangladesh as a whole, as it continues to provide as a primary source of critical funds for a host of manufacturing and service sector institutions.

Most of the RMG products are exported to American and European countries and both market share and market access are increasing with a corresponding rise in efforts from the owners for managing different compliance issues and withstanding ever decreasing sales prices (mainly due to competition from sub-Saharan Africa nations). Although low prices have historically been a source of comparative advantage for Bangladesh, the shorter lead-time demanded by the buyers is gradually acquiring the shape of hindrance to it. In 2007-08, the turnover from the export of RMG items was USD 10.69 billion with 25% of gross value addition in the manufacturing sector of the country.⁴ The growth rate of the industry over the last three years was 64% that has encouraged the RMG owners to set a target of reaching USD 18 billion by 2010 and USD 25 billion by 2013.⁵ Such an expansion will create additional jobs for approximately 1.4 million people directly within the RMG industry and will subsequently open-up opportunities across different occupations.

Despite the encouraging figures, the hard reality is that workers in the RMG factories mostly work for very low wages and often do not receive any additional benefit from their employers. At present the law states that the minimum monthly wages should be in the

range of TK 1,662.50 (US\$ 23.96, or EURO 18.21) per month, but it is still inadequate to ensure a minimum standard of living as the prices of consumer goods are increasing by leaps and bounds.⁶ Also, labour leaders have consistently claimed that 65% of the total factories have not yet implemented even the new minimum wage rates mentioned⁷.

It should also be noted that the tremendous pressure of unemployment caused by the population explosion has contributed towards increasing the complexity of the current situation. Due to a very low propagation of literacy and conscientisation, many workers join the RMG sector without even knowing about its working-conditions and their rights or any of the labour laws that are currently in force. Although this situation creates a scope for the employers to exploit the workers, the concern of the foreign buyers regarding labour rights and social and environmental standards has compelled the employers to maintain the least compliant requirements as conditions to get orders from them. This endeavor from the buyers' side also contributes significantly to the raising of a general level of awareness amongst the workers regarding their rights and their social and environmental obligations. Notably, stakeholders like the trade unions, the ILO, and other NGOs have also been actively participating in the awareness building drives for around a decade now. However, the 2008 unrest in the RMG sector reflected a clear gap between the assumption (about workers' welfare and compensation) and the reality (of abuse and mutual distrust).

As is evident from the current vortex of activities involving compliance issues in the RMG sector, a more synchronized, integrated, and effective effort has become a must for the sustainability of this sector, let alone for it to be considered profitable in an ever more competitive open market scenario.

¹Bangladesh Foreign Trade Institute, Ministry of Commerce, The Government of Bangladesh

²Speech of the President of BGMEA at the launching of Switzerland-Bangladesh Business Forum on 23 August 2008

³http://banglapedia.search.com.bd/HT/G_0041.htm

⁴Faiz, N, *The End of MFA: Myth and Reality*, <http://www.thedailystar.net/2006/07/27/d607271501118.htm>

⁵Speech of the President of BGMEA at the launching of Switzerland-Bangladesh Business Forum on 23 August 2008.

⁶The Poverty line of 1US\$ per day is the international benchmark for poverty line, Vandemoortele, J, *Are MDGs feasible*, mdgr.undp.sk/PAPERS/Are%20the%20MDGs%20feasible.doc

⁷Experts agree that low wages have traditionally been a major strength of Bangladesh's labour-intensive apparels sector. The hourly wage rate in Bangladesh's apparels sector is lower than those in China and Sri Lanka (US\$ 0.39 as compared to US\$ 0.69 and US\$ 0.48 respectively); however, wage rate of other competitors such as Pakistan and India are somewhat similar to Bangladesh's, being US\$ 0.41 and US\$ 0.38 respectively (USITC, 2004). As data shows, between 1997 and 2004 average price of Bangladesh's Knit-RMG has come down from US\$ 27.72 per dozen to US\$ 23.45 per dozen, a fall of 15.4 per cent; for Woven RMG average price has come down from US\$ 41.87 to US\$ 39.1, a fall of 6.6 per cent. In recent years, the growth in export earnings from apparels sector has been possible by expansion of export volume: volume-wise export of apparels has increased from 53.45 million dozens to 90.49 million dozens for woven RMG, and from 27.54 million dozens to 91.60 million dozens for knit-RMG between 1997 and 2004. Bangladesh's strength has traditionally been the capacity to supply mass produced apparels items such as T-shirts, basic cotton shirts, pullovers and jackets, sweaters, and basic women's wear. Falling prices under competitive pressure indicate that if Bangladesh is to sustain its market presence, it will need to substantially enhance productivity. It is unlikely that producers will be able to squeeze wages further. In this context, the government should support recent initiatives by some of Bangladesh's exporters to move upmarket to more value added products. A Fashion and Design Institute has been established to support the export oriented apparels sector. The capacity of this institute and its linkage with the RMG industry need to be strengthened further.

Three approaches were followed in conducting the study. The first approach was to identify issues from literature review and newspaper documentation. The second approach was to verify those issues through fact-findings, interviews and focus group discussions. The third approach was to analyse the findings of the above two in national and global policy perspectives.

In order to carryout research for this study, information from both primary sources, like focus group discussions, fact-findings and interviews and secondary sources like literature reviews and newspaper documentation have been used. Discussions were held with the RMG workers, trade union leaders, the Directorate of Labour Inspection, and RMG owners to obtain their perspectives on the situation in the RMG sector. However, priority and time were assigned to interviews and focus group discussions with factory workers, trade-union leaders, and NGO activists working in this sector.

Available literature and reports were collected and reviewed to identify issues for verification through primary research methods. The objective was to review the critical points of current knowledge on workers rights and issues in the RMG sector. Available statistical survey reports done by NGOS, human rights monitoring reports by various national and international organisations like Odhikar, US Department of State and International Federation for Human Rights (FIDH), academic research papers by experts on the issue, newspaper reports, commentaries and editorials were collected and consulted to identify key issues. This has helped in identifying controversy in literature and formulating questions that were used in FGDs and interviews. The issues that came from the literature review are:

- Compliance: In whose interest-workers or buyers?
- Workers' rights: Matter of trust or behaviour?
- Conspiracy theory: myth or reality?
- Allowing trade union in the RMG sector: Right or compliance issue?
- Challenges ahead.

Focus group discussions (FGD) were conducted among the RMG workers. There were six such FGDs, one each for RMG workers from Dhaka, Savar-(Export Processing Zone), Gazipur,

Savar-(non-EPZ), Narayanganj and Chittagong. These are the areas where most of the RMG factories are located. Between 5 to 10 workers were invited from these RMG areas to reflect on issues of particular geographical area. However, such a small number of FGD participants did not represent all the RMG workers of a particular geographical area. These FGDs were carried out among both jobless and employed garments workers. Key issues discussed in the FGDs were:

- Reasons of workers' resentment
- Working conditions and hours
- Owner-worker relations
- Workplace harassment
- Workers level of knowledge of their rights and laws
- How to resolve problems of the RMG workers

The FGDs were conducted to obtain in-depth information on perceptions and ideas of the group. It was aimed to be more than a question-answer session. The idea was that the group members discuss the identified issues among themselves with guidance from a facilitator.

Emphasis was given on exploring controversial issues and generating debate so that analysis could come out in proper perspectives. Each FGD was built on the previous one, with a slightly elaborated or better-focused set of themes for discussion. Following cautionary measures were taken to keep FGDs out of the influence of external variables:

- Participants were selected from the same socio-economic background.
- Ice-breaking and rapport building were done.
- Communication and interaction during the FGD was encouraged.
- Open-ended questions, based on a list of topics were used.
- Sensitive issues were dealt with directly.
- All proceedings were recorded electronically and in writing.

After compilation of proceedings of all FGDs, key findings were summarised for the study.

Interviews-Interviews were conducted with key actors of the sector. An open-ended general questionnaire was used for the interviews. The target people were:

- Trade union leaders
- NGO activists
- RMG owners
- Government officials

Key issues on which questions were asked in the interviews were:

- Why there were so many incidents of unrest in the RMG sector in 2008?
- Why the 2006 tripartite agreement could not be implemented, what were the problems?
- How far is the Labour Act 2006 being implemented in the RMG industry?

After the first draft of the report was prepared, the key findings and issues were shared in a discussion meeting where all relevant stakeholders of the RMG industry were present. Open discussion and opinion were allowed to get the participants' views on the issues. Those were compiled and added in the report.

⁸Data provided in section 'General Labour Situation in the RMG sector in 2008'

Time had been the major limitation in preparing this report. It was almost impossible to interview the staff or management of the RMG manufacturing units, as they were apprehensive of speaking with human rights organisations like Odhikar. BGEMA and BKMEA leaders, despite repeated attempts, could not give time for interview. It was also difficult to assemble workers after their working hours because they were tired and did not want to spend the evening after a hard day's work in meetings and FGDs. Overtime work, Eid vacations, and unrest posed serious constraints to the work of the study as well.

Limitations

For the purpose of this paper, the primary study is limited to interviews and FGDs only so as to gauge the extent of problems in the RMG sector from a human rights perspective. No extensive quantitative method has been used for reducing the length and procedural details of the study. Results from FGDs/interviews undertaken in different locations/fields have been generalised for the entire industry. General questions used in FGDs and interviews have been included in annex 2. We have, however, made an attempt to make this report a comprehensive one – so that policy advocacy can be carried out based on it.

General workers situation in the RMG industry in 2008

According to a report of the Bangladesh Institute of Labour Studies⁹, the country's RMG sector experienced a reported 209 incidents of labour unrest in the 12 months from January 1 to December 31, 2008. The general reasons for these unrests were demand for wages and dues, protesting torture on co-workers, protesting killing of workers, protesting closure or layoffs, rumours of the death of co-workers and workers killed in accidents.

In the Mirpur-Pallabi area the major factories were Out Wear, Out Right, Outfit, ABM Garments, OPEX Garments, SQ Sweaters, Atlantic Garments, Protik Garments, Vertex Garments and Yang Ming.

In the Savar-Ashulia area, the factories were Universe Knit, Panna Textile, Marks Garments, Squire Textiles, Experience, Xevian Sweater, Texlita, Future Garments, Softex Garments, AKH Group, Dhaka Dying, GB Garments, Taj Future Design, Medler Apparels, Pacroco Ltd, Shed Fashion Ltd, P & O Attires, Miraj Knitwear, MGM Knit, Han and Juts, Shed Fashion, and Hollywood Fashion.

In Gazipur-Kaliakoir area the factories were Joang Global, Jahanara Spinning Mills, FS Sweater, Ashraf Textile, Cotton Club, Mondol Garments, Needle Garments, Tanvir Fashion, Al Amin Fabrics, Apex Weaving, Kuliarchar Sweater Factory, Amra Appeals, Seal Textile, Rose Knitting Factory, Pandora Sweater Factory, Ureka Apparels, Protik Sweater and La Novotex Garments.

In the area of Narayanganj-Fatullah, the factories were Metro Garments, Liberty and Mishu Wear Garments, Jaya Group, Knit Cotton Composite, Micro Fibre, Pacific Sweater, Fuji Garments, NS Creations, Joya Garments, Western Garments, Sonargaon Garments, Camen Garments, and Time Sweater Factory.

In the Rampura-Banani area, the factories were Unicorn New Appeals, Mast Sweater, and Expo Garments. In Chittagong, the factories were Premium Style Garments, Chowdhury Apparels, Azim Group, Orchid Sweater, BPL Fashion and 40 other factories.

The identified key reason for the RMG workers unrest is the rapid price hike of daily essentials and the workers inability to cope with it. When the minimum wage of workers

was fixed by a wage board in 2006, that salary scale was not immediately implemented in 2007. After the promulgation of the State of Emergency in January 2007, a restriction was imposed on trade union activities. According to some trade union leaders, the RMG owners thought that due to the Emergency situation, workers would not be able to protest if they refused to implement the fixed wage. They started implementing it slowly during 2007. Between 2006 to 2008, the inflation became so high that it became difficult for the workers to survive with the meager wage.¹⁰ Rising food prices are a big concern for most people in Bangladesh, where poor households spend a lions share of their income on food items. In December 2007 the annual food inflation in Bangladesh reached 16% and prices of the most important essential, like rice and oil increased more than that in the last year.¹¹ The situation compelled workers to take to the streets to demand a wage increase.

The unannounced closure of factories was behind a good number of workers unrest in 2008. This happened mostly in cases of small factories which took orders on sub-contract from large export factories. A good number of such sub-contract factories were closed unannounced and without paying arrear wages to workers due to lack of work orders or lack of running capital or even due to differences among a number of owners.¹²

Trade union leaders claimed that the role of law enforcement agencies in negotiations between owners and workers was also responsible for unrest in 2008. In such negotiations, representatives of police, RAB and joint forces emphasised on minimum wage for workers. However to the workers, minimum wage was not always an issue. Killing of a fellow worker by alleged owner-employed musclemen or loss of job after maternity leave or the unannounced closure of a factory without paying wages, caused resentment among workers while law enforcement agencies thought that only ensuring minimum wage could mitigate unrest. They refused to consider other issues.

To add fuel to the fire, in the backdrop of inflation and the price hike of essentials, the Government announced 20% dearness allowance for government officials. The RMG workers did not get anything, which caused workers to protest.

One of the reasons behind workers' resentment was the undue deduction of attendance bonus. The RMG workers get attendance bonus for timely attendance at the workplace. It has been alleged that attendance bonus for three days were deducted for late attendance or absence for one day. Many workers lost their jobs before Eid due to absence. It is alleged that the owners dismissed absentee workers to avoid paying Eid bonus to them.

Another reason for the 2008 unrest in RMG factories is piece-rate. In factories where wage is paid based on the number of garments a worker can produce, it is alleged that the worker was not informed about the piece-rate before the start of work. The worker was paid on the basis of a piece-rate arbitrarily fixed by the factory owner after the work was done. This created resentment among piece-rate workers.¹³

Several incidents of unrest took place due to a rumour that a worker had been killed by a 'ghost', because his/her whereabouts could not be known. FGD participants suggest that it was even possible for an owner to kill a worker, for various reasons, inside factories during the night shift and hide the body. The owners themselves spread such rumours. Although such an idea could not be supported/corroborated by evidence, owners believe that people outside the factory spread such kind of rumours to create unrest in the industry. Such rumors and incidents started in 2008 and not before.

When asked why most of the incidents of unrest started in the Savar-Ashulia area on the outskirts of Dhaka City, the FGD participants said that the difference in salary and benefit structure between RMG factories of the Export Processing Zone (EPZ) and RMG factories outside the EPZ were the cause. While workers within the EPZ get their payment on time, workers outside the EPZ do not get paid on time. It has been revealed that the workers outside the EPZ factories tend to involve the workers inside the EPZ for putting pressure on owners for realising their demands. It is difficult for strangers to participate in any demonstration within the EPZ because entry is very restricted and systematically monitored.

Talking to RMG workers inside the Dhaka Export Processing Zone (DEPZ), the following reasons for unrest have been identified:

1. Increase of living costs of the workers;
2. Miscommunication between the Workers Representation and Welfare Committee (WRWC) and the workers;
3. The sudden 'hiring and firing' tendency of a few units;
4. Misinterpretation and non-compliance of BEPZA instructions on labour rights and labour relations by some units;
5. The socio-cultural gap between foreign investors and workers;
6. Misconception among a section of workers regarding their rights and privileges

Even in the EPZ RMG factories, some irregularities have been allegedly reported. The foreign owners do not want to give leave except due to an urgent emergency like a death in the family. When foreign buyers come, the owners allegedly tell the workers to tell the buyers concocted facts about salary and working conditions. Everything is stage-managed to show good working conditions. When buyers leave, everything goes back to its original state. Not all the EPZ factories follow same standards in terms of salary and working conditions. This discrimination causes resentment among workers of different factories.

⁹ *Labour Rights 2008: A Situation Analysis, Bangladesh Institute of Labour Studies (BILS)*

¹⁰ *Touhidur Rahman, Bangladesh Poshak Shilpo Shromik Federation (Bangladesh Garment Workers Federation)*

¹¹ *UNDP, 18 March 2008, Kemal Darvis discusses global price shocks in Bangladesh, page. 8, Bangladesh: Labour Rights in the Supply Chain and Corporate Social Responsibility, Report of the FIDH Mission to Bangladesh, June 2008, www.fidh.org*

¹² *Odhikar FGD with jobless workers dated 1 November 2008*

¹³ *Information from Odhikar documentation unit*

The 'conspiracy theory'

Whenever the Ready Made Garments (RMG) workers come out on the streets to demonstrate their demands for wage increment, timely payment, weekly holidays, overtime payment, or for anything to express their state of distress, there is almost always a rumour put out by businessmen, media and the government that there was 'foreign involvement' in the matter.

A variety of speculations are spread that RMG manufacturing countries like India, Pakistan or Vietnam somehow bribed these workers to create public havoc to reduce the competitiveness of the Bangladeshi RMG sector.¹⁴

The RMG factory owners and their representative body, the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) have always claimed to be fair in their treatment to workers and blame a section of outside 'instigators' for the troubles. That is one version. About getting the version of the workers of the RMG units (from where the troubles originate and spill over to adjoining areas) there is no way of receiving authentic versions from a single source in the trouble-hit factories, since there are no legitimate trade unions (TU) in the RMG units.

The BGMEA claimed that factories that became targets of labour unrest had not defaulted on the payment of wages to workers. They also claimed to smell a conspiracy behind the attack. No newspaper carried the version of the workers. At times, some labour outfits, posing as protectors of RMG workers' interests, held negotiations with the BGMEA. However, legally speaking, they do not represent the RMG workers. So, it is hard to know from them the factors that often trigger violence in the RMG factories.

FGDs with workers and trade unions suggest that outsiders do not have the scope to create unrest in factories. What generally happened was that whenever the worker did not get the monthly wage in time or was not paid overtime benefit, it had an impact on the family and family members then adopted violence and demanded action. Several members of the same family may have been employed in several factories located in adjacent areas. If one

member of the family had trouble in a factory, the other members of the same family working in nearby areas may come forward and protest. The workers are of the view that the government never tried to find out the real cause of labour unrest in the industry. Manufacturing a 'conspiracy theory' is not helpful for the industry or the workers.

¹⁴ *Odhikar documentation unit reports*

Implementation status of the tripartite agreement

A tripartite Memorandum of Understanding was signed on 12 June in 2006 between employers (BGMEA and BKMEA), workers and the government (Ministry of Labour and Employment) after a period of severe workers resentment. The 10 conditions agreed upon in the MoU were:

1. Reaching a consensus on immediate end to unrest.
2. Withdrawing the cases filed against the workers in Gazipur, Ashulia and Savar and releasing the arrested workers.
3. No workers will be terminated.
4. Reopening the closed factories immediately.
5. All workers to be given appointment letters and identity cards.
6. No obstruction in fair trade unionism and combined bargaining.
7. One-day weekly holiday for workers and other holidays as recognised in the existing labour law.
8. Overtime allowances to the workers enjoying regular salary as per labour law.
9. Maternity leave with pay as per labour law and
10. Forming a Wage Board to fix wages.

Set by the Wage Board, the minimum wage was increased for all categories of workers in the RMG industry and came into effect on 22 October 2006. It was set at Taka 1662.5 per month for a grade 7 worker (entry-level, unskilled).

FGDs suggest that more than 10 per cent of the factories, reportedly, are yet to implement the wage structure. The Commerce Secretary said that almost 99% of the country's RMG factories have complied with wages agreed in the 2006 tripartite agreement, but 11% of them are still irregular in payment.¹⁵ Despite a few inconsistencies, a remarkable improvement has been registered on the issuing of ID cards, maintaining of declared minimum wage and

working hours and the provision of medical, washroom and leave facilities in comparison to the pre-tripartite agreement period. However, regarding appointment letters, timely payment, workplace abuse, association rights and gender discrimination, insignificant changes have taken place.

Discrimination against women workers in the sector, in terms of wages, is not common now, according to Nazma Akhter, president of the Sammilito Garments Sromik Federation and the General Secretary of Awaj Foundation, an NGO working for workers' rights.¹⁶ "There are seven grades in a garment factory, where a worker starts off working as a helper in the seventh grade with a minimum wage of Tk 1662," the former garment worker explains. "As a worker gets promoted, he or she shifts to a higher grade and accordingly gets a higher salary. Since everything works according to these guidelines, there is hardly any scope of discrimination in terms of wages. However, many workers are not regularly paid their wages. For instance the other day, a worker called to say that she and the others in her factory had not been paid their wages for the last two months. This is a common problem that workers, male or female, face today."

If compliance figures are near 100%, as claimed by BGMEA, in big export factories in and around Dhaka, they are according to FGDs unlikely and harder to check in small factories out of Dhaka. It has been commented that the wage increase only really benefited Grade 7 workers (unskilled, helpers) who usually constitute 5-10% of the work force. According to union leaders and common workers, those of Grade 4, 5 and 6 are still not paid the wage provided by law.

It has also been revealed that the minimum wage of Tk. 1662 is followed in A-grade export factories which are mostly compliant. Non-export B and C-grade factories pay Tk. 1200 to new unskilled workers and employ them as helpers of skilled workers for as long as they can.

How the minimum wage increase was handled by factory owners should be closely monitored. Some have reportedly stopped giving production bonuses (e.g. a factory used to give 1100 taka in wage and 300-400 taka in production bonus, but now complies with a minimum wage of 1662 taka but without any bonus). Some have invested in new machines, saving on labour cost. Some buyers have accepted to renegotiate and increase their prices—it is reported that 10-20% of the increase was covered by an increased cost of manufacturing, but this was usually done progressively and not by all buyers.¹⁷

Even after the increase in minimum wage, it remains the lowest in the sub-region and insufficient to cover basic needs. Indeed, living wage estimates vary between 2500 and 7000 taka per month ¹⁸ and RMG workers have been campaigning for their basic minimum wage to be set at 3000 taka, almost twice as much as the current legal minimum wage. This discrepancy is of particular concern in the context of major price hikes and considering that, although the wage scale is supposed to be reviewed (which does not necessarily mean increased) every year and revised at least every 5 years according to the law, it is unclear where and when this will be done. The workers are of the view that Tk. 1662 is consolidated and not basic wage. It should be treated as basic wage and other benefits should be added to it to make it a modest wage.

Table 1: Status of implementation of the tripartite agreement as of 1 September 2008

Criteria	Number	Percentage
No. of factories	4706, Dhaka-4006 Chittagon-700	
No. of running factories	2767, Dhaka-2246 Chittagong-521	
No. of temporarily closed factories	1858, Dhaka-1679 Chittagong-179	
No. of factories paying minimum wage	2753	99.49
No. of factories providing appointment letters	2372	85.72
No. of factories providing ID cards	2316	83.70
No. of factories providing weekly holiday	2747	99.28
No. of factories providing casual leave	2743	99.13
No. of factories providing medical leave	2740	99.02
No. of factories providing festival leave	2757	99.64
No. of female workers provided with maternity benefit	2646	100
No. of factories providing overtime in line with local law	2516	90.93
No. of factories having fire fighting system	2747	99.28
No. of factories keeping main gate opened during production hour	2767	100
No. of factories providing annual leave	2366	85.51
No. of factories having alternative stairways	2742	99.10

Source: Ministry of Commerce, The Government of Bangladesh

If the statistics mentioned in the above table is true, most of the operational RMG factories have implemented the 2006 tripartite agreement and there should not have been any unrest in the RMG factories.

The methodology in compiling the data in the above table has been challenged by the NGOs and the trade unions. The Compliance Monitoring cell of the Ministry could never come up with a satisfactory explanation about the methodology used and the credibility of the data obtained.

A report produced in June 2008 by an NGO, Karmojibi Nari, based on a survey of over 1500 workers from 500 RMG factories, came up with following statistics about implementation of the tripartite agreement. The survey findings indicate non-credibility of the government data.

Benefits	Percentage of factories surveyed
Appointment letters	57%
Identity cards	64%
Minimum wage	21.4%
Payment of wages in time	50%
Medical facilities	68%
Mental and physical agonies	64.5%
Use of washroom facilities	86%

On issuing appointment letters, knit factories (61%) present the worst case scenario in relation to woven factories (54%). Although working hours reportedly have been reduced to less than 12 hours a day in most cases, 40% of the workers reported that factory production has increased compared to the past. Almost half of the factories reportedly do not pay in time. It has been reported that around one-third of the factories provide salary in the first week, around one-third by 2nd week and the rest either after 2nd week or after shipment. It has been reported that male workers get paid in time, while women are not. It has been seen that among the respondents who become mothers during the last two years, around half (42%) got leave with pay and around one-quarter (23%) were partially paid. Reportedly, 100% of the factories restrict unionisation or such associations.

¹⁵http://www.thefinancialexpress-bd.info/search_index.php?detail_news&new_id... 18-09-2008

¹⁶ Interview with Odhikar on 29 November 2008

¹⁷ Bangladesh: Labour Rights in the Supply Chain and Corporate Social Responsibility, Report of the FIDH Mission to Bangladesh, June 2008, www.fidh.org

¹⁸ Moazzem, K.G, State of Compliance of the RMG Sector of Bangladesh, <http://www.cottonbangladesh.com/RMG.htm>

¹⁹ Factory Monitoring Report on Implementation of Tripartite Agreement, Karmojibi Nari, Make Trade Fair Alliance and Oxfam, June 2008

Summary of the issues raised by RMG workers

Through FGDs, the following issues of deprivation and abuse faced by the RMG workers have come up. However, these have been alleged mostly against non-export and non-EPZ RMG factories.

- Potential workers have to pay a bribe in order to get an appointment in a RMG factory. The bribe is given not to the owners, but to the mid-management people like General Manager, Shift-in –charge, Production Supervisor etc.
- Owners have a tendency to pay salary and overtime allowance separately. They mostly pay salaries on time but keep overtime allowances in hand so that if a worker leaves a job after receiving a monthly salary, she/he cannot expect overtime allowance at the time of leaving.
- Not issuing an ID card or an appointment letter is a problem for workers. While switching jobs, they cannot produce evidence of job experience due to lack of appointment letters and ID cards. They cannot take legal recourse in court in cases of unfair dismissal or retrenchment. The owners can simply deny the existence of a worker by not issuing an ID card and appointment letter.
- There are allegations that mid-management people create problems in the relationship between workers and owners. For example, the owners have given festival bonus for the workers, but the mid-management people either simply do not pay it or pay less than the sanctioned amount.
- In case of occupational accidents, owners mostly bear the expenses but subsequently deduct it from salaries.
- For sick leave for one day, owners always want to see a medical certificate. For simple sicknesses like fever or headache, workers do not consult a physician and do not get medical certificates. It is difficult for them to produce such a certificate later on.
- Most of the factories have inadequate first aid facilities for emergency medical support. Owners show apathy towards occupational accidents or sickness of the workers.

- Physical abuse of workers by floor-in-charge and production managers is very common.
- During national festivals, a government approved leave is granted but workers are made to work for two/three weekends before the festival leave. Workers were asked to work even during some important religious days.
- When government labour inspectors visit factories, workers are not allowed to talk to them. Even if they are allowed to talk, they are told to say some concocted fact about salaries and working conditions. Inspectors are allegedly paid bribes by owners to give a positive report about the factory inspected.
- Although owners claim that there is a shortage of skilled workers in the RMG sector, there is an abundant supply of unskilled workers as well. Owners have a tendency to get work that has to be done by 200 workers by using only 100 workers. This puts extreme pressure on the physical ability of workers.
- Owners have a tendency to dismiss workers who have worked for several years for a factory, because seniority leads to an increase in salary, which the owners allegedly do not want to pay. With the salary of one senior experienced worker, they tend to hire two inexperienced workers.
- Due to mid-management people, complaints from workers do not reach the owners. As a result, the relationship between owners and workers is not direct, leading to a lot of misunderstanding.
- RMG female workers do not want to take maternity leave because most of them lose jobs after such leave. One worker went to work even on her delivery day. However, even though she returned to the factory 14 days after delivery, she was not allowed to join despite showing medical documents.
- Workers who are vocal about their rights are dismissed by owners on various pretexts. An allegation is that their photographs are given to other factories so that they do not get a job. As a result, they have to switch areas in order to get a new job.

Compliance to the Labour Act 2006 in the RMG industry

Prior to the promulgation of the Bangladesh Labour Act 2006, the total number of Acts and Ordinances in this field was fifty, of which:

- 15 were enacted during the British regime
- 23 were enacted during the Pakistan regime, and
- 12 were passed after the independence of Bangladesh

In accordance with the ratified ILO conventions and with a view to creating a constructive environment, for the elimination of the imbalances that prevail in the issues regarding the development of congenial relations between workers and employers, information about existing labour and industrial laws were sought from concerned stakeholders, from both home and abroad. Increase of productivity, the enhancement of a favourable environment for investment, and the acceleration of industrialisation in the context of the changed environment during the post independence period, were also studied.

To meet the aforesaid demand, the government formed a National Labour Law Commission in 1992, with a view to enacting a modern, up dated and united labour law, headed by Justice Mohammad Abdul Quddus Chowdhury, along with 37 other members representing every concerned quarter. After two years of exhaustive study, the Commission submitted its report along with a draft of a unified, modern and updated labour law in 1994. Subsequently, the draft was reviewed by ILO and numerous Employers and Workers Associations and other human rights organisations in phases for around twelve years, and at last it was promulgated on the 11th of October 2006 as the Bangladesh Labour Act 2006.

The Ministry of Labour and Employment (MOLE), through (a) the Directorate of Labour, (b) the Department of Labour Inspection, and (c) the Labour Court, executes the domestic laws and regulations, and ensures compliance with the ratified international laws. Currently, there are 111 labour inspectors for the whole country, out of which 63 are dedicated to factory inspection (not only RMG) and the rest to stores and establishments. More inspectors were expected to be hired in 2008 but did not materialise. Inspectors visit

factories according to the government schedules and it is unclear whether factories get notified in advance. If factories are not compliant within a set timeframe, the Ministry may take them to labour courts of which there are 7 in total for the country.

The salient features of the newly promulgated law are as follows:

- One single modern updated Code instead of the 25 scattered Acts and Ordinances.
- The scope and applicability of the law has been extended and definitions of different terms have been clarified. Ambiguity regarding the age limit of a child has been eliminated. According to this law any person below the age of 14 shall be treated as a child.
- The issuance of an appointment letter and an Identity card for a worker has been made mandatory.
- Death benefits have been provided for, even in cases of natural death or in cases of any death due to causes other than accidents, during the continuance of the service.
- The usual retirement age has been scheduled at 57 years and at that time the worker shall be entitled to get benefits. Even the case of a workers' voluntary retirement, after his continuous service of 25 years with an employer, will come under this retirement benefit.
- Child labour is prohibited even in non-hazardous regular work in an establishment. Appointment of adolescent and female workers is prohibited during the night and in dangerous occupations.
- Maternity benefits have been increased to 16 weeks and the qualifying service length has been decreased to six months, but this benefit is limited only up to the birth of two living infants.
- Special importance is given on occupational health and safety and the working environment. There are 78 sections exclusively on this out of a total of 354 sections in the law.
- Maintenance and preservation of safety record books and the introduction of group insurance have been provided for.
- Time limits for payment of wages have been determined and a provision has been made to realise unpaid wages through the court.
- Provisions have been made for the declaration of sector wise minimum wage rates after an interval of every five years.
- The amount of compensation in cases of death or injury due to accidents at the workplace has been increased. For deaths, the amount of compensation has been ascertained at Taka. 100000.00 per worker and for a permanent total disability, the amount fixed is Taka 125000.00 per worker. In case of any accident that may happen due to employer's negligence, the compensation amount shall be double.
- No one, other than those in the pay-roll of the employer, shall be the member or officer of an establishment based basic trade union.
- The purview of unfair labour practices on the part of the workers, employers or the trade unions has been extended.

- Determination of a CBA from amongst the establishment based basic trade unions has been made easier and the period of such determination has been fixed within a time frame of 120 days.
- Industrial or craft Federations of trade unions, under certain conditions, have been given the jurisdiction to act as CBA
- Provisions have been made to form compulsorily participation committees in every establishment where 50 or more permanent workers are engaged.
- Labour Courts shall be the only courts to adjudicate all issues under the labour law and all appeals shall lie to the labour appellate tribunal.
- Time has been fixed for the adjudication of each and every stage of a case in the Labour Court to accelerate the procedure.
- Only the workers employed in an establishment, irrespective of their designation and wage scale, are entitled to get the benefits of the Participation Fund and the Welfare Fund developed out of the profit of the company.
- Provisions for provident funds have been made for the establishments run under private management
- Punishments for breach of provisions of the Labour Law have been revised appropriately. Imprisonment has also been provided for along with fines.
- A provision has been made to form a “National Industrial Health and Safety Council” to enact the national policy to ensure occupational health and safety at the enterprise level.
- Provision has been made for the strict implementation of the “equal pay for equal amount of work” policy of the ILO convention
- Any discrimination or indecent behavior towards female workers has been prohibited under the new law.
- 14 days sick leave with full average wages have been provided for, in the new Labour Law. In previous laws, sick leave was paid for half average wages.
- For adults one day for every 18 (eighteen) days of work performed by him/her during the previous period of twelve months will be given as annual leave. And for adolescents one day for every 15 days of work performed by him/her during the previous period of 12 months.
- Every worker shall be entitled to eleven days festival leave in a calendar year. The Employer shall fix the days and dates of such leave.
- A child-care room for every 40 female workers having children below the age of 6 years has been provided by the law. Previously it was provided for every 50 female workers.
- A permanent worker may terminate employment serving a 30 days notice to the employer and a temporary worker may terminate it serving a notice of 30 and 14 days case wise. In lieu of the notice, the worker can even terminate the employment returning the wages for that period.
- Limitation for the application of grievance has been extended to a period of 30 days, though previously it was 15 days only.

- Previously a fitness certificate was issued by the District civil surgeon but now it is to be issued by any registered physician at the cost of the employers.
- Arrangements for training and awareness of the law was never provided for but now in this new law, training arrangements are made compulsory for the labourers. The worker participating in the training programme shall be deemed to be in his or her official duty during the continuance of such training.

This unified law is applicable with equal force to all the industrial and commercial establishments as the previous Shops and Establishment Act-1965 and other labour laws have been abrogated by the promulgation of this new Labour Code.

There are eight globally recognised general codes of conduct. Those are:

- SA8000 of Social Accountability International (SAI)
- Base Code of the Ethical Trading Initiative (ETI)
- Fair Labour Association (FLA)
- Fair Wear Foundation (FWF)
- Business Social Compliance Initiative (BSCI)
- Worldwide Responsible Apparel Production (WRAP)
- Joint Initiative on Corporate Accountability and Workers' Rights (JO-IN).

A comparative study²⁰ between these codes of conduct and the Labour Law of 2006 reveals that the Bangladesh Labour Law 2006 significantly covers a majority of the requirements of the different general codes of conduct. This indicates that if a factory is 100% compliant to the national law, it will cover approximately 85% of the requirements of the other general codes of conduct. Hence RMG factories should be encouraged to improve their compliance with the national law as a first step towards meeting the compliance demands of the brands and retailers who they supply to. The analysis does reveal that a few requirements are not fully or partially covered by the national labour law. It should be noted that the components which are not fully covered by the Bangladesh Labour Law are either covered by the Bangladesh Constitution or are not directly applicable in the Bangladesh context.

This study clearly reveals that the revised Bangladesh Labour Law along with other supporting national legislations such as the Bangladesh Building Code and the Environmental Conservation Rules as well as the overall constitutional framework of Bangladesh, provides a comprehensive guideline for factories in the RMG sector to comply with a majority of all international social compliances and environmental standards.

Still there are some weaknesses in the new labour law. For example, it fixes the working hours to a maximum of 10 hours a day, but specifies that "exceptions may be allowed in general or in particular for any establishment with the conditional permission". Many employers use this legal loophole and compel workers to work for more than 10 hours.

The new law makes a provision of a total of 48 (forty eight) working hours for a worker, but it can be extended up to sixty hours, subject to the payment of overtime allowances as per section 108 of the law. An average of 56 working hours per week in a year for a worker must not be exceeded under any circumstances. However, the new law makes a provision for exemption approved by the government if it thinks so fit. An exemption clause has been inserted in the new law, by which the government is empowered to exempt any of the factories for the purpose of this rule for a maximum period of six months at a time.

The Government has not formally exempted the RMG factories to allow extended working hours for six months. FGD findings have suggested that most of the factories, including the compliant ones, violate this legal provision. Even highly compliant factories keep workers engaged in work till mid-night.

On the payment of maternity benefits, previously there was the provision of payment within 48 hours after the certificate from any physician was submitted, regardless of whether there remains any working day or not. Changes have been made in favour of the management, as the management is required to pay the benefit within three working days. In practice, this legal provision is not followed properly.²¹

The Labour Act 2006 has provisions for introducing service books for the workers, but most of the RMG factories are yet to introduce them. In 2008, the BGMEA printed 1.5 million service books for its member organisations, but very few factory owners have started introducing them to the workers.

The classification of workers, as mentioned in the Labour Act 2006, is not followed in the RMG sector. The RMG workers do not get payment of wages for un-availed leave in case of expiry of their employment by way of discharge, dismissal, termination, retrenchment or retirement. Provisions for giving one month's notice or equivalent compensation to workers in case of retrenchment or termination is not followed at all in most of the factories. Small factories of 200-300 workers which do not export directly but work on sub-contract basis from large export factories may close their factories suddenly without giving a legally prescribed notice or compensation to the workers.²²

The Labour Act 2006 has clearly prohibited engaging adolescent workers for more than 5 hours a day and after 7 pm in the evening. In practice, this provision is not followed. Adolescent workers are reportedly found in all RMG factories working for more than 5 hours and during the evening.²³

Regarding weekly holidays, owners of several units follow different holidays for different units. This allows them to continue production without stopping their factories even for a day. Labour law is silent about this practice. In the backdrop of a power crisis, the Government instructed the RMG factories to reduce power consumption and keep the factories closed during weekends. The factories have set up their own generators to cope with power shortages and less than 60% factories remain closed on the weekends.²⁴

The Law has provisions for sharing 5% of the net profit with the workers. In practice it is alleged that no RMG factory owner abides by this provision.

A workers survey report²⁵ reveals the following findings about the implementation of leave provisions of the Labour Act 2006.

	Yes	No	Total
TYPES OF LEAVE	%	%	%
Weekly holiday	85	15	100
Casual leave	48	52	100
Sick leave	64	36	100
Festival leave	91	9	100
Maternity leave	46	54	100

Almost 100% of the workers enjoy a lunch break but cannot enjoy the legally prescribed leisure of a one hour break for every 6 hours of work. Particularly in the factories where work continues for 12-15 hours, this break is crucial for ensuring quality and productivity. In practice, RMG workers are given a maximum of half-an hour break for light refreshment in large export compliant factories only.²⁶

On overtime benefits, the Labour Act has prescribed for paying double the rate of a worker's basic wage and dearness allowance. In the RMG sector, this is absolutely dependent on the will of the owners. Less than 25% of the RMG factories follow the legal rate of paying overtime, 45% factories provide the same amount of basic wage and more than 30% factories pays a lump sum.²⁷ Almost all the factories maintain overtime records mentioning the number of hours of overtime much less than the actual hours worked.²⁸

It has been alleged that workers' overtime allowances are not paid for reasons not attributed to the workers. Many factories give workers a specific target of production. If they fail to achieve the target for electricity failure or if the machine is out of order, they should not be blamed. In such instances, the owners should take the responsibility for not being able to provide inputs like machine or power. Workers are victims of such situations and their overtime allowance is deducted for failure to achieve targets. This happens mostly in non-export factories.²⁹

On calculation of overtime allowances, trade union leaders allege that Bangladesh RMG owners consider the basic wage in calculating overtime benefit while in India and Nepal, gross wage is taken as the basis for calculating overtime benefits.³⁰ Although the Labour Act has prescribed calculating overtime benefits on the basis of basic wage and dearness allowance, the workers do not get a real value of their overtime work due to under-recording of their actual overtime hours.

Against violations of labour law provisions, the workers who know of trade unions try to go to the labour courts to seek recourse. With help from trade unions, most of the workers who go to labour court can get remedy. Owners mostly comply with the courts decisions. However, this is a time-consuming process. Remedies are not available in case of criminal offences taking place in RMG factories. In such cases, owners try to manipulate police and the court and mostly succeed.

It has been alleged that the owners use the resignation of workers as a tool of deprivation. Whenever a worker wants to leave a job, the owner asks for the resignation letter but provides no 'received copy' to the worker. As a result when the worker comes to the owner for his dues, the owner simply ignores the matter. When the worker files a complaint to the BGMEA Arbitration Committee, the owner produces the resignation letter citing the legal provision that the worker should have submitted his/her resignation letter two months prior to leaving the factory. Thus the workers are deprived of their dues. As the rate of switching jobs is high in the RMG sector, the rate of such deprivation is also very high.

Workers also allege that most of the RMG factories maintain two different sets of documents on workers salaries and benefits. One set is fictitious, which they prepare for official records and inspection, the other set is used for workers. There is allegedly a clear disparity between what the official records say and what the workers actually get.

Although most of the RMG factories claim that they do not employ child workers anymore, in practice employing child workers still continues in many factories. They are employed as

helpers and not as 'workers' officially. Due to poverty, there is an adequate supply of such workers from rural areas who submit concocted medical certificates of their age. Some such child workers have even enrolled in the voter list to get an identity card for job employment. Allegations have been reported that when foreign buyers visit factories employing child workers, such child workers are given leave and are out of sight during the visit.

The key issue regarding implementation of the Labour Act 2006 is the absence of correspondence rules. The law itself has provision for enacting rules for implementing the law which has not yet been done. The following table indicates the level of compliance to the Labour Act 2006 in the year 2008. However, this data has been compiled by a government department and its credibility has been questioned by relevant stakeholders.

Month	Number of factories inspected	Weekly holiday	Regularity in wage payment	Minimum wage	Overtime allowances	Maternity benefits	Appointment letter	Identity card
January	178	172	139	174	150	153	127	139
February	264	258	225	253	229	244	197	203
March	373	365	302	356	300	321	247	258
April	281	275	226	261	235	261	226	224
May	202	201	147	200	164	185	158	149
June	219	217	165	200	182	204	191	192
July	221	217	191	216	190	217	195	197
August	249	239	217	246	225	211	215	217
September	205	203	174	203	190	203	186	185
October	not available							
November	not available							
December	not available							
Total	2192	2147	1786	2109	1865	1999	1742	1767
percentage		97.94	81.84	96.21	85.08	91.20	79.47	80.47
Evaluation	Standard	1239	56.52%					
	Medium	614	28.01%					
	Low	318	14.50%					

Source: Directorate of Labour Inspection, Ministry of Labour and Employment, The Government of Bangladesh

As revealed from FGDs, the most abused provisions of the Labour Act 2006 are sections 23(4), 24 and 27. Section 23 (4) provides a list of activities defined as 'misconduct' and no compensation is payable if a worker is dismissed for such 'misconduct'. These include willful insubordination, theft, fraud or dishonesty, taking or giving bribes, habitual late attendance

or absence, without leave, habitual breach of rules, riotous or disorderly behaviour, habitual negligence habitual breach of discipline, tempering with records etc. The owners allegedly take opportunity of this legal provision and dismiss workers for frivolous reasons.

Section 24 of the Act provides for following certain procedures before providing punishment under section 23. These procedures include recording allegations in writing, giving a copy and 7 days notice to the worker, giving opportunity of hearing. In practice, the owners do not follow these procedures and the workers are simply dismissed for misconduct.

There is no system to settle disputes at the factory level. All the complaints have to be settled at the BGMEA committees. There are three such committees: Labour Arbitration Committee, Labour Standing Committee and Emergency Cell. The first two committees are bipartite and include selected national trade union leaders, though their participation is not equal. The Arbitration Committee basically works at settling disputes like irregular payment of wages, leave, termination etc. The Labour Standing Committee is not that functional while the Emergency Cell is a committee of owners only, which handles crisis management. At the pressure of the buyers, some factories have formed Workers Welfare Committees which are not working properly. Most of the factories have appointed a compliance managers, but it is alleged that they tend to serve the interest of the owners only, not the workers.

²⁰Chowdhury, A and Denecke, H. *A Comparative Analysis Between The Bangladesh Labour Law 2006 and 7 General Codes of Conduct*, 2007, Progress-GTZ, www.gtz-progress.org

²¹Interview with trade union leaders dated 29 November 2008

²²Interview with trade union leaders dated 29 November 2008

²³Odhikar FGD with RMG workers dated 15 November 2008

²⁴Interview with trade union leaders dated 29 November 2008

²⁵Factory Monitoring Report on Implementation of Tripartite Agreement, Kormojibi Nari, Make Trade Fair Alliance and Oxfam, June 2008

²⁶Odhikar FGD with RMG workers

²⁷Status of Implementation of the MOU conditions in RMG Sector: Unions Perspective, Bangladesh Institute of Labour Studies, 2008

²⁸Odhikar FGD with RMG workers dated 8 November 2008

²⁹Odhikar FGD with RMG workers dated 15 November 2008

³⁰Interview with Touhidur Rahman, Bangladesh Poshak Shilpo Sromik Federation dated 29 November 2008

Status of Workers Welfare Foundation

The Bangladesh Workers Welfare Foundation Act 2006 was enacted in July 2006. A Foundation has been created under Section 3 of the Act that shall run through a 12-member Board of Directors headed by the Minister of Labour and Employment. The foundation law is applicable to the whole of Bangladesh and to all workers engaged in both formal and informal sectors. The objectives of establishing the Foundation are: (a) welfare of the workers and their families; (b) implementation of different welfare projects for the benefit of the workers and their families; (c) providing financial assistance to workers particularly to those who are physically handicapped; (d) assistance to workers for treatment; (e) assistance to families of any deceased worker; (f) stipends to children of workers; (g) creation of group insurance for the workers and payment of insurance premiums from the fund etc. To raise funds, the foundation can receive donations or grants from the government, the owners, interest free loan obtained with the prior permission from the government, donations from individuals or institutions, profit accrued from investments, income from own projects and any other source approved by the government.

The Ministry of Labour and Employment, with technical and financial support from some NGOs, has been working to activate the Workers Welfare Foundation. Though the new legislation has become operative, the welfare foundation could not be made full scale functional for many reasons, including the deficiency of funds. It is obligatory for the foundation to ensure the welfare of the workers. The obligation could not be fulfilled due to non-availability of funds from either Government or other sources. The Ministry has resorted to the statutory deposits of five percent to be made by the companies out of the profits earned by them to the worker's welfare fund.³¹ Because, according to section 14 of the Bangladesh Workers' Welfare Foundation, 2006, fifty percent profit of this welfare fund is to be deposited to the foundation.

According to the section 232(1) (a) (b) and (c), companies that are bound to establish a Workers' Welfare Fund, are those which fulfil any one of following conditions:-

- (a) the number of workers employed by the company in any shift at any time during a year is one hundred or more;
- (b) the paid-up capital of the company as on the last days of its accounting year is one crore taka or more;
- (c) the value of the fixed assets of the company at cost as on the last day of the accounting year is not less than two crore taka or more.

A company which satisfies any one of the above criteria is bound to establish a Workers' Welfare Fund.

According to a study conducted by the Manusher Jonno Foundation (MJF)³² only 46 companies out of 50 surveyed were found legally bound to establish a Workers' Welfare Fund in their companies and transfer a portion of their profit to the Workers' Welfare Fund as well as to the Workers' Welfare Foundation. According to the study report, high profit - earning companies are reluctant to establish the Workers Welfare Fund and bear the responsibility of paying to the Foundation because of their nature of business or industrial undertaking. Only 8% of the companies were found not responsible to pay and 92% companies were found legally bound to pay to the Welfare Foundation as they fulfilled the above mentioned criteria.

The main limitation of the Foundation is that, because it has to depend on workers' welfare funds set up in individual companies and this Welfare Fund is again depended on the implementation of labour law. So, without implementing the provision of labour law i.e. the establishment of a Welfare Fund in each and every company, the Foundation can not expect a satisfactory amount of contribution. It is clear that, the Foundation has no legal basis to direct the companies to establish workers' welfare fund. That is why the Foundation always looks towards the initiatives of the Labour Ministry because it is the proper body to direct the establishment of a Welfare Fund in individual companies. Needless to say, the implementation of Labour Law, especially the chapter related to "workers' participation in companies profit" will requires a long time.

Recently, the Workers Welfare Foundation finalised its operational Rules which is pending for approval by its governing body. It has received funds from a number of private business organisations. However, it has reportedly not received any fund from the government.

For improving socio-economic conditions of RMG workers, the setting up of Welfare Funds in each RMG unit and contribution to Workers Welfare Foundation are essential. Many of the RMG export factories fulfill the legal criteria to set up welfare funds. However, information on how many RMG units have set up this Fund and how many of them have contributed to the Foundation is not available.

³¹Section 243(2) of the Bangladesh Labour Act, 2006,

³²Hossain, Sohrab, *Profit Status of Company: Action Towards and Opportunities of Raising Funds for Bangladesh Workers Welfare Foundation*, MJF, 2008

Workers awareness about rights

Despite the fact that a large number of female employees work in the garment sector, men still have the upper hand. As a result, it becomes very difficult for women to express their needs. "There are many factories that still do not have a provision for maternity leave for female workers," said Nazma, an RMG worker at one FGD. "While some are probably not bothered, the other factories are simply not aware of the fact that the women need maternity leave. If the women are given the leave, it would probably be a paid leave for two months and the other two months would be non-paid. Sometimes, even the women themselves are not aware of the fact that it is their right to a four-month paid maternity leave as per the government policy. Some of them even come to us to ask how to apply for the leave."

Findings from the interviews with the RMG owners, Department of Labour Inspection officials, and FGDs with the Trade Union Leaders, NGO officials and the general factory workers have exposed the fact that there is clear lack of awareness of information on the following subjects:

❑ **On Labour Laws**

- The core labour rights as per the newly ratified/adopted labour laws/codes
- The national labour laws and ratified ILO conventions

❑ **On Employment**

- The procedure/practice for issuance of appointment letter for any formal employment contract and Issuance of ID card for employees
- Rest and recreation schemes provided for employees
- Workers responsibilities as in the law.

❑ **On Health and Hygiene**

- Provision for sufficient and safe drinking water
- Sufficient toilet facilities and provision for women's privacy
- Hygienic working conditions
- Measures against health hazards like sound pollution, insufficient light, etc.

- ❑ **On Safety**
 - Defining occupational safety
 - Necessity of safety measures
 - Use of personal protective equipment
 - Fire safety and fire drill
 - Physical and mental abuse
 - Safe procedure of using hazardous chemicals
- ❑ **On Welfare**
 - Approved grievance procedure, specially against the management/employers
- ❑ **On Working Hour**
 - How to calculate working hours
 - How to calculate overtime
- ❑ **On Leave Provisions**
 - Leave and holiday entitlements
 - Leave applications/procedure
- ❑ **On Wage and Salaries**
 - Minimum wages
 - Assurance of on-time payments
 - Wage grade and wage growth schemes
 - Wage calculation for over time work
- ❑ **On Compensation and Benefits**
 - Profit sharing provisions between employers and workers. As per law the employer has to distribute 5% of the net profit amongst the workers; however, evidences of practice contrary to the legal requirements surfaced during the FGDs
- ❑ **On Maternity Benefits**
 - Provision of leave and benefits new mothers are entitled to, along with job security
- ❑ **Right of association**
 - Rights for associating with trade unions
 - Rights to collective bargaining
- ❑ **On Social Events and Issues**
 - Effective tools to educate the workers on social compliance at the factory level
 - Child care provisions
- ❑ **Environmental Issues**
 - Buyers' Codes of Conduct related to environmental issues
- ❑ **Code of Conduct**
 - Buyers' Codes of Conduct related to their rights

Occupational Health and Safety in the RMG industry

In Bangladesh, as in most countries, the responsibility for health and safety at work is placed on the employer, although the government has some occupational health care services and safety standards. Occupational health services are provided as benefits to the employees and generally are separate from other community health services. It is of concern that in Bangladesh, like other developing countries, pre-existing malnutrition and

a high incidence of infectious disease, however, frequently compound the problems of exposure to occupational hazards. As in other developing nations, in Bangladesh the major considerations in industries are higher production and greater economic returns. The main economics focus on the employer's benefit. Less importance is given to the social costs in terms of impact on workers, society, and the environment. The impacts are compounded by inappropriate value of life consideration, opportunity costs and questions of equity. The estimates of direct economic costs and benefits are usually made keeping aside the ethical liabilities to the society as a whole. The availability of abundant cheap labour (due to huge unemployment) makes it easier for management to replace sick or injured workers rather than investing in health and safety. Workers have little choice but to work in hazardous conditions otherwise they and their families will die of hunger.

The Labour Act 2006 established occupational health and safety standards. Workers' groups stated that the legally established standards were sufficient, but they were rarely implemented. Workers may resort to legal action for enforcement of the law's provisions, but few cases were prosecuted. Enforcement by the Labour Ministry's industrial inspectors was weak, due to the low number of labour inspectors and endemic corruption and inefficiency among such inspectors. Because of a high unemployment rate and inadequate enforcement of the laws, workers demanding correction of dangerous working conditions or refusing to work under hazardous conditions risked losing their jobs.

There are long-term trends in occupational exposure that are a real problem in Bangladesh not only for workers' health and safety risks but also for the society as well. It is to be noted that national statistics concerning OSH is inadequate and information is gathered mainly from secondary sources and there is no proper primary data collection system in place. So, the problem of under reporting and miss reporting cannot be ruled out. The occupational accident and injury statistics are available with the Department of Inspection. No occupational illness has ever been reported to the Department of Inspection, though in the studies conducted by NIPSOM, a number of occupational diseases have been found to be prevailing in various industries.³³

According to a BILS survey in 2006, at least 480 working people were killed, and 950 injured in job related violence and accidents and 35 sexually violated at work.³⁴ It is also well known that the present status of OHS is still at the rudimentary level in Bangladesh because the factory owners and employers association usually consider these elements as an expensive luxury. The Labour Act 2006 has the following significant developments made;

- i. Provision for National Safety Committee;
- ii. Range of compensation is widened;
- iii. Amount of compensation has been enhanced;

FGD participants shared the impression that working conditions in export RMG factories have substantially improved over the last two years. The areas of such improvements included:

- Increased number of factories have complied with minimum wage payment; deduction from wages-as penalties-has decreased.
- A human resources, welfare or social compliance officer has been appointed in many factories, and complaints can be directed to him/her.

- Some factories have created a “social welfare committee”³⁵.
- Ventilation regulations are better observed.
- Incidents of verbal abuse have reduced.
- Workers increasingly receive a copy of their appointment cards (contract).
- Child labour has been eradicated in export factories.

These observations seem valid for medium or large RMG export factories but not for small factories.

Different forms of mental and physical agonies persist. Around two-thirds (64.5%) of the workers have reported that getting salary late is number one cause of mental agony though owners try to maintain a 30-days duration between two payment periods.³⁶ Except for a few export factories, most of the RMG units do not provide protective gear to workers as prescribed by law.

Most of the workers have brought allegations of misbehaviour against mid-level management people of the factories. They are the quality supervisor, production manager, shift in-charge, accountant, general manager etc. These people allegedly harass workers physically and mentally. Most workers allege extreme work pressure leading to missed deadlines and resultant oppression from mid-management people. Getting excessive production with less than the required number of workers cause workers to miss deadlines. The Production Manager or shift in-charge is assigned by the owner to get the production done at as low cost as possible. This encourages such mid-management people to put extreme pressure on a limited number of workers to work beyond their physical and mental capacity. This saves costs for owners, ensures incentives for mid-management people but brings almost nothing except oppression and curtailed overtime benefit for workers.

Despite prohibition by the Labour Act 2006, night shifts for female workers are a common practice in most of the RMG factories. More than 80% factories engage women workers in the night shift and when the shift ends past-midnight, the workers get a little chance to sleep sitting on the chairs and resting their heads on the machine table. Most of the factories provide overnight allowance to the workers (20-30 taka per night).

Despite having strong legal provisions³⁷, most of the non-export factories do not have adequate drinking water facilities. It has been reported that workers have to drink water from toilets. Also there is scarcity of eating places in these non-export factories. Set up in buildings not constructed for RMG industry, there is hardly any separate place for dining for workers. They have to have lunch at their work desks, or on the staircase, on rooftops, at the store or somewhere else.

The cities of Dhaka and Chittagong and adjacent areas were not planned or developed for accommodating more than 2 million RMG workers. These people have assembled in these two large cities of the country gradually over two decades. However, the cities did not have the capacity to provide shelter, water and other civic amenities to all these people. As a result, most of the RMG workers have to live in unhygienic slums with very limited basic requirements. With what meager amount of money they earn from RMG work, they have to survive hand to mouth.³⁸

A regression analysis was carried out to understand the impact of different factors on workers' health and safety related to compliance standards maintained by the sample

enterprises. It was found that large enterprises were better compliant as the index value of these enterprises was 9.6 points higher compared to medium enterprises, while small enterprises were less compliant compared to medium enterprises: the score of the former was 5.5 points lower than the latter. Highly compliant enterprises were 57 per cent more productive compared to less compliant enterprises and 65 per cent more productive compared to moderately compliant enterprises. Thus, maintaining compliance within the required standards was found to have a positive impact on productivity, indicating the need to enforce compliance at the factory level for the good of the RMG sector itself.³⁹

³³*Social Compliance and Decent Work, The Bangladesh Perspective, ILO, 2007*

³⁴*Status of Implementation of the MOU Conditions in the RMG Sector: Unions Perspective, BILS, 2006*

³⁵*These committees are a substitute for what the law provides for in the form of "participation committees." Participation committees require, according to the law, equal participation from workers and management and require workers representatives to be appointed by the unions or, in the absence of unions, to be elected by the workers. See Section 205 of Bangladesh Labour Act 2006.*

³⁶*Factory Monitoring Report on Implementation of Tripartite Agreement, Karmojibi Nari, Make Trade Fair Alliance and Oxfam, June 2008*

³⁷*Section 58 of the Labour Act 2006.*

³⁸*Interview with Syed Sultanuddin Ahmed, Assistant Executive Director, BILS, dated 29 November 2008*

³⁹*Moazzem, K.G. State of Compliance of the RMG Sector in Bangladesh, <http://www.cottonbangladesh.com/RMG.htm>*

Brief profile of RMG women workers⁴⁰

Previously, Bangladeshi women with low educational attainment or from rural areas had been confined to the informal labour market, and female formal sector employment had been the preserve of a small educated elite. However, the RMG employs only a small share of the total working age population but it has immense symbolic and real benefits for women's access to labour markets. The speed with which families began allowing unmarried rural girls to take up urban employment, suggests that lack of economically rewarding employment opportunities, more than cultural and social beliefs, discouraged Bangladeshi women from participating in the labour market. The willingness of rural households to send girls to the cities for work also suggests that the geographic mobility of the rural female labour force should not be underestimated. Formal sector employment opportunities for young women have proven to be an attractive alternative to early marriage, contributing to reductions in fertility and health-related problems caused by early marriage. The rise in female employment brought about by RMG has also contributed to changing the perception of women's role in the labour market, and narrowing the gender gap in employment, income, enhancing social prestige, control over income, and decision making. However, the story is not without its drawbacks as RMG women workers continue to have low bargaining power, low wages, occupational segregation and poor working conditions.

RMG women workers are distinct from other types of women workers in urban areas. A survey⁴¹ conducted in 2001 among 1322 women workers reveals that RMG workers were younger than other wage workers and self-employed workers and started working at a much earlier age (average age of 17 years compared to 23 years for others). Over 90% had started working in RMG jobs within last five years. They were likely to have completed more years of schools, to be single, if married to have fewer children and to be new (or first generation) migrants. About 84% had migrated from villages but their pattern of migration was different from the associational pattern typical of female migration in the past, i.e. with husband or parents. In fact, many of them came with the precise purpose of finding employment. Thus RMG women workers represent the new generation of women workers and perhaps the future trend setters.

This new generation of RMG women workers has also adopted more 'modern' behaviour in comparison to other types of working women. For example, in a social context where women are seen as dependent on men and young unmarried women living without a male guardian goes against the norm, they have evolved unconventional living arrangements: they are more likely to live with siblings, relatives and co-workers. They have made women visible in the male dominated city streets when hordes of young women literally march to work and back home in small groups. This acceptance of women in public spaces has actually made the streets of Dhaka and Chittagong and adjacent suburbs somewhat safer for all women, including elite women and school girls.

RMG women workers with young children have also devised ways of child care that allow them to accommodate their long work hours: they leave their children behind in the village with parents or in-laws. They are much more likely to use mainstream banking services, plan to buy land with their savings and invest their savings or loan it out. Contribution of women workers to the household budget is also relatively more common among RMG women workers than non-RMG workers, either in cities or in rural areas. One micro-study based on a survey of RMG women workers showed that a third of RMG women workers sent money home compared to 13% of urban self-employed workers and 10% of other wage workers.⁴²

However, RMG work is not seen as a long term occupation and the majority leave upon getting married. It may well be the case that a significant percentage of the women currently working in the RMG sector, who see themselves as temporary migrants, may not in fact return to their villages. They may marry in the city and withdraw from factory work; once they have children and either take up a form of wage work more compatible with their domestic responsibilities or set up their own micro-enterprises. This is evident from the fact that quite a fair proportion of self-employed women and even wage workers in urban areas had been RMG workers at an earlier stage in their lives and, as might be expected, many of these women had learnt their skills in the RMG industry.

It has been found from the FGDs that female workers are discriminated against in promotion. Besides, wage discrimination between male and female workers of same level has also been reported. Among female workers who became mothers during the last two years, around half (42%) got leave with pay and around one-quarter (23%) were partially paid.⁴³

⁴⁰ Extracted from *Whispers to Voice: Gender and Social Transformation in Bangladesh*, Bangladesh Development Series paper no. 22, World Bank 2008, page 65

⁴¹ Based on a survey of women workers in Dhaka 2001 at page 65, *Whispers to Voice: Gender and Social Transformation in Bangladesh*, Bangladesh Development Series paper no. 22, World Bank 2008

⁴² Kabeer and Mahmud 2004, pp105, at page 67, *ibid*

⁴³ *Factory Monitoring Report on Implementation of Tripartite Agreement, Karmojibi Nari, Make Trade Fair Alliance and Oxfam*, June 2008

Violence against women RMG workers⁴⁴

Workers are understandably reluctant to reveal personal experiences of an explicitly sexual nature. Typically, when asked if they had ever been sexually harassed, most women replied in the negative. In the next breath, without being prompted, some women would recall an occasion when they had been accosted by night guards or the police or had nearly been kidnapped. Female respondents also tended to answer in the third person when faced with questions about their experiences and knowledge about harassment.

RMG women workers in Bangladesh face a double jeopardy when it comes to sexual harassment. Not only are they vulnerable to physical, verbal and sexual abuse inside the workplace but they are also frequently subjected to harassment in “public” places, as they commute to and from work. Women from impoverished backgrounds are most often subjected to this dual harassment, which derives much of its legitimacy from culturally dominant associations between promiscuity and women’s public visibility.

Very little empirical or qualitative data on sexual harassment is available in Bangladesh, although the topic comes up in studies of industrial workers. A survey of health and safety regulations in the garment industry found that sexual harassment is likely to be the most dominant source of stress for garment workers (Nazma Begum 2000). Rape is only the most extreme form of sexual harassment; its frequency is an index of generalised attitudes of hostility toward and harassment of women workers. Statistics drawn from newspapers only capture those incidents that have been reported officially. One can assume that there is under reporting of such incidences.

FGDs revealed distinct patterns and sites of harassment that are occupation and location specific. Descriptions of harassment ranged from attempted rape and sexual assault to leering, suggestive comments, disrespect and verbal misbehaviour on the part of male colleagues, superiors and strangers on the road. There are clear differences in working conditions between the apparel factories located in the EPZ and those on the outside. Notably, the reported incidence of harassment in EPZ factories was much lower than that in non-EPZ apparel factories. Factories located in export processing zones appear to provide

more safety to women workers than those on the outside. Workers attributed the feeling of safety inside the EPZ to the lack of men in the workforce as well as the vigilance of foreign buyers.

The most common form of harassment identified is the widespread use of '*gali*' or expletives to which they are subject to during work hours. At first glance, this may not appear to be a significant or threatening form of sexual harassment. However, the highly sexualised vocabulary and body language that supervisors and others use to discipline female workers creates a hostile, intimidating and sexually charged environment. Workers also accuse supervisors, linemen, line chiefs, and production managers of the following: pulling hair, slapping, hitting, stroking, touching the body, and even kissing workers as the latter sit at their machines. Nonverbal forms of harassment also include winking, staring, whistling, standing very close and pinching.⁴⁵

The intensity of slang and other sexualized disciplinary regimes in garment factories is directly related to the pace of the production –the imperative of meeting deadlines and quotas translates into the incessant verbal coercion of workers to meet their individual production targets. Supervisors, line chiefs and others also frequently use their position to tempt or threaten women into giving in to their sexual demands.

For those women workers who have to work night shifts (usually in the non-EPZ factories), the most likely time for sexual assault or rape inside the factory is after work ends and before they are able to go home. There are no facilities in these factories for women to spend the night safely. Attempted sexual assault on factory premises are not an uncommon feature of night work, especially in smaller establishments.

On sexual harassment in public places, non-EPZ workers are the most vulnerable in this respect since their firms do not have any provisions for transportation. However, EPZ workers report that their safety plummets as soon as they leave the EPZ premises and while they are waiting at bus stands. In fact, stories of rape and murder of garment workers on the outskirts of the EPZ are a central part of the lore of EPZ workers.

As with harassment in the workplace, the risks are different depending on the time of day as well as on the mode of commuting. During the day, offensive and/or suggestive comments (what's your rate? how much will you go for?) and whistling from pedestrians, rickshaw pullers, storeowners as well as personnel and passengers on public buses are widespread. Physical assault also includes pedestrians kicking or tripping over women as well as groping, shoving and pinching them. Those who take public buses report considerable abuse from conductors and helpers. While getting on and off buses, helpers frequently grab and grope workers. Bus passengers also shove, squeeze, pinch and make suggestive comments. Inadequate street lighting in the evening also increases the risk for women. The threat of being picked up or kidnapped while commuting presents another danger. A majority of women reported that they had the most difficulty with older men. This group was considered to constitute the worst offenders, in buses, on the roads and other public places.⁴⁶

The incentives for reporting incidents of sexual harassment are extremely low. The greatest fear workers in both the apparel and electronics industry have is of job loss. Sexual harassment aside, considering the ease with which workers can be dismissed, the fear of retrenchment casts an omnipresent shadow in workers' minds. Not only did most workers not sign a contract, many had to sign blank pieces of paper as a condition of their

employment. 'Helpers' tend to have the least job security and also report the most vulnerability to harassment. Helpers enter the trade when they are relatively young and with little or no experience. They are the most likely to be illiterate and have the least space for negotiation in economic terms. Operators, especially if they are skilled, are likely to have much greater job security.

The fear of retaliation and social stigma outside the workplace also constrain women's responses. There is a straightforward relationship between sexual intimidation or sexual annoyance in the workplace and the general insecurity of women in the public sphere. Women who are harassed by coworkers inside the factory may not take their complaints to the management because of threats of retaliation outside the workplace. The only solution would be to leave.

Most workers reported a direct or indirect impact on their productivity. Feeling sad or emotionally perturbed after some event was widespread and had a variety of consequences. Respondents said they felt acute shame and embarrassment. This led to an inability to concentrate, fear, anxiety, depression and hopelessness. If a worker is verbally or physically abused or publicly humiliated for making mistakes, the ensuing fear and anxiety increases the likelihood of mistakes in her work which affect her productivity. Workers reported that in all cases of sexual assault or rape they knew of, the victim invariably left her job – if she was in a financial position to do so. Many women, however, don't have the financial option of walking away. "Tai koshto holeyo, kajer khoti holeyo, buke pathor bedhe kamrey dhore kaj korey"⁴⁷ as one woman put it. "Lojjar matha kheyte abar kaje ashey."⁴⁸

Over half of the men RMG workers expressed very high opinion about women co-workers. However, a quarter of them opined that they do not or would not allow their own wives to work outside the home. In response to the question of whether any of their female coworkers had ever been sexually harassed, one third of them replied in the affirmative. Many claimed that recently retrenched garment workers became sex workers.

In theory, unions should be able to provide access to justice for workers subjected to sexual harassment. In reality, the apparel sector does not have viable unions that are willing to negotiate on behalf of women workers. Workers themselves have minimal or no knowledge of labour laws or the law against sexual harassment. The Prevention of Repression Against Women and Children Act 2000 contains a section on sexual harassment although it does not mention harassment in the workplace specifically.

Sexual harassment undermines women's right to the pursuit of a secure and safe livelihood. The different forms of sexual harassment described above violate workers rights to dignity, damage their attitudes toward work and decrease productivity considerably. Workers are especially vulnerable to sexual harassment because of informal practices of recruitment, lack of documentation of hiring and firing, and the constant fear of job loss. Women may be reluctant to reveal experiences of harassment for fear of being socially stigmatised, or, increasingly, because of the threat of retribution as well as the fear of dismissal. In the absence of job security, viable legal protection or an established cultural discourse of rights, female employees are understandably wary of bringing up charges against superiors or colleagues. Therefore, the prevalence of sexual harassment in the RMG sector is difficult to gauge accurately.

Few factories outside the EPZ provide any 'independent' bodies to deal with workers complaints. Moreover, workers feel that the possibility of redress available to persons of their social and economic standing is limited even outside the workplace. The social stigma that attaches to the public knowledge of an incident of sexual harassment also deters women from seeking redress. Few women have any knowledge of their rights as workers or as citizens of the nation. Trades unions do not seem to be especially interested in combating sexual harassment in the workplace.

⁴⁴Extracted from *Workplace Environment for Women: Issues of Harassment and Need for Interventions*, CPD Report # 65, www.cpd-bangladesh.org

⁴⁵page 6, second paragraph, *ibid* footnote 47

⁴⁶page 7, second paragraph, *ibid* footnote 47

⁴⁷"Even though we suffer, and our work suffers, we have to harden our hearts, grit our teeth and work."

⁴⁸"We come to work leaving our shame behind".

Trade union issues

The situation of freedom of association and collective bargaining in Bangladesh is not commendable. A recent study⁴⁹ has found the following reasons for weak trade unionism in the country:

- ❖ Absence of democracy
- ❖ Propaganda against Trade Unions
- ❖ Changed employment patterns like contract and subcontract work, outsourcing, casualisation and precarious work.
- ❖ Closure of labour intensive industries.
- ❖ Interference by police and other authority in industrial dispute settlement process
- ❖ Negative attitude of employer towards Trade Unions
- ❖ Government's supportive role towards employers

Trade union activities were almost non-existent in the garment sector. There were very few factories where workers were allowed to have trade unions on the factory premises. As is known, following long debates over the issue of allowing trade union activities in the EPZ factories, the government agreed to allow the formation of a Workers Welfare Committee (WWC) in the RMG factories located in EPZs.⁵⁰ The WWC is usually comprised of representatives of workers and factory management, which regularly met and discussed worker related issues. Some factories have established so called 'participation' or 'social welfare' committees. In these committees, workers were appointed by the management and not elected by the workers. They cannot bargain on anything; they can discuss issues such as cleanliness, leaves, increase of productivity etc. They cannot discuss salary increase. After promulgation of the Emergency Power Rules 2007, the right of labour unions to meet lawfully or hold public demonstrations was prohibited. During 2008 several labour leaders and organisations were reportedly subjected to intimidation and scrutiny by security forces.⁵¹

About 52 factories were found where WWC activities prevailed. Fifty five per cent of EPZ factories were found to have WWC, while only 20 per cent of non-EPZ factories had WWC.

Prevalence of WWC activity had marginally increased in 2005 compared to that in 2004. Entrepreneurs were more or less divided as regards the issue; one group supported such a negotiating body while the other group was against it.⁵²

The Labour Act of 2006 includes provisions protecting unions from employer interference in organising activities.⁵³ Implementation of these provisions was uneven, however, and many private sector employers discouraged union activity. Some employers fired workers suspected of organising or sympathising with unions, placed informants in work areas, and in some cases, intimidated workers with threats of violence. The law recognises the right to strike. In practice however few strikes followed legal requirements; often, strikes or walkouts occurred based on the spontaneous decision of workers, sometimes prompted by a rumour.

The Directorate of Labour ruled on union-organising discrimination complaints. Throughout the year, the labour court ordered the reinstatement of workers fired for union activities, but a large backlog hampered the court's effectiveness. Increasingly, labour disputes were settled prior to the scheduled hearing dates in the labour court.⁵⁴

Under the law, legally registered unions are entitled to bargain collectively with employers. The law has simplified and clarified the procedure for selecting a collective bargaining agent and specified time limits for steps in the process. Labour organisations reported that in some companies, workers feared reprisals and would not exercise their collective bargaining rights.

The law established mechanisms for conciliation, arbitration, and labour court dispute resolution. It has enhanced and facilitated the process of dispute resolution. Workers have the right to strike in the event of a failure to reach settlement. If a strike lasts 30 days or longer (less in cases of public safety or national interest), the government could curtail or prohibit the strike and refer the dispute to the labour court for adjudication. However, because the majority of strikes were conducted outside the legal provisions for conducting a strike, the government did not exercise its authority to curtail them. The government did file cases against some striking labour leaders and workers for destruction of property, blocking roads, or violation of EPR provisions. In some cases, the appeals courts subsequently acquitted the strikers.

A separate law, the EPZ Workers' Association and Industrial Relations Act (EWAIRA), specified association rights in EPZs, although EPZ authorities did not recognise the broader applicability of the Labour Law, which covered workers' rights beyond the freedom of association. The EPZs' assumed exemption from the Labour Law was legally challenged by labour groups. While certain provisions of the Labour Law were implemented through EPZ regulations, EPZ officials interpreted their regulations and applicable laws narrowly. The EPZ did not permit Worker Representation and Welfare Committee (WRWC) members to meet with WRWC members in other factories.⁵⁵ Factory managers strongly discouraged workers from meeting outside labour groups and terminated workers who disregarded these warnings.

Pursuant to the law, individual factory owners received prior authorisation from the BEPZA Executive Chairman to terminate WRWC employees for no cause, or dismiss them for a cause. In cases where the grounds for termination were believed to be the worker's labour organisation activities, workers' groups protested the decision to the BEPZA Executive Chairman.

Under EWAIRA, from November 2006 workers were to be permitted to form workers' associations, which would have the legal right to strike. A special provision prohibited striking until 2008, however, and instead required mandatory arbitration. Other provisions

of EWAIRA allowed collective bargaining but did not permit affiliation with other labour organisations outside the EPZ.

Federations of workers' associations within the EPZ were permitted. During the year the government did not establish an EPZ labour tribunal, or an EPZ labour appellate tribunal, as required by EWAIRA. Workers in EPZs began filing complaints in the national labour courts to enforce broader legal rights granted by the BLA in the EPZs, in addition to provisions of the EWAIRA. Throughout the year, sporadic labour unrest occurred within the Dhaka EPZ.⁵⁶

As available from the FGDs, there are more than 28 registered trade unions and more than 13 unregistered trade unions in the RMG sector. But they are hardly in any position to resolve labour unrests, as they have no control over workers at factory level due to inactivity of most workers' unions. Of the 200 registered workers' union units at factory level, only 15 or so are active, the trade union leaders claimed. As a result, the central trade union leaders do not have any proper means of intervention in the wake of any labour unrest, although the leaders are meant to play a major role in resolving labour unrest.⁵⁷ Moreover, a ban was imposed on trade unionism since the declaration of State of Emergency in 2007. However, the government relaxed the trade unionism embargo from industries, commercial enterprises and ports on 7 September 2008.

In line with trade union rules, leaders have an obligation to appease workers through realisation of rights after negotiations with the factory owners concerned. "We know we have a lot of responsibilities in the wake of any unrest in the industrial sector. But, sometimes we feel helpless as we have no control over the workers," said Amirul Haque Amin, Secretary General of the National Garments Workers Federation. He identified two main factors behind the failure of the labour leaders in properly handling the RMG unrest. First, the absence of effective factory level units of workers' unions, and secondly, difficulty in uniting so many trade unions under one umbrella due to lack of harmony among them. They have also raised the issue of difficulty to access information regarding which buyer sources from which factory. This makes it difficult to resort to buyers' pressure when a problem is found in a factory.⁵⁸

Quamrul Ahsan, Secretary of the Bangladesh Garment Sramik Karmachari Federation, (Bangladesh Graments Labours Workers Federation) pointed to the fact that leadership has not emerged among workers at factory level because trade unionism in the form of workers' unions are limited for various reasons. "When any unrest occurs at any factory, all workers try to take up the leadership on the negotiation table, which, most of the time, leads to disputes being unresolved," he added.⁵⁹

Workers attending Odhikar FGDs suggest that RMG owners have a very negative attitude towards workers leadership. They do not allow any worker to be very vocal regarding their rights and entitlements. If any worker tries to become vocal, the owners try to get him/her out of work.⁶⁰

Shamima Nasrin of Shadhin Bangla Sromik Kormochari Federation (Independent Bengal Labours workers Federation) said that trade union leadership in the RMG sector does not change while BGMEA leadership changes regularly. In fact, the mainstream trade unions of Bangladesh are not familiar with rapidly changing trends in global RMG trade, buyers' code of conduct, ethical trade practices and compliance issues. RMG trade unions have to learn these issues at the same pace as changes take place in the trade. Technically and financially they are not very strong in providing support and protection to workers while the RMG owners are much more stronger in terms of finance, technical capabilities and organisation. At the government policymaking level, owners play a more effective role than the trade unions.

According to information from the Labour Department, there are only 129 registered unions out of almost 5,000 garment industries, where the total union member is 62,982. Many of the unions are non-functioning.⁶¹ The Labour Act, 2006 provided the right of freedom of association and collective bargaining for the workers engaged in this sector. Workers who try to set up a union are not protected before its registration and are thus often subjected to harassment.

There are a few examples of charter of demand or collective bargaining in the last 5 years in this sector. In the past some unions and their fronts signed several agreements with BGMEA, but the legal status of the agreement is very weak as not signed at the enterprise level. Though BGMEA has provided the agreement to the employers with a view to implement it, but the implementation status is poor. The 2006 tripartite agreement is committed to remove the barrier in forming trade unions in the sector. However present data does not show much improvement in favour of that agreement.⁶²

In 2008, workers created a situation of unrest to achieve their demands, which caused loss of property, time, money etc. As there is no trade union inside the industries, workers used to raise their demands on their personal initiative. If there is any trade union or dispute settlement procedure inside the industries, it would be possible to solve the problem through them.⁶³

Allegations have it that the RMG owners are unwilling to allow TU activities in their factory premises for fear of trouble. However, some tend to believe that the labour situation in the RMG sector would have been rather healthy in the presence of registered TUs. There has been hardly any trouble in other private sector industrial units having registered workers' unions. In the absence of any elected TU bodies in their units, the RMG owners, in case of any problem, do not know whom they should talk to. There is no denying that low wages and poor working conditions in a large number of RMG units make them vulnerable to frequent trouble. The elected workers' representatives could be a very effective media to tide over any problems.

The difference in the level of power between the management and the workers is such that a union is the only way through which the workers can put forward their issues of grievance, concern, etc, through representatives they can trust. One can never contemplate a worker walking to his boss to talk about a raise.

⁴⁹ Draft report *Situation Analysis: Status of the implementation of ILO Convention on Freedom of Association and Collective Bargaining*, BLAST, 2008

⁵⁰ These committees are a substitute for what the law provides for in the form of 'participation committees'. Participation committees require, according to law, equal participation from workers and management and require workers representatives to be appointed by unions or, in the absence of unions, to be elected by the workers. section 205 of the Bangladesh Labour Act 2006

⁵¹ Odhikar interview with trade union leaders on 29 November 2008

⁵² *State of Human Rights in Bangladesh 2008*, US Department of State, <http://dhaka.usembassy.gov>

⁵³ Chapter XIII, Bangladesh Labour Act 2006

⁵⁴ *State of Human Rights in Bangladesh 2008*, US Department of State, <http://dhaka.usembassy.gov>

⁵⁵ Odhikar FGD with EPZ workers dated 8 November 2008

⁵⁶ *State of Human Rights in Bangladesh 2008*, US Department of State, <http://dhaka.usembassy.gov>

⁵⁷ *Weak Trade Unions fail to tackle unrest*, The Daily Star, September 14 2008, www.thedailystar.net/story.php?nid=54695

⁵⁸ Interview with Odhikar on 29 November 2008

⁵⁹ Interview with Odhikar on 29 November 2008

⁶⁰ Odhikar FGD dated 1 November 2008

⁶¹ Draft report *Situation Analysis: Status of the implementation of ILO Convention on Freedom of Association and Collective Bargaining*, BLAST, 2008

⁶² *ibid* footnote 61

⁶³ *ibid*

Total compliance: Need of the hour

Compliance means conformity- acting according to certain accepted standards. Social compliance ensures working conditions of the manufacturing unit from social, political and economic points of view. It is a code of conduct that includes minimum labour standards, occupational safety measures and environmental concerns. Minimum labour standards cover wages, working hours, overtime, safety, job security, right to form trade unions, and also social security. It also ensures non-violation of human rights. Social benefits are socially responsible management which include production bonus, cash incentives, working condition, maternity leave, medical facilities, arrangement for food- including safe drinking water, prayer area, transportation, festival bonus etc.

It is true that the government maintained a 'soft touch' policy as regards compliance standards during the early stage of the development of the apparel sector; besides, buyers put less emphasis on high levels of compliance standards of RMG units. Factory level compliance standards have received much attention since the mid-1990s as buyers have started to put emphasis on different issues related with compliance. Subsequently, enterprises have made initiatives to improve the compliance standard of the factories.

Compliance should be for both labour welfare and occupational safety. For safety, the use of aprons; gloves; dust masks; eye masks; ear protectors; gum boots; smoke detectors and rehearsed fire fighting arrangements are very important. A water treatment plant is a must to avoid pollution in the industry. Social environment related to labour rights, product safety and intellectual property rights are considered to be of increasing importance now-a-days. Ensuring social compliance is very important in the industries involved in production of RMG for maintaining quality of products as well as rules for the export market. On protection of labour rights and improvement of working conditions, international standards have been developed and adopted by major markets. In contrast with labour rights, product safety issues are mostly mandatory requirements. Compliance issues like working environment, salary, maternal leave for female workers, the safety and health conditions of apparel sector workers have come to the forefront of attention of the international buyers. There is no option other than ensuring social compliance to maintain

the quality of products, since labour can never enhance the skill of workers without setting a minimum wage for living and a favourable environment for work. The compliance issues have become more important after the expiry of the MFA. Though these issues are very fundamental as far as the workers' interest is concerned, at the same time they are very capital-intensive for implementation. It is found that buyers are putting more emphasis on compliance standards as consumers of developed countries are becoming increasingly concerned about work and social environment in the sourcing factories.

One of the major limitations as regards compliance standards of RMG units in Bangladesh is lack of available information which hinders any sort of assessment of compliance standards in the country. Consequently, it is rather difficult to suggest various policies for the development of compliances in the RMG units. Recently, BGMEA and BKMEA have initiated the development of a database on the compliance standards of RMG units, which is a welcome initiative. However, by and large there is a dearth of information as regards the compliance standards of RMG units.

In 2006, the Centre for Policy Dialogue (CPD), a think-tank, surveyed a total of 190 factories comprising of 63 woven, 63 knit and 26 sweater units.⁶⁴ Besides, 470 workers of these enterprises were also surveyed to identify the status of compliance. Factory level ergonomics indicate appropriate balance between factory space, installed machines and workers. This refers to size of floor space available for doing work, ratio between floor space and number of workers, workers and machines used, workers and production lines, adequacy of air and light inside the factory, etc.

According to the CPD report, floor space available for working in the surveyed factories was, on average, about 50,000 sq ft, while spaces for setting up a production line was about 6128 sq ft. Available space for each worker on average was 52 sq. ft. It appears that large and medium enterprises provided relatively more space for setting up production lines and for workers working in the factory. Average worker-machine ratio was 1.74, indicating that every operator of a machine took support of 0.74 additional workers (these workers are called 'helpers'). Enterprises, directly dealing with buyers, (which also tended to be large and medium enterprises) were operated by a higher number of workers in production lines and also provided more space to the workers. In other words, ergonomic standards were better in enterprises which worked directly with buyers.⁶⁵

A majority of large enterprises were purpose-built, while the proportion of such enterprises in the case of medium and small units was relatively low. Factories established in earlier periods were behind in terms of complying with factory level compliance standards, perhaps because of the government's "soft touch" towards the apparel sector in the earlier stages of its development, when these standards requirements were either mildly dealt with or overlooked by concerned offices. In general, factories established in more recent periods were relatively better in terms of compliance with factory standards.

There were, on average, more than two emergency exits in a sample factory. More than 600 workers could use one exit in large factories, while the number for medium and small factories was 353 and 170 workers respectively. The number of emergency exits was relatively higher in EPZ-factories compared to non-EPZ factories. However, availability of emergency exits did not necessarily ensure worker's safety in full measure. The width of the exit, landing space available etc. were also important factors from the perspective of safety.⁶⁶

Codes of conduct have been an important part of efforts to improve labour standards in global supply chains. Over the past ten years, brands and retailers have been faced with multiple industry standards; and suppliers are confused by the numerous codes and initiatives. There is lack of harmony in the Code of Conducts of the different brands, particularly in the cases of minimum age requirements, wages and benefits and overtime payment. However, there are some common concerns and Bangladesh will need to be very careful in addressing the norms established by the brands. Both legislation of appropriate laws and their enforcement are important. Lack of uniformity in the brands' requirements often gives rise to confusion among suppliers. A large number of suppliers do business with several brands. Moreover, although all buyers talk about following the code of conduct, which refers to maintaining and adherence to local legislation as a minimum requirement, when monitors appointed by buyers or an independent monitor conducted an audit of firms, they tended to follow detailed checklists provided by respective brands which were usually local legislation, plus suppliers were often not aware of the additional requirements.⁶⁷

It will be very sad for Bangladesh if it loses its share of apparel exports in the international markets due to failure on compliance issues (at its RMG factories). The Bangladesh government should play a key role in implementing compliance issues in the apparel industry to maintain its competitiveness worldwide. Efforts are required to prevent any repetition of the incidents of fire or building collapse or labour unrest if the reputation and competitiveness of export are to be maintained. With the pressure from global apparel buyers for factory compliances increasing, the government formed a committee to recommend measures for improving the conditions of the workplace and workers. The committee is to review the existing policies on social compliances, especially occupational safety and workforce welfare aspects and to prepare guidelines for necessary policy reforms. As per terms of reference, the committee is supposed to give necessary guidelines to the government to implement the recommendations and follow up on the implementation status at the factory level at least once every three months. A Compliance Monitoring Cell (CMC) has also been created, headed by the Director General (Textile) in the Export Promotion Bureau (EPB) to keep international buyer groups aware and for publicity abroad on measures taken for compliance. As part of a programme regarding factory inspection by forming several inspection teams, both BGMEA and BKMEA have already carried out some punitive measures against the few non-compliant factories. As per recent claim of BGMEA, only 53 out of approximately 4200 RMG units are not complying with safety measures in their respective premises.⁶⁸

It is very important to reach a consensus on the standards requested by the buyers, which need to be fulfilled by each and every supplier. There are complaints that some buying agents compromise or overlook the need for compliance or only consider certain standards during their contracts with the suppliers. There is a need for harmonising the demand for social compliance by international buyers in order to avoid unnecessary costs and confusion on the part of export industries in Bangladesh. A draft code of conduct on social compliance in the RMG sector has been developed by the London based MFA Forum, a conglomerate of international retail giants, trade unions, development partners and NGOs to put pressure on the authorities concerned to strengthen the monitoring mechanisms to ensure factory compliance with social and labour standards.

Being a signatory to international Conventions on labour standards and human rights, Bangladesh cannot implement them half heartedly or not at all. However, while

implementing reasonable working conditions or a minimum wage, they should depend on a country's prevailing socio-economic condition, and not be judged by the standards of a wealthy or more developed country. NGOs, civil society, trade unions and other stakeholders should work together to adopt a Bangladesh-specific code of conduct for a viable and competitive RMG industry. Non-compliance factories may be brought under a temporary ban on issuance of a generalised system of preference (GSP) by the authority concerned, so that they cannot enjoy tax exemption in exporting countries.

⁶⁴ <http://www.cottonbangladesh.com/RMG.htm>

⁶⁵ *ibid*

⁶⁶ *ibid*

⁶⁷ Interview with RMG owner Mr. Shah Bakhtiar Ilius, Essential Garments Ltd.

⁶⁸ Ferdousour Rahman, Khan Compliance: Need of the hour in the apparel industry, <http://www.thedailystar.net/law/2006/08/01/opinion.htm>

The Government formed the National Social Compliance Forum in 2005. It is headed by the Ministry of Commerce and co-chaired by the Ministry of Labour. It also coordinates with the Ministry of Works and Ministry of Home on safety issues, BGMEA, BKMEA, buyers, donors, NGOs and international labour unions. It acts as a guiding and coordinating authority at policy level on compliance related activities. A Compliance Monitoring Cell provides secretarial support to the Forum, monitors compliance with the tripartite Memorandum of Understanding (MoU) (using a database of 500 factories), raises awareness on compliance issues, and links with buyers. Two task forces were set up: one on labour welfare in RMGs and one on occupational safety (including building safety). A crisis management committee was also established.

In 2008, the government decided to form an industrial police unit for the RMG sector. With a Deputy Inspector General as its head, it will be manned by around 1500 people and will be deployed to maintain law and order in the RMG factory areas. Their mandate is to help local police stations in investigating formally filed complaints and cases. The trade union leaders are of the opinion that industrial police might be used as an instrument of oppression by the RMG owners to stop any legitimate movement of the workers. The workers strongly believe that industrial police should be deployed to maintain law and order only and not to resolve industrial disputes, which is a matter to be resolved among owners, workers and trade unions.

Compliance monitoring issues are looked after by the Ministry of Commerce and the Ministry of Labour. The capacity of the Ministry of Labour is weak. According to trade union leaders, even though the Ministry of Commerce has a tendency to show a positive attitude about compliance rates, it tends to protect the interest of the owners only and not the workers. Policy decisions need to be taken to follow a standard compliance policy and mechanism in this regard.

Two major organisations of the RMG owners are Bangladesh Garments Manufacturers and Exporters Association (BGMEA), an organisation of 'woven factory' owners and Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA), an organisation of 'knit factory' owners.

BGMEA was formed 27 years ago and has a membership of 4000 factories. BGMEA is active in the field of social compliance and claims that compliance levels with the new minimum wage and other points of the 2006 MoU are over 90%. BGMEA has its own compliance teams for monitoring. It has established a labour cell (which gave inputs in the new labour law, and talks to buyers), a safety committee, health centres etc. According to BGMEA, "The next step is a participatory approach within the factory, rather than outside interference of unions. We want to develop processes by which workers can bring their complaints."⁶⁹

The BGMEA has set up an arbitration committee, which settles issues free of charge for workers and is faster than going to the labour court. Set up as an outcome of an agreement between trade associations and unions after a strike, it deals mostly with issues of payment of wages and overtime, leaves, illegal termination and dismissals and factory closures. It has reportedly handled over 2000 cases since 1998 and realised more than Tk. 20 million.⁷⁰ It has been developed as parallel to the Labour Court system and has no legal basis. Workers go to the arbitration committee because, although they know they will get less, they can get a faster solution. In practice, its results have been useful in a number of cases, but its efficiency and credibility would be enhanced if it were established as regulated by law. It is not independent but is chaired by the BGMEA President, although the original agreement provided that the chairman be a judge. It does not guarantee equal participation from trade associations and workers representatives, which is also contrary to what is provided for in the original agreement. Twelve trade unions are in the arbitration committee, where they can submit grievances. Not all unions are members of the committee, as some have chosen not to join because they felt decisions were biased in favour of factory owners. It can address problems arising only at the factory level.

A few years ago the BGMEA received land allocation from the government to build a 'garment village' to be located 20 km out of Dhaka, with dormitories for single workers. 400 factories will be moved and infrastructure will be built with government support. The objective is to close down old factories and attract foreign investment. The key concern is that there are no plans for family housing there, which will bar women with children from working in those factories relocated outside Dhaka.

The BGMEA Institute of Fashion and Technology was established in the year 2000. Every year approximately 2000 students graduate from this institution. In the backdrop of a 25% shortage of skilled workers in the industry, they have set up 5 training institutes at Gaibandha, Kurigram, Lalmonirhat, Bogra, Nilphamary and BKMEA has one at Rangpur. These training centers are delivering approximately 600 skilled workers every month. It is to be mentioned that all these are economically worse off districts in the country's northern belt and are badly affected by seasonal unemployment for a couple of months every year. BGMEA has also signed an agreement with the Technical and Vocational Education Board to introduce a short course on RMG in 25 vocational schools countrywide for increasing the supply of skilled workers to the RMG sector.⁷¹

BKMEA was formed in 1996 and has 1500 members, out of which many are also BGMEA members. In 2008, BKMEA increased the salaries of knitwear workers by 20% to cope with increasing rice prices which almost doubled since 2007. BGMEA was undecided about this pay hike. However, both BGMEA and BKMEA introduced a subsidised food distribution system for RMG workers during the Muslim religious month of Ramadan. That initiative was a great help for the RMG workers who had to struggle with the increasing price of commodities throughout 2008.

⁶⁹ *Weak Trade Unions fail to tackle unrest, The Daily Star, September 14 2008, www.thedailystar.net/story.php?nid=54695*

⁷⁰ *Bangladesh: Labour Rights in the Supply Chain and Corporate Social Responsibility, Report of the FIDH Mission to Bangladesh, June 2008, www.fidh.org*

⁷¹ *BGMEA hopes to push garment export to \$18b in next 3 yrs, <http://www.thedailystar.net/story.php?nid=8916>*

How is Bangladesh doing in the Post-MFA era?

The abolition of quotas, contrary to earlier predictions, has not yet adversely affected the Bangladesh industry, thanks to the restrictions that still apply to China and Bangladesh's duty-free access to the EU market. Today, Bangladesh continues to be one of the leading exporters to the US and EU markets. The knitwear industry has done particularly well and there has been a shift from producing woven garments to manufacturing knitwear. In the post-MFA period, Bangladesh has actually been able to increase its exports. In 2005 (January-December), it exported \$6.9 billion worth of RMG products compared to \$6.2 billion in 2004 (January-December), thereby registering a growth of almost 11%. This was mainly due to the knitwear industry, exports of which increased by about 27% during the same period, while that of woven garments slightly decreased. According to some estimates, 400 new factories have been registered and 65,000 new workers recruited after the ending of the MFA. Even if these factories are not all effectively operational, this growth in investment and employment is real.⁷²

In 2004, Bangladesh was the tenth largest garment supplier to the US and its share of the market was 2.8% compared to China's 16% (the largest supplier) and India's 3.4% (seventh largest supplier). In 2005, Bangladesh increased its exports to the US market by around 21% both in terms of volume and value. As a result of increased exports, Bangladesh was able to raise its share of the US market by almost 14% in terms of volume and 12% in terms of value in 2005. The performance of Bangladesh compares quite favourably with other Asian countries (apart from China and India).⁷³

⁷² Dr. Naushad Faiz, *The end of the MFA: Myths and reality*, <http://www.thedailystar.net/2006/07/27/d607271501118.htm>

⁷³ *ibid*

Post-2008 scenario

What will happen after restrictions on China are lifted at the end of 2008? For one thing, the market share of China will in all probability increase drastically (and for some products this has already happened). China's position as the major producer is likely to become even more important. However, this does not mean that there is no room for smaller exporters like Bangladesh. What it certainly means is that Bangladesh will have to improve its competitiveness to remain on the map of buyers, since it is also expected that buyers will consolidate sourcing and concentrate on fewer countries than during the quota period. The buyers may buy more from fewer countries and deal primarily with larger factories in those countries.

In terms of labour costs, Bangladesh is well positioned and compares favourably with other Asian countries. The per hour cost of labour in Bangladesh is \$0.25, compared to \$0.27 in Indonesia, \$0.34 in Pakistan, \$0.46 in Sri Lanka, \$0.48 in China, and \$0.57 in India.⁷⁴ However, wages are currently being revised to bring them more in line with the escalating cost of living and expectations of workers, as a result of which labour costs will increase.

Bangladesh is less well positioned when it comes to the average unit price of selected apparel products. In the post-MFA period, the unit price of Bangladeshi garments improved by only 0.24% while other countries like Sri Lanka and India have recorded more impressive increases of 15% and 26% respectively.⁷⁵ This may be an indication of the difficulties faced by Bangladesh's producers to position in on high-end garment products.

As data shows, between 1997 and 2004 the average price of Bangladesh's knit-RMG had come down from US\$ 27.72 per dozen to US\$ 23.45 per dozen, a fall of 15.4 per cent; for woven RMG the average price had come down from US\$ 41.87 to US\$ 39.1, a fall of 6.6 per cent. In recent years, the growth in export earnings from the apparels sector has been possible by expansion of the export volume: volume-wise export of apparels has increased from 53.45 million dozens to 90.49 million dozens for woven RMG, and from 27.54 million dozens to 91.60 million dozens for knit- RMG between 1997 and 2004.⁷⁶ Bangladesh's strength has traditionally been the capacity to supply mass produced apparel items such as

T-shirts, basic cotton shirts, pullovers and jackets, sweaters, and basic women's wear. Falling prices under competitive pressure indicate that if Bangladesh is to sustain its market presence, it will need to substantially enhance productivity. It is unlikely that producers will be able to squeeze wages further. In this context, the government should support recent initiatives by some of Bangladesh's exporters to move up-market and to more value added products.⁷⁷

What are the challenges facing the Bangladesh garment industry today? In order to thrive, the industry will need to ensure regular orders from international buyers. These buyers are primarily interested in three factors: price, lead time and quality. Other factors are also important, such as financial capacity of manufacturers, labour compliance standards, customer base, vertical setup, design and product development capability, advanced production facilities, dependability, and long-term business relationship.

In order to survive and flourish in the increasingly competitive global garment trade, reforms need to be undertaken and forces need to be joined among the main actors to build a competitive RMG sector in Bangladesh. It is crucial for the different actors of the sector to hold dialogue amongst themselves with the purpose of identifying the main issues that constrain the industry and reaching an agreement on activities that need to be carried out in order to improve the sector's competitiveness.

While no Asian country, including Bangladesh, to date has experienced the mass exodus of jobs that was previously feared as a result of the MFA phase-out, some countries have noted early signs of weakness in their export volume. All stakeholders in the region recognise the need to develop a competitive domestic economic environment that will encourage investment and preserve employment in the post-quota era.

⁷⁴*ibid*

⁷⁵Cookson, Forrest, *Fallout*, page 16, *Forum*, November 2008, www.thedailystar.net/forum

⁷⁶*The end of the MFA: Myths and reality*, Dr. Naushad Faiz <http://www.thedailystar.net/2006/07/27/d607271501118.htm>

⁷⁷*Post-MFA era and Bangladesh*, Muhammad Zamir <http://www.thedailystar.net/2005/01/29/d50129020326.htm>

A WAKE-UP CALL

The wake-up call

The 2008 incidents of violence in the RMG sector have really given all of us a wake-up call. What started out to be an isolated dispute between the management and workers of a single garment factory, spread out like wild fire across hundreds of factories. As a result of this massive outburst, nearly 300 factories, including 21 factories in the Savar Export Processing Zone (EPZ), were damaged or partially damaged. The total loss of the garment industry was around Tk 4 billion (nearly \$70 million).⁷⁸ Many global buyers have already communicated to the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) that it would not be possible for them to give export orders any more unless the present situation improves or the supply is impacted in any way during the peak season. Conspiracy, professional jealousy, sabotage-however we term the incident-we first have to understand the ground realities prevailing in the RMG industry.

The country entered the apparel export market in 1978 with only 9 units and earned only \$0.069 million. During the last two decades this sector has achieved a phenomenal growth, due to policy support of the government and the dynamism of private sector entrepreneurs. Now the number of RMG units is more than 5,000 and the export earnings have reached at \$10.69 billion.⁷⁹

Against all these achievements, we cannot overlook the major issues and problems facing the industry, especially the RMG workers. The common identified problems on the part of the RMG workers are low wages, irregular payment, forced overtime, bad working environment, physical and sexual harassment, termination etc. Low wages have traditionally been a major strength of Bangladesh's labour-intensive apparels sector. The hourly wage rate in Bangladesh's apparels sector is lower than those in China and Sri Lanka (US\$ 0.39 as compared to US\$ 0.69 and US\$ 0.48 respectively); however, the wage rate of other competitors such as Pakistan and India are somewhat similar to Bangladesh's, being \$ 0.41 and \$ 0.38 respectively (USITC, 2004).⁸⁰ According to unofficial sources, only a few owners of garment factories pay the monthly wages and overtime bills to their workers on time and look after the welfare of the workers. In most of the factories, the owners

deliberately keep at least two months' salary and overtime bills of the workers in arrear. The management does the hiring and firing of workers randomly and retrenched workers, in most cases, are not paid their dues. Furthermore, due to the absence of a weekly holiday, the workers and their families are being severely affected both mentally and physically.

One may raise a valid question: why should there be frequent fires in only garment factories, when there are hundreds of other factories across the country? The answer is not that difficult. Most of the garment factories are housed in rented premises in commercial or residential areas. These buildings have not been built to accommodate factories with safety measures. According to national labour studies, there are only five inspectors for the entire industry - the same number as in the 1970s, when the industry first sprouted. According to unofficial sources, 90 per cent of all garment factories in Bangladesh lack proper industrial approval. Thousands of buildings escape scrutiny because the building inspection system is as old and decrepit as the buildings themselves.⁸¹

Many issues concerning the Bangladesh RMG sector surfaced from time to time, the first being the child labour issue. An influential US labour organisation forced the government and the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) to address the child labour issue. They had to phase-out child labour from RMG units and create facilities for their rehabilitation and schooling. According to BGMEA, talking about a living wage is not realistic right now, as the entire industry in Bangladesh relies on cheap labour.⁸² Most factory owners recognise that a minimum wage is insufficient to cover living expenses and agree that workers accept overtime systematically because they need the extra income. Some unions are unclear on what to fight for - minimum or living wages - in the current price hike context. Most unions felt that priority should be given to compliance with the minimum wage and its annual revision based on the price index. Indeed, rising food prices are a big concern for most people in Bangladesh, where poor households spend nearly 70 % of their income on food items.

There is no denying that employers do enjoy the upper hand in the Bangladesh labour market, where every third person is either unemployed or under-employed. For the sake of better and quality output, the owners themselves need to be more aware of keeping their workforce satisfied by providing them with reasonable pay and ensuring other basic necessities. It goes below the dignity of any nation if outsiders or foreigners force factory owners to comply with their own demands relating to better wages and freedom of association for the workers and improved working conditions in the workplace.

In the perspective of all this, we have to evaluate the situation judiciously and with clear responsibility. There is no way that the leaders of the RMG industry can ignore the grievances of the workers. They can no longer afford to refrain from investing in the welfare of their workers and the workplace. They would have to immediately look into some critical issues. A barrier to change in the Bangladesh RMG industry is the lack of understanding of global pressures to improve labour standards among middle-management. There is a need for rigorous training on industrial relations, human resource management, factory management, disaster management and continuity of business at the supervisory level to build a more educated manpower instead of a skilled one. More emphasis on gender issues is also needed. The absence of hard evidence about the links between implementing core labour standards and increased profitability makes it difficult to establish the business case in support of improved labour standards. Most of the RMG units in Bangladesh are owner driven rather than process driven. This culture needs to be changed. There should be a

listening culture in place, which will help to identify the opportunities as well as foresee the imminent crisis. While the garment leaders readily acknowledge the necessity of solving these problems, the reality is that all these problems cannot be solved overnight, even with all the good intentions. Here, we believe that the labour leaders have very a strong and far-reaching role to play. While it is extremely necessary for them to vehemently argue for the cause of the workers, they also must realise that violence in the name of protest will not solve the workers' problem. Destruction of property, arson and discontinuation of operation will severely affect the industry as a whole. The decline of the garments industry will only aggravate the misery of the workers' plight. Their pragmatic leadership can save the country from overall jeopardy.

All of us must realise that the 2008 crisis in the RMG sector is not something isolated from the overall socio-economic problems. Like everywhere else, there is a huge 'trust gap'. The owners and the labourers cannot build enough confidence among themselves to have an equitable solution to the problem. Both the parties must realise, that they have bigger interests at stake to protect the industry. Violence, coercion or anything imposed forcefully will not solve the problems. All the parties must come into an equitable solution, keeping in mind the bigger interest of the economy.

The RMG sector in Bangladesh has come a long way in last two decades. The industry has crossed many hurdles to stay competitive. It has proved many predictions wrong, and competes fiercely even after the abolition of the quota system. The credit for that achievement goes to both the entrepreneurs and the labourers. Taking that fighting spirit ahead, the RMG sector must formulate an equitable solution for all the involved parties and ensure a brighter future for the country as a whole. The near term reality for a country like Bangladesh remains to be competitive through cheap labour, unless we can improve our infrastructure and fix the domestic economy dramatically as well as manage a shift to quality through better productivity and efficiency. Some of the garments owners'(especially the EPZ ones) have recognised the hard realities and are managing the transition well. Others have to take it or leave it. These 'others' also include workers, policy planners and civil society members.

⁷⁸ *Is RMG Sector under Threat*, Shahiduzzaman Khan http://www.thefinancialexpress-bd.com /search_index.php?page=detail_news&news_id=22780

⁷⁹ *RMG in Bangladesh: Wake up call and the ground realities*, Mamun Rashid, <http://www.thedailystar.net /2006/06/06 /d60606050356.htm>

⁸⁰ *ibid*

⁸¹ Rahman, Khan Ferdousur, *Compliance: Need of the hour in the apparel industry*, www.thedailystar.net/ law/2006/08/01/opinion.htm

⁸² page 9, *Bangladesh: Labour Rights in the Supply Chain and Corporate Social Responsibility*, Report of the FIDH Mission to Bangladesh, June 2008, www.fidh.org

Summary of comments received in the discussion meeting

On 19 April 2009, a draft of this report was shared in a discussion meeting where representatives from workers, trade unions, RMG owners, academics, NGOs and policymakers were invited. The following is a summary of the comments received in the discussion meeting.

The RMG owners in Bangladesh are very well organised and they have formed strong organisations like the BGMEA and BKMEA. But the RMG workers do not have any such organisation that can work on protecting workers' interests. There are a good number of small trade unions but there is not a single one at the factory level outside the Export Processing Zones (EPZs) or one single national level apex body for RMG workers.

The term '*compliance*' is confusing and misleading. Bangladesh is a sovereign country and it is a signatory to a good number of international treaties and conventions. It has international legal obligations to comply with those international laws. Apart from those, if there are other standards or rules applied and used in other countries, Bangladesh should think twice about following those standards and rules internally. From this perspective, local RMG owners should deal with the buyers very carefully about applying their compliance standards. For example, on working conditions and trade union rights, Bangladesh is already a signatory to a number of ILO Conventions. The RMG owners should emphasise on implementing those ILO standards first which might not need following compliance standards applied by the buyers or importing countries.

There are two aspects of compliance. One is factory level compliance which is directed towards the buyers and standard of importing countries. The other is the social compliance which is directed towards workers' family and social lives. In Bangladesh, RMG owners emphasize more on factory level compliance and not social compliance of the workers. Compliance provides some benefits for the workers. Proper implementation of the Labour Act 2006 and the ILO Conventions (to which Bangladesh is a signatory) can ensure social compliance to a large extent.

The State or the government has an important role to play in monitoring social compliance. It has to take the responsibility of setting up social safety nets and family living conditions for the workers. On social compliance, the government should share responsibility with owners. The mother industries of Bangladesh like jute and tea had combined infrastructural facilities like living quarters, schools, sports ground and other facilities for the workers. The Government should set up similar RMG villages where all these facilities will be available.

In Bangladesh, trade unions have been portrayed largely by media and popular perception as a destructive social group. In practice, trade union has a historic role in positive industrial relationship. A new generation of workers, like RMG workers, are in favour of well-educated and trained trade unions which can negotiate properly with the owners for their rights as well as protecting the interests of the owners and the industry. Trade unionism is not only a matter of trust and relationship between the RMG owners and the workers, it is a matter of legal and constitutional right and responsibility as well. Trade unions can be a strong tool for healthy industrial relationship between the owners and the workers. Workers do not want to mistrust the owners and the owners do not want to deprive the workers. There is absence of a relationship of trust between the two.

The greatest contribution of the RMG industry is that it has changed the total workers geography of Bangladesh. It has transformed the traditional male-majority workers structure into a female-participated workforce. The tripartite agreement was signed in 2006, but the social situation and practical reality have changed a lot in the last three years. Thus the signing of agreements is not enough. They should be regularly discussed, updated and monitored for compliance. Lack of updating and monitoring the level of compliance to the tripartite agreement of 2006 caused workers resentment in 2008.

Minimum wage for the RMG workers should be determined on the basis of nutrition level required for the productivity of workers. So far, it has been determined on the basis of living standard, which is very low in Bangladesh. The RMG owners must understand that if the nutrition level of workers is not proper, productivity will be hampered and in turn the owners' profit will be affected. An abundant supply of unskilled workers cannot justify low wages since nutrition and productivity are matters of workers' rights as well.

Owners are not the competitors of the workers. Both owners and workers form a unit. Owners, who are also entrepreneurs, are also a part of society. Most of the RMG owners of Bangladesh are first generations of entrepreneurs who are still learning. When workers have problems, owners try to solve them by discussion and within their resources and abilities. If workers give importance on protecting their rights, they have to think about their responsibilities as well. There is, on average, 25% scarcity of skilled workers in almost all the RMG factories. Where there is huge demand of skilled workers, it is simply impossible to hire a worker at Tk. 1662 at the entry level. After joining a factory, a worker can learn work very quickly and can seek increase wages by showing good performance and getting promoted. Huge demands create mobility among workers and they can earn more by switching over to another factory after learning skills from a different one.

Treating workers' unrest as a 'conspiracy' is improper. If there is a genuine conspiracy going on against the RMG industry, they should be effective steps against it. In the current parliament, RMG owners are the majority group. They can easily initiate strong steps against any conspiracy. If they cannot prove it, they should stop alleging against the workers' unrest. They should look at any conspiracy attempt from a competitive angle. They should treat such moves as challenges that need to be overcome.

Since a number of large and medium enterprises are approaching entry into high-end segments of the apparel market, maintenance of a high level of compliance standards at the factory level are being considered as the basic requirement to get orders. These enterprises thus need to focus on labour-management and labour-relations with the highest priority, followed by environmental safety measures in cases of disposal of industrial waste and effluents.

It is quite educational for Bangladesh to take the experience of Cambodia in ensuring compliance, since Cambodia has successfully developed an image as a 'compliant' source in the US. BGMEA/BKMEA has set up a compliance monitoring cell to oversee maintenance of compliance standards by the factories. However, this needs to be strengthened and made more effective. In order to monitor and enforce compliance standards at factory level, an independent compliance monitoring agency (ILO in Cambodia) could be considered. This agency could be answerable to a joint committee comprising of the government and the BGMEA/BKMEA.

The MFA Forum, a global collaboration of RMG and textile buyers and stakeholders, has urged the Bangladesh Government to review the wage levels of RMG workers considering increased living costs due to inflation, increased prices of basic foods and global financial crisis.⁸³

A common compliance standard needs to be established which would take care of domestic legislation as well as buyers' requirement (code of conduct) which would be enforced through the monitoring agency. The government of Bangladesh could set up a 'Compliance Upgradation Fund' in support of developing compliance standards where buyers could also contribute. Enforcement of standards of their own by individual (major) retailers creates a problem in absence of any 'clearing house'. In view of this, RMG associations could work with major buyers to ensure that there is a common set of standards which is agreed upon by all buyers. There are strong dividends to be had if Bangladesh could be marketed in the global market as a 'compliant source'.

Workers and trade unions have opined that the owners have to understand that it is the workers who are the best protection and security for the factories. Because factories provide them with livelihood. They do not want to destroy factories. What happens mostly is that the owners do not talk to the workers directly. Between owners and workers, there is a group of mid-level people like a production manager, general manager, accountant, supervisor, quality manager etc. These people cause misunderstanding between owners and workers. The owner may have sanctioned Tk. 10 per person for evening refreshment, the accountant or the general manager makes it Tk. 5 misappropriating the rest. This causes workers' resentment. It has been suggested that for a proper work environment, direct talks between owners and workers can create a healthy relationship and build confidence on both sides.⁸⁴

In most cases where the workers are overloaded, the issue of accountability from the part of the owners to produce beyond capacity, has always remain absent. This issue has a serious implication for the RMG sector's reputation in the global market. The issue of monitoring and seeking accountability of the owners deserve more focus.

One of the major factors that needs to be addressed is training, coaching and mentoring the RMG workers and staff. The absence of this is playing a major role in slowing down the progress of the RMG sector in Bangladesh. In the present scenario, workers are mostly unskilled and uneducated. There are virtually no institutes to train workers so that they have better skills that also result in better paying jobs and greater efficiency. There should be more institutes in the country, where students will receive practical training. Furthermore, to reach the 20 billion dollar benchmark, the factory owners need to organise regular training workshops for the employees and the staff.

In a market that is driven by latest fashion trends that are constantly in transition, Bangladesh has to delve into design development in order to establish original, local brands. Several design institutes have emerged in the industry with foreign and local experts to teach students as well as internships at garment factories. There is, therefore, a possibility of a substantial pool of designers in the future.

Having good pieces of legislation establishes a solid platform for meeting national laws and internationally defined working standards. However, one of the main challenges is enforcing the laws. In order to do so effectively, creating awareness of the laws and standards is of paramount importance. Campaigns should focus on knowledge dissemination on the content, and implementation procedures in the relevant laws.

Another critical aspect is training personnel, such as the government's factory inspectors and the associations' social compliance monitors who are responsible for enforcing the correct implementation of legislations and standards. All personnel in positions of authority should have mandatory gender sensitivity training, especially on the topic of sexual harassment in the workplace. The national and international trade union bodies should be effectively involved in the factory inspection/ social auditing process of the international brands and buyers.

Without the trade unions, there is no other legal means at hand to ensure the interests and rights of the workers in the RMG sector. At present there is an embargo on trade unions within the Export Processing Zones; other than that the laws of Bangladesh ensure trade union rights in the country. However, there is an unofficial embargo imposed upon the trade unions in the RMG sector by the factory management. This creates a situation in

which the trade unions are facing illegal threats and harassment whenever they try to organise at the factory level. The recent upsurge in the garment factories in Bangladesh reveals how deep the workers' grievances are. It also reveals that if the trade unions are not considered as a legitimate workers' body of collective bargaining, there can be no other means of maintaining peaceful industrial relations. The government, international and national factory owners, buyers and brands need to consider the rights of the workers, including the right to organise, as an integral part of healthy industrial relations.

The objective of the Workers Welfare Foundation is to ensure the welfare of the workers. For that, the foundation is required to be fully functional. For instance, the law has provision to provide financial assistance for medical treatment and better health service, financial assistance in case of accidental death of the workers, scholarships and stipends, etc. All of such services can be provided by the foundation. Most importantly, the Foundation should be easily accessible to workers.

The current sexual harassment law (Section 10 of the Prevention of Repression on Women and Children Act, 2000) in Bangladesh provides a point of departure, although its language, which refers to harassment as an outrage to a woman's modesty, is antiquated and limiting. Just what constitutes a woman's 'modesty' is open to interpretation and many people do not consider industrial workers to possess modesty to begin with. This is a social reality that must be addressed in the law. Moreover, sexual harassment laws need to accommodate forms of gender harassment that are not explicitly sexual.

The government in collaboration with women's and labour rights should draw up a code of conduct that would be applicable and appropriate for the industrial sector. The language of the law against sexual harassment should be amended to reflect a less patriarchal orientation toward women.

To deal with violence against women workers, all factories should put in place a clear and simple complaints procedure. The disciplinary body overseeing such cases should be constituted of persons who will be able to maintain their neutrality during proceedings. The majority of members should be female. The risk of retaliation outside the workplace is high. Gender sensitivity training for police personnel is essential. Improved street lighting and patrolling by police who have undergone special training would also be appreciated.

No procedure will work unless workers are assured of protection from retaliation. Workers must be assured of full confidentiality. In this respect, the system of hiring and firing workers informally needs to be stopped. Workers should be provided with the appropriate documentation upon hiring. The Labour Act 2006 must be enforced more effectively.

Many RMG units have introduced the provision of company buses for transporting their workers. The provision of women only buses should also be considered.

⁸³ http://www.fibre2fashion.com/news/apparel-garment-association-news/newsdetails.aspx?news_id=33005

⁸⁴ Odhikar FGDs with RMG workers dated 8 and 15 November 2008

An export oriented industrialisation policy was not an ideal model for economic transformation, since the link between the urban and the rural, necessary for self reliant economy, breaks. Increasing pauperisation of rural areas releases cheap labour to be exploited in the export 'pockets'; the conditions of work are not conducive to realise the rights of labour. Denial of the labour rights has remained a chronic issue in the labour sector. The persistent protests from the workers for their rights are features that have been suppressed by the State as a consequence of submitting to the logic of globalisation.

Both labour laws and labour policies evolved with the compulsion to comply to the global competition. Workers in this evolution of laws and policies were benefitted in some cases, but mostly they are the losers despite the fact that they have demonstrated their ability to adopt new skills and factory disciplines to safeguard the interest of the factory owners. The Garment industry has indeed gone through a technological and managerial transformation. There is scope for it to take advantage of the goodwill it has earned in the international market over the last few decades. A huge supply of young, sincere, hardworking and easily trainable workforce is now the biggest asset Bangladesh has and it is time their rights were addressed properly to ensure their contribution to the national economy.

On the local front, an expansion of the industry in this scale will have a multiplier effect on the economy with a rise in ancillary industries as well as a huge increase in employment, purchasing power and thus a surge in demand for goods and services in our local markets. The idea of more and more people coming out of poverty is certainly an exciting one, which makes the 'silent revolution' theory all the more believable.

EXAMPLES OF RMG VIOLENCE

The following are incidents of violence in the RMG sector. All fact finding was carried out by Odhikar.

1. Police Action on Protesting Garment Workers : Mirpur, Dhaka

This fact-finding report relates to the unrest of the garments workers of Mirpur in Dhaka and surrounding areas, which erupted on January 8, 2008. Garments workers placed their 8 point demands to the owner of MBM Garments. Their demands included:

- Their full salary
- Overtime pay
- Payment of dues
- Ending the practice of sacking garments workers without notice
- Improvement of the quality of lunch and reinstitution of other facilities that are no longer available

With the motive to attain the above-mentioned demands, the workers of MBM Garments blocked the road alongside the Kachukhet area. The garments workers of neighbouring garments factories expressed solidarity with the dissenting MBM Garments workers and on January 14, 2008, they engaged in a clash with the law enforcers. The police initially baton charged the garments workers and then fired rubber bullets and tear gas shells towards them. This resulted in a widespread clash. Shakhawat, a garments worker of MBM Garments was arrested by RAB 4.

The information and reports regarding the attack by the police on the garments workers in Mirpur along with the information of police firing rubber bullets and throwing tear shells on them was the basis on which Odhikar conducted a fact-finding mission.

During the fact-finding, Odhikar spoke with:

- Workers of MBM Garments
- Local people

- Police
- Management of the MBM Garments
- Security guard of Opex garments
- President of the Bangladesh Garment Manufacturers and Exporters Association (BGMEA)⁸⁵ and
- Deputy Director (Factory Inspection) of Ministry of Labour at the Labour Bhaban

When fact-finders from Odhikar went to the premises of MBM Garments on January 16, 2008, the security guard there told them that there was no one from management at the office that day. However, there were a few workers wandering about. They were initially reluctant to speak but later on gave information that the representatives of the management were inside the factory, and that they would be willing to speak after Odhikar spoke with the management first. The fact-finding team of Odhikar failed to have any words with the management of MBM Garments that day. The following day was January 17, 2008, a Thursday, which meant that according to the Governmental Rule; it would be a holiday for all garments workers employed in the Mirpur area. However, when the fact-finding team went to MBM Garments on January 17, 2008, they found the factory fully operational.

Management of the MBM Garments

Rezaur Rahman (Raju), Mohammad Mehroz Jalil and Ayub Ali, are all involved in the management of MBM Garments. They told Odhikar that MBM Garments had been upholding a good reputation in the business world for the past 25 years. MBM Garments had received awards three times for its contribution to the garments sector. They also said that 2800 workers were employed at MBM Garments. Odhikar was told that the concerns of the workers were always looked after by the management. From 1991, MBM Garments had been providing free lunch and free medication for its labourers. The MBM management also informed Odhikar that they had employed four doctors. The management of MBM Garments also stated that their owner, Mahmudur Rahman had temporarily stopped the medical treatment allocated to the workers and redirected the funds to the Sidr affected victims. According to the pay scale, it was also decided that the salaries of the labourers would be raised in July, 2008. They also informed Odhikar that the starting salary was Taka⁸⁶ 1500 and this went up to Taka 8000 and that the labourers were also entitled to overtime along with bonus payment at both Eid festivals. Odhikar was also told that the labourers received their bonus for Eid ul-Fitr within the first week of the month of Ramadan and their salaries were paid within the 1st and 7th day of each month. The management of MBM Garments also said that they had arranged for 'complaint boxes' on all floors of the factory. These boxes were placed in the bathrooms on all the floors. The reason behind this is because it would then provide anonymity as to who had made the complaint. When Odhikar inquired as to how this unrest began, they alleged that on January 8, 2008, a group of workers expressed their discontent when, after being called in for lunch, they were served murighonto⁸⁷ instead of beef. They declared, 'we will not eat and

⁸⁵ BGMEA is a trade body that represents the export oriented garment manufacturers and exporters of Bangladesh.

⁸⁶ According to current market rates, Taka 69.15 is equal to US \$ 1.

⁸⁷ A Bangladeshi dish consisting of fish heads and lentils.

we will not work' and left. On January 9, 2008, they placed their 8-point demand and said that if these demands were not met, they would refrain from working. They also refused to negotiate with the management of MBM Garments, and demanded that they directly speak with the owner, Mahmudur Rahman. During that time, Mahmudur Rahman was abroad. The workers were informed that Mahmudur Rahman's son, Mr. Wasim, accompanied by Joint Secretary of the BGMEA Mr. Rafik and a Government officer, would sit in a meeting with 30 representatives of the 9 floors of the factory on January 13, 2008. The workers said that they would work on the 10th, 11th and 12th of January. As per the previous decision, the 13th of January, 2008 was declared a holiday. The BGMEA began its meeting with 30 labourers of MBM Garments. The workers worked on January 14, 2008. However, they wanted to know how the meeting had progressed and demanded 'We must be made aware of the decisions of the meeting by loudspeaker'. On the basis of this demand, General Manager of MBM Garments, Rezaur Rahman (Raju) informed all the workers about the decisions taken at the meeting by loudspeaker. After hearing the decisions taken at the meeting, the workers stopped working and came out to the road and blocked it. They also caused a great deal of damage to the vehicles on the road. The MBM management also told Odhikar that their workers urged the workers of Opex Garments, a neighbouring garment factory to come and join their movement and express solidarity. When the workers of Opex garments refused to do so, the workers of MBM Garments went to the Opex Garments premises and tried to cause damage to it. The authorities of MBM Garments called in the police. This led to clashes between the police and the garments workers. The workers of MBM Garments conveyed that if their leader Shakhawat was released, they would return to work. However, the management of MBM Garments claimed that they had never confined labour leader Shakhawat in the first place and that they were not aware of where he was. They informed Odhikar that on January 16, 2008, they held another meeting with the workers and said that they would agree with all the demands that had been placed forth and urged the workers to return to their jobs. The workers joined work on January 17, 2008.



Opex Garments

When Odhikar fact-finders went to the Opex Garments premises, the security guards told them that there were no problems whatsoever at their factory and that work was going on smoothly. They told the Odhikar fact-finding team to inquire at the other garment factories.

Nazma (25), a tea seller

Nazma, a tea seller, told Odhikar that she regularly sells tea at her small tea stall in front of MBM Garments. She witnessed unrest in the area from January 8, 2008. She saw how all the workers came down to the streets and the clash occurred between them and the police. Nazma stated that many workers were injured and that she had heard from others that one had died due to bullets fired by the police. However, after two days, she came to know that no worker had died in the incident.

Md. Kamal (50) and Md. Abdul (55)

Md. Kamal and Md. Abdul were residents of the neighbourhood near MBM Garments. They recalled how the workers of MBM Garments suddenly took to the streets and caused a riot. The riot assumed a massive scale at a certain point. They recalled seeing street clashes between the police and workers on January 14, 2008, while the police were firing tear gas shells towards the workers. Md. Kamal, Md. Abdul and others closed down their shops as a result of these clashes. However, on January 17, 2008, they saw the workers returned to their jobs.

Labour leader Shakhawat (32), MBM Garments

Shakhawat told Odhikar that the workers were under a great deal of hardship. Their demands were very small. He commented that the owner of MBM Garments was well capable of enforcing these demands. Shakhawat complained that workers were sacked without notice and that their salaries were not increased properly. He mentioned that their movement had been going on for a week. He also mentioned that previously they used to receive free medical treatment which they were not entitled to any more. Shakhawat went on to say that some of his female co-workers had been sacked without justified cause. They were not served a notice of termination and although they were provided their salary, they were denied their due overtime. Shakhawat went on to tell Odhikar that he and a few others had found out that the owning authorities of MBM Garments had sacked several other workers as well. He said that when a Supervisor and a worker were sacked from their jobs, the Supervisor would receive a full month's salary but the worker would only be given half of a full month's salary. When women workers went to the management authorities with their problems, usually those problems would remain improperly addressed. Labour leader Shakhawat informed that he was taken away by RAB-4 for questioning at 12.30 pm on January 15, 2008. Shakhawat told Odhikar that he was not tortured by the RAB authorities in any way. RAB-4 asked Shakhawat as to why the workers were rioting in the streets and who was instigating this. RAB-4 also wanted to know who had supported the instigators. Shakhawat was released on January 16, 2008. Shakhawat said that no worker from their side had died in the incident and that he did not know who had spread this rumour.

Asma (23), Rabeya (27)- MBM Garments

Asma told Odhikar that she had been employed at MBM Garments for the last two years. Her starting salary was Taka 1200. Her current salary was Taka 1800 and, adding up her

overtime, she earned around Taka 3000 per month. She told Odhikar that the General Manager of MBM Garments was rude to the workers. If a women worker lost her job due to the negligence of a Supervisor, the blame would be given to the worker. In fact, the Supervisors were never sacked and their faults were never addressed. Asma told Odhikar that their salaries were inadequate and that their movement was driven by their 8 point demands. Asma considered the 8 point demands to be of a very normal nature and assured that the workers would return to work if their demands were met. Asma referred to the recent price hike due to which it would not be possible to support her children and pay for their education with the salary she received.

Officer-in-Charge (OC) Akram Hossain, Kafrul Police Station

OC Akram Hossain informed Odhikar that the management of MBM Garments had told him over the telephone that their workers had stopped working and had taken to the streets and started a confrontation. It was at that point that OC Akram Hossain took his force to the place of the incident. Clashes between the police and the workers began. OC Akram said that the rioting workers threw brick-bats at the police and 12 of their members were currently receiving treatment at Dhaka Medical College Hospital. He also informed that the police were trying to unearth the real reason behind this unrest. OC Arkam said that in an attempt to control the clashes and inspire the workers to return to their jobs, the police, the Directorate General of Forces Intelligence (DGFI), the National Security Intelligence (NSI), BGMEA, Labour Ministry authorities and the owning authorities of MBM Garments sat in a meeting. OC Akram also stated that the MBM Garments authorities did not file any case with regard to this incident. Since, the rioting workers had taken part in processions and public meetings, the police filed six cases for violating the Emergency Power Rules 2007. He said that for the sake of the ongoing investigation along with the continuing process to bring things under control, he would not make anymore comments. He said that he would be willing to talk again after the investigation. OC Akram refused to show Odhikar the *Ezahar*⁸⁸. However, he did state that the police had arrested three people with regard to the incident. OC Akram was not aware as to who had taken away Shakhawat.

Anwar UI Alam Choudhury (Parvez), President, BGMEA

Anwarul UI Alam Choudhury told Odhikar that if the garment factory owners were unable to address the problems placed forth by the workers, it was unfair on the part of the workers to instigate and cause damage to public property. He asked, "Is it appropriate to call upon workers of other garments to join their movement?" Anwar UI Alam said that the workers of MBM Garments caused public destruction because the workers of Opex Garments had refused to join them. The workers must understand that causing destruction will only bring about problems for the nation and that they have nothing to gain from it. The BGMEA had a meeting with the workers and the MBM management and the workers were urged to return to work, but instead of complying, the workers again took to the streets. Anwar UI Alam stated that the earnings of people were low in relation to the market rates. It is for this reason, he urged the present Government to provide the common people with rice, lentils and oil on a rationing basis. He commented that if the Government failed to control the price hike, the workers would become agitated again. He concluded by saying that, just as he had to look after the demands of the workers, he also had to hear the voices of the garments factory owners.

⁸⁸A formal complaint made to the police.

Pallobi Police Station

The police, as plaintiff, filed a case against the workers for taking part in processions and meetings on the streets in violation of the Emergency Power Rules 2007. The case was filed under the Emergency Power Rules 2007 under sections 3 and 4(1). The case number was 29 and it was filed on January 16, 2008. 11 garment workers were accused in the case filed at the Pallobi Police Station as organisers of the incidents. They were:

1. Touhidur Rahman
2. Shahidul Islam
3. Kamrul Islam
4. Shamim Ara Nasrin
5. Lovely Yasmeen
6. Asma
7. Rabeya
8. Abul Kalam Azad
9. Rashedul Alam Raju
10. Amirul
11. Rana

In the case filed, the police stated that 300/400 unknown 'miscreants' had instigated the described incident. Mehedi Hasan was arrested as a suspect in this case.

Sub Inspector (SI) Azmeer, Investigation Officer, Pallobi Police Station

SI Azmeer told Odhikar that the Nation Security Intelligence (NSI) arrested Mehedi Hasan from Uttara on January 24, 2008. The NSI then handed him over to the Pallobi Police Station. SI Azmeer went on to say that Mehedi was brought before the court on January 25, 2008 and a remand period of 10 days was prayed for. The court granted four days remand. After the end of the remand period, Mehedi was brought before the court on January 30 and again remand was prayed for, this time for a period of 7 days. The court granted three days remand. The police alleged that Mehedi Hasan met in secret meetings with the workers of various garments factories of Bangladesh and conveyed their stories and problems to a US foreign workers rights based organisation called Workers Rights Coalition (WRC) via email, without notifying the garments owners or management authorities. SI Azmeer stated that Mehedi Hasan claimed himself to be the sole representative of a foreign intelligence agency in Bangladesh during the initial interrogation. SI Azmeer opined that if Mehedi Hasan was extensively interrogated it would be possible to unearth the identities of those who instigated the garments workers to engage in destructive activities, i.e. those very people provide information to the garments workers in order to inspire them in committing disruption.

Mehedi Hasan (30), an activist of WRC

Mehedi Hasan, while in the Court, explained to Odhikar very briefly that on January 24, 2008, he went to the Zia International Airport, to bid farewell to the South East Asia Field Director of WRC. He was arrested by the NSI on his way back. Mehedi was transferred from the NSI to the Detective Branch of Police (DB Police) and then to the Pallobi Police Station for remand via a Magistrate Court. It should also be mentioned here that the fact-finding officer from Odhikar who went to observe the Court proceeding of Mehedi Hasan was briefly detained for questioning by the plain cloth people belonging to the law enforcement agencies

Odhikar later on came to know from Ms. Jahanara Haque, the lawyer representing Mehedi, that all allegations against Mehedi had been withdrawn and that he had been released on February 3, 2008.

Jamshedur Rahman, Deputy Director (Factory Inspection), Directorate of Labour

Jamshedur Rahman told Odhikar that the Government had categorised garments factories of Bangladesh into three groups. These are:

1. Standard
2. Medium standard
3. Substandard

It was said that the owners of the standard garments factories properly take care of the interests of the workers. The medium standard garments factories are unable to fully maintain the rights of the workers but nonetheless try to do so. The Government had filed cases against the owners of the substandard garment factories because they failed to uphold the rights of the workers. The substandard factory owners also failed to regularly pay the salaries along with overtime or grant holidays to the workers. Jamshedur was unable to say who were exactly behind this worker unrest. He mentioned that the police were investigating the incident and the truth could possibly be known after that.

2. Garments Workers in Gazipur Block Highway Over Unpaid Wages, Resumption of Work: Police Use Baton

On August 30, 2008, the workers of Standard Garments Limited, located in the Konabari industrial area of Gazipur, expressed their dissent in demand of their unpaid wages and allowances.

It was unearthed through Odhikar's investigation that around 1100 workers of the Standard Group had not received their wages for the months of June and July 2008. The owning authorities of the garment factory had not paid wages and had instead shut down the factory. The workers, in protest, created a blockade on the Dhaka-Tangail highway on August 30, 2008. The police arrived and arrested the workers who had taken part in the road blockade. This caused the remaining workers who had not been arrested, to create another roadblock in demand of the release of the arrested workers and also for the reopening of the factory. The police in response, severely beat up the dissenting workers. This caused the workers to become even more agitated and cause further damage.

The police claimed that due to the road blockade, communication on the Dhaka-Tangail highway came to a standstill. Thus in order to remove the dissenting workers off the road, the police fired tear shells towards them.

On the basis of the allegations made by the workers, Odhikar conducted a fact-finding mission into the incident. During the fact-finding, Odhikar spoke with:

- Workers and labour organisations
- Eyewitnesses
- The representatives of the factory authorities
- Injured persons
- Members of law enforcement agencies

Billal Hossain, Security In-Charge, Standard Garments Limited, Jorun, Konabari, Gazipur

Billal Hossain told Odhikar that the workers began their protest movement by a sit-in on July 29, 2008 in demand of a 20% dearness allowance. Sub-inspector (SI) Rofikul Islam, the officer in charge of the police camp on the Konabari highway and several other police officers were on duty that day. At around 3.30 pm, SI Rofikul Islam used a megaphone to urge the dissenting workers to solve their problems by discussing them with the factory authorities. Instantly, the 200/300 workers became agitated against the police and this resulted in a stand-off between them. More police officers were deployed to control the situation. The workers then commenced to throw brickbats towards the police and damage vehicles. In response, SI Rofikul Islam filed a case against 200/300 unidentified workers at the Joydevpur Police Station. The police arrested many workers under that case. Finally, on August 27 and 28, 2008, the police arrested four labour leaders. This arrest caused further disturbances.



Billal said that on August 30, 2008, the workers came to the factory between 7.30 am and 8.30 am. Upon their arrival, they learnt that 28 workers had already been arrested by the police with the assistance of the factory authorities till August 28, 2008. They also learnt that workers who had complained about the wages and allowances, bonus and overtime to the authorities, were being arrested and tortured in custody. In those circumstances they initiated a movement demanding the dropping of the case filed and the release of the arrested workers. At around 8.30 in the morning 1400/1500 workers stormed out of the factory in protest. The police and the security officials who were on duty, prevented the workers from doing any damage. All the workers organised in the form of a procession towards Konabari along the Dhaka-Tangail highway. Billal said that later he learnt from others that there was a standoff between the workers and the police on the highway. He also learnt from others that while all this was going on, the workers joined some 'outsiders' in a concerted effort to damage Tusuka Garments, Gazipur Fashion, Arraf Industries, Fahim Attire and Composite Limited, an LG Butterfly Showroom, and branches of Jamuna Bank, IFIC Bank and many other institutions. Billal Hossain further stated that a notice was soon issued stating that the factory had been shut down till further notice.

Shariful Islam Lulu, Distribution Officer, Swan Sweaters Limited, Aam Bagan Road, Konabari, Gazipur

Shariful Islam Lulu said that wages of the workers of Unit No. 3 of Swan Sweaters Limited were 'closed' on August 20, 2008. This implied that as per Rule, the wages would have to be paid within 7 days from August 20 – the day of closing of wages. Thus August 27, 2008, was the day fixed for the clearance of wages. However, the workers were asked to come on August 28, 2008 because August 27 was a holiday. From 7.30 am on August 28, 2008, the workers began to arrive to receive their wages as the Production Manager (PM) of the factory, Mozammel Hossain, prepared the payments. At around 8.30 am, just prior to his initiating the wages payment, a police officer came to meet the PM. This caused the workers to assume that the police were being used to intimidate them so that the authorities could get away with paying less, since the wage rates had not been settled prior to payment. The workers realized that if the wage rates had been reduced and if the workers protested against this, then the police would instantly start to beat them and arrest workers by classifying them as labour leaders. The workers understood what was going through the mind of PM Mozammel Hossain. They raised the question as to why a police officer had been brought to the occasion where the workers were supposed to be paid, and began to beat PM Mozammel Hossain. The office staff also left. The police officer phoned the police station for more police officers, who arrived at the scene at around 10.00 am and began to chase the dissenting workers. This further agitated the workers and a new standoff between the workers and the police began. The workers threw brickbats and pieces of bamboo and wood towards the police. Then the standoff stopped for about 30 minutes. The workers telephoned various quarters and the police also asked for reinforcements. At around 11.00 am 20/25 people armed with sticks, rods, bamboos and pieces of wood and small stones tried to march towards Swan Sweaters Limited and the police stopped them. The workers who were not able to proceed towards Swan Sweaters Limited, went to the Konabari area and created a blockade on the Dhaka-Tangail highway. This caused yet another standoff between the workers and the police. The workers organised themselves and began to damage vehicles and the surrounding factories. According to Shariful, the situation calmed down after the workers left the scene at around 5.30 pm. He went on to say that the authorities shut down the factory until further notice under Section 13(1) of the Bangladesh Labour Act 2006. After this, some of the workers often came to the factory but the police on duty forced them to leave the area. According to him, this was why the workers had caused destruction to other factories in demand of their work and wages.

Md. Monirul Islam, Joint Secretary, Bangladesh Mukto Garments Sramik Union Federation, Major Market, Board Bazaar, Gazipur

Md. Monirul Islam told Odhikar that on the morning of August 30, 2008, he was informed by cell mobile phone by a labourer, that the garments workers were causing destruction to 10/12 factories at the Konabari area. Hearing this, Monirul claimed, he telephoned the workers who were members of his organisation and told them not to participate in any form of destructive activities and to leave the premises and go home. With regard to the workers movement, Monirul stated that factory authorities and 'jhoot traders'⁸⁹ along with the Rapid Action Battalion (RAB⁹⁰), police and the army worked together to torture the workers in various ways. For example,

1. The workers do not have any fixed weekly holiday. Although Friday is a public holiday in Bangladesh, the workers are often forced to work on Fridays as overtime.

2. The wages of the workers are kept unpaid on various excuses. This was one of the main causes of the workers movement.
3. In 2006 when the Government published the gazette of the wage scale, the range of the price of rice was Taka 12.00 to 18.00 per kg. But now the price of rice ranges between Taka 36.00 to 42.00 per kg. However, the salary of a 7th grade worker has remained a constant Taka 1662.50 as per the wage structure declared in 2006. With this money, the workers are not able to feed themselves let alone provide house rent. Yet the factory owners, on the other hand, are increasing their profits.
4. When a worker makes even a minor mistake, there is no scope for correction. She or he is dismissed from her or his job.
5. If any worker speaks on issues relating to wage rates or pressure at work etc., she/ he is classified as a labour leader and dismissed from her/his job.
6. The factory owners often close down the factories without prior notice.
7. If any of the workers make any sort of demand, she/he is dismissed by forcing them to sign on a white sheet of paper or a resignation letter.
8. If there is less work to do in a factory, then the Distributors allocate the work only to the workers of their liking or their relatives. Thus, the workers left out ultimately cause problems.
9. The staff of the factory regularly behave badly with the workers.
10. Workers are often locked up in bathrooms for 6-7 hours without any reason.
11. As per regulations fixed by the Government, the workers are entitled to life insurance. However if a worker dies while working, her or his family is not awarded the insurance money.
12. The workers are forced to work 14 to 16 hours per day and their wages are paid long after the day fixed for wage payment. The wages are in fact paid between the 15th to the 20th of a month. This is why the workers often spark off a movement in demand of their wages.
13. Although there are doctors at the factories, there is never any medicine. When the foreign buyers come to visit the factories, cartons full of medicine are brought in from medicine shops to show to buyers. Unfortunately, the workers are never given any medicine beyond a mere prescription or one or two anti-fever pills.



With regard to the Bangladesh Mukto Garments Sramik Union Federation, Monirul Islam stated that all the workers came from various districts and rented small homes to work in the factories. Interested workers could become a member of his organisation by paying Taka 10. Once a member, workers would have to pay Taka 2 per month which would then be used to assist all the workers. According to Monirul, if a worker lost his/her job or did not get paid that person would automatically become helpless. Monirul said he used to unite these kinds of helpless people. If a worker lost his job or was not paid his due wages, Monirul would then issue a letter on behalf of that worker to the owner of the factory where the worker was employed, asking why she/he had been fired or had not been paid. If the wage still remained unpaid, Monirul would then, with the help of an Advocate, file a case in the court under the labour laws in order to retrieve the unpaid wages. Filing the case without any fee, he would then take 5% of the collected wage from the worker. Monirul would also push so that the factory owners would pay the wages by the 7th day of the end of every working month.

Rebeka, Organiser, Bangladesh Mukto Garments Sramik Union Federation, Major Market, Board Bazaar, Gazipur

Rebeka told Odhikar that there were allegations that the members of the Bangladesh Mukto Garments Sramik Union Federation were involved in inciting the workers to fight and cause destruction. She claimed that these allegations were complete lies. Rebeka stated that in an attempt to find out more about the Bangladesh Mukto Garments Sramik Union Federation, members of the police, RAB, Criminal Investigation Department (CID), National Security Intelligence (NSI) and other law enforcement agencies would come and take part in their meetings and seminars. She alleged that several labour fronts had opened up in the regions between Modhupur and Bhawal Gar. These fronts in fact had no activities during the day but became active all of a sudden during night time under the shades of trees or in the midst of bushes. Training of all sorts was given to the workers by these fronts. Rebeka said that the Government did not pay any attention to these sorts of illegal activities and that it was good only in accusing the Bangladesh Mukto Garments Sramik Union Federation for the movement of workers demanding what they deserved. According to Rebeka, these supposed 'labour fronts' were financed by evil quarters and they caused destruction to various factories. She claimed that the administration itself took money from these labour fronts and took the name of these miscreants under the guise of labourers off the miscreant list. Rebeka stated that workers were in general less educated or uneducated, coming from poor backgrounds. They did not like to take part in movements and were interested only in getting an opportunity to work so that they can earn their livelihood. Unfortunately, the factory owners with the ulterior motive of making extra profits, utilise the 'jhoot traders' and local hoodlums to harass the workers in various ways.

Hashem (19), Worker, NRZ Garments, Rajendrapur Chourasta, Gazipur

Hashem said that he was a member of the Bangladesh Mukto Garments Sramik Union Federation. He said he had been eating rice, lentils, salt and chilis, all bought on credit and assuring the shop owner that he would pay for them later. His house rent also remained unpaid for the past two months. Thus, when Hashem demanded payment of the two months' unpaid wages along with the issue of timely payment of wages, the factory staff classified him as a 'labour leader'. They took Hashem and beat him. Some of the other workers took him to the factory staff to seek justice for the beating, but they did not pay heed. Instead, the staff fired the workers who approached them and forbade their entry into the factory by hanging their bio-data with photos at the gate.

Nayan (20), Worker, NRZ Garments, Rajendrapur Chourasta, Gazipur

Nayan told Odhikar that he too was a member of the Bangladesh Mukto Garments Sramik Union Federation. A supervisor fired Nayan from his job because Nayan had asked for a higher wage rate. The supervisor had told him that thousands of other workers were prepared to work for lower rates and then he dismissed Nayan from his job. Nayan also alleged that the factory authorities would pay the workers less than the agreed wage rate by paying wages in front of the police. The authorities would also threaten that they would hand over the workers to the police if the workers protested in any way. Nayan finished off by stating that the factory authorities would often shut down the factory all of a sudden if the workers demand payment of their unpaid wages.

Md. Ali, Organiser, Awaj Foundation, Ma Super Market, (First floor), Maleker Bari Bus Stand, Gazipur

Md. Ali said the Awaj Foundation worked only with knitting factories. Workers were allowed to become members of their foundation by paying a fee of Taka 10. Taka 2 was collected from each member every month. If one of the members of Awaj Foundation lost a job or was unpaid, the foundation would then employ their own lawyer against the factory owner and file a case in the court. If the case was ultimately won, the foundation would take whatever amount of money the victimised worker would readily give. Md. Ali stated that he would call upon the workers twice every week. During those days, lawyers would conduct classes. The classes are intended to make the workers aware of what labour laws are, how letters of appointment can be attained, how workers should behave with the factory staff, under which laws cases are filed, how the deserved amount can be attained through a non-violent movement if wages are unpaid, etc.

With regard to the workers movement, Md. Ali stated that it was caused by various factors, which included the bad behaviour of the factory staff towards the workers, the lack of practice to explain matters to the workers, total disregard of the labour laws, torturing of workers, not paying the wages properly, etc. Md. Ali claimed that not a single member of his organisation was involved in any destructive movement. This was because the workers were thoroughly explained in their seminars that nothing could be attained by destroying factory property. Demands should rather be ensured through dialogue. He told Odhikar that there were a few labour fronts that taught workers the techniques of movement and also encourage them to go on a rampage. Whenever instability of some sort spurred up anywhere, members of those fronts would show up and cause destruction. Ali said the factory owners pay the police to stay in the factory premises. He added that the paid police officers do not take into account the reasons for the worker movement. Instead, they beat the workers, inciting further movements.

Md. Kofil Uddin, President, Ekota Garments Sramik Federation, Chandna Moddhopara Gazipur

Md. Kofil Uddin claimed that on August 30, 2008, when 10-12 factory properties were destroyed at the Konabari area, none of the members of the Ekota Garments Federation took part in it. He had heard over the phone at around 9.00 am that there was a possibility of some unrest at Konabari. Kofil had then told his members over the mobile phone not to take part in the unrest. He said that workers would become members of his organisation by paying a fee of Taka 20 followed by a monthly fee. His organisation worked to attain the demands of the workers. If their members were not paid their wages, Md. Kofil's

organisation would speak with the factory authorities directly. If the dialogue stayed fruitless, the Federation would then file a case in the court.

Md. Nazrul Islam, Manager, Jamuna Bank, Konabari Branch, Gazipur

Md. Nazrul Islam told Odhikar that his bank was closed on August 30, 2008 due to the weekly holiday. At around 9.00 am on August 31, 2008, he arrived at his office to see all the windowpanes of the bank building broken. Nazrul commented that the participants of the movement were not workers. The reason behind his belief was that workers could destroy factory property out of their discontent, but not bank property.

Imdadul Hoque (45), Time Keeper, RR Apparels Limited, Plot No. A 140, Bisik, Konabari, Gazipur

Imdadul Hoque told Odhikar that at around 9.00 am on August 30, 2008, the workers of Standard Garments at Jorun stormed out of their factory in groups and gathered on and around the Dhaka-Tangail highway. The police also began to arrive at the scene. When the workers blocked the road, the police baton-charged them and threw tear gas shells towards them. This caused the workers to disperse. At around 12.30 pm, a group of 40-50 workers came to RR Apparels from the Dhaka-Tangail highway with sticks, brickbats etc. Those workers asked RR Apparels staff to let their workers out. Since the workers were not let out of the factory, the workers outside threw brickbats towards the windowpanes of the factory and broke them. The police again arrived in a few minutes and there was a stand-off between them and the workers. The dissenting workers caused large scale destruction to all the factories and shops on both sides of the Dhaka-Tangail highway. The stand-off between the police and the workers came to an end at about 5.00 pm that day.

Badrul Islam, Security In Charge, Digonto Sweaters Limited, Nougore, Konabari, Gazipur

Badrul Islam told Odhikar that a rumour spread at noon on August 30 that a worker at Diganta Sweaters was killed by ghost in the bathroom. At around 2.00 pm, the workers left the factory for lunch and demanded that the dead body of the worker be handed over to them. He commented that no one had, in fact, died. After the rumour was spread, the workers came down to the streets and began to destroy vehicles. When the police arrived to stop what was going on, there was a huge clash between the police and the workers. The police threw tear gas shells and baton charged the agitated workers. People from both sides were injured in the process. At around 5.00 pm after the Riot Police, RAB and the army arrived at the scene, the unrest ended.

Badrul Islam believed that the reasons behind such unrest were, the untimely payment of wages, incitement from outsiders, lack of healthy labour-owner relations, the physical and mental torture of workers by the factory staff, lack of dialogue between the workers and the factory owners regarding the workers problems, etc.

Sub-inspector (SI) Badal Talukdar, SI, Joydevpur Police Station, Gazipur

Badal Talukdar told Odhikar that in the morning on August 30, 2008, he went to Jorun at Konabari with his force after receiving information that there may be a labour unrest. Upon his arrival, he saw about 1300-1400 workers leaving Standard Garments and blocking the Dhaka-Tangail highway. Badal said that he forced the workers to leave the highway and thus, free the traffic. At around 10.00 am, the workers again gathered on the highway. When the workers were again asked to clear out, a standoff began between the workers and the police. The workers damaged the police vehicles with brickbats. At around 12.30 am 40-50

people carrying bamboo and wooden sticks, stones, iron rods etc started moving towards the Bisik gate from the Dhaka-Tangail highway at Konabari. According to Badal the workers damaged buses, trucks, rickshaws, vans, shops, etc. on their way. The workers also asked the factories that were in their path to tell their workers to come out. When those factories did not comply, the group of people broke the windows of those factories with brickbats. This was when Badal, along with other police officers, confronted the workers. He said that several police officers were injured in the process. He added that the workers caused destruction to several institutions including Tusuka, Gazipur Fashion, Arraf Industries, Fahim Attire and Composite Limited, an LG Butterfly Showroom, an IFIC Bank branch and Holy Man Industries.

Sub-inspector (SI) Shamim, Joydevpur Police Station, Gazipur

SI Shamim told Odhikar that at around 8.00 am on August 30, 2008, he was on duty with his force on the Chourasta-Board Bazaar road in Gazipur. He came to know through his wireless that workers were staging a demonstration at Jorun in Konabari. SI Shamim quickly left for the Konabari area and saw the workers leave Standard Garments Limited from between 8.45 am and 9.30 am and block all the roads around Standard Garments Limited. 1300-1400 workers of Standard Garments Limited threw stones, used bamboo and wooden sticks and iron rods during their standoff with the police. When the police chased and dispersed the workers, traffic movement on the Dhaka-Tangail highway became normal again. The police officer said that when other law enforcement agencies, such as the Armed Police, RAB and the army arrived, the situation gradually calmed down. SI Shamim was of the opinion that those who had engaged in the destruction were not workers because workers came to the factories empty handed and even if they organised any movement, they fled when they saw the police. Shamim claimed that, recently, several labour fronts had opened up in the Gazipur area with their apparent commitments to press home the demands of the workers. He alleged that those fronts were encouraging the workers in disruptive activities.

SI Rafikul Islam, Officer in Charge of Konabari Highway Police Camp, Gazipur

SI Rafikul Islam said that on July 29, 2008, he was on duty at Jorun, Konabari and was responsible for the security of Standard Garments and Standard Sweaters. During this time, at around 3.00 pm, several thousand workers from 8 garment factories began a movement in demand of a 20% dearness allowance and increase of wages. Rafikul said he used his force to pacify the situation but most of the workers were agitated and left the factory premises while many of them took position on and around the highway. He said that when he requested the workers at around 3.30 pm to solve their problems by staying calm and joining work and discussing with the factory authorities, 200/300 workers suddenly prevented SI Rafikul from performing his duty and attacked the police with iron rods, sticks and brickbats. He then phoned for reinforcements. Later on, Jamil Hasan, the Assistant Superintendent (ASP) of Gazipur Sadar Circle police and Abdur Rashid, the Officer-in-Charge (OC) of the Joydevpur Police Station arrived with their forces. The workers got even more agitated seeing their arrival. The brick-bats thrown by the workers hit and injured ASP Jamil Hasan and Constable Nurul.

Eventually, Habildar⁹¹ Anwar Hossain, Nayek⁹² Riazuddin, Constable Jahid, Constable Abdul Latif, Constable Jahangir Alam, Constable Aminur Rahman, Constable Abul Hashem, Constable Yar Uddin, Constable Majharul and Constable Samiul fired a total of 38 rounds of tear gas shells and 52 rounds of bullets towards the workers.

SI Rafikul said that 15-20 police officers were injured due to the brickbats thrown by the workers. He said that 8 factories of Standard Group were destroyed. Rafikul Islam claimed that the actual workers never caused destruction to property. When the workers were dispersed, outsiders joined them and entered the factories and damaged them. The police officer said that he filed a case against the workers for attacking and injuring the police officers on duty and also for destruction under the sections 143/186/332/333/353/427 of the Penal Code at the Joydevpur Police Station. The case was numbered 94 and was dated July 29, 2008. The accused were 200/300 unidentified people. He added that till August 28, 2008, a total of 28 workers were arrested for their alleged involvement in the incident.

SI Rafikul stated that the workers initiated another protest on August 30, 2008 in demand of the release of the arrested workers, dropping of the case filed, increase in wage and bonus and damaged various factories in the Konabari area. He said the workers stopped working at around 8.00 am and a group of people arrived on the Dhaka-Tangail highway and went on a rampage at around 12.30 pm.

Abdul Baten, Superintendent of Police (SP), Gazipur

The SP of Gazipur, Abdul Baten, was initially reluctant to speak to Odhikar though he, later on, said that wherever workers movements erupted, he deployed police. The police officer said that he had brought an end to the workers' unrest with an iron fist as he had been ordered. He also disclosed that he had brought in a good number of police officers from Dhaka to tackle worker movement.

The SP said that police forces were being deployed in the factories, who were paying the police. He said that he had ordered the other police officers to baton-charge, fire tear gas shells, rubber bullets and even bullets upon agitating workers without the permission of their superior officer, if necessary. Baten commented that the factory owners were not to blame for the worker agitation. According to him, the workers engaged in such demonstrations and movements to satisfy their endless demands. He also alleged that there were certain labour fronts that incited the workers to go on such demonstrations.

⁸⁹The waste clothes that are left out in garment factories are locally called 'Jhoot' and those who buy these clothes from the factories and market them are called 'Jhoot trader' or 'Jhoot Baboshayee' in Bengali. There is a strong competition among the Jhoot traders to buy 'Jhoot' from garment factories and this competition often, reportedly, gives rise to many criminal offences because 'Jhoot' marketing is a very profitable business.

⁹⁰Rapid Action Battalion (RAB) is a paramilitary force of Bangladesh. The law enforcement agency has allegedly committed a strikingly large number of extra-judicial executions since its introduction in 2004.

⁹¹Habildar is a lower ranking police officer.

⁹²Nayek is a lower ranking police officer.

3. Workers of Closed DEPZ Factory Tortured and Injured by Police : Dhaka Export Processing Zone

On 23 September 2008, factory workers of 'Honorway Textile and Apparel (Pvt.) Ltd.' of the DEPZ⁹³ area blocked the road in order to claim their arrear pay. The Police interceded and allegedly tortured the workers. Police and the DEPZ authority claimed that no workers were hurt. Odhikar's fact-finding revealed that the news of several workers being hurt was true.

On the basis of the complaints of the workers, Odhikar conducted a fact-finding mission. While fact-finding Odhikar talked with

- Injured workers
- The owners of Honorway Textile and Apparel (Pvt.) Ltd.
- DEPZ Authority
- Members of Law Enforcement Agency

Hosne Ara (30), Worker, Husband: Habib, Village: Sharifbag, Dhamrai, Dhaka:

Hosne Ara told Odhikar that she has been working as a 'finishing helper' of Honorway Textile and Apparel (Pvt.) Ltd. for eleven (11) years. On 16 July 2008, the authority closed the factory without any given reason, by notice. The notice said that "due to unavoidable circumstances the factory would be closed from 17 July to 20 July 2008". On 21 July in another notice, she read that the owner, Mr. Elvin Lau, committed suicide in Hong Kong. For this reason the factory would be closed until further notice. She tried to contact the factory management but no one was found. On 10 September 2008 the factory was sealed by 'Bangladesh Export Processing Zone Authority' (BEPZA) because the owner was no where to be found. She contacted BEPZA on 18 September 2008. BEPZA told her to talk to other workers and come together. She also said that on 23 September 2008 at 9 am when the workers came in front of the DEPZ, sixty to seventy (60 to 70) police resisted their entry to the factory. All the workers started to gather at a particular point. At 11 am worker Jibon Nahar lead the workers and blocked the Dhaka-Tangail highway with banners containing their demands. She also stated that police beat the workers on BEPZA's manager, Ahsan Kabir's instruction. When they started beating the workers, they dispersed and she also left. She alleged that a policeman hit her several times on her waist. She begged for mercy but he beat her violently. Hosne Ara said her right arm broke and she fell. When people came to her aid, police beat them too. She saw the police beating who ever they found and fire tear gas and rubber bullets. She then lost consciousness. She said she regain her senses at 2:30 pm and saw that she was in the Nahar Clinic. She was informed that the worker's leader, Jibon Nahar brought her here for treatment. Jibon Nahar admitted her to the Pongu Hoispital⁹⁴ at 7 pm when her arm got critical. Her hospital registration number was 0637930, Bed number: 01, DR Section, date: 23/09/08. She also said that though she got primary treatment, the doctors released her quickly when he learnt that she was a victim of police torture, the next day without completing treatment. She claimed that the factory owes her around one lakh twenty thousand taka (120,000 taka) in Provident funds and arrear salary.



Rahima Begum(40), Worker, Husband: Minajuddin, Village: Mohadebpur, Manikganj

Rahima Begum informed Odhikar that she had been working as a 'sewing operator' in the factory for eleven (11) years. She has around ninety thousand (90,000) taka in the provident fund. However she lost all hope because the factory was closed. After the factory had closed on 16 July 2008 she went there from time to time in the hope that it might reopen. She contacted worker Jibon Nahar and decided to join the protest on 23 September 2008. She went to DEPZ on 23 September 2008 at 10 am. When they tried to get inside the factory, police barred them. At 11 am when workers wanted to block the highway as a protest, the police charged on them with batons. Police beat her on her thighs and injured her badly.

Abul Kashem, Security In Charge, Honorway Textile and Apparel (Pvt.) Ltd. SFB#8, DEPZ, Gonokbari, Savar, Dhaka-1349

Abul Kashem informed Odhikar that on 13 July 2008 Admin Officer Solaiman verbally abused and degraded the workers about their tiffin, eggs. The workers notified the matter to the General Manager and demanded the suspension of Solaiman. Without any reason, on 16 July afternoon, it was informed by notice that the factory will be closed from 17 to 20 July 2008. On 21 July when the workers came to factory, they saw another notice which said "the owner Mr. Elvin Lau died in Hong Kong so the factory will be closed until further notice". Although it was a notice without signature the workers returned to the factory several times. Police who were on duty in BEPZA beat the workers who came to see if the factory was open. With the arrear salary and provident fund, the workers were owed a lot of money from the factory, but because of the police they couldn't get near the factory to get any news. The BEPZA sealed the factory on 10 September 2008 according to law. As there were no communications from the owner's end, on 18 September 2008 workers came and saw the factory sealed. Then, in order to get their salary and eid bonus and to reopen the factory, the workers submitted a memorandum to the Advisor of the Labour and Employment Ministry, Anwarul Iqbal and also to BEPZA Chairman. In the memorandum it is said that if the due salary and bonus was not given by 22 September 2008, the workers would protest

by hunger strike on 23 September 2008. He said on 23 September 2008, no worker came to the factory. He also informed the police who were on duty in front of BEPZA did not let any one approach the factory and carry out their hunger strike.

Mizanur Rahman, Supervisor, Card no.124, Honorway Textile and Apparel (Pvt.) Ltd., SFB#8, DEPZ, Gonokbari, Savar, Dhaka-1349.

Mizanur Rahman informed Odhikar that the factory was closed from 16 July 2008 for four (4) days without any reason and from 21 July it was closed till further notice. Workers informed the matter to BEPZA, who sealed the factory on 10 September 2008 without taking any necessary steps. On 18 September 2008, Mizanur Rahman sent a memorandum to the Chairman of BEPZA demanding payment of the salary-bonus of the workers and to reopen the factory. In the memorandum he wrote that on 21 July 2008 the notice which was on the factory gate and the notice containing the news of Elvin Lau's death didn't have any signature nor did it mention time or date of his death. He demanded the reopening of the factory, justice for the unwilling attitude of the BEPZA, a stop to the torture and harassment of police upon the workers, payment of salary and bonus and reopening of Featherland and Tista High Fashion. After all of these, when no result came he joined the protest and police beat him. He alleged that there are many GMs who secretly met with the BPZA when they got rich and they showed the factory bankrupt and close it. After this when the owner gave the company to BEPZA the same GM become the owners by taking the factory from BEPZA. He also commented that by these kind of tricks, a few other factories like Featherland, Tista High Fashion were closed.

Jibon Nahar (32), Worker, Husband: Abul Kahsem, Village: Bilbautia, Dhamrai, Dhaka

Jibon Nahar said that on 16 July 2008, without any announcement, GM Masum and Admin Officer Solaiman locked the office and left. On 21 July 2008 in a notice which didn't have any signature, BEPZA said that the owner had died on 13 July 2008. Workers began visited the factory regularly to see if the factory was open. On 10 September 2008 they found out the factory was sealed by BEPZA. Then the workers gave a memorandum to BEPZA to full fill their demands. BEPZA didn't take any steps and the workers announced that they would go on hunger strike on 23 September 2008. At 10 am when she went to DEPZ, she saw a lot of police at the BEPZA gate. Police didn't let anyone to go to the factory and pushed them away from the BEPZA gate. At 11 am almost two thousand (2000) workers got together on Dhaka-Tangail highway. At the same point police took away their banners and started to beat them. She said that police beat her on her waist. Many others, including Hosne Ara, broke her arm. The injured included:

(1) Peyara Begum, Cleaner, Card no. 523, (2) Johura Begum, Cleaner, Card no. 464, (3) Jahanara Begum, Cleaner, Card no. 420, (4) Bilkis, Cleaner, Card no. 439, (5) Binarani Das, Packing, Card no. 130, (6) Sakina, Quality, Card no.1016, (7) Asma, Operator, Card no.6825, (8) Tara Banu, Operator, Card no. 6602, (9) Fatema, Operator, Card no. 3525, (10) Jibon Nahar, Operator, Card no. 3994, (11) Hamida, Operator, Card no.4083, (12) Begum, Operator, Card no. 3616, (13) Hasina, Operator, Card no. 3834, (14) Johura Begum, Operator, Card no. 3151, (15) Fatema, Operator, Card no. 3121, (16) Majeda Aktar, Operator, Card no.6601, (17) Ismetara, Operator, Card no. 3656, (18) Julekha Begum, Operator, Card no. 3112.

Md. Masum, General Manager, Honorway Textile and Apparel (Pvt.) Ltd., SFB#8, DEPZ, Gonokbari, Savar, Dhaka-1349

Md. Masum informed Odhikar that Mr. Elvin Lau a citizen of Hong Kong, is the owner of Honorway Textile and Apparel (Pvt.) Ltd. The owner himself controls the factory from Hong Kong. Almost 150 people worked in the factory. He alleged informed that workers were due three months in arrear salary and their provident funds. On 13 July 2008 Mr. Elvin Lau committed suicide. This news came to Bangladesh on 16 July 2008 and from 17 July 2008 the factory was closed by notice for an uncertain period of time. Mr. Elvin used to run the factory by taking loans from a bank in Hong Kong. At one point, he became bankrupt. That was why he was not coming to Bangladesh in recent times. Masum said that after the death of the owner, there was no partner so BEPZA sealed the factory. BEPZA makes the final decision. He added that he does not know anything about a hunger strike, protest or workers getting injured by the beatings of police.

Ranjit Halder, Worker Education Center, MaddhaGajir Chot, Savar, Dhaka

Ranjit Halder informed Odhikar that the Worker Education Center help the workers on holidays by discussing labour laws with them and by giving them advocacy if they lost their job. He said that if workers failed to pay rent, the home owners threw them out. They could not get basic food items without money and they were always in fear of the creditors. With all these problems, the workers protested for three months salary and for money from their provident fund that was due to them. BEPZA did not listen to the workers who were beaten by police and injured. BEPZA also blamed the Worker's Education Centre, saying that it encouraged workers to protest.

Sub Inspector (SI) Mokhlesur Rahman, Second Officer, Ashulia Police Station, Dhaka

Sub Inspector (SI) Mokhlesur Rahman told Odhikar that BEPZA authority informed them that on 23 September 2008, workers of Honorway Textile and Apparel (Pvt.) Ltd. may protest in order to get their salary and it may cause anarchy. That's why he went to the DEPZ at 8 am with a police force of almost sixty (60) policemen. At 11 am, when the workers wanted to block the Dhaka-Tangail highway, police made them leave the place. He said that they were not tortured in any form. He added that some labour parties inflamed the protest and encouraged the workers.

Ahsan Kabir, Manager(Industrial Relation), DEPZ, Gonokbari, Savar, Dhaka

Ahsan Kabir informed Odhikar that Mr. Elvin Lau of Hong Kong started Honorway Textile and Apparel (Pvt.) Ltd. fourteen (14) years ago. He used to run the factory by taking loan from a bank of Hong Kong. When he became bankrupt, the workers arrear became due. He learnt that on 13 July the owner committed suicide. The factory Administration expressed its inability to run the factory. On 16 July when news of the owner's death came, GM Masud announced the factory closed from 17 to 20 July 2008. After this, when they could not communicate with any heir of Mr. Lau the factory was closed by notice from BEPZA, till further notice. The factory was sealed by magistrates. By law, the factory was under BEPZA because there was no owner. Many workers came to him for their salary. On 19 September 2008 he called a few workers and notified them that in 90 days workers due would be given. After this, the workers announced their protest. Ahsan Kabir blamed this on Rafiqul Islam, Chairman of the Bangladesh Garments and Workers Federation, in Savar. He noticed the police from different stations who surrounded the DEPZ. The reason was that the less

educated and uneducated workers might do damage. The workers started to gather from 10 am at the gate. At 11 am when the workers blocked Dhaka-Tangail highway with banners, the police moved them away. He said that police did not beat any one and that journalists posted the wrong news in the newspapers.

Rafiqul Islam Sujon, Chairman, Bangladesh Garments and Workers Federation, B-25\2, New Savar Super Market, Majidpur Road, Bazar Bus Stand, Savar, Dhaka

Rafiqul Islam Sujon informed Odhikar that the workers voluntarily went on hunger strike on 23 September 2008. Bangladesh Garments and Workers Federation did not provoked them rather, they discussed how to get their demands and in peaceful way. He rejected the allegations of BEPZA and said BEPZA wanted to keep the money of the workers by closing the factory. He informed us that his Federation works under the ILO Convention, the UN Declaration on Human Rights and Child rights. They also help the workers find a home, gratuity, insurance, pension and other rights and give advocacy in return for a small fee or free. They also help the workers with treatment and relocation.

⁹³*Dhaka Export Processing Zone*

⁹⁴*Pongu Hospital: National Institute of Traumatology and Orthopaedic Rehabilitation, the Institute is popularly known as Pongu Hospital for the treatment of the physically impaired*

4. Factory Employees Express Their Grievances and go on Rampage in Demand of Unpaid Salaries at Savar : Savar, Dhaka.

On August 30, 2008, the workers of Biswash Garments Ltd. in Raj Fulbariya, Savar, Dhaka, dissented and went on a rampage in demand of their unpaid salary and allowance. It was unearthed by the Odhikar fact-finding team that for the months of June and July, 2008, around 450 workers had not received their salaries. The factory owner had been delaying payment on various pretexts. The workers stopped working from August 30, 2008. When the authorities still did not pay up, the workers staged a road blockade. The police arrived and beat them. This caused the workers to go on a rampage in the area.

Police stated that due to the road blockade, there was no communication between Dhaka and the northern regions of Bangladesh. Thus, in order to remove the workers off the road, the police threw tear gas shells towards them. The police insisted that none of the workers had been injured and instead, police officers had been injured.

On the basis of the allegations made by the workers, Odhikar conducted a fact-finding mission into the incident. During the fact-finding, Odhikar spoke with:

- Workers
- Witnesses
- Factory authorities
- Injured persons
- Members of the law enforcement agencies

Mahbub (27), Supervisor, Biswash Garments Ltd., Raj Fulbariya, Savar, Dhaka

Mahbub told Odhikar that he arrived at his office at around 8.00 am on August 30, 2008. Although he was due two months unpaid wages, he had still not been paid. All the workers had stopped working in protest. After waiting till 1.30 pm, the workers began to pressurise the authorities to pay the wages. After trying, and failing, several times at gaining the wages from the authorities, Mahbub became frustrated. The workers came out of the factory and created a road blockade on the Dhaka-Savar highway. The police soon arrived and began to beat the workers. The Upazila Nirbahi Officer⁹⁵ (UNO) arrived and spoke with the authorities, attaining a promise from them that they would pay the workers their wages. Then the workers calmed down. However, the factory authority shut down the factory, agitating the workers again. This resulted in the workers being beaten by the police who were allegedly acting in favour of the owners. They were also threatened with joblessness and were denied any concrete promise regarding their wages. This went on from 1.30 pm to 4.30 pm. Mahbub said that every worker was entitled to overtime wages. However, they were denied that and, in fact, always received wage two to three months after the due date.

Sabina Yasmin, Supervisor, Biswash Garments Ltd., Raj Fulbariya, Savar, Dhaka

Sabina Yasmin told Odhikar that she had tried to obtain the wages of 2/3 months for the workers from the authorities many times but had failed. August 10, 2008, was the date fixed for the payment of wages. This was deferred to August 30, 2008 by the authorities and the workers arrived at the factory on that day to collect their wages. All the workers gathered around her and asked her for pay their wages. Sabina also told Odhikar that when she was

on her way to the office earlier in the morning, the workers had approached her on the streets asking for their wages. Since the workers had not been able to pay their house rent for two months their landlords were threatening them with eviction. The shopkeepers refused to give the workers basic daily needs such as rice, lentils, salt, chili's etc. on credit. At times the workers were working in the factories missing meals, only to save their jobs. The workers would have to do irregular duties and would have to do full time night duty as overtime. The female workers would have to face harassment from the male staff. They could not say anything in protest because of the fear of losing their jobs and also out of embarrassment. Sabina stated that there were numerous instances where the factory staff had verbally abused the female workers. They would behave rudely with them and even grab their hair and slap them. At around 8.30 am on August 30, 2008, all the workers arrived at the factory premises, waiting for their wages. The authorities again started to waver in giving the workers their wages. At around 1.30 pm, the workers left the factory and brought out a procession, demanding the payment of wage arrears. At one point the workers blocked the Dhaka-Savar highway. The authorities notified the police and urged them to arrest the protesting workers. The police baton charged the workers and fired rubber bullets and three tear shells. The law enforcers also randomly beat the shopkeepers at the bus stand. The workers got even more agitated and broke down several vehicles. At around 3.30 pm, upon the arrival of the UNO, the workers returned to the factory at around 4.30 pm on the assurance of the UNO that they would be paid. Towards the evening some of the workers received their wages but most of them did not. Sabina also said that due to the price hike it was impossible for the workers to keep their family on the salary they were getting.

Rasheda Begum, Senior Operator, Biswash Garments Ltd., Raj Fulbariya, Savar, Dhaka

Rasheda Begum told Odhikar that the main reason behind the workers' agitation was the wavering attitude of the authorities in the payment of the due wages. She stated that as per the Gazette notification of the Workers' Wage Structure, a Senior Operator would get Taka 2449 as wages.⁹⁶ When the Government had set up this wage structure, the price of rice was between Taka 12 to Taka 18 per kilogramme. Now the price of rice had increased from Taka 36 to Taka 46 per kg. Yet, the wages had not increased a single Taka. In fact, if a worker arrived one minute late to work he/she would be deprived of Taka 200 in the form of attendance bonus. Workers would often be verbally abused. They would be forced into doing overtime duty and the female workers would be forced into doing night duty. Yet the extra wages due for the overtime and night duty would not be paid regularly. There is a provision for maternity leave in the law, yet if found pregnant, the factory authorities would tactfully find out faults in the work done by that female worker or find something wrong with her character in order to fire her from the job. The female workers, in order to save face from such allegations, would be forced to leave their jobs. If anyone protested against such injustice, that person would be fired from his/her job too. The authorities would classify him as a 'leader' of the workers and would hand him/her over to the police. Although wages are supposed to be paid within the first week of every month, this usually does not happen, even though the 30th day of a month passes. Rasheda Begum alleged that even if the factory owners handed over the money to the factory for distribution amongst the workers, the higher level staff of the factory would not pay the wages, using various excuses to delay payment. She urged that these problems be looked into and solved.



Alamgir Hossain (30), Nazrul Hotel, Raj Fulbariya Bus Stand, Savar, Dhaka

Alamgir Hossain said that at around 1.30 pm the workers of Biswash Garments Ltd. created a blockade on the Dhaka-Savar highway. Since the road was blocked, the riot police came at around 3.00 pm and began to beat up the workers. This caused the workers to become even more agitated and they broke cars and articles inside the factory. Some shopkeepers shut their shops and took refuge in his hotel. The police came and beat up the shopkeepers as well. Alamgir escaped through the back door of the hotel into another room. The clash between the police and people ended at around 4.30 pm.

Md. Kausar (18), Abbas Store, Raj Fulbariya Bus Stand, Savar, Dhaka

Md. Kausar told Odhikar that at around 1.30 pm on August 30, 2008, 200/300 workers from the neighboring Biswash Garments Ltd. came out onto the streets and blocked the highway. The residents of the locality also joined the workers. At around 3.00 pm the police arrived and began to beat the workers. The workers tried to escape but a police officer beat up whoever he found. Despite telling the police officer that he was a shopkeeper, police beat him severely which resulted in injuries on his left arm and back. Md. Kausar claimed that he became seriously ill due to the beating. He also said that the area was tense until 4.30 pm.

Md. Shopon (28), Nazrul Fast Food Shop, Raj Fulbariya Bus Stand, Savar, Dhaka

Md. Shopon told Odhikar that the workers of Biswash Garments had waited until noon on August 30 for the payment of their wages, which had been due for two to three months. At around 1.30 pm the workers came out of the factory and blocked the highway. One hour later, the police arrived and beat them up. The workers responded by throwing brickbats. This caused the glass of Shopon's shop to break. His paternal cousin, Munna (20) was inside the shop. The police entered Shopon's shop and beat Munna too. The workers got even more agitated because the police were beating people at random. Shopon said that some outsiders carrying sticks also joined the workers to combat the police. In the process some workers and police officers were injured. Shopon believed that the abrupt and arbitrary

behaviour of the police was what had caused the workers unrest. At around 4.30 pm, the clash between the workers and the police officers stopped.

Shahidul Islam, Security Guard, Biswash Garments Ltd., Raj Fulbariya, Savar, Dhaka

Shahidul Islam told Odhikar that the workers arrived at the factory premises by 8.00 am on August 30, 2008. Some workers were expecting to be paid two months worth of wages while others were expecting three months wages. Although that day had been fixed for the payment of the wages, the authorities wavered in paying them and this caused the workers to stop working. At around 1.30 pm the workers left the factory for their lunch break and organised a procession in demand of their wages. At one point the authorities declared that the factory had been shut down indefinitely. The workers got agitated and broke articles in the factory and created a blockade on the Raj Fulbariya highway. This caused a great deal of traffic congestion. At around 3.00 pm the police arrived and told the workers to get off the road. When the workers refused the police engaged in attack mode and dispersed the workers and began to beat them. This resulted in further agitation of the workers and they began to throw brickbats at the police. Factory articles allegedly worth Taka 50,000, a microbus (Dhaka Metro-Gha-11-1350), a pickup and a mini truck were destroyed. Things on the road were also destroyed. After the UNO arrived at the scene and assured them that the wages would be paid, the workers calmed down at around 4.30 pm. Shahidul Islam thought that the reason behind this was the wavering attitude of the owner authorities in paying the wages and also incitement by outsiders during the agitation.

Dr. Md. Sultan Mahmud, MBBS, Biswash Fashion Ltd., Raj Fulbariya, Savar, Dhaka

Dr. Md. Sultan Mahmud told Odhikar the workers had stopped working on August 30, 2008 mostly because there was a delay in paying their wages. He claimed that the agitation began with the assistance of persons not working or associated with the factory or its workers, but it originated from the delay in payment of wages. Sultan Mahmud claimed that if the garments authorities observed symptoms of pregnancy in a female worker or if any worker suffered from illness such as fever, headaches, coughs, etc, they fired the worker.

Sheikh Jahangir Alam, Assistant Manager. Biswash Garments Ltd., Raj Fulbariya, Savar, Dhaka

Sheikh Jahangir Alam said that the Biswash business group had 6 factories. These included, 1) Biswash Garments Ltd., 2) Biswash Fashion Ltd., 3) Capital Garments Ltd., 4) Bangladesh Dress Ltd. Unit-2, 5) Raj Fulbariya Fashion Ltd. and 6) Sunny Industries and Business Ltd.

In all these factories, the wages of the workers remained unpaid during June-July every year. This group had a total of 2700 workers employed in its factories and 540 of them belonged to Biswash Garments Ltd. There was a two month gap in paying the workers their wages because there had been increments in the last two months. Although August 29, 2008 was the date fixed for the payment of the wages that was not in fact possible since that day was a Friday⁹⁷. Wages could not be paid on August 30, 2008 either, as it was a national holiday. However, the factory was open on August 30. Around 450 workers of Biswash Garments arrived at the factory and stopped working because they had not been paid their wages. However, the workers were assured that they would be paid. At around 1.30 pm, the workers suddenly began a procession demanding their wages and left the factory and moved onto the road during the lunch hour. When the workers calmed down and reached the Raj Fulbariya Bus Stand, Jahangir Alam said a group of outsiders joined them. Although

the workers had returned home, a group of unknown people, who, he alleged, were not workers, with metal rods, bamboo, wooden sticks, brickbats etc. arrived at the factory premises and ransacked it. The police in the meantime arrived and dispersed the workers and stopped the ongoing havoc. Later on, when the wages were being paid the problem stopped at around 4.30 pm. Sheikh Jahangir Alam complained that there was no end to the demands of the workers. Just when a set of their demands would be fulfilled, the workers would come up with a new set of demands. The workers had been given transport arrangements for their convenience and on their demand. He also said that the workers would always engage in some sort of protest if the bus arranged for them arrived late or if the overtime wages were not paid on time or if there was a delay in the closing of the wages during June-July. He stated that the workers were uneducated and ill behaved. They neglected their work yet there was no end to their desires and demands. Jahangir Alam believed that there was an incitement from notorious group acting behind the protest movement of the workers. He claimed that nobody could make public the names of those who are involve in this group for fear of their life. He was not sure either about the intentions of the 'group'.

Rabbi Miah, Upazila Nirbahi Officer, Savar, Dhaka

Rabbi Miah told Odhikar that he came to know from other people at around 2.00 pm on August 30, 2008, that the movement of traffic on the highway had stopped due to a road blockade. He then went to the Raj Fulbariya Bus Stand at Savar and saw that the workers of the Biswash Garments Ltd. were protesting because they had not been paid their wages. The workers lifted the road blockade on the assurance from the authorities that they would receive their wages. Vehicular movement on the highway resume from around 4.30 pm.

Sub-inspector (SI) Kabir, Savar Police Station, Dhaka

SI Kabir told Odhikar he went to the Raj Fulbariya Bus Stand at around 2.00 pm on August 30, 2008, with the Assistant Superintendent of Police (ASP) of the concerned Police Circle. He arrived there to see that the workers had blocked the road. The authorities were contacted and they gave the workers their assurance that they would receive their due wages. After this, the workers returned back to the factory. However, the authorities did not pay the workers their wage arrears as per the assurance. SI Kabir alleged that outsiders with sticks joined the protesting workers and began to break down cars and throw brickbats towards the police. One of the stones thrown by the workers hit SI Kabir's nose. At around 4.30 pm, the situation settled down.

Assistant Sub-inspector (ASI) Aminul Islam, Second Officer, Savar Police Station, Dhaka

ASI Aminul Islam told Odhikar that at around 2.00 pm on August 30, 2008, news came from the Detective Branch of the police that there was a road blockade on the Dhaka-Tangail highway. When he moved out with his team of patrol police, he learnt that the problem had started because the workers of Biswash Garments Ltd. put up a road blocked in demand of unpaid wages and allowances. Aminul immediately went to the Biswash Garments premises and contacted the authorities. When the authorities agreed to pay the wages, the workers withdrew the blockade. In the meantime, the police saw some workers breaking down cars. He concluded by saying that the blockade began at around 1.30 pm and ended at around 4.30 pm.

Md. Jahangir Alam, Senior Assistant Superintendent of Police (Senior ASP), Savar Circle, Dhaka

Md. Jahangir Alam told Odhikar that on August 30, 2008, he was informed by the Detective Branch of the police that the workers had created a roadblock. Confirming the authenticity of the news, Jahangir Alam left for the Raj Fulbariya Bus Stand with his force. Despite contacting the authorities and gaining their assurance that wages would be paid, the workers continued to protest and the police tried to calm them down. At one point the workers threw stones and one of them hit his left arm. SI Kabir was also seriously injured on his nose. In about an hour the situation was under control and Jahangir Alam returned to his office. He identified the reasons behind the movement of the workers as being:

- 1) the wages had not been paid on time
- 2) outsiders had joined the workers during the movement
- 3) incitement of the workers
- 4) lack of good relationship between the owners and the workers
- 5) the staff of the factory would physically and mentally abuse the workers
- 6) the lack of practice of explaining things through discussions with the workers who were 'less educated'.

⁹⁵ Upazila is an administrative unit under a district in Bangladesh. Upazila Nirbahi Officer (UNO) is the head of the civil administration of an Upazila in Bangladesh

⁹⁶ Tk. 69.15 = 1 Dollar

⁹⁷ Friday is a weekly holiday in Bangladesh

List of interviewed individuals

RMG owners

Shah Bakhtiar Ilius, Essential Garments Ltd.
Miran Ali, Misami Garments Ltd.

NGOs

Mashuda Khatun Shefali, Nari Udoyog Kendra (NUK)
Farida Yeasmin, Bangladesh Legal Aid and Services Trust (BLAST)
Syed Sultanuddin Ahmed, Bangladesh Institute of Labour Studies (BILS)
Ali Azam, Karmojibi Nari
Shahinur Begum, Ubinig

Trade union representatives

Touhidur Rahman
Bangladesh Poshak Shilpo Sromik Federation (*Bangladesh Garments Industry Workers Federation*)
Shamima Nasrin
Shadhin Bangla Sromik Karmochari Federation (*Independent Bengal Labours Workers Federation*)
Jahanara Begum
Bangladesh Garments Sromik Federation (*Bangladesh Garments Workers Federation*)
Rokeya Sultana Anju
Bangladesh Garments Sromik Jote (*Bangladesh Garments Workers Alliance*)
Sirajul Islam Roni
Bangladesh Jatiyo Garments Sromik Karmochari League (*Bangladesh National Graments Labours Workers League*)

Salauddin Swapon

Bangladesh Jatiyotabadi Garments Sromik Federation (*Bangladesh Nationalist Garments Workers Federation*)

Shafikul Islam

Jatiyo Garment Sromik Karmochari Federation (*National Garments Labours Workers Federation*)

Amirul Haque Amin

Jatiyo Garments Sramik Federation (*National Garments Workers Federation*)

Nazma Akhter

Sammilito Garments Sromik Federation (*Combined Garments Workers Federation*)

Qamrul Ahsan

Bangladesh Garments Sramik Karmochari Federation (*Bangladesh Garments Labours Workers Federation*)

Government officials

Lokman Hakim Talukder, Directorate of Labour

Abdul Kayum Sarder, Additional Labour Director

Shamima Sultana, Assistant Labour Director

List of speakers at the discussion meeting

Farhad Mazhar, Columnist

Khushi Kabir, Executive Director, Nijera Kori

Dr. Ahmed Ziauddin, International legal expert

Saiful Hoque, General Secretary, Revolutionary Workers Party

Hasanul Haque Inu, Member of Parliament, Jatiya Samajtantrik Dal (JSD)

Shafiul Islam Mohiuddin, Second Vice-President, BGMEA

Shahidul Islam, former Vice President, BGMEA

Rokeya Rafique Baby, Executive Director, Karmojibi Nari

Abdul Quader, President, National Labour Alliance

Rashed Al Mahmud Titumir, Unnayan Onneshan

Bina Sikder, Researcher on the RMG industry

Abu Said Khan, Daily Shamokal

Saiful Islam, Expatriates Workers Organisation

Ziaul Haque Mukta, Livelihood Coordinator, Oxfam

Nesar Ahmed,

List of FGD participants

Jobless workers

Shathi, former worker of Apparel Mart Ltd., Badda, Dhaka

Selina Akter, former worker of Minerva Garments, Savar

Shilpi Akter, former worker of Unicorn Garments, Ashulia

Feroz Alam, former worker of Vision Garments, Savar

Kanika Akter, former workers of TSF Fashion, Savar

Helalur Rahman, former workers of JK Garments, Savar

Kabir Hosain, former worker of Bando Design, Ashulia

Belayet Hosain, former worker of Work Dress Garments, Savar

Employed workers (Dhaka EPZ)

Mizanur Rahman, Osman Interlinings Ltd.
Kabir Hosain,
Sharifa Akhter, Dhakaria
Julekha Akhter, Shine Fashion Ltd.
Helal Uddin, Young One

Employed workers (outside EPZ)

SM Mosharrof Hosain, Track Star Garments
Ali Hosain, Toba Textiles

Nurul Absar, AP Garments
Jesmin Akhter, Big Boss Garments
Rashida Akhter, Modhuban Garments
Jibon Hosain, Mumu Apparels
Bilkis, Hameem Fashion
Shahida, Etli Embroidery

Workers from Gazipur

Prashanta Kumar, Fakhruddin Textile Mills Ltd.
Suman, Fakhruddin Textile Mills Ltd.
Aleya Khatun, YK Garments
Syed Ali, Kuliarchar Sweater Ltd.
Mafizul Islam, Border Light Garments
Rubel, Fahim Sweaters Ltd.

Workers from Chittagong

Titon Das, Brilliant Garments
Dipu Das, Brilliant Garments
Joynal Abedin, Tulana Fashion Ltd.
Seema Akhter, Tulana fashion Ltd.
Rahmatullah Humayun, Erina Group
Abdur Rahman, Erina group
Osman Gani, Erina Goup
Zahid Hasan, TND Textile Mills Ltd.
REzina Akhter, TND Textile Mills Ltd.
Md. Titu, TND Textile Mills Ltd.

Workers from Narayanganj

AK Pintu, BRB Garments
Rina Akhter, Apparels Ltd.
Humayun Kabir, Kanak Garmentns Ltd.
Abu Said, Iran Garments Ltd.
Badal Mia, Rainbow Garments Ltd.
Md. Sujan, Farzana Tower Garments
Zahid, Sonargaon Garments Ltd.
Selim, Harpex Garments Ltd.
Shahin, Ridoy Garments Ltd.

Questionnaire used in FGDs and interviews

1. Despite the tripartite agreement signed in 2006, why were there so many incidents of workers' unrest in the RMG sector in 2008?
2. How far is the Labour Act 2006 being followed in the RMG sector?
3. Why has there not been strong trade union movement in the RMG sector?
4. Do the workers and owners know legal provisions on working hour, health and hygiene, safety, leave, maternity benefits, overtime and other legal provisions of the Labour Act 2006?
5. What needs to be done to ensure compliance as well as workers rights in the RMG sector?
6. What are the key problems that the RMG workers face in their workplaces?
7. What are the recommendations of the trade unions to ensure workers' rights in the RMG sector?