**Worker Rights Situation and Gaps in RMG and Tannery Sectors of Bangladesh: Evidences from Law and Research**

Submited to

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Table of Contents

[List of Acronyms 5](#_Toc24451689)

[Section One: Introduction 6](#_Toc24451690)

[Background 6](#_Toc24451691)

[Objective 7](#_Toc24451692)

[Methodology and Approach 8](#_Toc24451693)

[Report Organization 8](#_Toc24451694)

[Section Two: Workers’ Rights Situation in RMG, and Leather and Tannery Sector 9](#_Toc24451695)

[Right to Work 9](#_Toc24451696)

[Employment Contract 9](#_Toc24451697)

[Elimination of Child Labour and Protection of Adolescent 10](#_Toc24451698)

[Protection Against Discrimination at Workplace 10](#_Toc24451699)

[Right at Work 11](#_Toc24451700)

[Working Hours 11](#_Toc24451701)

[Rest and Leave 12](#_Toc24451702)

[Occupational Safety and Health 12](#_Toc24451703)

[Harassment at workplace 14](#_Toc24451704)

[Welfare Facilities 15](#_Toc24451705)

[Rights Through Work 16](#_Toc24451706)

[Wage and work related benefits 16](#_Toc24451707)

[Social Security Instruments 17](#_Toc24451708)

[Freedom of Association and Collective Bargaining 18](#_Toc24451709)

[Section Three: Workers Rights Gaps in Legal Framework and Existing Research 20](#_Toc24451710)

[Gaps in Legal Framework 20](#_Toc24451711)

[Uncovered labour issues 20](#_Toc24451712)

[Issues not covered in Bangladesh labour Law 20](#_Toc24451713)

[Issues not covered in Bangladesh labour policy 20](#_Toc24451714)

[Mismatches and contradictions in Labour law and Labour policy 21](#_Toc24451715)

[Right to Work 21](#_Toc24451716)

[Employment contract 21](#_Toc24451717)

[Elimination of child labour and protection of adolescent 21](#_Toc24451718)

[Protection against discrimination at workplace 22](#_Toc24451719)

[Right at Work 22](#_Toc24451720)

[Working hours 22](#_Toc24451721)

[Holiday 22](#_Toc24451722)

[Rest and leave 22](#_Toc24451723)

[Occupational safety and health 23](#_Toc24451724)

[Welfare facilities 23](#_Toc24451725)

[Rights Through Work 24](#_Toc24451726)

[Wage and work related benefits 24](#_Toc24451727)

[Social security instruments 24](#_Toc24451728)

[Freedom of association and collective bargaining 24](#_Toc24451729)

[Gaps in Existing Research 25](#_Toc24451730)

[Review of literature 25](#_Toc24451731)

[Identified gaps in the literature 31](#_Toc24451732)

[Workers recruitment process 31](#_Toc24451733)

[Family and work life balance 32](#_Toc24451734)

[State of terminated workers 32](#_Toc24451735)

[Current workers rights situation in tannery sector 32](#_Toc24451736)

[Impact of tannery relocation on the workers life 32](#_Toc24451737)

[The vulnerability of female tannery workers 32](#_Toc24451738)

[Section Four: Key Findings and Recommendation 33](#_Toc24451739)

[Workers’ Rights Situation in RMG, and Leather and Tannery Sector 33](#_Toc24451740)

[Right to Work 33](#_Toc24451741)

[Employment contract 33](#_Toc24451742)

[Elimination of child labour and protection of adolescent 33](#_Toc24451743)

[Discrimination at workplace 33](#_Toc24451744)

[Right at work 33](#_Toc24451745)

[Working hours 33](#_Toc24451746)

[Rest and leave 34](#_Toc24451747)

[Occupational safety and health 34](#_Toc24451748)

[Harassment at workplace 34](#_Toc24451749)

[Welfare facilities 34](#_Toc24451750)

[Rights Through Work 34](#_Toc24451751)

[Wage and work related benefits 34](#_Toc24451752)

[Social security instruments 35](#_Toc24451753)

[Freedom of association and collective bargaining 35](#_Toc24451754)

[Gaps in Legal framework 35](#_Toc24451755)

[Issues not covered in Bangladesh labour Law and policy 35](#_Toc24451756)

[Mismatches and contradictions in Labour law and Labour policy 36](#_Toc24451757)

[Right to Work 36](#_Toc24451758)

[Employment contract 36](#_Toc24451759)

[Elimination of child labour and protection of adolescent 36](#_Toc24451760)

[Protection against discrimination at workplace 36](#_Toc24451761)

[Right at Work 36](#_Toc24451762)

[Working hours 36](#_Toc24451763)

[Weekly holiday, and leave and rest 36](#_Toc24451764)

[Occupational safety and health 37](#_Toc24451765)

[Welfare facilities 37](#_Toc24451766)

[Rights Through Work 37](#_Toc24451767)

[Wage and work related benefits 37](#_Toc24451768)

[Social security instruments 37](#_Toc24451769)

[Freedom of association and collective bargaining 37](#_Toc24451770)

[Gaps in Existing Research 37](#_Toc24451771)

[Way Forward 38](#_Toc24451772)

[Proper implementation of labour law provisions 38](#_Toc24451773)

[Aling labor law with international norms 38](#_Toc24451774)

[Remove contradiction between law and policy 38](#_Toc24451775)

[Remove self-contradictory provisions 38](#_Toc24451776)

[Numbers bindings should be made logical. 38](#_Toc24451777)

[Establish just pre-requisite for functioning legal provisions 38](#_Toc24451778)

[Role of TU to promote worker rights 39](#_Toc24451779)

[Workers’ role to ensure worker rights 39](#_Toc24451780)

[Ensuring trade unions involvement in policy formulation 39](#_Toc24451781)

[Convene research on the issues not covered in existing literature 39](#_Toc24451782)

[References 40](#_Toc24451783)

[Annex 43](#_Toc24451784)

# List of Acronyms

AAB Action Aid Bangladesh

BLF Bangladesh Labour Foundation

BILS Bangladesh Institute of Labour Studies

BLA Bangladesh Labour Act

BTA Bangladesh Tanners Association

BFLLFEA Bangladesh Finished Leather, Leather goods and Footwear Exporters’ Association

BLAA Bangladesh Labour (Amendment) Act

CSO Civil Society Organization

CEPT Central Effluent Treatment Plant

CBA Collective Bargaining Agent

DIFE Department of Inspection of Factory and Establishment

DoL Department of Labour

EPZ Export Processing Zones

FGD Focus Group Discussion

GBV Gender Based Violence

IBC IndustriALL Bangladesh Council

ILO International Labour Organization

KII Key Informant Interviewee

KN Karmojibi Nari

MJF Manusher jonno Foundation

NCP National Children Policy

NLP National Labour Policy

NWDP National Women Development Policy

NGO Non Government Organization

OSH Occupational Safety and Health

OSHE Occupational Safety, Health and Environment

PPE Personal Protective Equipment

PC Participation Committee

RMG Ready-made Garments

SGSF Sammilitito Grments SRAMIC Federation

SRS Safety and Rights Society

SRAMIC Sustainable and Responsible Actions for Making Industries Care

TIE Tannery Industrial Estate

TU Trade Union

TWU Tannery Workers Union

# Section One: Introduction

## Background

Readymade garments (RMG) and Tannery (a sub-sector of Leather Industry) are two important sectors in Bangladesh economy. The first one is the leading export income-earner and life-blood of economy, whereas the leather sector (where tannery is a sub-sector) is the thrust sector, treated as ‘Next RMG’ in seventh five plan of the country.

RMG is the largest formal sector in Bangladesh, which currently employs 4.0 million workers, about 49 percent of total formal sector employment. RMG sector grew primarily as an export-oriented industry during the late 1970s and early 1980s, and has boomed over last four decades. From just fifty factories in 1980 the RMG industry has jumped to several thousand factories. According to the information of Department of Inspection of Factory and Establishment (DIFE), about 4765 factories are currently running in the country (Hossain, Ahmed, and Sharif, 2018.) In addition, 144 garments factories operate in the 9 export processing zones (EPZs) (Op. cit). Export volume of this sector has mounted from USD 31.57 million in 1983-84 to US $ 21.53 billion in 2012-13, and the export has crossed USD 28 billion mark in 2015-16. At present the sector earns 83.49 percent of the export earning with a volume of US $ 30.61 billion in 2017-18. RMG exporters have set a target of raising the annual export volume to $50 billion in 2021. This industry is also praised for creating employment for women: majority workers of RMG are women coming from poor families of rural areas (Ahmed, 2015).

Tannery industry as part of leather sub-sector, on the other hand, has a long heritage. Leather and footwear industry, as one of the formal sectors of the country, provided direct employment to about 180,000 people. A large number of workers have no formal training and adequate education on leather processing, finishing or manufacturing (Hasan, 2012). Considering the prospects and potential, the Bangladesh Export Policy 2015-18 has labeled ‘Footwear and Leather Products’ as one of the highest priority sectors. In the fiscal year 2018, the export earnings from the leather sector was $1.08 billion. Leather contributes 2.51% to the national export Currently there are 165 footwear and leather factories in Bangladesh with an additional 161 tanneries that process the raw hide to finished leather

In spite of having significant contribution to economy, both RMG and Tannery industry are mostly criticized because of questionable condition of rights situation for workers. Workers in these two industries are at the bottom of the global supply chain. They are deprived many of their rights in different ways. Most of the jobs in the garment and tannery industry are temporary in nature resulting in job insecurity for the workers. Women workers are more vulnerable in this regard. They always live with the fear of expulsion from job anytime. The fear of job loss increases with the increase of length of services and age, since employers do not prefer aged workers (experienced) in the factory to reduce cost. Workers generally work in the low-paid and less skilled jobs, where work hazards are comparatively higher. The amount of wage, the workers get is not sufficient to maintain a minimum standard of living considering the rate of inflation and other socio-economic context of the country. Along with poor wage, there are also instances of irregularity in timeliness of wage payments that makes the life of the workers and their family members more vulnerable. Long working hour is another important issue in this regard. The workplaces are also not free form discrimination, nor provide safe working conditions in terms of occupation safety and health, and work environment. Workplaces often lack safety measures against occupational risks and accidents. Consequently, minor accidents and injury are common at workplaces. And even sometimes workers lost their lives due to lack of workplace safety.

Workers of these tow industries are also unprotected in respect of social security provisions. Most of them are deprived of facilities like provident fund, health and group insurance. They are mostly unorganized and face many barriers also to be organized. Collective bargaining process is also not so effective. Conditions have also been imposed in the current labour law to select the representatives and collective bargaining agents of the workers. The dispute settlement process is cumbersome and dilatory also.

In order to improve the rights situation and bringing change in life of RMG and tannery workers Safety and Rights Society (SRS) with collaboration of Action Aid Bangladesh (AAB) is implementing a project titled “Sustainable and Responsible Actions for Making Industries Care (SRAMIC)”. This project was built a collective intervention through `Women’s Café Approach’ involving relevant stakeholders. Women’s Cafe Approach is an innovation to create a breathing place for factory workers. They come to the space for knowing labour laws, policy and labour rights related issues. It creates opportunity to develop negotiation, dispute resolution and leadership skills through formal and informal training. This project got some findings from Researches, a good number of cases in factory level on labour rights related issues. In this backdrop, current study is an endeavor to a holistic review of the rights situation of workers of these two sectors. Along with the study/researches and case studies conducted under SRAMIC project, the present review entails findings of other relevant available studies. Rights situation also needs to be examined with respect to the legal and policy framework. Therefore, this review will ultimately be instrumental to find gaps in research concerning the situation of rights, and legal and policy framework; and determine the way forward in this regard.

## Objective

The main/broad objective of this study is to develop a comprehensive understanding of worker rights situation in garment and tannery industry, in line with the existing legal and policy landscape; gaps and limitations; and future required interventions. Therefore, specifically the study aims at:

* Reviewing the recent trend of worker’s rights situation in RMG and Tannery Sector and exploring the research gaps;
* Reviewing the existing labour law, rules, policies and identifying the gaps.
* Setting a bunch of recommendations on labour rights issues for next course of actions.

## Methodology and Approach

This review (study) is mainly based on document analysis and adopted a qualitative approach. The whole study followed an implementation process including three phases. At the first phase the study started with the conceptualization and issue identification brainstorming session including participation of research team members. The session finalized the strategy including methodologies and prepared an initial list of issues to be covered.

The second phase is the implementation phase that includes data collection. The study has used findings of various researches, conducted by different organization, as well as case studies done on worker rights issues. Along with research and case studies books, journal articles, newspaper reports, government report etc. have also been reviewed for the purpose of this study. These have been instrumental for identifying the gaps in existing researches on worker rights, as well as in the legal and policy architecture. In order to reinforce the findings of document review the study has also collected information from primary sources by applying key informant interviews (KIIs) with trade union leaders, representatives of CSO, academicians, and government officials. Finally, third phase is the report-preparing phase. This report has been prepared based on the information collected through desk review and KIIs. Analysis of the findings has been presented using the theme-wise format of reporting.

## Report Organization

This report is organized into four sections including this introduction. Second section has analyzed current workers’ rights situation of RMG and leather and tannery sectors in Bangladesh third section has focused the workers rights gaps in legal framework and existing literature. Finally, section four highlights the key findings and way forward.

# Section Two: Workers’ Rights Situation in RMG, and Leather and Tannery Sector

This section presents the current workers’ rights situation of RMG and leather and tannery sectors in Bangladesh. Based on secondary literature review and KII the workers’ rights situation is analysed here through three different aspects of rights such as; a) Right to work, b) Right at work, and c) Right through work.

Right to Work

The indicators germane to providing workers’ right to work includes in this section are employment contract, elimination of child labour and protection of adolescent, and protection against discrimination at workplace.

### Employment Contract

According to the Bangladesh Labour Law Amendment 2018, every employer is obliged to issue appointment letter and identity card with photograph to all workers (Section 5), and maintain a register of workers (Section 9). The employers at their own cost should maintain service books for workers (Section 6). The evidence shows that the rights provisions relating to employment contract e.g. appointment letter, sramic register and service book are not available in RMG and tannery sectors. ID card is almost available in RMG sector but hardly available in tannery and leather sector.

Lack of job contract is also prominent. A study of Manusher Jonno Foundation (MJF) shows that 72 percent of RMG workers in Dhaka and Gazipur did not have a job contract or appointment letter. About 72 percent of the workers in Dhaka and Gazipur, and 84 percent in Narayanganj and Chittagong had ID card. The study also reveals that many garment workers did not get the facilities of wage increment as they did not have appointment letter or any job related contract (“The Situation of Women Workers,” 2018). Similar picture was revealed in another study, where 29 percent garments workers reported about serious irregularities in issuing appointment letter (Islam, 2018: 19). The workers who signed the appointment letter, many of them did not have the copy of appointment letter, as the employer did not provide it. The Trade Union federation members however claimed in the same study that about 70 percent garment workers had got appointment letter (*Ibid,* 20). The workers of tannery and leather industries did not receive any written contract or appointment letter from their employer and a few numbers of permanent workers have ID card (Hossain, Sharif and Ahmed, 2018: 25 and KII). In another study depicts that only 20 percent of the tannery workers interviewed signed a contract with their employers and. Moreover, 45 percent of the leather workers had no proof of employment (BLF, 2015).

Service book is important component of employment contract. The work record e.g., position, grade, employment history is documented there. The service book is very important for workers since this shows the duration of work, previous work record, and the last salary (grade) received. The evidence show that a few number of RMG factories maintain the worker’s service book (Hossain, Ahmed, and Sharif, Ibid and KII) but in tannery sector, the provision is totally absent (KII).

Bangladesh Labour Law 2006 ensures worker’s right to resign from the job after giving notice in writing to the employer or surrendering wages equal for variable notice period (Section 27). In the case of job termination of a permanent worker, the employer should compensate for every completed year of service, or provide gratuity whichever is higher (Section 27). Employers are also entitled to terminate workers by ways such as retrenchment, discharge, and dismissal. An employer can only dismiss a worker without serving prior notice if the worker is (a) convicted for any criminal offence; or (b) proved guilty of misconduct (Section 23).

The employment contract provision related to termination is often violated. Workers reveal that dismissal of workers without notice is quite common in both the sectors. Early of this year, due to a wage linked protest movement at Savar/Ashulia region employers expelled more than 1500 RMG workers (Hossain and Ahmed, 2018b). Claim is available that the employers always or often expel workers without any prior notice (in 86 percent cases), and even the workers rarely receive due wages and benefits such as overtime amount, gratuity in case of dismissal (Ibid; Hossain, Sharif and Ahmed 2018; and Islam, 2018). A large number of tannery workers lost their job and did not get service benefits when the factories sifted from Hazaribagh to Savar (Mirdha, 2017, 17 April, and KII).

### Elimination of Child Labour and Protection of Adolescent

Bangladesh Labour law 2006 (amended 2018) do not allow working of the children (less than 14 years of age) in any occupation or establishment. The law proclaims that a child who has completed 14 years of age is permitted to employ in such light work which is not harmful for his health and development or must not hamper his education and the hours of work of such school going child must be so arranged that do not impede his school attendance [Section 34 (1), 35, 44].

Though the employment of child labour in RMG factories has been discouraged, the industry is yet to be free fully from employing children. A study reveals that children do work in some small garment factories—which are not involved in export directly, and work mainly on sub-contract basis Hossain, Ahmed and Sharif, Ibid). A key interviewee in the same study said that he differs with the generalized claim that child labour is completely absent in RMG. There are many non-compliant factories those at most times violate labour rights including recruitment of child workers.

Regarding the engagement of child labour in leather and tannery industry, a diverse scenario has been found from different sources. The FGD participants work in leather industry claimed in a study that about 20 to 40 percent workers of their factories were under the age of eighteen. Like RMG, child workers of leather industry are working in non-compliant and subcontracting factories (Ibid). A trade union leader in the current study said, “The child labour is not visible in maximum of the tannery industry; only in some small or sub-contracting factories have some workers under age of 18” (KII).

### Protection Against Discrimination at Workplace

In determining wages or fixing minimum rates of wages for any worker, the principle of equal wages for male and female workers for work of equal nature or value shall be followed and no discrimination shall be made on the ground of sex (BLA, Section 345).

Although the garments industry is generally considered to be a female intensive industry, various studies reveal that women workers are discriminated against in terms of access to higher paid white collar and management positions. Women workers mainly work as helper, machinist and less frequently as line supervisors. From supervisor to upper positions, presence of women is minimal (Islam, 2018; Karmojibi Nari , 2018; and Hossain, Ahmed and Sharif, 2018). A report says that the authority generally pick male workers for the position of supervisors and of positions above. The FGD participants of the same study further confirmed that in sweater factories of Nrayanganj, only 1-2 percent of all supervisors are female and scope of promotion (position up gradation) is limited for women worker, mostly up to senior operator. However young and good-looking women workers reportedly are the main beneficiaries in many cases (Islam, 2018: 31). Discriminatory practice is often seen to do overtime—women are forced to do overtime more than the men and the cut from the overtime allowance is more for women workers than men (Hossain and Ahmed, 2018d)

The situation of tannery and leather industry is not free from gender-based wage discrimination. In some factories, women workers are paid less than the men workers. In Hossain’s study, a participant informs that in the factory where he works, men workers receive BDT 3500 at entry level whereas women workers earns BDT 3200 at the same level. Opposite findings received in KII. A key interviewee said that gender based wage discrimination has almost absent in tannery industries. In the context of promotion opportunities, the condition of tannery industry is similar to that of RMG. There is a strong preference for men workers in upper positions (KII).

## Right at Work

The key indicators of right at work in this section relate to working hours, rest and leave, occupational safety and health, and welfare facilities.

### Working Hours

The adult workers are entitled to work for maximum eight hours a day and forty-eight hours a week (sec. 100, BLA 2006). The law has restricted employers to engage of women workers at night (between the hours of ten o’clock in the evening and six o’clock in the morning) without their consent (Sec. 109). The different studies notice the widespread violation of working hours provision in both the RMG, and leather and tannery sectors (Islam, 2018; Karmojibi Nari, 2018; Hossain, Ahmed and Sharif, 2018; and Hossain, Mostofa and Akter 2016). Ten to twelve hours work is common and hardly maintain over-time limit (in contrast to 2 hours legal limit) particularly during the shipment. Over one-fourth (29 percent) of the workers reported in a study that they work for at least 4 to 5 hours per day as overtime (Hossain, Mostofa and Akter 2016). Line chiefs/supervisors need to work up to 8/9 o’clock at night (BILS, 2018). However there is an increasing practice of giving a production target in RMG sector and without fulfilling the target workers are not allowed to leave the factories. The workers also claimed that they are pressurized to fulfill the target within regular working hour (Islam, 2018). The Night duty is mandatory in opinion of 43.6 percent garments workers (Karmojibi Nari, 2018). Footwear and leather sector workers generally work for 10/12 hours (from 8am to 7-9 pm), including overtime, often their work period extends up to 11-12pm. And during night duty and shipment time, workload becomes unbearable (Hossain, Ahmed and Sharif, 2018). Another study that was conducted on 2015, depicts that most of the tannery and leather workers perform overtime, ranging from three to 30 overtime hours a week. Consequently, working more than 60 hours in a week are commonplace and in the most extreme cases, weekly working hours enhanced up to 78 hours (BLF 2015). The KII finding of present study shows different picture. It reveals that 8 hours working hour is available majority of tannery industries located in Savar Tannery Industrial Estate as maximum number of workers in these factories work as contract basis. Therefore, no overtime has been counted for them.

### Rest and Leave

Bangladesh‘s labour law ensures rights of workers related to rest and leave. As per law workers will get an interval for rest and meal of at least half an hour for work up to five hours, and one hour for work over six hours to eight hours (BLA 2006, Section-101). In terms of leave provisions every adult workers employed in a shop or commercial establishment, or industrial establishment has the right to enjoy one and a half day’s holiday in each week and in factory and establishment one day in a week BLA 2006, Section 103). Every worker is entitled to ten days in a calendar year as casual leave with the full wages (Section 115) and eleven days of paid festival leave in a calendar year (Section 118). The worker, who has completed one year of continuous service, is entitled during the subsequent period of twelve months to leave with wages for a number of days as annual leave. The annual leave is one day for every eighteen days worked in a year for adult workers, one day for every fifteen days for adolescent workers employed in a factory (Section 117). A worker employed in a factory is also entitled fourteen days of sick leave in a calendar year with full wages (Section 117). A female worker is entitled to maternity leave with pay of sixteen weeks (eight weeks before and eight weeks after delivery) (Section 46).

Currently maximum workers enjoy holiday or other leaves compare to 3 /4years back. A study conducted on 2016 shows that 55 percent, 66 percent, and 82 percent workers always had got weekly holydays, festival leave and maternity leave with pay respectively. Only 21, 33 and 13 percent workers had always got casual leave, sick leave and annual leave respectively. 37 percent workers had never got annual leave (Hossain, Mostofa and Akter, 2016). Whereas another report conducted by Karmojibi Nari on 2018 reveals that about 98 percent, 96 percent, 80 percent, and 69 percent workers get weekly holiday, sick leave, annual leave, and casual leave, but in many cases sick leave is not paid leave (Hossain and Ahmed, 2018d). Maternity leave is practiced in majority of RMG industries, but many factories violate the maternity leave related rights in different ways. Some factories provide leave without payment, many other provide payment for fewer months than the specified months mentioned in law, and in s0me factories getting leave depends on the will of authority (Ibid).

In leather and tannery sector, weekly holyday is available for both the permanent and temporary workers. Permanent workers received al type of leave such as the annual leave, casual leave, and sick leave, festival leave. But except festival and government declared holydays, the temporary workers do not enjoy other leave. The contractual workers totally out of this provision.

### Occupational Safety and Health

The rights provisions related to occupational safety and health (OSH) are reflected in the law provisions on three areas of protection e.g. (I) occupational accidents, hazards and diseases; (ii) safety equipment and facilities; and (iii) workplace environment. The law provisions relating to occupational accident, hazards and diseases include that employer should inform inspector if any accident or an accidental explosion, ignition, outbreak of fire or irruption of water or fumes, or any dangerous occurrence (prescribed by labour rules 2015) occurs in any establishment (Section 80 and 81). Employers are also obliged to inform inspectors if any workers contacts with certain specified diseases (Section-82). The law has provided workers the right to be informed by the employers about buildings and machines which are dangerous /risky. If the employers do not take any measure regarding risks or hazards within specified timeframe, and thereafter accidents occur, the workers will get compensation at twice of normal rate of the compensation (Sec.86). As per law, it is employers’ responsibility to continue treatment of the workers, if they suffer from occupational disease or sickness, or injury in an occupational accident (Section 89 (7), BLAA, 2013). The law has obliged employers to maintain safety record books for employing more than 25 workers (Section 90).

Regarding safety equipment and facilities, the rights provision reflected in the labour law on safety of building and machineries, fire-fighting apparatus and emergency exit, fencing of machinery, (Section 61-63 of BLA 2006) and personal protective equipment (Section 78 a, BLAA 2013). There are other safety related precautions against dangerous fumes (Section 77), and explosive or inflammable dust, and gas (Section 78). If there are 50 or more workers employed in a factory, a safety committee should be formed as per law (Section 90a, BLAA 2013). The workplace environment related rights provisions revealed in law provisions on cleanliness, noise, temperature, ventilation, lighting, dust and fumes, humidity, working space, dustbin and spittoon, waste management, agronomics, pure drinking water, and gender segregated toilet.

RMG sector witnesses a considerable progress especially in physical arrangement after Rana Plaza disaster. Safety related facilities including fire-fighting instruments, open alternative stairs for emergency fire exits, fire extinction drill and safety equipment are available at varied levels across factories. According to MJF (The Situation of Women Workers,” 2018), about 88 percent factories in Dhaka and Gazipur kept the emergency gate open, while still there are factories where gates remain closed (Hossain, Ahmed and Shari, 2018). The fire drill, and safety equipment are provided always according to opinion of 65.3 percent and 50.4 percent RMG workers (Hossain, Mostofa and Akter, 2016), while claim is available that a good number of workers yet to be trained on fire fighting (Ibid and Karmojibi Nari, 2018). Regarding personal protective equipment (PPE), in a study of BILS (Islam, 2018), workers reported that PPEs are available in the compliant factories but there are many factories, where PPEs are not available or low quality PPEs are provided. Some factories provide the PPEs during the audit period.

Despite having arrangement of fire extinguishers not all workers know how to use those. Employers generally do not provide workers the information (in 34 percent cases) regarding risks at workplace. Even many of the factories do not have ‘safety committee’ (Karmojibi Nari, 2018). Workplace environment related provisions e.g. cleanliness, ventilation system, humidity, workplace situation, and supply of safe drinking water are almost good in the maximum RMG factories, while some provisions such as; sound, temperature, lighting, dust, working passes are yet poor at a number of factories (Hossain, Ahmed and Shari; and Islam, 2018).

Safety measures are rather poor in leather and tannery sector than RMG sector. Authorities do not take sufficient measures to ensure workers’ safety. There is allegation that gates of footwear or leather factories remain locked and many factories lack fire exits. Many factories have not trained their workers about how to use the fire extinguishers and hardly provide Personal protective equipment. A survey conducted by OSHE revealed that around 93 percent of workers of Tannery and Leather goods factories did not receive any training (Sultana, 2018). In another study, about 60 percent of the workers claimed that their employers did not provide them PPE, remaining 40 percent have received only gloves and boots from the factories (Tannery Workers Undergo Poor Housing, 2019, 6 May). Almost similar information received from the key interviewees. A trade union leader said, If there is 200 workers in any factory, only 50 workers PPE e.g. mask gloves and boot, but not in environment friendly”. They provide general mask that cannot protect the health hazard from gas and the boot they provide is not comfortable for workers, he also added. The working environment of leather and tannery factories is not good. Tannery workers in BLF study describe their workplaces as hot, bad smelly, unhygienic and in some cases insufficient light (bid). Even after shifting to Savar industrial estate, the environmental situation does not improve at expected level. The study of Asia Foundation reported that dust as a major problem of tannery industrial estate (TIE). Current scenario of environmental compliance in the TIE described in the same study as—insufficient capacity of the CEPT, improper treatment of solid waste, opens dumping yard and poor drainage system (Eusuf, 2019). A key interviewee claimed that after relocation the working space has been increased, other environment related provision is still absent in tannery industries.

Workers in both RMG, and Leather and tannery sector are working under various types of occupational risks and health hazards. The most common risk in garments sector is the pricking of finger by needle cutting hand, sewed hand by machine, burning of hand by hot machineries, nail damage and risk of fire. Health problem suffers the RMG workers from headache, bodily aches, fever, weakness or fatigue, skin problems, gastric ailments and mental stress (Islam 2010; and Awaj Foundation, 2019). On the other hand, the workers in leather and tannery factories mostly suffer from health related problems like; burn injuries, breathing problem, ulcer, body ache, blurred vision and red eyes. The perceived factors related to the health problems in leather and tannery sector include chemicals used in manufacturing process (19 percent), chemical gases (22.1 percent), inadequate lighting (32.7 percent), dust (15.4 percent), noise (17.3 percent), polluted environment (21 percent), and lack of safety measures (1.9 percent) (Sultana, 2018).

### Harassment at workplace

According to BLA 2006, no one in an establishment shall behave with female workers in a way that may appear indecent or repugnant to the women’s modesty or honor (BLA, section 332). In the Penal Laws of Bangladesh, criminal force or assault [sections 349 –358, Penal Code], rape [sections 375 & 376, Penal Code] and sexual oppression have been made punishable offences [section 10, the Anti-­‐Women and Children Oppression Act, 2000]. Moreover, all workplaces must have an anti harassment committee (at least 5 members, the majority of whom must be women, the head should be a woman, if available) to receive complaints, conduct investigations and make recommendations, As per High Court directive. The findings of several study reveals that workers particularly women workers face various types of harassment at their workplace. Type of workplace harassment includes bad behavior or verbal abuse, physical harassment and sexual harassment (BILS 2018; Karmojibi Nari 2018, and Awaj Foundation 2019). A report of Shojag[[1]](#footnote-1) (11 Percent RMG Workers, 2018) said that around 83 per cent female workers had experienced of abusive comments. The study also reveals that around 22 per cent female readymade garment workers had faced physical, psychological or sexual harassment at or outside their workplace while 11 per cent say they felt insecure at work. Another study of Karmojibi Nari said that conducted by Karmojibi Nari, says that about 14% of RMG workers face sexual harassment at their workplaces. Like women male workers are also affected by bad behavior (36 percent) and the key reasons for violence against workers indicates to uneven power relations between management and workers (Awaj Foundation, 2019)

There is lack of empirical or qualitative data on workplace harassment in leather and tannery industries in Bangladesh. The information received from KII reveals that verbal abuse such bad language is available in the tannery industries, but sexual harassment is absent. A key interviewee, who is also a leader of tannery workers union said that we never received any complain of sexual harassment from the workers.

### Welfare Facilities

Bangladesh Labour Law has covered several provisions of general welfare for the wellbeing of workers at workplace. The law has stated that every employer is required to provide equipped first aid boxes or shelf (one for every 150 workers), and equipped dispensary with a patient-room, doctor and nursing staff where 300 or more workers are employed (Section 89). Canteen facility should be ensured at the workplace where more than 100 workers are employed (Section 92). The employers are also obelised to arrange adequate and suitable restrooms for use of workers where fifty or more workers are employed (Section 93), and children room for the children of under six years of age, wherein forty or more female workers are working (Section 94).

The conditions of welfare facilities have quite been improved in RMG sector. The facilities e.g. first aid, cheap medicine, canteen, and separate place for lunch are almost available in maximum factories, but the recreation facilities, day care and breast feeding corner is absent in many of the factories (56 percent, 36 percent and 57 percent respectively) (Karmojibi Nari, 2018). Regarding day care center, it is noticed that very confined space is allocated for day care.

The welfare related facilities are almost absent in leather and tannery sector. A few number of leather factories have first-aid and separate place for lunch. No tannery factories have day care facilities and restroom for workers (KII). The report of Asia Foundation said that there are lack of transport facilities, health care facilities and canteen facilities in the tannery industrial estate (Eusuf, 2019).

## Rights Through Work

The key provisions of right through work in this section relate to wage and work related benefits, social security instruments, and freedom of association and collective bargaining.

### Wage and work related benefits

Bangladesh’s labour law defines wages to include other benefits and elaborate wage fixation procedure (Chap. XI). According to law, government is required to establish a minimum Wage Board to determine and declare the rate of wages of workers (Section 138) and it is mandatory for employers to pay worker wages at a rate of wages declared or published (Section 147). The law also specifies the period of wages, and has provided clear instruction on the payment schedule (Section 123). The Law includes the provision that the period of wages must not exceed thirty days, and wages should be paid within the expiry of seven working days after the last day of wage period. The law has made obligatory for employers to provide all remuneration on a regular and timely manner. It also includes that if a worker is terminated by retirement or by the employer (way of retrenchment, discharge, removal, dismissal or otherwise) the wages payable to him should be paid within seven working days from the day of his termination (Section 122 and 123).

As per the BLA 2006, the Minimum Wage Board established for the RMG sector, and declared seven-grade wage structure for the sector workers. The latest minimum wage for RMG workers has been declared BDT 8000 on September 2018 and that has come into effect on 1st December 2018. There is lack of information in the secondary sources regarding implementation status of recently declared minimum wage. Different opinion has been received in KII. A key interviewee said, “Except some small factories from Narayangonj and Chittagong all the factories are providing the latest declared minimum wage to the workers”. Another key interviewee informed that except some small factories, majority of the RMG factories are providing the new minimum wages. He also added that the RMG factories that have been established in the new industrial belt e.g. Jessore and Mymenshing provide neither the new wages nor other facilities to their workers. In a press conference, secretary General of IndustriALL Bangladesh Council (IBC) Salauddin Shapon alleged that despite announcement of minimum wage in December many of the apparel units are yet to implement the new wage for their workers (Budgetary Allocation, 2019). Though the wage of workers has been increased, 77 percent workers yet to satisfied with the wages they received.

It is apparent that wage and overtime payment is almost regular in maximum of the RMG factories (Karmojibi Nari, 2018; and Hossain, Mostofa and Akter, 2016). However, few factories still kept due the wage and overtime payment. 16 percent women workers reported in a survey that wage and overtime is kept due—often or always in their factories (Karmojibi Nari, 2018).

In the tannery factories, government declared minimum wage is totally absent. The workers of tannery industries received the wage payment based on the collective bargaining agreement (KII). A Labour Inspector assigned for the inspection of tannery industries has provided the same opinion. He said, “The minimum wages, declared for tannery workers by government yet to implement in tannery industries, they provide the wages to workers as per bi- lateral agreement between employers and tannery workers union”. Regarding timely payment, it is found that the tannery workers hardly received wages within 7 working days after the last day of wage period. Maximum time wage is kept due particularly after factories relocation at Savar. A tannery worker claimed in in-depth interview that his salary is due for 9 months. A key informant said that a few factories provide the wage payment timely and there are many factories where the wage payment is due for 3 to 7 months or more. He also added that the situation has created mainly when the relocation process was started. Another key informant reported that 50 percent factories did not provide the salary of workers of last month.

### Social Security Instruments

Bangladesh’s labour law has included the provisions e.g. group insurance, compensation, maternity benefits, provident fund and gratuity intending to provide social security benefits to workers. About compensation Labour law include that

There is no specific provision in labour law on pension for the workers. Moreover, the 100 percent export-oriented and foreign exchange sector where government has formed central group insurance, the factories of that sector no need to form group insurance at factory level (BLAA, 2018, Section 99 (3)).

The rights situation regarding social security reveals that most of the provisions but maternity leave are hardly effective in RMG. Some big factories cover group insurance, but all of their workers are not under the coverage. KN study reported the unavailability of group insurance is n 69 percent factories (Karmojibi Nari, 2018). Variation is observed in practicing maternity leave. Though large number factories provide the maternity leave as per law provisions, there are some factories that violate the provision in different ways. Some factories provide leave without payment; many other provide payment for fewer months than the stipulated months mentioned in law (Hossain, Ahmed and Sharif, 2018 and KII). Regarding provident fund and compensation about two third and near about half of the workers claimed that these provision are not available at their workplaces. 39 percent of respondent in the same study also claimed about non-availability of compensation at workplaces.

Social protection situation is worse in tannery factories in terms of availability of group insurance, provident fund, maternity benefit and gratuity. It is found from KII that except compensation and gratuity all the social security related provisions are totally absent in tannery sector. However, the gratuity is available only for the permanent workers of some factories. It should be mentioned here that a few number of workers work as permanent worker. Maximum of the tannery workers are either temporary or contractual. In case compensation, the workers of tannery industries get even more compensation than that is fixed in Labour Law[[2]](#footnote-2). It has been possible due to the role of Tannery Workers Union, said a trade union leader (KII).

### Freedom of Association and Collective Bargaining

According to BLA 2006, workers are entitled to form and join trade union by their own choice (Section176). The trade unions of workers have the right to form and join in a federation and such unions and federations are allowed to affiliate with any international organization and confederation of trade unions, as per law (Section 176 C). However, conditionality has been imposed in the Act for TU registration. Before the latest amendment of Labour law, for getting registration a trade union must had to minimum membership of 30 percent of the total number of workers employed in an establishment or group of establishments [BLA 2006, Section 179 (2)]. The latest amendment (BLAA, 2018) has reduced the conditionality. It includes 20 percent number of workers as a prerequisite for getting registration of a trade union. But the ILO Convention has prescribed that even if only 10 workers want to form a trade union, they have to be granted permission. The labour Law also has made specific bindings on employer or trade union of employers, and on the person acting on their behalf for protection against victimization and discrimination such as protection for workers during trade union formation (Section 195) and restriction of transfer of trade union officials (Section 187).

About right to collective bargaining, BLA 2006 provides a number of provisions including rights to bargaining, bargaining scope and procedures, industrial disputes settling procedures, right to strike, workers’ protection during lay-off, and tripartite consultation. The law allowed trade union to work as a collective bargaining agent (CBA) in any establishment (Sec. 202), but there is pre-condition if more than one trade union exists and election is not held, then a trade union will act as CBA and a trade union to act as CBA requires membership of at least one-third of the workers. Calling a strike is also dependent on the support of pre-requisite number of members for the CBA—support of at least 51 percent members of the CBA is necessary (BLAA, Section 211).

Despite the rights provisions, the right of freedom of association and collective bargaining in the garments factories is most neglected (Hossain, Ahmed and Sarif 2018; Hossain and Ahmed 2017a, BILS 2011, and KIIs). Currently RMG sector has 52 industrial federations and 732 basic trade unions (KII). The number of trade union in RMG industries drastically increases after the Rana Plaza disaster in 2013. Before 2013, total 132 trade unions were in RMG sector. Total 600 trade unions have been formed during the period of 2013 to February 2019. But the General Secretary of Bangladesh Mukto Sramik Federation claimed that after 2013 the majority number of trade unions has been formed in small garment factories, not in medium and big factories that have 3,000-20,000 workers. About 90 percent of these trade unions in RMG sector do not belong to any national trade union federation (Bhuiyan, 2017). The membership status of trade union in RMG sector shows the total number of RMG workers involved in trade unions is 2,29,579 (KII) and there are about 4 million workers are working in this sector in Bangladesh. Thus, the trade union density in RMG sector is only 5.7 percent.

Non-availability of workers participation mechanism and workers’ unwillingness in joining unions due to fear of harassment and job termination by the authority has been identified as main reasons of low membership in trade union (Hossain, sharif, and Ahmed, 2018).

CBAs are not new to Bangladesh’s apparel sector, but practice of collective bargaining process is hardly seen at factory level, and even workers rarely get scope to bargain with the authority through formal channel. Since 2013, an estimated 51 collective bargaining agreements have been signed in RMG sector (Saltmarsh, 2019). A garments federation—Sammilitito Grments SRAMIC Federation (SGSF) reported that it has negotiated seven CBAs over the last three years (Ibid).

Trade union is available in tannery sector, but not at plant level. Because of the small sizes of tanneries (in terms of number of workers) it is difficult to organize workers at plant level. There are three trade unions currently active in tannery sector (KII) and maximum number of workers has affiliation to one of them. Among the trade unions, Tannery Workers Union (TWU) is found as biggest and most active. Workers of about 60 to 70 factories are under the coverage of TWU (KII). The activity of other two unions is in the organizing stage. There is no dedicated union for leather workers, but few leather factories have basic union (KII).

In tannery sector, there is a sectoral collective bargaining agreement between TWU and the two owners’ associations (BTA and BFLLFEA). It is renewed every two years when TWU presents a charter agreement and negotiates with the owners’ association. The negotiation is bi-lateral. If bilateral negotiations fail, they engage in a tri-partite negotiation that includes the government (BLF, 2015 and KII). The workers of tannery sector received the wages as per Collective Bargaining Agreement (KII).

The BLA 2006 has drawn several provisions on employee participation committee for ensuring employees’ participation in the decision making process at workplace. There are about 1468 participation committees exist in the RMG factories (KII). But the scope for negotiation through participation committee is limited since it leaves aside paramount issues of workers’ interests—wages, overtime rate, working hours, working conditions (Hossain and Ahmed, 2017b). A study reveals that the PC has been formed mainly for two reasons—to comply with the provisions of labour law and to fulfill the buyers’ requirement (Akter, Hossain and Khan 2016). However, the functioning of the participation committee is determined in maximum cases by management followed by workers representatives (KII). On the other hand, the participation committee is very rare in leather and tannery sector.

# Section Three: Workers Rights Gaps in Legal Framework and Existing Research

## Gaps in Legal Framework

In Bangladesh, workers’ rights are promoted and protected on the basis of some instruments those are of both international and national in nature**.** Government has enacted different legal instruments e.g. laws, policies and rules in the course of time considering the changing circumstances and needs of the working class people. In this process Bangladfesh Labour Law 2006 and Labour policy 2012 are the main national legal instruments to protect and promote the rights of the workers and decent work for them. Labour Law 2006 is a comprehensive law of the country that has amalgamated the provisions of previous 25 labour related laws into a single one. It has included under its purview a broad aspect of worker rights and labour and industrial relations including special provisions for specific worker groups. National Labour Policy 2012 is another important instrument to protect the rights of workers and maintain labour standards in Bangladesh. After the enactment of Labour law 2006, two times it has been amended and the latest amendment was on September 2018. However, still there are some gaps and shortcomings for which all workers of the country are not getting chances to enjoy all of their rights. This section has highlights the gaps and shortcomings of Bangladesh worker rights legal framework e.g. labour law 2006 and labour policy 2012 on two dimensions of a) uncovered labour issues and 2) mismatches and contradictions in the existing laws and policies of the country as well as international instruments.

## Uncovered labour issues

There is widespread coverage of the international labour standards in the Bangladesh labour law and policy; some issues are completely untouched in these legal instruments.

### Issues not covered in Bangladesh labour Law

The issues those are not covered in Bangladesh Labour law include providing safety information to workers, accommodation, pension, medical allowance, rehabilitation, alternative skill development, violence against women at workplace, skill development of workers. The Bangladesh Labour Policy has included different issues for skill development of workers e.g. alternative training, refresher training, and future need assessment training but there is no provision relating to skill development of workers in Bangladesh Labour Law.

### Issues not covered in Bangladesh labour policy

Bangladesh labour policy does not cover the employment contract related issues like appointment letter, service book and employee register. Some other important matters those are not covered in labour policy include a) working hours related issues e.g. overtime hour, night duty for women workers; b) workplace safety related issues –fire extinguisher and emergency fire exit; protective kits (gloves, masks, helmets, shoes etc.); and safety of buildings and machineries; c) welfare facilities such as first aid facilities; and canteen and d) the issues relating to wage and benefit particularly Wage deduction; overtime rate; medical allowances; transport allowances and welfare fund.

The above discussion reveals that the issue of medical and transport allowances is untouched in both the labour law and labour policy.

## Mismatches and contradictions in Labour law and Labour policy

The review of existing laws and policies of the country, as well as some international instruments has identified various mismatches and contradictions (among the law, between law and policies; between and among the policies, and between law and international instruments) in worker rights standards. These mismatches and contradictions has been highlighted here in terms of a) right to work; b) right at work and c) right through work.

## Right to Work

### Employment contract

The law has ensured appointment letter, and identity card, sramic register and card for workers. However, the law lacks provisions of fine and punishment for violation of this provision.

Though the law makes provision of service book to the workers, giving a copy of service book to all workers is not mandatory for employers. Employers are not required to provide the service book to the apprentice, badli or casual workers. Service book is again cost-burden for the workers, as workers need to pay if they want to maintain a copy of service book for themselves.

In the current law, several procedures of job termination have been determined where a time- binding is prime concern. The law has prescribed different notice-period, varying according to the status of the workers, in case of job termination. Notice-period of sixty days, thirty days and fourteen days to leave the job is quite lengthy for the permanent, temporary but monthly basis, and other workers respectively. However to get financial benefit due to termination is conditional too. In the case of retrenchment and discharge, a worker must complete minimum one-year service to get financial benefits. Nonetheless, law does not include specific provision on how to proof redundancy in case of retrenchment. This provision of the law deprives the worker from compensation when are dismissed due to misconduct.

### Elimination of child labour and protection of adolescent

BLA 2006’s provision on considering a person below 14 years of age as ‘child’ contradicts with the National Children Policy 2011 (NCP 2011) since the policy considers a person below 18 years of age as ‘child’.

### Protection against discrimination at workplace

Bangladesh’s law provisions relating to protection against discrimination mainly are focused on wage and gender. Employers are obliged to ensure equal wages for male and female workers for work of equal nature or value, and no discrimination should be made on the ground of sex (BLA 2006, Sec.345). The law provision left broad areas of discrimination at workplaces unattended. It lacks specific provisions on discrimination related to workplace facilities and treatment. Again, only the sex of workers has been considered as discrimination ground; different other grounds of discrimination e.g., race, religion, and ethnicity is not included.

## Right at Work

### Working hours

Daily working hour: The recent amendment of Bangladesh Labour Law (BLAA, 2018) has increased the daily working hours of workers. Before this amendment workers were allowed to work up to ten hours with interval for rest or meal. According to new amendment, the workers are required to work for up to ten hours without interval for rest and meal. It has increased the daily working hours of workers, which is a violation of ILO convention.

Night duty: The labour law of Bangladesh complies with international norms regarding average daily and weekly work hour, but contradicts with night duty provision for women workers. Existing provision of the BLA 2006 allows night duty of women with their consent that contradicts with the provision of ILO (ILO C89) since ILO convention restricts engaging women at night except in understanding where members of the same family are employed. On the other hand, the law prohibits employers to employ women workers for the period between 10 pm to 6 am. 10 p.m., as the start hour of restriction for women is quite late hour. In the case of night duty, the security issues, concerning women workers, both within and outside workplace are not addressed in the labour law.

### Holiday

The provision of weekly holiday for the workers, as prescribed in the BLA 2006, is self-contradictory. Although the definitions, as given in the law, of ‘factory’, ‘shop’ and ‘establishment’ are closely related, the amount of weekly holiday, is not same for the workers employed in ‘shops’, ‘ commercial establishments’ and ‘factory’. In shops or commercial or industrial establishments workers are allowed to enjoy one and half day’s holiday in each week. On the other hand, weekly holiday is one-day for the workers of factories and transport sector (holiday of twenty-four consecutive hours).

### Rest and leave

Annual leave: The amount of annual leave varies for workers of different sectors. Calculation of annual leave is one-day for every 22, 18, and 11 days of work for the workers of shops/commercial/industrial establishment, tea plantation, and newspaper sectors respectively.

Maternity leave: Maternity leave varies between labour law and two national policies of the country. Sixteen weeks (eight weeks before and eight weeks after delivery) maternity leave of BLA 2006, contradicts with six-month maternity leave provision of both National Child Policy (NCP) 2011 and National Women Development Policy 2011 (NWDP 2011).

Casual Leave: The law allows 10 days casual leave, but has not made any provision of monetary benefit for workers if they do not enjoy this leave. Moreover, the law also has deprived workers of tea-state of enjoying casual leave.

Sick Leave: The law allows 14 days sick leave for workers, but has no provision on leave for the workers in the case of long-term illness.

Festival leave: Though the law made provision for festival leave of 11 days in a calendar year, the law also made scope for employers to engage workers in work during festivals. Even the employers are not required to take consent from workers to engage them during festivals.

### Occupational safety and health

Information relating to occupational disease: The current law has provided workers the right to be informed by the employers about buildings and machines which are dangerous /risky, but the law does not obelized employers to inform workers about health hazards, which may occur because of not using safety equipment.

Precaution as to fire: The law has made provision on arrangement of at least one alternative stair and fire fighting apparatus as precaution in case of fire. However, the law has not fixed the ratio of alternative stair and other apparatus against the number of workers. More the time-gap as fixed in the law between the two fire fighting drills is also quite lengthy.

Cleanliness: The law has provided provisions to maintain cleanliness at the workplaces. However, time span/gap for maintaining the cleanliness particularly in case of painting and varnish is quite lengthy. In the case of ventilation, industry wise necessity has not been addressed in the law.

Cold-water facility: Cold-water facility for the workers is dependent on the number of workers. If the number is less than 250, the employer is not obliged to provide cold-water to the workers.

Gender segregated toilet: The law provides provision on separate toilet for male and female workers, but toilet ratio has not been mentioned in the law. Moreover, the law does not include provision for dustbin and separate washing place with the toilet.

### Welfare facilities

Facilities subject to pre-requisite number of workers: Many facilities and rights, as ensured in the law, are subject to the pre-requisite number of workers. The law has made provision on providing cold-water to the workers during summer where at least 250 workers are working [Article- 58(3)]. Dispensary facility will not be provided if the number of workers is less than 300 [Article- 89(5)]. Day-care facility/Children’s room will be made available only when forty or more female workers work in factory [Article- 94]. More than 50 workers are needed to get rest-room facility from the employers at workplaces [Article -93(1)] and more than 25 female workers for separate female rest room [Article -93(3)]. The number of workers as pre-requisite for canteen facility is 100 (Article -92).

Treatment: BLAA 2013 has required employer to continue treatment, on his own cost and responsibility, of the workers’ disease, injury or sickness suffering from occupational disease or injury in an occupational accident by an appropriate or specialized physician until the worker becomes completely cured. Punishment regarding violation of this provision is absent in BLAA 2013.

Accommodation and recreational facilities: The law has included provisions on accommodation and recreational facilities only for the workers of tea- estate/garden and is not applicable to all workers.

## Rights Through Work

### Wage and work related benefits

Though both BLA 2006 and NLP 2012 have provided factors to be considered while fixing wage for the workers, some of the factors of BLA are absent in NLP. Cost of living, types of work, risk of work, and socio-economic condition of locality etc. of BLA 2006 are not taken into consideration in NLP.

While determining minimum wage, family size of the workers has not been considered and balances between efficiency and equity is not specified in the law. Furthermore, Wage review gap/span (after every 5 years) is too long.

### Social security instruments

Maternity benefit: In the case of maternity benefit and death benefit, there are also time-bindings as pre-condition. At least six-month long continuous work is needed to receive maternity benefit from the employer, whereas three-year long continuous work is needed to get the benefit due to death of the workers. Moreover, the law does not include provisions of medical care as part of the maternity protection and benefit.

Compensation: The recent amendment of Labour law (September 2018) has increased the amount of compensation, it is however not sufficient to provide adequate protection of a worker and his/her family. To determine the compensation, ILO convention 121, lifetime income loss of the deceased or permanently disabled workers, and pain and sufferings should be considered.

### Freedom of association and collective bargaining

In the latest amendment of labour law, though the pre-requisite of mandatory support of workers to form trade union has been reduced from 30 percent to 20 percent, still there is a contradiction with international norms especially with the ILO convention 87 to which Bangladesh is a signatory. The ILO Convention prescribes that even if only 10 workers want to form a trade union, they have to be granted permission. Moreover the law does not provide any specific provision on the nature and pattern of women representation in trade unions.

## Gaps in Existing Research

This section has reviewed different research reports, articles and case studies those have investigated the work and working conditions of RMG and tannery sectors to identify the key information gaps with regard to current working situation of these two export oriented sectors in Bangladesh. Total 16 research reports and articles (published from 2015 to 2019) have been reviewed (10 on RMG related and 6 on leather and tannery sector related) to identify the gaps and substantiate future studies.

### Review of literature

Hossain, Ahmed and Sharif (2018) in their study explored the link between trade and labour standards in Bangladesh’s textile and garment as well as footwear sector. It also has investigated the situation in Bangladesh’s two export-oriented industries. The study has further assessed the interests and policies of stakeholders, such as the government, employers, trade unions, buyers and brands and identified their common interests finally drawing up recommendations for industrial policies that enable both social and economic upgrading. To investigate the labour rights situation in RMG and footwear industries the study has mainly focused on only state of core labour standard plus e.g. Elimination of child labour, Protection against forced and compulsory labour, Protection against discrimination in the workplace, Freedom of association and collective bargaining, Freedom of association and collective bargaining, Working hours, Occupational safety and health, Wages and work-related benefits, Social security, and Employment contracts. Other workers rights component like welfare facilities; leave and rest, workplace harassment has not been covered in this study.

Hossain and Ahmed (2018a) explored the state of current participation committees to promote workplace cooperation focusing on three areas—possibilities, practices, and priorities. The study revealed that workers have lack of knowledge regarding the structure of PC, PC formation process and the activities of PC. It is also found that the male members mainly occupy the leading position of PC. Though the workers representatives are selected mostly in democratic way, women workers hardly get priority to be nominated as a workers’ representative of PC. With regard to PCs’ effectiveness the study said that it is often effective to develop good relations between workers and employers.

Akter, Hossain and Khan (2016) have identified the participation committee, Canteen management committee, and OSH committee as a workplace cooperation mechanism. Mapping of the current practices of workplace cooperation in RMG sector, the study looks at social dialogue-workplace collaboration practices. It identifies the features of workplace cooperation from the lessons learnt from RMG sector interventions geared towards inducing workplace cooperation. Finally explore the pointers of needed changes on the part of tripartite constituency as well as identifies what is needed on the part of both management and workers along with the government and other stakeholders in order to improve current state of workplace cooperation in RMG industries in Bangladesh. The study unearth that PC as a workplace cooperation mechanism has many functions such as promote mutual trust, understanding and co-operation between the employer and the workers, ensure application of labour laws, fulfill production target, improve productivity, reduce production cost and wastes, raise quality of products, encourage vocational training including workers education and family welfare. The study also highlights on the five limitations and constraint for which the PC cannot perform properly. Finally study proposes that the government should ensure the execution of labour law provisions related to the formation and functioning of workplace cooperation mechanisms—Trade union, CBA and PC. The employers’ association should make it compulsory for their member and non-member factories to form workplace cooperation mechanisms as prescribed in the laws and rules.on the other hand, The workers as a second party of workplace cooperation should be organized through workers associations and trade unions and to be conscious of their rights and welfare issues. The study also explores the role of trade union social media, and buyers and brands in fostering workplace cooperation in RMG workplaces in Bangladesh.

Hossain, Mostofa, and Akter (2016) examined the living and working conditions and violations of rights at work in factories that produce for Walmart. The status of implementation of the labour law provisions in the Walmart supplier factories has shown that workers of RMG sector are deprived of many of their rights. The violation and absence of practice of legal provision is severe with regard to freedom of association and work related provision (e.g. appointment letter). Legal provisions on leaves are mostly violated. Though welfare and occupational health and safety related facilities are to some extent available in garments sector, there is also evident violation concerning social security provisions. The study also suggested three necessary steps for updating the worker rights situation in walmart supplier factories— strengthen legal standards, close coverage gaps, and upheld responsibility of rights.

Karmojibi Nari (2018) investigated prevailing situation of women workers of garment sector in terms of their working condition. The findings of the study revealed that the working experience of women workers in RMG sector is not so long. Their average working duration is 5.8 years. Working conditions highlighted that violation of employment contract related provisions are evident, overtime is mandatory, safety arrangement is in sufficient in many factories and non-availability of social security provisions, but leave provisions, welfare provisions are almost available in maximum factories. Regarding workers organization it is observed that workers’ organization or committees are available at workplaces of majority workers and participation committee is the most frequent, followed by OSH committee,

Islam (2018) explored the rights of workers and gender based violence (GBV) in the RMG and role and performances of trade unions in dealing with them. In stakeholder analysis, it indicates to workers particularly women workers as main right holder stakeholders. On the other hand, through ‘Problem Tree Analysis’ it notice on workers particularly women workers are rarely claim their rights at workplace due to Job insecurity, force/harassments, social and economic vulnerability and poverty. About working conditions the study findings unearth that TUs fail to defend RMG workers rights effectively and application submission and awarding of union registration is high following industrial accident. It also states that there is few plant level unions, gaps in skills and capacity between two parties in the factory based bargaining processes, poor service related documentation, poor wage practices, long overtime hours at night, fraudulence in recording and payment, working at holidays to avail festival leave, random curtail of maternity leave and benefits, supply chain driven OSH, and sack/dismissal/discharge is a routine job in RMG factories. It is further analyse that gender division of labour and discrimination in wage practices are common in which young and good-looking women are often the main beneficiaries. Gender based Violence particularly occurs at three main levels i.e., i) at factories, ii) in the street, and iii) at community. The study recommends a) an independent RMG employment commission to ensure workers’ employment security b) capacity building of trade union/CBOs with knowledge, skill and resources c) arrangement of social dialogue to influence macro level social and economic policies d) government initiatives to implement labour law, and e) factory and community initiatives to combat GBV.

Hossain and Ahmed (2018 b) investigated the state of terminated female garments workers who had lost their job due to retrenchment, dismissal and discharge. First, the study explored the causes of retrenchment, dismissal and discharge of the women garment workers. It shows that maximum female garments workers were terminated before age of 40 and were terminated due to age followed by illness and then pregnancy. Secondly, it identifies the impact of retrenchment, dismissal and discharge on lives of the women workers. The study findings show that the terminated workers mainly faced economics problems and mental stress after termination. Terminated workers faced difficulties to continue education of their children. To overcome the situation the workers cut short the monthly bazar cost, reduced daily meal, shifted family to village and also fallen into loan trap. The study also reveals the integration process of terminated workers. It identifies there is lack of government and NGO initiative regarding re-integration of terminated workers. The findings notice Lack of resource, proper training, and fitness is the main constraint on the way of terminated workers. Finally, the study suggests providing skill training, microcredit support, and product-marketing supports to terminated workers for their smooth reintegration; along with create a central database of terminated workers. Through the review process it is identified that study has covered only the female garments workers, but there are a large number of male workers terminated each year due to different reasons, thus suggest further research to cover both the male and female terminated workers.

Awaj Foundation’s (Saltmarsh, 2019) workers voice report highlighted on the shortcomings of Bangladesh’s RMG sector and expand on gender dynamics that obstruct workplace equality among a predominantly female workforce. The findings of the report unveils that female workers are exposed to comparatively more challenging conditions in the workplace than male workers particularly in balancing between family and work life. The study reveals that female workers are often low skilled and engaged in low paid job, and the higher position is hold by male. Female workers harassed on their way of home to work place and struggle more with higher target, and workplace harassment than male workers, though the study does not cover which form of violence is gender specific at workplace or outside workplace. The study also said that the female workers facing difficulties to balance family and work life. The study further reveals garment workers are increasingly affected by physical and mental health problems, which make difficult to take over their responsibilities at home and at work but factory management hardly cares about health and safety for their workers.

Hossain and Ahmed (2017b) explored the scope, efficacy and limitation of recently form trade union particularly those are formed after Rana Plaza disaster. They reported that the new trade unions are almost active at workplace but are not being operated based on strategic plan, rather on short-term and day-to-day issues/demand. Many of the unions have affiliation with the national and international federations they still lack organized communication strategy. The study also reported that due to amended labour law, labour rule, and policies, international cooperation, multi-stakeholder initiatives, and the bilateral cooperation the scope for unions’ has widened activities. Now the unions work in a comparatively better environment. The study further identifies four types of challenges e.g. membership challenge organizational challenge, bargaining challenge and employer challenge faced by newly formed trade unions. Finally the study recommends for increasing union density; improve organizational strength, training for representatives, developing strategic plan and communication strategy by union, strengthening network with civil society organizations, government organizations, and labour and human rights based organizations.

Zaman, Arifuzzaman and Trina (2018) in their paper find out the special strategies and policies to create a standard working environment and maximize the working efficiency of RMG workers, thus increase productivity. The paper depicts that there is a constant link between the working environments, the satisfaction level of workers and the production time required by the workers. Good satisfaction with the working condition and risk reduction enhances the productivity of workers. Environmental considerations, comfort condition, safety and health hazard reduction in the working environment increases the worker’s physical satisfaction level during work. Prolonged exposure to improper working condition may lead to physical ailments and in some cases lifelong injuries of working people. Then the paper provided a strategic plan to improve workers psychological state during work (includes job satisfaction, stress reduction, fire hazard free, recreation space & break out spaces, medical facility, prayer space & gymnasium) and physical condition of indoor work environment (e.g. lighting and ventilation). Finally it suggests further study to determine the relationship of the environmental performance and the motivation level of the workers.

Mondiaal FNV and BLF (2015) summery report provided insight into the supply chain links between Bangladesh’s tanning and leather industries, and export markets. It also provided information about the working conditions in the Hazaribagh-based tanneries and leather workshops. Concerning leather supply chain the report exposed that the leather and leather products are exported in maximum cases through agents and buying houses, but tanneries sometimes have direct relations with foreign leather goods manufacturers. The report also revealed the name of countries and brands to where the leather and leather goods are exported. It also revealed the name of companies sourcing leather footwear from Bangladesh e.g. Timberland, Decathlon, Hugo Boss and Deichmann. The research further reported that lack of transparency in the industry makes it difficult to uncover relationships between brands, retailers and producers of leather in Bangladesh. About working condition, the report unearthed that there were under-aged workers in tannery industries. A major concern for workers in tanneries and leather industries, as uncovered by this research, is the precariousness of their employment which include absence of job contract and pay slip, long working hours, insufficient wages, and poor health and safety measures. Regarding freedom of association the study reported the presence of strong union including CBA in tannery industries, but absent of dedicated union in leather industries. At the end the report highlighted the role of government, governments of countries at the buying end of the supply chain and corporate actors to address workers’ rights issues. But the study did not cover the workers’ issues such as leave and rest, welfare facilities, and social security facilities.

Islam, Hossain and Siddique (2017) in their paper investigated the prevalence and patterns of health problems of the tannery workers, and exposed the factors associated with those health problems. The paper revealed that majority of workers were affected with at least one-health problems and they were suffering from skin problem gastrointestinal problem, chronic headache, allergies, respiratory system problem, cardiovascular problem, and eye problem. It also reported that a good number of workers did not use personal protective equipment (PPE). About the factors associated with the health problem, the paper revealed that smoking and monthly low household income was significantly associated with the morbidity of the tannery workers. The paper also reported the environmental condition of tannery industries which shown poor ventilation and lighting, uncomfortable temperature, presence of chemical fume, noisy and no Effluents and wastes treatment facility. The study strongly recommended for strict enforcements of Bangladesh’s Labour Act (2006) along with more concern on OHS (Occupational health and safety) issue for both government and tannery employers. The study also suggested for hospital, proper training focusing on PPE use and chemicals along with safe housing for tannery workers.

Khondokar and Rahman (2017) conducted a rapid assessment of the displaced workers in Hazaribag to find out the workers conditions during the laid period and relocation related challenges. The assessment findings revealed that small number of workers received compensation as laid off or termination benefit. Despite the structural shift, the sector mainly dominated by temporary form of employment. The assessment report outcomes also shown a) worse salary and working condition of the child labour, b) Lack of written contract, c) poor working conditions including lack of adequate number of gender-segregated toilet, poor and hot air inside the factories, narrow exist route, lack of canteen and lack of safety equipment, d) salary under poverty line, e) lack of welfare and social security facilities, and f) lack skill development training is available in tannery industries. The report however shown one union represents the tannery sector. Concerning relocation to Savar, the assessment report find out that majority of the workers affected by the relocation like no income and jobs, as well as lack of accommodation and health care facilities.

According to Bosak, Raihan and Bhuiya (2019), different injuries are the common scenario in small, medium and big industries and maximum injuries occurred due to the unconsciousness of workers, mechanical problems and carelessness of owners respectively. They finds out that minimum treatment expenses for an injured worker is 9 to 36 times more than yearly expenses for PPE (Personal Protective Equipment) required for each worker. They revealed that the cost to promote good working environment and OHS status has a positive effect on production cost as well as good workplace; skilled, safe and healthy workers are profitable in the long run. The also set some specific target for owners and workers to improve Occupational Health & Safety (OHS) situation in the industries.

Sultana (2018) investigated the health and safety status at leather supply chain. As per the study findings majority of workers of leather tannery sectors were suffering from health hazards or accident injuries. The health hazards include skin burning, breathing problems, allergies, diarrhea, and hearing problem, dermatitis, scabies /ulcer, nose irritation, eye problem, itching, sleep problem, chest and back pain, and cough and fever. The study further revealed the reasons of health hazards like chemicals use, inadequate lighting, dust, noise, improper ventilation system, polluted environment, heat, chemical gases and lack use of PPE. On the other hand, the causes of accident identified in this study e.g. unsafe machinery, slippery floor, unsafe handling of chemical, inattentive/careless, poor housekeeping, improper handling of machines/materials, and not use of PPE. The study lastly suggested government supervision to implement law provisions, employers’ initiative to improve workers health through providing allowance and incentive, and arrangement of safety training, functional TU and NGOs initiative to improve the health and safety situation in leather supply chain.

Eusuf (2019) in his study revealed that third party contractors ran most of the tanneries in the estate and the units barely pay any attention to working hours and other forms of labour rights. The study said Tannery Workers’ Union negotiated a formal agreement with the tannery owners to pay the temporary workers at least Tk 8,000 per month whereas the permanent workers currently get about Tk 11,000 per month. The study identified poor housing facilities, lack of transportation and inadequate supply of pure food at low cost in nearby areas as big challenges for workers. It also found that there was no medical facility for the workers and small medical centers were located in Hemayetpur. Study showed that maximum workers did not receive personal protection equipment. It found that the Central Effluent Treatment Plant was not running at its fullest efficiency. The report said that sludge was dumped into the temporary dumping yard.

From the above discussion it is found that four literature focused on worker rights situation in RMG sector (e.g. employment contract, working hour, leave and rest, Occupational safety and health, welfare facilities, social security and freedom of association and collective bargaining), and among them a study has focused only on core labour standard plus and another study has covered the rights situation of female garments workers. Among the others two studies shows the state of participation committee. Each of the other studies has highlighted on gender-based violence in RMG industries, state of female garment workers, shortcomings and gender dynamics of RMG sector, efficacy and limitations of newly formed trade union in RMG sector, and working environment and efficacy of RMG workers.

On the other hand, most of the tannery and leather related literature focused on work place hazards and impact on workers’ health conditions. Only one study investigated the working conditions of Haazaribag based leather and tannery industries. A study reported the supply chain links between Bangladesh’s tanning and leather industries, and export markets.

Therefore the major issues those are not covered in the existing literature include workers recruitment process, family and work life balance which is one of the important component of decent work agenda, state of terminated male workers, current state of tannery workers, impact of tannery relocation, and the vulnerability of female tannery workers.

## Identified gaps in the literature

The previous discussion has identified the following issues those are not touched in the existing literature and that suggest further research.

### Workers recruitment process

There is lack of available information how the garments and tannery workers are requited and whether the factory maintains the proper legal recruitment procedure require further investigation.

### Family and work life balance

Family and work life balance is a key component of decent work agenda, but the issue is completely ignored almost in all the reviewed studies except one. However that study mentioned only about the difficulties faced by women workers to balance family and work life. What type of difficulties faced by women workers at workplace and in their family life, and how they overcome the problem is not clear in that study.

### State of terminated workers

Evidence shows that a large number of RMG and tannery workers are terminated through retrenchment, dismissal and discharge each year. A study has identified the situation of terminated female garments workers, but a large number of male workers terminated each year have been excluded from this investigation. It is also found that a large number of tannery workers lost their job due to termination, but there is no information about these terminated workers— how many workers have been terminated due to relocation, what is their current situation, how they are surviving after termination, and whether they have reintegration opportunity.

### Current workers rights situation in tannery sector

Many research investigations has been made on tannery sector, but maximum of them mainly focused on occupational health and safety, environment, or relocation. Only 1 or 2 study highlighted on the workers rights issues of tannery sector in limited way. However, information is not available current worker rights situation in tannery industries particularly after relocation.

### Impact of tannery relocation on the workers life

There is also information gap about the impact of tannery relocation on the workers such as how many workers lost their job, what types of difficulties faced by workers due to relocation.

### The vulnerability of female tannery workers

Information is not available in the existing literature about the vulnerability of female tannery worker e.g. employment vulnerability, physical vulnerability, financial vulnerability and social vulnerability, as well as reasons that make tannery workers vulnerable.

# Section Four: Key Findings and Recommendation

## Workers’ Rights Situation in RMG, and Leather and Tannery Sector

## Right to Work

### Employment contract

Though the law has made it mandatory for employers to provide appointment letter to the workers, a significant number of garments workers are still deprived of appointment letter and many of workers who signed the appointment did not have the copy of appointment letter to them. Among the other employment contract related provisions, attendance card is widely available and effectively maintained to a large extent in RMG sector, but a few number of RMG factories maintain the worker’s service book. On the other hand, the workers of tannery and leather industries did not get any written contract or appointment letter from their employer and a few numbers of permanent workers have ID card. The service book and employee register are not effective in tannery industries. Expulsion of workers without notice is a common practice in both the sector.

### Elimination of child labour and protection of adolescent

Both garments, and leather and sector are yet to be free completely from employing child labour. Though the employment of child labour in RMG factories has been discouraged, the industry is yet to be free fully from employing children. Children do work in some non-complaint factories, which mainly work on sub-contract basis. Like RMG, child labour is also available in the non-compliant and subcontracting leather and tannery industries.

### Discrimination at workplace

Female garments workers are not being discriminated as regard to wage, but they face discrimination in terms of job placement, increment and promotion. In leather and tannery sector, female workers are discriminated in terms of wage, job placement and promotion.

## Right at work

### Working hours

Different studies noticed to widespread violation of working hours provision in both the RMG, and leather and tannery sectors. Ten to twelve hours work is common and hardly maintained over-time limit RMG factories particularly during shipment. The Night duty is mandatory in opinion of 43.6 percent garments workers. A diverse scenario has been found from different sources regarding working hours of tannery sectors. A study reported that working more than 60 hours in a week are commonplace and in the most extreme cases, weekly working hours enhanced up to 78 hours. On the others hand, A key interviewee of the current study said no overtime is available in tannery industries located in Savar as the workers mainly work as contract basis.

### Rest and leave

At present maximum workers enjoy holiday or other leaves compare to 3 /4years back. However, violation of rights provision is still available for casual leave, and annual leave and in many cases sick leave is not paid leave in RMG industries. In leather and tannery sector weekly holyday is available for both the permanent and temporary workers. But except festival and government declared holydays, the temporary workers do not enjoy other leave. The contractual workers totally out of this provision.

### Occupational safety and health

RMG sector witnesses a considerable progress especially in physical arrangement after Rana Plaza disaster. Safety related facilities including fire-fighting instruments, open alternative stairs for emergency fire exits, fire extinction drill and safety equipment are available at varied levels across factories. A good number of workers yet to be trained on fire fighting and got PPE. Many workers are also deprived of getting risk related information. Workplace environment related provisions such as; sound, temperature, lighting, dust, working passes are yet poor at a number of RMG factories.

Safety measures are rather poor in leather and tannery industries than RMG industries. The tannery industries limitedly provide PPE, and hardly provide safety training and risk information. Violation of rights provision is severe in tannery industries with regard to open get, fire exist and environment related provisions.

### Harassment at workplace

Workers particularly women garments workers face various types of harassment e.g. bad behavior or verbal abuse, physical harassment and sexual harassment at their workplace. Male workers are also affected by bad behavior (in 36 percent cases). There is lack of empirical or qualitative data on workplace harassment in leather and tannery industries in Bangladesh. From KII in is reported that verbal abuse such bad language is available in the tannery industries, but sexual harassment is absent.

### Welfare facilities

Law has made the employers responsible to ensure various welfare facilities like first aid kit, canteen, restroom, day care/children’s room, medical care, separate place/room for lunch at the workplaces of the workers. Among these provision first aid kits, separate place for lunch, and Medicare facilities are comparatively common in garments sector, but almost absent in leather and tannery sector. A few number of factories have fist aid and separate place for lunch.

## Rights Through Work

### Wage and work related benefits

Except some small factories, majority of the RMG factories are providing the new minimum wages. Moreover the RMG factories that have been established in the new industrial belt provide neither new wages nor other facilities to their workers. Though the wage of workers has been increased, 77 percent workers yet to satisfied with the wages they received. Although wage and overtime payment is almost regular in maximum of the RMG factories, few factories still kept due the wage and overtime payment.

Government declared minimum wage is totally absent in the tannery factories. The workers of tannery industries received the wage payment based on the collective bargaining agreement. The tannery workers hardly received wages on due time particularly after factories relocation at Savar.

### Social security instruments

The violation and absence of practice of social security provision is severe in both the RMG and Tannery factories. Most of the provisions but maternity leave are hardly effective in RMG. There are some factories that violate the maternity provision in different ways. Some factories provide maternity leave without pay; many other provide payment for fewer months than the stipulated months mentioned in law.

Some big factories cover group insurance. Compensation is not available many of the factories.

In Leather and tannery sector, workers are completely deprived of social security facilities like group insurance, provident fund, maternity benefit and gratuity. The gratuity is available only for the permanent workers of some factories. In case compensation, the workers of tannery industries get more compensation than that is fixed in Labour Law.

### Freedom of association and collective bargaining

Right to freedom of association and collective bargaining is yet far away in both the sectors. Currently RMG sector has 52 industrial federations and 732 basic trade unions. The number of trade union in RMG industries drastically increases after the Rana Plaza disaster in 2013. The membership status of trade union in RMG sector shows the total number of RMG workers involved in trade unions is 2,29,579. Practice of collective bargaining process is hardly seen at factory level, and even workers rarely get scope to bargain with the authority through formal channel. There are three trade unions currently active in tannery sector, but not at plant level. In tannery sector, there is a sectoral collective bargaining agreement between TWU and the two owners’ associations. There are about 1468 participation committees exist in the RMG factories (DoL). But the “the scope for negotiation through participation committee is limited. The functioning of the participation committee is determined in maximum cases by management followed by workers representatives. Participation committee is very rare in leather and tannery sector.

## Gaps in Legal framework

### Issues not covered in Bangladesh labour Law and policy

There are some issues completely uncovered/untouched yet in the laws include providing safety information to workers, accommodation, pension, medical allowance, rehabilitation, alternative skill development, and violence against women at workplace.

The issues does not covered in Bangladesh Labour Policy’ are appointment letter, service book and employee register, overtime hour, night duty for women workers, fire extinguisher and emergency fire exit; protective kits and safety of buildings and machineries, canteen, wage deduction; overtime rate; medical allowances; transport allowances and welfare fund.

## Mismatches and contradictions in Labour law and Labour policy

The mismatches and contradictions in labour law and policy are highlighted here in terms of a) right to work; b) right at work and c) right through work.

## Right to Work

### Employment contract

The law has ensured appointment letter, and identity card, sramic register and card for workers. However, there is lack of provisions on fine and punishment for violation of this provision. Though the law makes provision of service book to the workers, employers are not required to provide the service book to the apprentice, *badli* or casual workers. Contradiction is also available among the laws in case of job termination (notice-period, varying according to the status of the workers), getting financial benefit. Law does not include specific provision on how to proof redundancy in case of retrenchment and deprives the worker from compensation in case of dismiss due to misconduct.

### Elimination of child labour and protection of adolescent

The age of ‘child’ defined in labour law contradicts with the National Children Policy 2011 (NCP 2011) that considers a person below 18 years of age as ‘child’.

### Protection against discrimination at workplace

The law lacks specific provisions on discrimination related to workplace facilities and treatment. Besides this, only the sex of workers has been considered as discrimination ground; different other grounds of discrimination e.g., race, religion, and ethnicity is not included.

## Right at Work

### Working hours

According to recent amendment of Bangladesh Labour Law (BLAA, 2018), the workers are required to work for up to ten hours without interval for rest and meal. It is a violation of ILO convention. Existing provision of the BLA 2006 allows night duty of women with their consent that contradicts with the provision of ILO (ILO C89) since ILO convention restricts engaging women at night except in understanding where members of the same family are employed.

### Weekly holiday, and leave and rest

The provision of weekly holiday for the workers, as prescribed in the BLA 2006, is self-contradictory. The amount of weekly holiday is not same for the workers employed in ‘shops’, ‘ commercial establishments’ and ‘factory. The amount of annual leave varies for workers of different sectors. Maternity leave varies between labour law and two national policies of the country. Sixteen weeks maternity leave of BLA, contradicts with six-month maternity leave provision of both National Child Policy (NCP) 2011 and National Women Development Policy 2011 (NWDP 2011). The law allows 10 days casual leave, but has not made any provision of monetary benefit for workers. The law also has deprived workers of tea-state of enjoying casual leave. There is no provision on leave for the workers in the case of long-term illness. The labour law also made scope for employers to engage workers in work during festivals.

### Occupational safety and health

The current law does not obelized employers to inform workers about health hazards, which may occur because of not using safety equipment. The law has not fixed the ratio of alternative stair and other apparatus against the number of workers. Moreover, the law does not include provision for dustbin and separate washing place with the toilet.

### Welfare facilities

Many facilities and rights e.g. cold-water, dispensary facility, day-care facilities, rest-room facility, separate rest room for female and canteen facility, as ensured in the law are **s**ubject to the pre-requisite number of workers. The BLAA 2013 has required employer to continue treatment, on his own cost and responsibility in case of occupational disease and accident injury, but punishment regarding violation of this provision is absent in the law.

## Rights Through Work

### Wage and work related benefits

Though both BLA 2006 and NLP 2012 have provided factors to be considered while fixing wage for the workers, some of the factors of BLA such as cost of living, types of work, risk of work, and socio-economic condition of locality are absent in NLP.

### Social security instruments

In the case of maternity benefit and death benefit, there are also time-bindings as pre-condition and the law does not include provisions of medical care as part of the maternity protection and benefit. The recent amendment of Labour law has increased the amount of compensation, but the ILO convention 121 has not been followed to set the amount of compensation.

### Freedom of association and collective bargaining

In the latest amendment of labour law, though the pre-requisite of mandatory support of workers to form trade union has been reduced from 30 percent to 20 percent, still there is a contradiction with international norms especially with the ILO convention 87

## Gaps in Existing Research

Total 16 research reports and articles (published from 2015 to 2019) have been reviewed (10 on RMG related and 6 on leather and tannery sector related) to identify the gaps and substantiate future studies. The literature review identified some major issues those are not covered in the existing literature. These are— workers recruitment process, family and work life balance which is one of the important component of decent work agenda, state of terminated male workers, current state of tannery workers, impact of tannery relocation, and the vulnerability of female tannery workers.

## Way Forward

The following recommendations emerge for promoting the rights of workers in RMG, and Leather and tannery industries

### Proper implementation of labour law provisions

This study proposes that the government should ensure the execution of labour law provisions in RMG, and leather and tannery sector. It is the state’s duty to ensure proper application of the provisions of labour laws through monitoring, supervision and inspection.

### Aling labor law with international norms

Bangladesh is signatory to many of international conventions and covenants related to worker rights and thus obliged to align labour law with internationally recognized workers’ rights norms to ensure workers’ rights. Bangladesh labour law should thus remove the provisions contradictory with the international norms, e.g., night duty provisions for women, working hours, freedom of association, and workers right to strike.

### Remove contradiction between law and policy

Contradiction is found in between law and policy such as the age of ‘child’ defined in labour law contradicts with the National Children Policy 2011 (NCP 2011), maternity leave varies between labour law and two national policies of the country (NCP 2011, and NWDP 2011) should be removed.

### Remove self-contradictory provisions

If self-contradictions remain within the provisions of the law, rights of the workers cannot be protected properly. Thus, self-contradictory provisions of the law concerning weekly holiday, job termination (notice-period, varying according to the status of the workers and festival leave must be removed.

### Numbers bindings should be made logical.

Number bindings applicable for getting cold-water in summer, dispensary, day-care facility, canteen facilities, rest-room facility should be made logical. Separate rest room for female workers is important from both gender perspective and need of the female. Therefore, pre-requisite number in this regard should not be a barrier.

### Establish just pre-requisite for functioning legal provisions

The existing pre-requisites – time bindings and number bindings, to get facilities should be logical. In some cases, e.g. job termination by workers required to reduce the notice period while in case of retrenchment and discharge, the notice period should be increased and reasonable. Moreover, required job length as pre-requisite to get maternity benefit should also be reduced and made rational.

### Role of TU to promote worker rights

Solidarity and network both at national and international level is needed to ensure worker rights situation in RMG, and leather and tannery sector. TUs bring into light the issue of awareness raising of consumers to make brands more responsible to respect rights of the workers. They also placed attention to have a national tripartite mechanism to bargain with brands. Trade union can provide imparting labour education and training to their members, which will make them aware of their rights.

### Workers’ role to ensure worker rights

Workers should be organized through workers associations and trade unions. They have to be conscious of their rights and welfare issues. They should practice democratic norms in selecting their representatives in different participation and cooperation mechanisms such as TU, participation committee, safety committee, and canteen management committee.

### Ensuring trade unions involvement in policy formulation

When any policy is formed on issues of female workers, it must be ensured that the trade union is provided with appropriate scope to participate in that policy making process.

### Convene research on the issues not covered in existing literature

Research should be convened to mitigate information gap on the identified issues such as workers recruitment process, family and work life balance, state of terminated male workers, current state of tannery workers, impact of tannery relocation, and the vulnerability of female tannery workers

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# Annex

**List of Key Informant Interviews (KIIs)**

1. Razekuzzman Ratan General Secretary, Samajtantrik Sramik Front

2. AKM Nasim Sr. Legal Counselor, Solidarity Center, Bangladesh

3. Abul Kalam Azad President, Tannery Workers Union

4. Md. Ahsan Jamil Labour Inspector (General), DIFE, Dhaka

5. Nahidul Islam Nayan General Secretary, Sammilito Garments Sramik Federation

6. Md. Shafiqul Islam Worker Representative, Lexco Limited

7. S.M Manjurul Haque Worker Representative, TB.S Leather Complex

1. Shojag, a coalition of rights bodies, including Bangladesh Legal Aid and Services Trust (BLAST), BRAC, Christian Aid, Naripokkho and SNV Netherlands Development Organisation, [↑](#footnote-ref-1)
2. According to Bangladesh Labour Law (Amendment) 2018, the amount of compensation is TK.2 lakh in case of death and TK. 2.5 lakh in case of permanent disablement. [↑](#footnote-ref-2)