

Rights of Women Workers in the Ready-Made Garment (RMG) Sector of Bangladesh: Law and Practice

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Abstract

Violations of the rights of women workers have become the most common feature of almost all ready-made garment (RMG) industries in Bangladesh. Despite legal framework, women workers' rights are ignored in RMG sector in Bangladesh. Working conditions in RMG sector of Bangladesh is deplorable. Although the garments industry belongs to the formal sector, the recruitment procedure, job insecurity, irregular wage payment, deprivation of minimum wage, promotion exposure, forced overwork, sexual harassment, excessive working hour, maternity leave, difficulties to form trade union, health and safety issues are key factors for the violation of women workers' rights in the RMG sector. At present, garment factories virtually become death traps for the workers in case of fire or other accidents. In most cases, the workers do not even get proper compensation for such accidents. Lack of monitoring of the government, corruption, construction of defective buildings, hazardous working conditions in rented buildings, violation of labour laws and lack of effective prosecution have put the RMG sector under serious threat. This article presents a view of how women workers in the RMG sector are projected to vulnerability. It also seeks to expose the causes of violation of the rights of women workers and finally it concludes with recommendations to overcome the problem.

Keywords: Ready-made garment, Women workers, Labour Act, Rights, Factory, Violation, Wage

1.0. Introduction

The Ready-Made Garment (RMG) industry of Bangladesh has emerged as a competent garment producer in global garment business in recent times. The Garment industry is one of the most important sources of foreign currency. Garment sector is the largest employment sector of women having about 5100 garment factories mostly situated in Dhaka. 10 million people are dependent on it directly or indirectly and about 85 percent garment workers are women (Islam et al. 2014). The Constitution of Bangladesh has recognized fundamental rights of women workers at workplaces including necessary social protection (Articles, 28, 29, 34, 38, 14, 15 and 20(1), The Constitution of Bangladesh). Bangladesh Labour Act, 2006 (BLA) has included a large number of labour rights for protection of women workers. At the international level, Bangladesh has ratified the

UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), as well as different ILO Conventionsⁱ. The reality is that, despite such legal framework, women workers perform poorly paid jobs, face severe labour rights violations and often do not enjoy their legal entitlements. Maternity leaveⁱⁱ is rarely provided, overtime is compulsory and excessively long working days in addition to the burden of domestic responsibilities. Over the years, hazardous working conditions have resulted in the deaths of many workers through factory fires and building collapsesⁱⁱⁱ. Right to receive fair minimum wage is one of the human rights for all working men and women at workplaces. In reality, majority of women workers are deprived from this right for various reasons^{iv}. Though Bangladesh government has declared 5300 taka at 14 November 2013 as monthly wage for every worker in the industrial sector, but workers' demand was 8000 taka per month. Women workers are typically employed in a narrow range of occupations, characterized by high job insecurity, low pay, bad working conditions, low status and minimal bargaining power. These characteristics enhance the risk of workers being subjected to sexual harassment (CPD, 2004; Shikdar et al., 2002). Every labour unrest in Bangladesh is the outcome of longstanding violation of labour rights. Labour rights can be ensured if Bangladesh Government can formulate and implement a comprehensive and effective labour law that incorporates labour rights in the RMG industry. This study seeks to expose the continuing violation of women workers' rights in the garment industry as well as the causes of violation. This article is analytical and descriptive in nature. It is based on both primary and secondary data^v. Researcher visited 8 garments^{vi} situated in Dhaka and talked with 50 women garment workers regarding violation of their rights during 10/05/2013 to 19/05/2013. Experiences gathered from garment factories and interviews with garments workers have been used randomly in this article. The researcher has found that his findings from field study agree in many respects with other studies. He has substantiated his field study with their findings.

2.0. Constitutional Guarantees for the Protection of Women Workers

Bangladesh Constitution provides that the state shall not discriminate against any citizen on the grounds of religion, race, caste or place of birth and women shall have equal rights with men in all spheres of the state or public life (Article 28). Bangladesh as a state is responsible for its citizens to ensure the right to work that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of works, and reasonable rest, recreation and leisure (Article 15). Bangladesh Constitution recognizes that everyone shall be paid for work on the basis of the principle from each according to his abilities (Article 20). In addition, the fundamental rights guaranteed in

Chapter III of Bangladesh Constitution, especially relevant to workers' rights, prohibits all forms of forced labour and makes it a punishable offence (Article 34) and guarantees the right to freedom of association and to form trade unions (Article 38).

3.0. Labour Rights under Statutory Framework and Its Violation

BLA has various positive points relating to labour rights, but due to its various limitations, absence of adequate penalty in statutory law for employers and lack of proper code of conduct by the garment authorities, there is scope of violation of labour rights in some areas. These are discussed in below:

Right to Occupational Safety and Health BLA, 2006 prescribes provisions relating to occupational hygiene, occupational diseases, safety measures, industrial accidents, protection of women and young persons in dangerous occupations and also covers conditions of work, working hours, welfare facilities, holidays, leave etc. (Sections 11, 51, 52, 53, 56, 57, 58, 61, 62, 91, 92, 93, 94 and, 109, BLA, 2006). Most of the provisions lack in standard values and are not specific rather general in nature. In terms of occupational safety and health issues, the status of Bangladesh is very poor and women workers are extremely vulnerable in this regard.

3.1.1. Working Conditions

A large number of RMG factories in Bangladesh are operating within the narrow space of the rented premises (Nur et al., 2013). The rooms are crowded and floor-to-floor height is very low (Shimu et al., 1999). In every floor, there are 500-600 workers. The passage of stairs is narrow. The length and breadth of doors and windows are too small. Environment is stuffy and dirty. 90% of the garment factories in Bangladesh have been built up without any plan. Due to faulty electric wiring short circuit occurs and fire breaks out. Instead of switchboard they use cheap priced cut out, which is very dangerous. Most of the garment factories lack fire service and equipment service. Many of the garments factories do not have alternative staircase. Due to these mistakes, fire incidents repeatedly take place. Many people are killed and several hundred injured in fire-related incidents in garments factories every year (Shimu et al., 1999; The Daily Star, 9 August 2001). 1466 garment workers died so far in different incidents of building collapse, fire, and other kinds of accidents during the period of 2000 to 2013.

Though the safety regulation has improved nowadays after several incidents of fire, but it is far from required standard (Ain O Shalish Kendro, 1999 & 2000). According to a Study, 85.43% women workers worked in a bad environment and they said that their economic condition didn't change much after joining in garments work (Shikdar et al., 2002). The conditions of garments

factory do not meet the domestic legal & safety requirements (Shikdar et al., 2002) nor even ILO standard. (Mondal et al., 2000).^{viii}

Table 1. Statistics of Number of Death at Garments Tragedy^{vii}

Place of Incidence	Number of Death	Date of Incidence
Chowdhury Knitwear & Garments Factory in Narshingdi	46	25 November 2000
A Garment Factory in Kafrul, Dhaka	26	1 August 2001
Maico Sweeter in Mirpur, Dhaka	24	8 August 2001
Shan Knitting and Processing Ltd in Narayanganj	22	6 January 2005
KTS Garment Factory in Chittagong	54	23 February 2006
Garib & Garib Sweeter Factory in Gazipur	21	25 February 2010
Ha-Meem Group Factory in Ashulia, Dhaka	26	14 December 2010
Tazreen Fashion Ltd in Ashulia, Dhaka	111	24 November 2012
Smart Garment Factory Ltd in Dhaka	07	26 January 2013
Rana Plaza, Savar, Dhaka	1129	24 April 2013
Total number of death from 25/11/2000 to 24/04/2013	1466	

3.1.2. Women's Health and Nutrition

According to BLA, employers must ensure basic standards for health and safety in the workplace. Despite this law, health and safety violations are rife in garment factories. Women in Bangladesh are more disadvantaged group than men in terms of health and nutrition. In most cases, due to closed windows, light and air is not sufficient in RMG factories. Toilets are not sufficient for the crowd. So, toilets remain dirty very often and the environment of factory remains stinky most of the time. It poses health & safety hazards not only to the workers, but also to the neighboring residential areas (Shikdar et al., 2002). The sanitary installations are not maintained properly; soaps and towels are often stolen (Hossain et al., 1990). Due to this working environment, the workers complain about eye-problem, headache, illness, and general weakness (Chowdhuri et al., 1995).

Especially pregnant women face health problems since they get no support or maternity leave (only without pay) and have to work (UBINIG, 1994). Working environment of RMG industry does not affect health of the male and female workers in a similar way. A survey results showed that the incidence of illness was higher for female workers than male workers for almost all types of illness (Fair Wear Foundation, 2006)). The most frequent illness is cough, cold followed by physical

weakness and headache. On the other hand, workers in Bangladesh garment industry are not often provided medical facilities such as first aid box, well equipped dispensary with patient room, nursing and staffs, albeit these health and security facilities are strongly ensured by BLA.

3.1.3. Sexual Harassment

In the case of *BNWLA vs Bangladesh*^{ix}, High Court Division (HCD) declared, 'sexual harassment' is a crime which includes verbal abuse, sexual overtures, showing obscene pictures and other unwelcome physical, verbal conduct of sexual nature, insinuating comments, making love proposal etc. There is no specific law in Bangladesh regarding this. Sections 509^x, 294^{xi} and 345^{xii} of Penal Code, 1860 make harassment of women a criminal offence. These sections mention that it is a punishable offence if any willful acts like words, gestures, assault etc. outrage or insult the 'modesty of any women (Huda et al., 2003). 'Insulting the modesty' of any women is clearly vague as the meaning of the word 'modesty' can be interpreted in multifarious ways. Does the modesty of a female worker get insulted if repeated sexual jokes are made in her presence by her male colleagues or does it require actual physical assault? It is not made clear under which circumstances her modesty is insulted and she is able to get legal recourse. When it comes to physical assault or force what kind of physical assault is to outrage a woman is not clear. The Government of Bangladesh attempted to bring it under the purview of law through the enactment of the Prevention of Women and Children Repression Act (PWCRA), 2000 and also amended it in 2003. Section 10 of this Act states that,

'If any person in order to satisfy his sexual urges illegally touches any part of a woman's or child's body with any part of his body or object or outrage the modesty of any woman would be accused of sexual oppression and the act would be punishable with rigorous imprisonment extending for ten but not less than three years, with additional fine.' ^{xiii}

Again, there is vagueness due to the lack of clear definition of the word 'modesty'. So, in effect the opportunities to legal recourse for sexual harassment as described in the definition has been made difficult on top of the fact that taking legal recourse by a woman in a country like Bangladesh is extremely difficult. Absence of specific law or ambiguities of laws regarding sexual harassment contribute causes to sexual assaults on working women. A Survey on Health and Safety Regulations in the Garment Industry found that sexual harassment is likely to be the most dominant source of stress for garment workers (CPD, 2004)). Another survey conducted by the Bangladesh Institute of Labour Studies (BILS), based on news reports in 12 national dailies, revealed that at least 51 women working in the industrial and service sectors were raped in Dhaka in the first six months of the year

2003 (CPD, 2004). According to a BILS report, in 2006 forty-seven cases of accident occurred in the RMG sector, in which 25 women had reportedly died and 346 were injured. 9 women workers were reported to be victims of rape, among them, 3 were killed after rape (Islam et al., 2006). The current conditions of garment work like late working hours, inadequate transport facilities and lack of security commuting to and from work are contributing causes to sexual assaults on working women. Women may be reluctant to reveal experiences of harassment for fear of being socially stigmatized, or, increasingly, because of the threat of retribution. The issue becomes even more fraught when the workplace is involved. In the absence of job security, viable legal protection or an established cultural discourse of rights, female employees are understandably wary of bringing up charges against superiors or colleagues. Therefore, the prevalence of sexual violence inside the workplace is difficult to gauge accurately (CPD, 2004). Women who are harassed by co-workers inside the garments factory may not take their complaints to the management because of threats of retaliation outside the workplace. The only solution would be to leave (CPD, 2004). However, enforcement of the law is practically non-existent in this regard.

3.2. Right to Protection from Forced Labour

Though forced labour is strictly prohibited by the Constitution of Bangladesh, but there is no direct provision in BLA, 2006 to prohibit forced labour. It seems that in many sections of the said Act there are provisions for keeping the welfare standard of the workers, which indirectly indicates that there is no forced or compulsory labour provision in the said Act. There are some kinds of malpractice in the garment sector which can be called bonded labour practice. As most of the garment factories pay the worker's salary after 15th of the next month and overtime is paid at the end of next month so it is not easy for a worker to leave her/his job due to this unpaid amount of his salaries and overtime due (Fair Wear Foundation, 2006). BLA makes a provision of 8 working hours a day for an adult worker. The employer is also required to maintain an overtime register as per the law (Section 100, BLA, 2006). Despite the provision most of the women workers in the RMG factory have to work for 10 to 13 hours a day normally, extra time is not counted as overtime. Regular two hours overtime is compulsory, and if any one refuses to work, he or she is dismissed, terminated, has wages deducted or receives verbal harassment, sometimes escalating into physical punishment (Chowdhury et al., 2006; Hossain et al. 1990). In order to fulfill production quotas, many women workers are forced to put in far more hours per day than is allowed under the law (Fair Wear Foundation, 2006). Though pregnant women do not have to work night shifts and generally carry out light work, 50% of pregnant women still have to work overtime forcefully and they suffer

humiliating treatment at the hands of their employers during pregnancy (Bhuiyan et al., 2012). Some workers said that due to overtime they become sick and had to spend money to avail medical facilities, which causes extra pocket expenses.

3.3. Right to Equality of Opportunity and Treatment

Any discriminatory behavior on the basis of sex, color and religion is totally prohibited in law (Article 27 and 28, The Constitution of Bangladesh; Section 345, BLA, 2006). BLA contains a provision guaranteeing equal rate of pay for men and women. But in RMG sector, women are still paid considerably less than men.^{xiv} There is a widespread instance of physical and verbal abuse in garment factories at the hands of management, with women workers as the main target. The abuse can take the form of obscene language and humiliation, as well as corporal punishment, beatings and molestation.^{xv} When a female asks for transfer on personal or family grounds then the authorities get annoyed and say, 'These women are the source of all disturbances' (CPD, 2004). A female worker of garment factory said:

'In our factory, 80 percent of workers are female and they will get pregnant but the managers are not doing anything about maternity leave and bonuses. When we protested about it, our supervisors used really bad words against us, such as: 'If you're all concentrating on fucking, why you are working here? Go and work in a brothel' ^{xvi}

Male garment workers are far more likely than female workers to hold jobs that traditionally pay more, such as quality control and floor supervisor, and men also earn more than women who perform the same work. According to BLA childcare facilities should be provided for children who are less than 6 years of age.^{xvii} The rooms are to be run by experienced and well-trained women; they should be spacious, clean, should have ample light and be ventilated; and they should be well-equipped with necessary conveniences like beds and toys, and with arrangements for washing children's clothes. Factory owners are also responsible for providing meals in the childcare centers during working hours. To avoid these bindings, owners of garment factories have a tendency to appoint unmarried women as workers (Nari et al., 2007). Many employers of garments industry try to appoint unmarried women with no children, and some make each woman sign an agreement not to give birth as long as she works at the factory (Mahmud et al., 2000).

3.4. Maternity Rights of Women Workers'

BLA requires employers to grant 16 weeks paid maternity leave (eight weeks before delivery and eight weeks after delivery) to female workers (Section 46, BLA, 2006). If a working mother dies, maternity allowance would be given to her nominee for the benefit of the child (Section

49, BLA, 2006). In January 2011, the Prime Minister (PM) of Bangladesh announced that maternity leave would be extended to six months, but it remains unclear whether this will be implemented outside the civil service (Bhuiyan et al., 2012). It is true that although garment industry of Bangladesh is a formal sector, women workers of this sector are treated as informal employees. They are supposed to enjoy every benefit provided by the government. In spite of the declaration of the PM, women in the garment sector have been systematically denied their rights to maternity leave under Bangladesh labour law (Bhuiyan et al., 2012). The tragic part is that most of the employers terminate the female worker while they conceive.

In many cases women have to negotiate individually with management for time off before and after childbirth. Some women are granted a few weeks of paid leave, while others accept a reduced wage or take unpaid leave. Some women workers who become pregnant leave the garment without applying for any official leave and then again join the garment after the birth of their children.^{xviii} Female workers in some cases conceal their pregnancy because the owners have a tendency to sack pregnant workers (Mojumder et al., 2000). A recent study conducted by CARE shows that 28% of female garments workers do not get maternity leaves with pay and in some factories female workers get leave but no other legal benefits (CARE, 2012). The job posts are sometimes filled up by new employees during their absence (Karim et al., 2010). This is due to the lack of knowledge among the workers about the provisions regarding maternity leave and benefits (Bhuiyan et al., 2012). A survey Conducted by BILS in 2010 on ready-made garments and construction industries showed that factories do not provide maternity leave for four months and most establishments give maternity leave only without pay. The survey exposed that female workers many times do not want to bear child because of fear of losing their job as majority end up being fired by their employers when they become pregnant, or sent on leave without pay (BILS, 2010). The recent proposal by the Ministry of Women and Children Affairs regarding a six-month fully paid maternity leave instead of the usual four months for working women in government service has brought about mixed feelings amongst women working in different sectors of the society (Karim et al. 2010). The decision has also confused female workers working in the private sector, especially the ones in the garments sector.

3.5. Right to Wages

Every woman worker is entitled to get wage for her work (Sections 120 and 245, BLA, 2006). The wage structure for women workers is not based on minimum daily life requirement of a worker which affects woman as well. There is a huge gap between income and expenditure level of

workers which forces them to live below the poverty line.^{xix} Most of the job unrest of garment workers' is occurring in connection with the wages rate. Irregular wage, overtime and bonus payments have long been and remain one of the most significant problems workers face in the garment industry including women (Hossain et al., 2011). Garment workers live on credit, and late payment of wages has a serious impact on their lives. Women workers of RMG sector receive their wages in the second week after the end of the month (Fair Wear Foundation, 2006). In the garment sector, women are engaged in low-skilled work with less income. Wage rates are not specified in most of the garments. Though their work is tedious and labour intensive and the hours are long, the range of their jobs is narrow. A study conducted by the Centre for Policy Dialogue (CPD) finds that a female operator in an RMG factory earns 71.3% of a male operator's earnings, and a female helper earns only 52.7% of a male helper's earnings (Khatun et al. 2009). It is widely suspected that the women workers are paid either less than the government approved rate or payments are delayed (Ain O Shalish Kendro, 2000). BLA contains a provision guaranteeing equal rate of payment for men and women (Section 345; BLA, 2006). In spite of this provision, the rights of women workers have been neglected (The Daily Prothom Alo, 24 May 2006 and 25 August, 2006). Wages of garment workers continued to be the lowest in Bangladesh. The minimum wages for public sector industrial workers was revised by the Government Wage Board in April 2006 for the minimum scale that ranged from Taka 2,950 to Taka 4,500 and a maximum scale ranging from taka 3,900 to Taka 9,000, exclusive of other benefits (Islam et al., 2006). From January 1 to June 30, 2010, there were more than 80 incidents of labor unrest. At least 988 women workers injured in clashes with police during this period. *Workers protested non-payment of wages, the mistreatment of their co-workers, the curtailment of leaves and holidays, and the sudden closure of factories without paying workers their due wages'* (Muhammad et al., 2013). At present, according to the declaration of the Government of Bangladesh, the minimum wage of a worker is 5300 taka (The Daily Naya Digonto, 15 November 2013).

3.6. Right to Employment Security

BLA makes it compulsory for employers to issue appointment letters to all workers. An appointment letter serves as a de facto contract and enables workers to prove their status as employees who are entitled to the full range of rights. Many owners of garment factory do not follow the rule. Most of the women workers do not get appointment letters from employers (Hossain, et al., 2010). Women garments workers have no job security. At any time and without showing any reason by employers they may be suspended, demoted from their post, transferred even sacked from the

factory. Though there is a clause in the service rule that, the sacked employee should get at least one month salary from the factory if he/she is sacked, but in fact, the due salary is not given sometimes (Bhuiyan et al., 2012).

3.7. Right to Freedom of Association or Trade Union

The Constitution of Bangladesh provides the basic legal foundation for formation of organizations by workers and employers (Article 38). BLA recognizes the right of workers to join trade unions (Section 176, BLA, 2006). A registered trade union has a legal personality and immunity from civil suits on some grounds.^{xx} Many of the factory level trade unions are unregistered and are not recognized by the factory owners.^{xxi} So, the registered number of trade union in garment sectors is few. In Bangladesh, anti-union feelings are so strong that some factory owners even resort

Table 1. Female Membership in Trade Unions (BILS, 2009).

Name of Unions	Total Membership	Female Membership	Percentage of Female
Jatiya Sramik Federation	38,000	12,500	32.9
Bangladesh Trade Union Kendra	80,970	9,000	11.1
Bangladesh Sanjukta Sramik Federation	249,616	4,999	2.0
Bangladesh Trade Union Shangha	150,000	300	0.2
Jatiya Sramik Jote	45,000	2,000	4.4
Bangladesh Jatiyatabadi Sramik Dal	220,000	32,000	14.5
Bangladesh Mukto Sramik Federation	205,007	65,000	31.7
Jatiya Sramik Federation, Bangladesh	20,000	1,000	5.0
Jatiya Sramik League	215,000	10,000	4.7
Bangladesh Free Trade Union Congress	106,150	22,650	21.3
Bangladesh Sramik federation	5,989	593	9.9
Bangladesh Labour Federation	102,000	20,000	19.6
Bangladesh Jatiya Sramik Federation	10,050	1,250	12.4
Shamajtantrik Sramik Front	22,000	1,300	5.9
Jatiya Sramik Jote Bangladesh	65,000	6,500	10.0
Bangladesh Jatiya Sramik Jote	82,000	35,000	42.7
Jatiya Sramik Party	110,000	25,000	22.7
Total	17,26,782	2,49,092	

to violence, hiring 'maastans' (hooligan) to carry out attacks on trade union activists. Many women workers are harassed by the employers for keeping contacts with the trade unions leaders.^{xxii} Many women do not want to risk their jobs by joining unions. Many garment workers are dismissed from their jobs as their efforts to form trade unions.^{xxiii} A union leader at a factory in Gazipur said that when she and others tried to set up a union in January 2014, they were brutally assaulted and scores of workers were fired. She said she was beaten while pregnant, forced to work at night, and eventually fired, without receiving all the wages the employer owed to her, all because she refused to stop unionizing (Human Rights Watch, 2015). The average rate of female participation in the selected federations is around 15 percent. This reveals that women in Bangladesh disproportionately occupy membership of trade unions.

4.0. Causes of Violations of the Rights of Women Workers

A safe and secure working environment is the fundamental right of the workers (Universal Declaration of Human Rights, 1948). Workers' rights are protected under the international human rights instruments and domestic laws of Bangladesh but due to lack of the enforcement mechanisms and unwillingness of some people these problems remain unsolved. Garment manufacturers continuing to build garment factories without proper infrastructure and facilities cannot be justified. Defaults in the application of safety measures, as given in the laws, have contributed to serious accidents in all sectors. The workplace continues to be generally unsafe, because the employers responsible for every accident have managed to avoid punitive measures. The fact is that there have been 56 RMG factory accidents since 1990 in Bangladesh and none of the guilty has faced punishment (The Daily Star, 15 July 2013, Editorial Page). There are some common reasons for the tragic accidents, for which owners of this buildings are responsible, such as, congested air circulation, poor and artificial lighting system, improper wiring and electrical design, careless smoking and spitting habits, narrow staircase and insufficient number of staircases, locked exit points at ground level, overload on electricity and electrical machines etc.

Female garment workers have to face difficulties like eve teasing and other leading sexual attitudes from their male counterpart as well as from their employers. Trade union leaders and collective bargaining agent officials are also engaged in creating sexual disturbance towards the female workers. As it has not been clearly defined into PWCRA, 2000 this concept is hazy to many people (Siddiqi et al., 2003). The Penal Code has not specified what sort of activity and act will be considered as sexual harassment or violence. There is a vague term such as "shilata hani" (insulting the modesty) in the PWCRA of 2000 which is very difficult to define in reality.

Low pay and tight delivery schedules encourage employers to underpay workers and to force them to work extremely long hours. Most of the employers of garment industries are not gender sensitized towards women workers. Employers claim that older workers perform more poorly and make more mistakes, and that is why they favour younger women workers.^{xxiv} Most employers of Garments industry try to appoint unmarried women with no children, and some make each woman sign an agreement not to give birth as long as she works at the factory (Mahmud et al., 2000). Ignorance or unawareness about one's right is a hindrance to the smooth enjoyment of such rights. Workers are illiterate and poor and therefore unconscious of their rights (Abu et al., 2005). Poverty deprives workers of political power and voice and forces them to accept exploitative labour conditions, and this is particularly true for the female labour employed in garment factories. As such they could not exercise their free will in negotiating with the employer for employment. The employer taking advantage of the poor condition of the workers dictates their own terms and conditions with regard to wages, hours of work, leave, etc.

Present labour law is not adequate to address the present needs of women workers. Punishment for labour rights violation is not spelled out under BLA. In some cases, the law is simply silent and in other cases, the penalty is insufficient or meager. The Ministry of Labour and Employment has primary responsibility for monitoring enforcement of the Labour Law. However, resources allocated to the Ministry are woefully inadequate for monitoring the conditions of a large number of garments across the country. In addition to the marked absence of domestic enforcement of law, there is also no international mechanism that can be used to hold foreign companies operating in Bangladesh to account for conditions in their supply chains. Without effective enforcement of the Labour Law, women workers continue to face dire conditions (Sarkar et al., 2005).

Trade unions have to face many challenges in protecting women rights.^{xxv} Trade unions do not perform their duty due to political or other connectivity with the employer. Labour unions in Bangladesh could not develop independently because of their overwhelming dependency on the political parties. Women are reluctant to unionize because factory owners threaten them. There is no acceptance of the right to organize at the RMG factory level and owners fear trade union. As a result, labour unrest is common in the RMG sector. Formation of a trade union is often thwarted by severe repression, dismissal, arrest, assault by hooligans hired by employers, which are in violation of the workers' rights. The fear of losing their job often prevents workers to participate in such activities and female workers are particularly vulnerable.

The Department of Inspection for Factories and Establishments is responsible for the enforcement of the labour laws in Bangladesh. The department's main function is to carry out factory inspections to ensure that labour laws are not being violated. Due to infrastructural limitations, insufficient human resources, lack of space at the headquarters, lack of skills of inspectors, lack of logistic support, lack of inspection regulations, the Department of Inspection for Factories and Establishments does not currently carry out its function effectively. The Department's ability to monitor the labour laws is severely constrained by the extremely small number of inspectors in relation to the number of factories. When the Department was established in 1970, 63 factory inspector posts were created. Although the numbers of factories in 1983 were just 50, now there are over 3,500 factories, but the number of inspector posts remains the same.

There is also the issue of corruption. Although the situation has improved somewhat recently, government inspectors have a reputation for accepting 'under the table' payments in exchange for turning a blind eye to labour law abuses. According to BLA, garment authorities have to submit essential documents to the chief inspector to get registration or renewals to establish or expand factories.^{xxvi} There are allegations that extra money is taken at the office over the registration and renewal fees (Transparency International Bangladesh, 2013). According to law, factory visits are must for providing factory registration, but in many cases, they are issued without field visit (Transparency International Bangladesh, 2013). A factory owner explained how to bypass a safety inspection:

'When inspectors come to a field visit it is more expensive and it takes more time to get a schedule, but we need the certificates quickly, so we go to their office. It is cheaper and the inspectors are saved the trouble of coming here.'^{xxvii}

Though it is the duty of industrial police to maintain law and order and to ensure security in the RMG sector, but there are allegations that the owners with the help of local political power or by providing money use the police to suppress workers' movement in factories (Transparency International Bangladesh, 2013). RMG factories established without following Building Code cannot fulfill the conditions of fire safety license. Inspectors provide fire license to these buildings with monetary settlement (Transparency International Bangladesh, 2013).

The number of Labour Court is not adequate as compared to the volume of cases. There are only 7 Labour Courts in Bangladesh. Out of 7 Courts, 3 are in Dhaka, 2 in Chittagong, one each respectively in Rajshahi and Khulna. Therefore, it is not possible to maintain many labour related

laws with a few numbers of courts. The financial inability prevents the workers from filing cases and the frequent shifting of the date of the hearing makes aggrieved workers very frustrated.

NGOs provide vital services to the garment workers, but NGOs are limited in terms of coverage. Although the work of NGOs is generally positively recognized by all, their lack of accountability is an issue.

5.0. Suggestions

Since RMG is one of the biggest industries in Bangladesh, the government and the owners of garments factories should be more concerned about industrial safety related rules and regulations. Inspection, reporting and compliance of existing national and international laws and standards must be enforced properly to minimize further incidents due to lack of occupational safety provisions. The following recommendations in different sectors may be considered as steps towards building healthy labour relations and ensuring women workers' rights:

- i. A separate ministry should be created to design, implement, coordinate and supervise long terms plans in the RMG sector simultaneously with a department under the ministry to inspect factories and implement compliance. It should increase the number of labor inspectors and random inspections and develop incentives for inspectors and employers. In addition, it should enforce punishment for noncompliance of labor laws. Resources should also be devoted to modifying existing laws and formulating new laws where necessary. Until it can be done, there should be a temporary one stop cell under the industries secretary.
- ii. Workers should be provided with appointment letters detailing the conditions of employment.
- iii. Sexual harassment clause of PWCRA should be modified with a clear definition and its enforcement procedure.
- iv. Human resource management (HRM)^{xxviii} can be established for protecting labour rights and ensuring labour standards in Bangladesh's garment factories.
- v. Government should set up a high-level investigative committee to conduct inquiries into accidents at garment factories involving worker fatalities or multiple serious injuries. Such a committee should conduct a thorough investigation into the causes of each such incident and issue a public report of its investigation. This committee must ensure that every garment factory inspectorate is equipped with the necessary resources to conduct regular inspections

for adherence to workplace safety and labour legislation, including Bangladesh's National Building Code and BLA.

- vi. Managers, supervisors and workers should be properly trained in fire and safety procedures and take responsibility for ensuring the safe exit of the building during or following an incident. Exit routes must be sufficient for the number of workers employed in the factory and must remain unblocked at all times. Factory gates should be kept unlocked whenever workers are in the building.
- vii. Government should declare a handsome salary structure for garment workers which will increase job satisfaction and improved productivity.
- viii. While extending the maternity leave provisions of public servants to 6 months (24 weeks) the government has ignored the private sector where most irregularities are prevalent (The Daily Star, 19 December 2010). It should be universal for employed women in all sectors.
- ix. Government, trade unions and business bodies should undertake comprehensive awareness campaigns about workers' rights and legal requirements. NGOs, media and civil society members may be included in awareness campaigns on workers' rights. Research should be done in this field to collect specific data and statistics, which will invite attention of the political leaders, social workers, social reformers, and development workers to come forward to solve the problems in favour of garment women workers.
- x. The number of Labour Court should be increased as compared to the volumes of cases.

6.0. Conclusion

In fact, the garment women workers are being an integral part of the workforce are left as neglected and deprived in the society. Their rights are ignored and violated at the mere will of the employers, trade union leaders and also by their counterpart. They have to work till morning to night, do excessive work, tolerate the reproaches, but get low wage in return. As a victim of the circumstances, they are compelled to do these works. They are not considered as human being but as a machine. They are being deprived of all opportunities and are being exploited at every moment. They are being tortured and their rights are violated in an alarming rate. Now it is the time to think about them. The authority should take steps to know about the real situation and their problems and mapping out a future course of action for them. Mentality of the employers and trade union leaders should be changed. Women's participation should be ensured and enlarged in trade unions as well as employer's associations. Existing BLA should be modified and implemented as well. It is clear that the safety problems facing the Bangladesh garment industry are both serious and widespread. Unless

immediate and coordinated action takes place more of the 3 million Bangladeshi women employed to make our clothes will continue to needlessly risk their lives. The suggestions which have been given in this study, if properly implemented, it can be hoped that the violation of rights against the women workers will be reduced.

ⁱ Bangladesh has ratified ILO Convention on Hours of Work (Industry) Convention, 1919, Night Work (Women) Convention, 1919, Night Work of Young Persons (Industry) Convention, 1919, Weekly Rest (Industry) Convention, 1921, Workmen's Compensation (Occupational Diseases) Convention, 1925, Equality of Treatment (Accident Compensation) Convention, 1925, Inspection of Emigrants Convention, 1926, Forced Labour Convention, 1930, Underground Work (Women) Convention, 1935, Minimum Age (Industry) Convention (Revised), 1937, Final Articles Revision Convention, 1946, Labour Inspection Convention, 1947, Freedom of Association and Protection of the Right to Organise Convention, 1948, Night Work (Women) Convention (Revised), 1948, Night Work of Young Persons (Industry) Convention (Revised), 1948, Right to Organise and Collective Bargaining Convention, 1949, Equal Remuneration Convention, 1951, Abolition of Forced Labour Convention, 1957, Discrimination (Employment and Occupation) Convention, 1958, Equality of Treatment (Social Security) Convention, 1962, Tripartite Consultation (International Labour Standards) Convention, 1976, Worst Forms of Child Labour Convention, 1999 etc. Thus, it is very much presumed that the country has a good position in case of international commitments, but still the country has many weaknesses in its domestic laws.

ⁱⁱ *Maternity leave* refers to the period of time that a new mother takes off from work following the birth of her baby.

ⁱⁱⁱ The Spectrum Factory building collapse of April 2005 killed 64 people, injured over 70 and left hundreds jobless. In February 2006, a fire destroyed the four-story KTS Textile Industries in Bangladesh's port city of Chittagong again killing scores of mostly young and female workers. Lastly Rana Plaza collapse of 24 April 2013 killed 1129 people; most of them were women workers.

^{iv} Some of the reasons: weakness of relevant laws, lack of seriousness from the part of the government on implementation and monitoring of relevant laws at workplace level, negative attitude of the employers to abide the laws, weak role of trade union to deal the issue.

^v Primary sources of this article include laws, ordinances, rules, government policies, international instruments etc. The secondary sources include official documents of government, NGO's research reports, books, thesis, judicial decisions, internet homepages, journals, newspapers etc.

^{vi} Hotapara Garments Ltd. - Uttara, SNS FASHION - Kotwali, General Garments Ltd. - Ramna, Majumder Group - Kotwali, Knight Garments Pvt. Ltd. - Sutrapur, Shawn Apparels Ltd. - Mirpur, Ali Garments Ltd. - Kotwali, Aftab Garments Ltd. - Kotwali.

^{vii} Investigation Unit, Ain O Salish Kendro, Dhaka; The Daily Star, 9 August 2001; Documentation Unit, BGMEA Research Cell, Dhaka, Bangladesh; Odhikar (2013). Situation of Readymade Garment Factory Workers, Odhikar, in Human Rights Monitoring Report, Dhaka, May 1-31, 2013

^{viii} ILO also observed that minimum wages are not guaranteed in many units, in almost all factories working hours far exceed 8 hours a day and 48 hours a week, night work beyond 8pm is rampant, weekly holiday is irregular. They had 'most important' findings that the work is without contract and therefore no security and none of the benefits or legal provisions apply to workers. Provision for occupational safety and health is inadequate.

^{ix} Bangladesh National Women Lawyers Association (BNWLA) Versus Government of Bangladesh, Writ Petition No. 5916 of 2008, High Court Division, Special Original Jurisdiction, 2009

^xSection 509: Whoever intending to outrage the modesty of a woman, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard or that such gesture or object shall be seen by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year or with fine, or with both.

^{xi} Section 294 punishes anyone who, to the annoyance of others does any obscene act or sings, recites or utters obscene songs in a public place, with three months imprisonment or fine with both.

^{xii} Section 354 punishes anyone who use assault or urges criminal force to women with an intend to outrage her modesty.

^{xiii} Section 10 (i), The Prevention of Women and Children Repression Act, 2000

^{xiv} 'Ignoring the Law: Labour rights violations in the garment industry in Bangladesh', available at <http://www.waronwant.org>, last accessed on 22 December 2014

^{xv} Ibid

^{xvi} 'RMG workers denied rights still: HRW', Human Rights Watch, available at newsbangladesh.com, last accessed on 25 April 2015

^{xvii} Section 348, Bangladesh Labour Act, 2006

^{xviii} 'Maternity Benefits under the Bangladesh Labour Law 2006: An Analysis with Focus on the RMG Industry', available at <http://faisalhruguy.wordpress.com>, accessed on 2 October 2013

^{xix} Ibid

^{xxi} No suit or legal proceedings shall be maintainable in any civil court against trade union or Collective Bargaining Agent or any officer or member thereof in respect of any action done in contemplation or furtherance of an industrial dispute to which the trade union is a party on grounds –

- a) that such acts induces some other person to break a contract of employment
- b) that it is an interference with the trade, business or employment of some other person or
- c) that it restricts the right of some other person to dispose of his capital or of his labour as he wills. See for more details The Right to Form Trade Union? Not in RMG ', available at www.dhakatribune.net, last accessed on 2 October 2013

^{xxi} Ibid

^{xxii} Garments "Made in Bangladesh". The Social Reality Behind The Label. Report produced by Samuel Grumiau for the ICFTU (International Confederation of Free Trade Unions (undated, most likely 2000)

^{xxiii} 'The Right to Form Trade Union? Not in RMG ', Op.cit

^{xxiv} 'Women Workers in the Bangladeshi Garment Sector', available at <http://webcache.googleusercontent.com/>, last accessed on 2 October 2013

^{xxv} Such as: a) Competence of the trade unions leaders is highly questionable; b) Legitimacy of the trade union and role of the women workers are yet to be established; c) Accountability of the trade union leader is not established; d) Lack of respect for women workers rights and privileges in the trade unions; e) Trade union may only consider rights of the workers in general and do not take cognizance of omen workers rights.

^{xxvi} Bangladesh Labour (Amendment) Act, 2013

^{xxvii} 'Rana Plaza one year on: what has changed?' available at <http://www.transparency.org> , last accessed on 9 May 2014

^{xxviii} HRM can create a congenial work environment in the RMG factories that enhances job satisfaction, through training, job security, introducing flexible working times, encouraging new technology and introducing rewards, benefits and other fringe payments.

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